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Statement to Nova Scotia Law Amendments Committee  
Concerning **Bill No. 15 - Viola Desmond Day Act.**

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As President of the Black Cultural Society I wish to express complete support for reducing the present day impact of the historically careless treatment of African Nova Scotians by governments. In particular, Premier Dexter's public apology and recognition of the wrongful use of our judicial processes in the 1946 case of Mrs. Viola Desmond is a welcomed change of direction. We applaud and encourage this change. It recognizes a past misuse of public resources to enforce racial discrimination in Nova Scotia.

The apology and invocation of the Royal Prerogative of Mercy to grant a free pardon for Mrs. Desmond is important acknowledgment that Mrs. Desmond did no wrong. It gives her family official recognition of that. The fact that governments had not done this over the past 60 years is an indication of the monumental resistance that impedes recognizing errors of the past. The Black Cultural Society thanks the government, the ministers and all members of the Legislature who overcame that resistance. Likewise, we strongly encourage the Legislature's consideration of an ongoing observation based on Mrs. Desmond's case.

With specific reference to the Bill being considered today, the Black Cultural Society fully supports establishing an annually recurring public "day" to keep all citizens aware of the need to work on equality of rights in Nova Scotia. We thank the framers of Bill 15 and the members of the legislature who have participated in the legislative debate for getting it through Second Reading. If called upon, the Black Cultural Society and the Black Cultural Centre will help with the refining and improvement of this Bill in any way that we can.

However, the Black Cultural Society believes that November 8 is not the date to observe because, when coupled with Mrs. Desmond's name, that date draws attention to her being assaulted at the theatre rather than to larger issues. We believe that Bill 15 has the potential to focus public attention on the multitude of racial intolerances which still need to be eradicated, not just one 1946 incident. Nova Scotia's long record of racial discrimination still produces human rights denials, uneven treatment by the justice system, cultural bias in health systems, complaints of career advancement denial and disproportionate under-representation in positions of influence. We believe that Mrs. Desmond's ordeal is part of the chain that continues to manifest itself today in this province. We encourage the

Legislature to give more thought to broadening the scope, image and profile of the observances implied by Bill 15.

I do not come to promote any specific recommendation for the form of the annual observance to include in the Act. However, the People of Nova Scotia, particularly those with African Nova Scotian heritage, have been affected by racial intolerance and, no doubt, have ideas that could lead to a more widely recognized appropriate observance. For example, Nova Scotia might implement a permanent, high profile, "Viola Desmond" event on March 21, the International Day to end Racial Discrimination, or on Dec 10, International Human Rights Day. Another possibility is to create an academic "Viola Desmond" fellowship to encourage African Nova Scotian scholarship and which could be announced on one of those special days. We are confident that public consultation carried out by the Office of African Nova Scotian Affairs would reveal innovative, meaningful, ideas which would go further than simply naming a day to remember Mrs. Desmond. We believe that such consultation will greatly improve the specifics of the Bill that is under consideration by encouraging thoughtful reflection on the issues under government control that continue to restrict the lives of African Nova Scotians.

Our laws and practices yielded the racially restricted movie theaters highlighted by Mrs. Desmond's 1946 challenge. Our racially separated schools, racial exclusion practices in restaurants, housing, employment and services were common into the 1960s. The impact of state-supported inadequate and unequal education was reinforced by exclusion of Blacks from training programs in fields such as medicine, nursing, law and commerce. By supporting those racist practices in 1946, Nova Scotia courts failed Mrs. Desmond individually and all Nova Scotians collectively. They encouraged yet another ambitious African Nova Scotian to ultimately leave the province to find acceptance elsewhere and sent a strong negative message to all African Nova Scotians that they should "stay in their assigned place".

We request that you consult African Nova Scotian citizens on the appropriate details for Bill 15 to focus this legislation effectively on human rights, racial equity and proper use of power. We believe that valuable input based on the experiences of citizens who have been affected by racism is available.

Respectfully submitted by  
Leslie Oliver, President  
Black Cultural Society of Nova Scotia

**Presentation to Law Amendments Committee  
Re; Bill No. 15 – Act to establish Viola Desmond Day  
May 5, 2010**

Thank you for allowing me to participate in this dialogue.

I am Sharon Oliver, the oldest niece of Viola Desmond and today I am speaking on behalf of my Mother and Viola's two other sisters who live in Montreal, none of whom were invited to the apology ceremony. My Mother, a year older than Viola, will be 97 years old in June and is extremely well, both physically and mentally.

I want to thank Mr. MacLeod for bringing this Bill forward to create awareness among Nova Scotians that an apology is not quite enough when such a reprehensible injustice has been done to African Nova Scotia.

