

Hugh Burnett and the National Unity Association: Fighting for Civil Rights in Dresden, Ontario

Title: Hugh Burnett and the National Unity Association: Fighting for Civil Rights in Dresden, Ontario

Subtitle: Historical Inquiry

Duration: 4-5 classes

Best Course(s) Fit: History, Law, The History of a Canadian Ethnic Group, Equity, Diversity, and Social Justice, English

Historical Question: What made the civil rights movement in Dresden a success?

Background Information

Dresden is a small community in southwestern Ontario in the municipality of Chatham-Kent. It was an important terminus of the Underground Railroad and was part of a settlement formerly known as the Dawn Settlement.

According to the Canadian Encyclopedia, the National Unity Association (NUA) was founded to address racism in the small town. Hugh Burnett was the group's secretary, key organizer, and lead spokesperson.

In 1948, the NUA lobbied the Dresden town council to pass a bylaw against discrimination in local businesses. After initially refusing, they agreed to put the idea to a referendum the following year.

In 1950, Burnett and the NUA joined a coalition of human rights activists pushing for provincial anti-discrimination legislation. In 1951, as a result of their campaign, the government of Premier Leslie Frost enacted the Fair Employment Practices Act, which forbid discrimination in employment. However, this law did not address discriminatory practices in public service — an ongoing issue in Dresden. By 1954, the NUA began working with the Toronto Joint Labour Committee for Human Rights to push for further anti-discrimination legislation in Ontario.

In March 1954, Burnett made his case for a law against discrimination in public service. Soon after, the Frost government introduced the Fair Accommodation Practices Act, which forbid discrimination in public service and housing on the basis of race, religion and other criteria. This was a victory for Burnett, the NUA and their allies.

The Fair Accommodation Practices Act became law in June 1954, however, some business owners did not comply with the new law. Two local restaurants were particularly notorious for continuing to refuse service: Kay's Café, owned by Morley McKay, and Emerson's Restaurant, owned by Matthew and Anne Emerson. Burnett and the NUA devised a tactic: they would go to these restaurants, take a seat and ask for service. When they were refused, they lodged formal complaints through the Fair Accommodations Practices Act. Historian James Walker notes that Burnett's tactic resonates with the famous sit-ins of the American civil rights movement. In fact, Burnett's 1954 sit-ins took place in Ontario more than five years before they were prominent in the United States.

Some Dresden business owners began simply closing shop when they saw NUA members coming. This made it difficult for the NUA to keep building its case. With the help of Sid Blum and the Toronto Joint Labour Committee, the NUA devised a new strategy: They began coordinating tests involving out-of-towners unfamiliar to Dresden business owners. A reporter from Toronto would accompany and document the tests, allowing the NUA to continue to gather evidence of discrimination, thereby keeping the issue in the media spotlight.

One test case in late 1954 resulted in high-profile media coverage and charges against Kay's Café owner Morley McKay. McKay was ultimately found not guilty in this case.

Burnett and the Toronto Joint Labour Committee did not give up. In November 1955, another test case proved more successful. In early 1956, McKay was once again charged. He was finally found guilty and forced to pay the required fines.

On 16 November 1956, members of the NUA went to Kay's Café. For the first time ever, they were served. The court case against McKay was a significant victory for Burnett, the NUA and the rights and freedoms of Black communities in Dresden and across Ontario.



Source: <https://www.maprove.ca/info/where/canada/dresden>

Tasks

1. Read the articles.
2. Answer the questions in complete sentences.
3. Complete the five-paragraph organizer answering the historical question.
4. Complete a final draft of the five-paragraph essay.

Document A – Threats Made Over Negroes

Source: Star-Phoenix, Saskatoon, Saskatchewan, Canada, May 4, 1949, page 14

Threats Made Over Negroes

DRESDEN, Ont., May 4 (CP).
—Two negro residents of this southwestern Ontario town said Tuesday they had been threatened with violence if they persist in their attempts to have the town council compel restaurants to serve negroes.

Town Councillor Michael Fry, who supported the campaign, said he also had been threatened by an anonymous telephone caller.

William Carter, a local farmer, said he had received a letter signed with a skull and crossbones which warned him and a nephew, Hugh Burnett, to "go easy."

"You and Mr. Burnett will be destroyed," the letter said. "Bring on your riots, we are ready for you. We will fix you quick."

Mr. Carter said he had earlier received telephone calls threatening that he would be "burned out."

