

**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