

Answers to the Chinese Canadian Legal History Quiz

1. How long have Chinese been in Canada?

Answer: The first major migration of Chinese to Canada occurred in 1858, when Chinese prospectors arrived in the colony of British Columbia for the Fraser Valley Gold Rush.

2. Who is the first person of Chinese descent to be born in Canada?

Answer: Won Alexander Cumyow was born in 1861 at Port Douglas, near Harrison Lake in the colony of British Columbia. Cumyow had aspired to become a lawyer but was not able to because of laws prohibiting Chinese from being called to the bar.

3. What is the Chinese Head Tax?

Answer: The Chinese Head Tax refers to any of several taxes charged only on Chinese immigrants to Canada from 1885 to 1923.

4. Why did the Canadian Government pass the *Chinese Exclusion Act*?

Answer: Despite the Head Tax, Chinese continued to come to Canada. The Government of Canada passed the *Chinese Exclusion Act* to eliminate all Chinese immigration to Canada in 1923.

5. What was the most significant impact of the *Chinese Exclusion Act* on the Chinese Canadian community?

Answer: The *Chinese Exclusion Act* erased any possibility that Chinese who were already residing here would be able to reunite with their families or to settle with them in Canada. Apart from causing years of family separation between Chinese Canadians and their families overseas, the Chinese Exclusion Act effectively stunted the growth of the Chinese Canadian community for over two decades.

6. Why did early Chinese Canadians refer to July 1st as Humiliation Day?

Answer: While other Canadians celebrated July 1 as the country's national day in recognition of the creation of Canada by the *British North America Act* (1867), Chinese Canadians observed it as a day of humiliation because it coincided with the same day in 1923 when the *Chinese Exclusion Act* came into force.

7. Why was there no Chinese Canadian lawyer until after the Second World War and how has this hindered the development of the community?

Answer: Prior to 1947, Chinese Canadians were often barred many professions because they were not included on voters' lists, a requirement held by several professional

associations for membership. The Chinese Canadian community suffered because it could not seek equal representation under the law.

8. Who is the first Chinese Canadian lawyer and what role did he play in Chinese Canadian history?

Answer: Kew Dock Yip became the first ever Chinese Canadian lawyer when he was called to the Ontario Bar in 1945. Dock Yip and Jewish civil rights lawyer Irving Himel teamed up to form a committee of Canadians to repeal the *Chinese Exclusion Act*.

9. How have the courts in Canada dealt with racist laws targeting people of Chinese descent?

Answer: Canadian courts for much of the country's history have proven unable to provide remedies to victims of racist laws, including those of Chinese descent. The *Canadian Charter of Rights and Freedoms*, adopted in 1982, protects Canadians against discrimination based on race. The rights of Canadians under the *Charter* are often enforced through litigation, a process that is costly and difficult to launch, particularly for racialized communities who to this day remain under-represented both in the legal profession and among the judiciary.

10. What was the first reported court case in which a Chinese Canadian challenged the Canadian citizenship law?

Answer: The first reported case of a challenge by a Chinese Canadian to the citizenship law is *R. v. Soon Gim An* in 1941.

11. What was the *Chinese Tax Act* and what was the purpose of this piece of legislation?

Answer: The *Chinese Tax Act* was passed in British Columbia in 1878 to enumerate and tax all Chinese, over the age of 12, with a fee of \$10. The *Act* was challenged in *Tai Sing v. Macguire*.

12. Who is the first Chinese Canadian Member of Parliament and what was his contribution to immigration reform in Canada?

Answer: The first Chinese Canadian Member of Parliament is Douglas Jung, who was elected to the riding of Vancouver Centre on June 10, 1957. After the *Exclusion Act* was repealed, restrictions on Chinese immigration continued, limiting entrance to only spouse and children of Canadian citizens and permanent residents of Chinese descent. About 11,000 Chinese came to Canada illegally as "paper sons". Jung was responsible for a Private Member's Bill that created an amnesty program for these paper sons.

13. Who is Andy Joe?

Answer: Andy Joe was the first Chinese Canadian lawyer to be called to the British Columbia Bar in 1953.

14. How did the *Canadian Charter of Rights and Freedoms* affect the redress campaign for the Chinese Head Tax and *Chinese Exclusion Act*?

Answer: The *Charter of Rights and Freedoms* opened the door to a legal challenge - albeit unsuccessful - by Head Tax payors and descendants seeking redress of the Head Tax and *Exclusion Act*. It also established the grounds for a political settlement. The legal challenge was funded by the Federal Court Challenges Program which mandate was to provide funding to equality seeking groups to sue the Federal Government pursuant to the *Charter*. Funding for the Program was cancelled in 2006 by the Canadian Government.

15. Name the three plaintiffs in the first class action lawsuit filed on behalf of the Chinese Canadian community and what was the lawsuit about?

Answer: Shack Jang Mack, Quen Ying Lee and Yew Lee. The lawsuit *Mack v. Canada* was a claim for compensation by victims of the Chinese Head Tax who based their case on guarantees of equality before the law enshrined in Section 15 of the *Charter of Rights and Freedoms*.

16. Is redress for the Chinese Canadian community complete?

Answer: Fewer than 100 head tax payers were compensated with an *ex gratia* amount of \$20,000, which was also paid to surviving spouses, for a total of 785 payments by March 31, 2008. The compensation was made after an official Parliamentary apology delivered by the Prime Minister on June 22, 2006. There was no compensation for head tax payers who did not survive long enough to hear the apology. Many Chinese Canadian families who suffered under the *Chinese Exclusion Act* were not compensated.