This town, 10 miles north of Chatham, has a negro population composed largely of descendants of freed slaves who fled to Canada from the United States during the Civil War. It is the burial place of the Rev. Josiah Benson, believed to have inspired Harriet Beecher Stowe's "Uncle Tom."

Town council had planned to hold a referendum on municipal legislation to license the town's seven restaurants after complaints were received that some of them refused to serve negroes. The referendum was postponed indefinitely. Mayor Walter S. Weese said Monday night that because of newspaper publicity the vote would not be in the interest of the negroes.

Document B – Prove Dresden's Color Bar

Source: Times Colonist, Victoria, British Columbia, Nov 1, 1954, page 3



Prove Dresden's Color Bar

Ruth Lor, left, Chinese-Canadian University of Toronto graduate, and Bromley Armstrong, Jamaica-born CIO official went into restaurants in Dresden, Ont. They were not served, even though the proprietors were recently called before a commission investigating discrimination in the town. After the hearing, at which restaurateurs flatly refused to serve colored persons, Labor Minister Charles Daley said the government would "forgive but not forget." Although Ontario has an anti-discrimination law, the government attitude is that it is a matter of education rather than police action. (CP Photos).

Document C – Café Discrimination Brings Fines in Kent

Source: *The Windsor Star*, Windsor, Ontario, Jan 14, 1955, page 1

Cafe Discrimination Brings Fines in Kent

2 Restaurateurs Guilty Of Refusing Service to Negroes

From The Star's Chatham Bureau

CHATHAM—Two persons found guilty of refusing service to Negroes in Dresden restaurants were fined by Magistrate Ivan B. Craig in police court here this morning.

Magistrate Craig found Morley McKay guilty of unlawfully denying Bromley L. Armstrong service in Kay's Restaurant, Dresden, contrary to provisions of sections two and six of the Fair Accommodation Practices Act, 1954.

He fined McKay \$50 and costs for a total of \$135.40.

Mrs. Anne Emerson, charged under the same section for refusing service to Mrs. Bernard Carter November 7, 1954, in Emerson's Restaurant, Dresden, also was found guilty. She was fined \$50 and costs, a total of \$74.18.

The text of the written judgment follows:

Morley McKay is charged at the Town of Dresden, in the said County of Kent, on the 29th day of October, 1954, did unlawfully deny to one Bromley L. Armstrong service in Kay's Cafe, a place to which the public is customarily admitted, because of his color, contrary to the provisions of sections 2 and 6 of the Fair Accommodation Practices Act, 1954, Statutes of Ontario, 1954, chapter 28.

Section 2 of the Revised Statutes of Ontario, chapter 28, 1954, reads as follows: "No person shall deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, creed, color, nationality, ancestry or place of origin of such person or class of persons."

Section 92 of the British North America Act, 1867, sub-section 13, reads as follows: "In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say: Section 13—Property and civil rights in the province."

A. D. Bell, Q.C., appearing for the prosecution, at the opening of the case filed exhibit 1, the consent of Charles Daley, minister of labor for the Province of Ontario, whereby the said Charles Daley, pursuant to the Fair Accommodation Practices Act, 1954, chapter 28, section 7, hereby consented to the prosecution of Morley McKay of the Town of Dresden for an offence against section 2 of the act, in denying on October 29, 1954, to one Bromley L. Armstrong, service in Kay's Cafe at Dresden, a place to which the public is customarily admitted, because of the color of the said Bromley L. Armstrong, the said consent being dated at Toronto, the 2nd day of November, 1954, and duly signed by Charles Daley, minister of labor.

The facts in the matter before the court are as follows: Morley McKay, the accused, is the owner and operator of Kay's Cafe in the

See CAFE OWNERS—Page 6

(Concluded from Page One)

town of Dresden. This cafe has been operated by Mr. McKay for a great many years.

On the 29th day of October, 1954, Bromley L. Armstrong from the city of Toronto, Hugh Burnett of the town of Dresden, and Ruth Lor of the city of Toronto, entered Kay's restaurant about 2 o'clock in the afternoon.

When they entered the restaurant, it was almost empty. They sat in a booth in the restaurant behind some other people and waited about 20 minutes to be served. There was a waitress on duty in the restaurant, but she did not come to their table.

A reporter and a photographer from The Toronto Star entered the restaurant and were sitting in the restaurant before Armstrong, Burnette and Lor came in and sat down.

The two Toronto Star reporters were served by the waitress. Soon after Armstrong, Burnette and Lor entered the restaurant, Mr. Donaldson of The Toronto Telegram and Sidney Blum from Toronto entered the restaurant, sat down and were served within reasonable time by the waitress on duty.