I have read in Hansard with great interest the April 15<sup>th</sup> debate on Bill No. 15. I was struck with the common thread among all the speakers: Mr Macleod, Hon. Mr. Paris, Mr Colwell, Mr. Glavine, Mr. Scott, and Mr. Porter, each wanting to make right the injustice done to Viola Desmond by memorializing the event of Nov. 8, 1946 so that people will not forget.

I believe each of you desperately wants to do something. I am not persuaded that what is being proposed is the right thing to do. I know Nov. 8 is not a date to memorialize the event .

Along with Viola's sisters living in Montreal, I strongly support the proposal and advice given you by the Honourable Minister of African Nova Scotian Affairs, Percy Paris.

Your understanding of the events of Nov. 8 1946 is not necessarily those of the African Nova Scotian Community.

Your understanding deals with the factual account in the record that a Black woman from Halifax, awaiting a car repair in New Glasgow, bought a ticket to a movie, sat in a "Whites Only" section of the theatre by theatre policy, that upon refusing to move, the police were called and arrested her, took her to jail where she was charged and convicted of defrauding the government of one cent tax.

The African Nova Scotia understands the "implied" facts of the case that were never recorded: We see:

- (1)**Wrongful Arrest:** There was no law disallowing a person to sit in special places. This was "private policy" of the theatre. By what probable cause could the police arrest her?
- (2)**Malicious Prosecution:** Once in jail the public prosecutor sought out and found a legal charge which he could take to court, i.e. tax evasion. If we were to examine all the cases of tax evasion in this Province or indeed in Canada, where would the fraud of one cent sit among them?
- (3)**Wrongful Conviction:** Convicted on a charge that lacked any substance.
- (4)**Misplaced "Free Pardon"** in the year 2010. The pardon was misplaced because the wrong doing belongs to the police who arrested her, the prosecutor who maliciously pursued a trumped up charge, and the Court who wrongfully convicted her. I wonder whether African Nova Scotians could pardon them?

The events that took place on April 15, 2010, were planned and arranged in consultation with the Town of New Glasgow but without consultation of the African Nova Scotian Community; or with Viola's three surviving sisters living in Montreal. They were only informed a few days before the event. They are overjoyed with the sincere apology and are adamantly against the 'free pardon'.

There are horrific historic events that happen in the lives of mankind that impact on our being in such a way that no number of apologies, pardons (in whatever form) can ever remove the stain on the reputation of location in which the event took place; for example Berlin, Germany during WW2, headquarters of the Third Reich; Dallas, Texas, place of assassination of JFK, Memphis Tennessee, place of assassination of Martin Luther King, and New Glasgow, Nova Scotia, the Town where Viola Desmond was arrested for sitting in the wrong place.



Nova Scotians recognize of the importance of Viola's case as the landmark case in developing race-based Civil Rights and Human Rights legislation. For African Nova Scotians, the most important factor in the Viola Desmond case is that it happened, which led to some wonderful outcomes in Canada's pluralistic society. She should be recognized and celebrated for that.

The primary lesson from the creation of Viola Desmond Day that this Legislature wants to impart to Nova Scotians is that "never again will we allow our justice system to maliciously arrest, charge and prosecute a person solely based on race".

But unfortunately we have, allowed such race-based charges to proceed. I draw to your attention for example, 1997 case of Judge Constance Sparks, first female African Nova Scotian Judge charged with racism upon providing judicial notice that police often over-react to Blacks; and the 2003 case of Kirk Johnson, world class professional boxer, racially profiled and harassed by the police, stopped 28 times while driving in the Halifax area over a five year period.

A day to contemplate, to educate, to create a public empathy with the impact from on-going racism in Nova Scotia, requires a much broader consultation with and a better understanding from people outside this Legislature.

In its haste to get something done, governments make mistakes. Please do not compound errors already made for lack of consultation.

I am requesting that Bill No 15 be tabled until full consultation with African Nova Scotians has taken place and the recommendations therein given to the Minister of African Nova Scotian Affairs be accepted.

Thank you for listening.

Respectfully submitted,

Sharon C. Oliver

Good afternoon, my name is Craig Marshall Smith, I am the Diversity Policing Analyst with the RCMP but I believe I was asked here today due to my passion for Black history in this province. I have written and lectured on the accomplishments of the African Nova Scotian community and I have also written three books which speak to Black achievement; Journey 1999, which highlights 78 Black first's within our province, You Had Better Be White By Six AM - The African Canadian Experience in the RCMP 2006, which I might add included the story of Viola Desmond as an example of systemic racism in Canada, and lastly The Ultimate African Heritage Quiz Book - Maritime Edition.