During all this period the waitress ignored Armstrong, Burnette and Lor. Other persons in the restaurant had been served or were served while Armstrong, Burnette and Lor were in the restaurant.

After waiting twenty minutes at the table, Bromley L. Armstrong, a colored person and a member of the Negro race, went to the waitress at the counter and asked her three times for a cup of coffee. She ignored his request.

Armstrong then asked her: "Are you going to serve us or aren't you?", and she said, "No." Armstrong then asked: "Is it possible to see the manager?" and she said: "Yes, he's in the kitchen."

Armstrong said: "Would you mind getting him up?" She said: "If you want to see the manager you can go to the kitchen yourself."

Armstrong then went to a service window leading into the kitchen. A few feet inside the window was Morley McKay, the owner and manager of Kay's cafe. Armstrong asked him for a cup of coffee, and kept on asking him. McKay did not answer and Bromley Armstrong states he was at the service window speaking to McKay in the kitchen making a request for coffee for about five minutes. Then he went back to the table and sat down.

Hugh Burnette, also a colored person and a member of the Negro race who has lived in Dresden all his life, and who has known McKay all his life and whom McKay has known practically all his life, went into the kitchen and spoke to McKay and asked for service.

McKay replied, "I'm busy, Hugh." Upon this, Burnette returned to the table and sat down with Armstrong and Miss Lor.

Miss Lor corroborates the evidence of Armstrong and Burnette as to what occurred in the restaurant. Of course, she could not hear what conversation took place while Armstrong and Burnette were at the counter or in the kitchen.

All parties state that they would be in Kay's Cafe, Dresden, for about half an hour, and during all this period no person came to the table to serve them. When Armstrong and Burnette requested service, both to the waitress in the front of the restaurant and McKay, the manager and owner, in the kitchen, they did not receive service. Then, all three left the restaurant. I might point out Miss Ruth Lor is a Chinese Canadian.

"I have gone into the arguments submitted by Mr. Bell for the prosecution, and Mr. Donohue for the defence, and I have come to the conclusion that the act would come within section 92, sub-section 13 of the British North America Act, 1867; That is, the legislature for the province of Ontario has the right to legislate with respect to property and civil rights in the province, and that the Fair Accommodation Practices Act would be civil rights legislation for the province of Ontario, and would be intra vires of the provincial legislature.

Mr. W. A. Donohue, who appeared for the defence, at the conclusion of the case raised a constitutional question and argued that it is not within the powers of the provincial legislature to pass this type of legislation as it was a criminal type of legislation, and as such, would lie solely within federal jurisdiction, and not within the powers of the province of Ontario.

Mr. A. D. Bell, Q.C., contended for the prosecution it definitely was intra vires of the legislature of the province of Ontario, and therefore was good law, and that the legislature for the province of Ontario would have the power to pass the said act, being the Fair Accommodation Practices Act for Ontario, chapter 28, revised statutes of Ontario, 1954.

I find as a fact that Bromley L. Armstrong, Hugh Burnette and Ruth Lor entered Kay's cafe about 2 p.m., on the 29th day of October, 1954, and that they were in the restaurant for approximately one half an hour. While in the said restaurant, Armstrong and Burnette asked the waitress and the owner and manager, Morley McKay, for service and that they were denied service of any kind in the said restaurant.

Also, I find as a fact that Bromley L. Armstrong and Hugh Burnette are colored and members of the Negro race; and that although Bromley L. Armstrong would not be known to Morley McKay, that Hugh Burnette had been known to Morley McKay for a great many years.

Under Section Two of the Fair Accommodation Practices Act,

"No person shall deny to any person or class of person the accommodation, services, or facilities available in any place to which the public is customarily admitted because of the race, creed, color, nationality, ancestry or place of origin of such person or class of person."

In all prosecutions that come before the courts, with the exception of the Ontario Liquor Control Act, the onus is on the prosecution to prove intent. This can be shown in two ways—by circumstantial evidence or by direct evidence. The circumstantial evidence in this case would be that Bromley L. Armstrong and Hugh Burnette were denied service because they were colored and members of the Negro race.

There could be no other reasonable conclusion upon the facts in this case, because McKay was the owner of a public restaurant. Armstrong and Burnette were denied service in that restaurant and, in fact, were absolutely ignored by the owner of the restaurant and his help, while other persons in the restaurant were being served.

There is no doubt in my mind that the two, Armstrong and Burnette, were refused service because they were colored and members of the Negro race; and there could be no other reason for refusing to serve them other than that the said parties were colored and members of the Negro race.

I therefore find the accused, Morley McKay, guilty of the offense as charged.

I impose a fine of \$50 and costs, \$135.40, and in default thirty days in gaol.

(Signed)

I. B. Craig, Magistrate.

In the Emerson case it was charged at the town of Dresden, November 7, 1954, did unlawfully deny to Mrs. Bernard Carter service in Emerson's restaurant, a place to which the public is customarily admitted because of her color contrary to the provisions of Section 2 and 6 of the Fair Accommodation Practices Act, 1954 Statutes of Ontario 1954, chapter 28.

At the opening of the case, Mr. A. D. Bell, Q.C., acting for the prosecution filed as exhibit number one, the consent of Charles Daley, minister of labor for the Province of Ontario, whereby the said Charles Daley, pursuant to the Fair Accommodation Practices Act, 1954, chapter 28, section 7, hereby consents to the prosecution of Anne Emerson of the town of Dresden, for an offence against section 2 of the act in denying on November 7th, 1954, to one Mrs. Bernard Carter, service in Emerson's restaurant at Dresden, a place to which the public is customarily admitted because of the color of the said Mrs. Bernard Carter; the said consent being dated at Toronto, the 17th day of November, 1954, and duly signed by Charles Daley, minister of labor.

The facts in the case are as follows: On Sunday, November 7, 1954, about 1:30 in the afternoon, Mrs. Bernard Carter of R.R. 5, Dresden, and Mr. Joseph Hanson of R.R. 3, Dresden, entered Emerson's restaurant situate in the town of Dresden. They went to the lunch counter and Mrs. Bernard Carter asked Anne Emerson for a bottle of pop. Mrs. Emerson replied, "We don't have any pop."

Then a man who was at the back of the restaurant got up and went out. When he went out, a boy sitting at the back of the restaurant went to the front door and locked it. Then Anne Emerson walked back of Mrs. Carter toward the kitchen.

Mrs. Carter, after waiting five or ten minutes, went to the kitchen door and saw Mrs. Emerson standing back in the kitchen. Mrs. Carter said to Mrs. Emerson, "I am hungry. Could I have a glass of milk, please?" Mrs. Emerson told Mrs. Carter to get out of her kitchen and get out in the front where you belong, and that she had no business in her kitchen.

Mrs. Carter went back and sat at the counter. While in the restaurant, Mrs. Carter saw four bottles of milk behind the counter, but did not see any pop.

Mrs. Carter and Mr. Joseph Hanson waited in the restaurant about 20 minutes and were not served. While there, a number of people came to the front door and tried the door but could not get in because the door was locked.

Mrs. Bernard Carter has lived in this locality for approximately 16 years and Mr. Hanson has lived in this locality all his life. They know the Emersons and Emersons would know them, as this is a small community. Further, Mrs. Bernard Carter and Mr. Joseph Hanson are colored and are members of the Negro race.

After waiting 20 minutes, Mrs. Carter and Mr. Hanson went to the front door and Mr. Hanson unlocked the front door and the two went out of the restaurant.

In his judgment Magistrate Craig said:

"I find as a fact that Mrs. Bernard Carter and Mr. Joseph Hanson, colored and members of the Negro race were refused service in Emerson's restaurant, in Dresden on the 7th day of November 1954 by Anne Emerson, the person in charge of Emerson's restaurant.

Under section 2 of the Fair Accommodation Practices Act, "no person shall deny to any person of class of persons the accommodation, service or facilities available in any one place to which the public is customarily admitted because of the race, creed, color, nationality, ancestry or place of origin of such person or class of persons."

There is no doubt in my mind that Mrs. Bernard Carter and Mr. Joseph Hanson were refused service because they were colored and members of the Negro

race, and there could be no other reason for Anne Emerson refusing to serve them other than that the said parties were colored and members of the Negro race.

I therefore find the accused, Anne Emerson, guilty of the offence as charged.

I impose a fine of \$50.00 and costs, a total of \$74.18 and in default 30 days in gaol.

Document D – Charge of Racial Discrimination

Source: *The Calgary Herald*, Calgary, Alberta, Jan 13, 1956, page 5

Charge Of Racial Discrimination

TORONTO (CP) — A restaurant owner, charged with practising racial discrimination, is to appear for trial Jan. 17.

Morley McKay, owner of McKay's Restaurant in Dresden, Ont. was charged by two University of Toronto students who said they were refused service in his restaurant Nov. 12 because of their color.