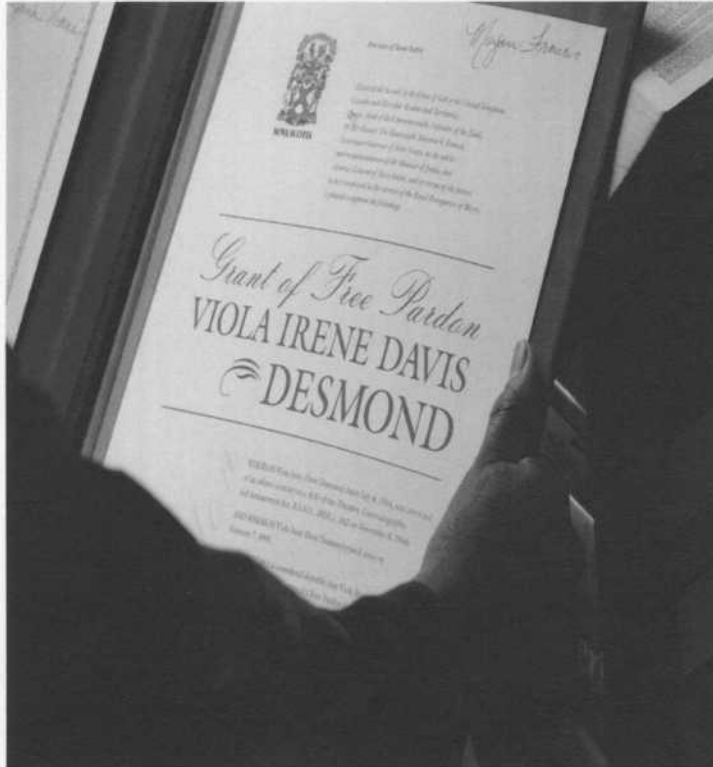
So the question has been raised about recognizing Viola Desmond with a day in her honour. I think we first have to ask the question why is this happening, why now, and is it the best way to recognize her? Especially since we have had a public apology and the issuing of the Free Pardon. While I think the gesture is a significant one, what we need to examine is it the most fitting gesture.

Some might say that to go further in this fashion isn't warranted and are we doing this just to do it. My first thoughts were, there will be those that will say why Viola Desmond and why not; Rev. Richard Preston the founder and architect of the African United Baptist Association the oldest Black organization in the province and one of the oldest in Canada, or Dr. Carrie Best, who along with her son Calbert started the Clarion newspaper which was the first Black publication to tell the Viola Desmond story, she was a well known journalist, activist and Order of Canada recipient.

You see in each corner of our province and in each community, you will find individuals who people will feel are equally deserving of this recognition. So there has to be some deep thought and discussion around what is most fitting and a mechanism by which to make that decision.



Others will say, Viola Desmond's arrest didn't change anything in 1946 and in reality, it caused her to flee Nova Scotia for Montreal. Imagine living in 1946 and being the centre of attention at a time when there were no real laws to protect your rights as a black person. I can't imagine the burden she must have carried following her ordeal. In many respects the Free Pardon has helped to educate the public about past injustices



that had been long overlooked and it has retold Viola's story to a much larger audience. Now that the door to establishing greater understanding has been opened, let's not rush through without thinking about what this very important moment in Canadian history can allow us to do, because once it's closed it may be a very long time before it is opened again.

What is it that you want to do with this recognition, what kind of legacy do you want to create for Viola Desmond. In some respects we have two things here, acknowledging a person who was wronged and on a larger scale acknowledging a people who have

faced unequal treatment historically in the province. Knowing that Viola Desmond was a very smart and intelligent business women opens up other possibilities to recognize her and some might say even more tangible for the Black community.

For instance, would not the Viola Desmond scholarship for Black females pursuing a business interest be more fitting, or the Viola Desmond Business Centre at a local University or College send an extremely powerful message for generations to come. I believe that this issue is something that needs to be discussed and thought out a little further to ensure that the best and most fitting method of recognition is identified. If we could provide women with a solid foundation for being successful in business like Viola Desmond, isn't that a more substantial recognition and of more tangible benefit to the African Nova Scotian community. If anything let's allow Viola to be the instrument of sustainable progress for Black women in business.

Might it not be possible, that a day is established which recognizes a number of significant individuals who have fought for and who symbolize the struggle of racialized people in Nova Scotia. I say that because I could not stand before you here today in good conscious and advocate for a day to recognize someone for past racism and bigotry unless we were first recognizing our First Nations brothers and sisters who were the first inhabitants of this province and country to suffer such indignities and atrocities.