Jake Alleyne, 26, and Percy Bruce, 26, both of Trinidad, said they went into the restaurant for a cup of coffee, but could not get served.

McKay was convicted of a similar charge a year ago, but the conviction was quashed on appeal.

Document E – ‘Race’ Case Conviction Upheld

Source: *The Vancouver Sun*, Vancouver, British Columbia, May 24, 1956, page 28

‘Race’ Case Conviction Upheld

CHATHAM, Ont. — Conviction of cafe owner Morley McKay for refusing service to negroes was upheld Wednesday.

During the appeal, defence lawyers contended Ontario was trying to make racial discrimination a “new crime.”

Judge Harold Lang dismissed McKay’s appeal, saying the fact that a statute creates a penalty does not place it within the category of criminal law.

Judge Lang said it is perfectly clear that McKay’s restaurant in nearby Dresden had denied service to Percy Bruce and Jake Alleyne, University of Toronto students.

McKay had been fined \$25 and ordered to pay \$155 costs on each of two convictions. He will also pay the costs of the appeal.

Document F – Race Prejudice Has Practically Vanished in Dresden

Source: *The Windsor Star*, Windsor, Ontario, Dec 28, 1956, page 17

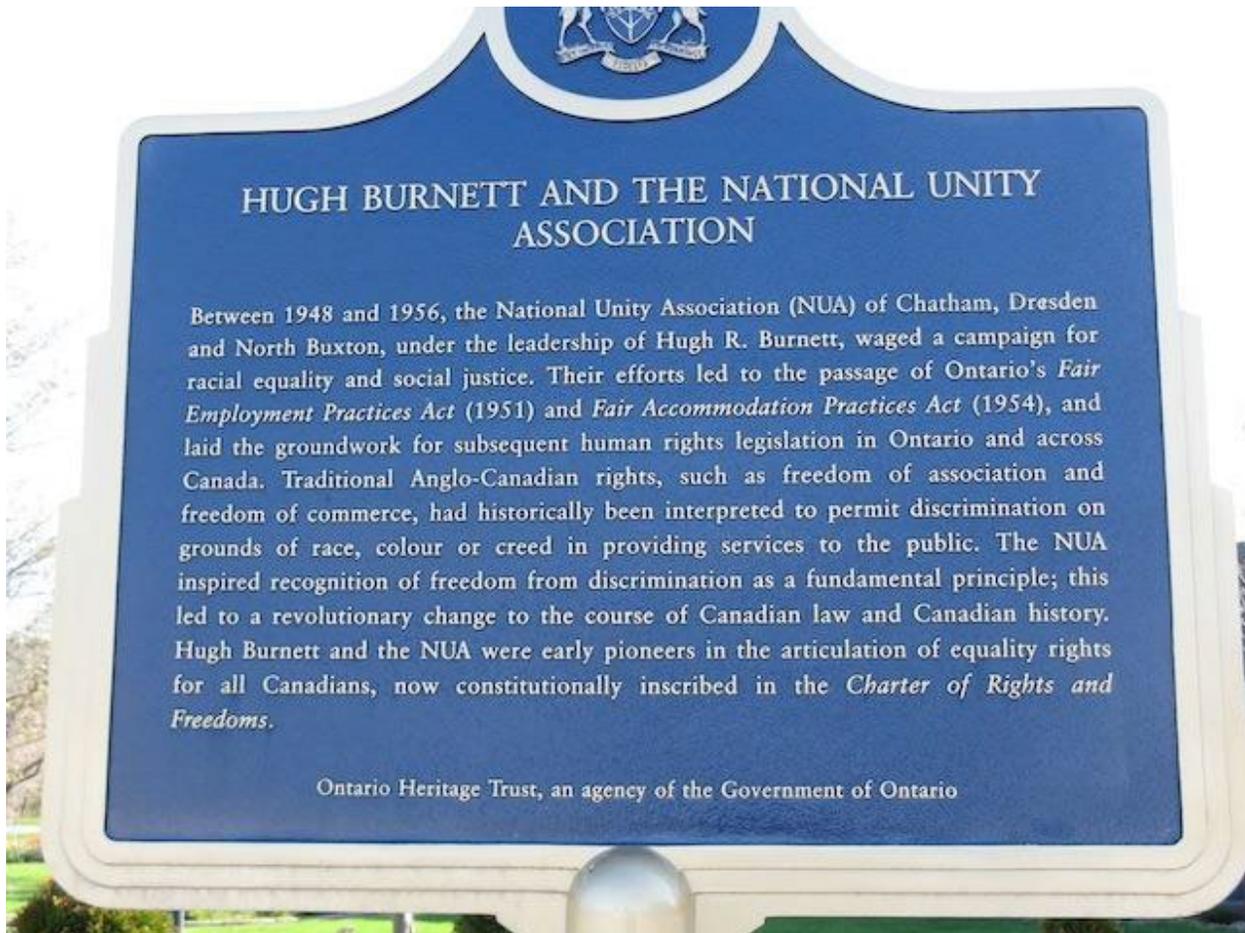
DRESDEN, Ont., has given freedom-preaching—though not always freedom-practicing—Canada her finest Christmas present and happiest hopes for the New Year in the news that race prejudice has practically vanished there. The Kent County town has long been depicted as the “last stronghold” of intolerance in the land. Of course, it was not the last, by any means. Color bars still are up in many communities. Including, too often, our own Windsor. But Dresden was the field on which the challenge was met and on which equality has emerged the winner.

TODAY, in Dresden, whites and Negroes get the same service in restaurants, barber shops, poolrooms. Focal point of national attention, Morley McKay, who was twice convicted under the Fair Accommodation Practices Act of Ontario and twice appealed to higher courts, is reported to have dropped his opposition to Negroes. Since Mr. McKay was backed in his stand by other Dresden business interests, the sunshine of fair play has apparently broken all along the line.

THUS, at long last, a new dimension in human dignity has been achieved here and should be noted by those given to looking long-distance askance at the Deep South. As Christians, we do subscribe after all to the teachings of the Man who said: “Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto Me.” And didn’t He also say: “I was hungry and ye fed me not!”?

Document G – Ontario Heritage Trust Plaque

Source: <https://readtheplaque.com/plaque/hugh-burnett-and-the-national-unity-association>



QUESTIONS

Document A

1. Based on this document, describe the state of affairs in Dresden, Ontario in the late 1940s.

| |
|--|
| |
|--|

2. What does this document suggest about William Carter and Hugh Burnett?

| |
|--|
| |
|--|

3. What does this document suggest about the caller?

| |
|--|
| |
|--|

Document B

1. According to the headline, what happened?

| |
|--|
| |
|--|

Document C

**1. What does this document suggest about Ruth Lor,
Bromley Armstrong, and Hugh Burnett?**

2. Why was Morley McKay charged?

**3. Why do you think the Fair Accommodation Practices Act of 1954 was necessary?
Consider the events of the time.**

4. What happened on October 29, 1954?

5. What happened on November 7, 1954?

Document D

1. According to this document, Morley McKay's 1954 conviction was quashed on appeal. What does this suggest about racial equality and justice in Dresden?

| |
|--|
| |
|--|

2. What does this document confirm about Morley McKay?

| |
|--|
| |
|--|

Document E

1. Why do you think Morley McKay's conviction was upheld this time?

| |
|--|
| |
|--|

Document F

| |
|---|
| 1. What does this article suggest about racism in Canada? |
| |
| 2. How does the author generally feel about racial discrimination? Provide evidence from the document to support your claim. |
| |

Document G – Ontario Heritage Trust Plaque

| |
|---|
| 1. How does this plaque reflect Canada's heritage? |
| |

Five-Paragraph Essay Planner

Question: What made the civil rights movement in Dresden successful?

Complete the essay planner and then write the final draft. Organize information in a logically structured essay of five paragraphs that includes a thesis statement, body, and conclusion. You must include evidence from at least three of the documents.

What do I believe?

Why do I believe it? (3 reasons)

- 1.
- 2.
- 3.

Introduction Paragraph

Hook:

Background Information:

Thesis statement:

| Body Paragraph #1 | Body Paragraph #2 | Body Paragraph #3 |
|---|---|---|
| <p>Topic sentence:</p> <p>Detail #1:</p> <p>Detail #2:</p> <p>Detail #3:</p> <p>Conclusion sentence:</p> | <p>Topic sentence:</p> <p>Detail #1:</p> <p>Detail #2:</p> <p>Detail #3:</p> <p>Conclusion sentence:</p> | <p>Topic sentence:</p> <p>Detail #1:</p> <p>Detail #2:</p> <p>Detail #3:</p> <p>Conclusion sentence:</p> |

Conclusion Paragraph

Restate your thesis statement differently:

Final thought for the reader:

Final draft: What made the civil rights movement in Dresden successful?