It has taken 64 years to have a Nova Scotian gov't wrong the right of November 8, 1946, a few more months of good open dialogue and exploration on this significant topic can only serve to further raise awareness around the whole issue.

I thank you for providing me with this opportunity to speak to you on this matter.

Respectfully submitted,

Craig Marshall Smith





**CONGRESS OF BLACK WOMEN OF CANADA  
LE CONGRES DES FEMMES NOIRES DU CANADA**



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**LAW AMENDMENTS COMMITTEE**

**Presentation**

**RE-VIOLA DESMOND DAY ACT BILL NO.15**

**May 4, 2010**

Good afternoon Mr. Chairman and all members of the Law Amendment committee. First I like to thank you for this opportunity to chair our views with you this afternoon. I come representing the Congress of Black Women of Canada and the Preston/Cherry Brook/Lake Loon/Westphal & area Chapter.

I come today with mix feelings; I want to thank Afie MacLeod of Cape Breton West for this excellent thought and for having the insight of a day for Viola Desmond. I come with mix emotions today, as an African Nova Scotian Woman, I don't feel that Viola Desmond did anything wrong. She was a tax payer and believe she had the right to go to the theatre, enjoy a movie and sit where she wanted to. But we all know that is not what happened, being a visitor from Halifax and believing she could go to the movie and enjoy some free time while her vehicle was being repaired that broke down on her.

Mrs. Desmond was from Halifax and had no idea of this a law that discriminated against where you sit in theatre, because of the colour of your skin. She purchased her ticket and sat down on the main floor of the theatre. The staff approached her and informed her you cannot sit there you must go up the balcony. The story is told she went back to the Ticket desk and asked for a more expensive seat for the main floor, they refused to sell her one. The staff insisted she should sit up in the balcony up stair and area where Black people had to sit because the Main floor of the theatre was for Whites only. Being a tax payer and citizen of Nova Scotia she felt she should be able to sit wherever she decided. We all know how she was arrested and dragged from the theatre violently by large white police officer and arrested.

Viola did what I would have done going to a theatre you sit where you enjoy the seating and the atmosphere. She was denied that right. She was not guilty of anything; she had the right to sit where she wanted to.

We thank you for this Bill No 15, but it does not go far enough and it exclude us from the decision making process. We as African Nova Scotian believe the apology to be a great one but you must give us the opportunity to decide on the day. We thought of many ideas on being March 8<sup>th</sup> International Women Day, During African Heritage month, and can be during October Women History Month.

Definitely not on November 8th, that was a day she was arrested assaulted and demeaned by the town of New Glasgow, this day to us as Black women is saying that yes she guilty and let celebrate this day, no she was innocent and that day will reflex negativity not he positive and professional Business women and owned her own business she was not a criminal and not guilty of anything except the freedom she thought to sit where she wanted to sit in a theatre.

Viola Desmond stood up for her right as a Black Woman she did it with dignity and with respect, but she intern was treated like a villains and thrown into jail. She was falsely accused and mis treated by the Justice system of that day and as you are aware we are still have many of those issues in Nova Scotia and across Canada when it come to the African Nova Scotian compare to that of the large non-black society. We have Schools in Nova Scotia that are still and won't celebrate African heritage month, so that should tell us something. We still have away to go be and be recognized and respected as equals in this province.

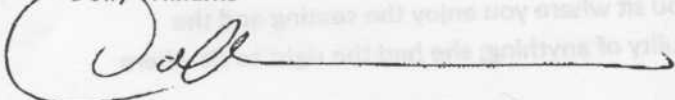
You the Politicians will have to give us the African Nova Scotian a voice and let us tell you what our views are in this process. We want to thank Minister Percy Paris for his excellent input on this Act. As African Nova Scotian he knows why the community input is very Important in this decision making process. You will have to stop making decision for us and asking us for input after it is completed. We are tired of this process that you follow, give us our own voices and we will tell you what we want. Please stop making decision for with no input from us.

We want to see this Bill No. 15 tabled until we the African Nova Scotian can speak on this, we have many that are very capable on speaking for themselves.

As Black Women of Nova Scotia we feel that we need a Solid Legacy of Viola Desmond but again as I stated decided by us for by ourselves, we have children who can gave input into this, we need our voice back. We trust that you will hear what is being said here today. Thank for the time given to us to give our opinion thank you all for listening. Please hear us.

Thanks you

Dolly Williams



Nova Scotia Representative  
Congress of Black Women of Canada