

William Davis and the Road to Completion in Ontario's Catholic High Schools, 1971-1985

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In 1971 Premier William Davis responded negatively to the brief of the Ontario Separate School Trustees Association (OSSTA, now named the Ontario Catholic School Trustees' Association, OCSTA) arguing for extension/completion of the separate school system to the end of high school.¹ He gave five reasons for his position, which had the ring of conviction. Yet in 1984 he reversed his stance and announced that his government would be extending the separate school system to the end of grade thirteen. Why did he change government policy on the perennial separate school issue? Publications at the time and shortly thereafter conveyed the view that Cardinal G. Emmett Carter of the Archdiocese of Toronto finally persuaded his friend Davis to do so. Some political pundits added the idea that the premier was about to retire – he suddenly and without anyone's knowledge made the decision and was able to announce extension and watch quietly from the sidelines as the storm of reactions took place in the media, at public hearings, at public school board meetings, and in the courts.

This paper completely discounts such an interpretation. It will argue that Premier Davis for some time considered extending the separate school system and that he carefully consulted with representatives of the Ontario Catholic Conference of Bishops and with officials in the ministry of education before announcing the outlines of the new policy. Without discrediting the influence of Carter or of the premier's retirement plans, it will also examine a number of reasons why Davis reversed his 1971 announcement in 1984.

¹ There was debate in the Catholic community over which term was the better one to convey the idea that it was not seeking funding for private Catholic high schools, but legislation empowering separate boards to operate classes from kindergarten to grade thirteen.

Both of Davis's public statements on the decades-old Catholic high school issue revealed his general grasp of the constitutional, historical, and political events that had accompanied the Catholic community's quest for equal funding for its separate schools. On the one hand, Davis knew that the Confederation agreement of 1867 had included a guarantee for separate school rights and that the Catholic bishops and trustees had always believed that the Ontario legislation of 1871 which created "high schools" legally did not apply to separate schools. This legislation replaced "common schools" with "public schools" limited to grade ten, but did not redefine a "separate school." Davis perhaps was unaware that Egerton Ryerson, Ontario's chief superintendent of education and the founder of the province's state-supported school system, had explained that the 1871 statute had not altered the status of separate schools, but he did know that for about forty years after Confederation separate school boards had received grants and collected taxes for their separate school students in grade one to the end of high school. He was also aware that for about twenty years at the turn of the century the provincial government, faced with difficult economic times, had put a freeze on the building of new public high schools and had initiated special incentive grants for rural public and separate schools offering education beyond grade eight.

On the other hand, the premier's public utterances demonstrated his familiarity with the judgment in the 1928 *Tiny Township Case* affirming the provincial government's right to limit the separate schools to grade ten. As Ontario's economy had improved in the first two decades of the nineteenth century, public high schools had become more numerous and accessible. Consequently, the Ontario department of education had ceased permitting public and separate school boards to operate beyond grade ten whenever their boundaries were totally or partially within a high school district – revenues from provincial grants and accessibility to local taxes had been removed for grades eleven, twelve and thirteen.

Under the leadership of Archbishop Neil McNeil of Toronto, the separate school community challenged this restrictive legislation. In *The Board of Trustees of the Roman Catholic Separate Schools for the School Section No. 2 in the Township of Tiny and Others v. The King* (1925-28), the separate school trustees' argument was that separate schools from 1841 to Confederation were in law a type of common school and that common schools functioned legally to the end of what was later called high school; therefore, separate boards had the constitutional right to receive provincial grants and collect property and business taxes for the support of Catholic high schools. Although three of the six judges in the Supreme Court of Canada agreed with this position, the Judicial Committee of the Privy Council in Great Britain rejected it; it found that separate boards before 1867 were under the management of the council of public instruction (now called the Ontario ministry of education) and that such management

included the essential power to grade and, therefore, to set a limit to the grades of a separate school.² The Privy Council judgment of 1928 generally ended any programs beyond grade ten in separate schools in rural Ontario. This left the private Catholic urban grades-nine-to-thirteen high schools and some rural and urban separate schools with grades one-to-ten.

Premier Davis, unlike a number of his predecessors, could not escape dealing with the Catholic high school issue in 1971. After the 1928 judgment, separate school leaders for some time were understandably lacking any motivation for taking up their demands in the political arena. Furthermore, the Depression was at hand and World War II followed on its heels. During this time the Catholic bishops and trustees concentrated on their growing financial problems due to the inability of a separate school board to tax corporations. When the provincial government in 1946 established the Hope Commission to examine the aims of education, its separate school members raised the inequity of a separate school system without corporation revenues and without grants for grades eleven to thirteen. But they were unable to convince the other members of the Commission and had to write a minority report. The majority report, submitted in 1950, had little sympathy for separate school views and even suggested limiting separate schools to grade six in order to create junior and senior public high schools with grades seven to ten and grades eleven to thirteen respectively.³ Fortunately for the separate school system, Premier Leslie Frost quietly shelved the Report and during his tenure took some small steps with the school grants to alleviate somewhat the difficult situation of the urban school boards starved of corporation tax revenues.

A number of developments in the 1960s convinced Ontario's Catholic educational leaders that the timing was right to ask the provincial government to extend the separate school system to the end of high school. Saskatchewan had funded separate schools to grade ten ever since the province had come into existence in 1905. In 1965 it passed *An Act to Amend the Secondary Education Act*, which empowered separate boards to offer grant-and tax-supported programmes to the end of high school. Saskatchewan thus joined Alberta, Newfoundland, Québec, the Northwest Territories, and the Yukon with a complete denominational school system.

² Robert T. Dixon, "The Ontario Separate School System and Section 93 of the British North America Act" (unpublished dissertation, University of Toronto, 1976) 33-130. This left open the question of how far down the provincial government could regulate separate schools without offending section 93(1). The issue arose again in 1950 when the Hope Commission recommended that public and separate schools end at grade six to make room for junior high schools encompassing grades seven to ten.

³ Robert T. Dixon, *Be a teacher* (Toronto: Ontario English Catholic Teachers' Association, 1994), 81-84.

Ontario's separate school supporters believed that this strengthened their case for extension.

Also in 1965, William Davis reorganized the department of education in order that it would reflect the integration of elementary and secondary education. His announcement on the restructuring made two points which the OSSTA would stress in its 1969 brief: "At one time ... elementary education was general education and secondary education was something for the few; ... more and more parents, and children too, see secondary education as basic ... The effect of this integration will be to strengthen the concept that both elementary and secondary education are part of a continuous process."⁴ A third and most important impetus to campaigning for extension was Davis's establishment of the Hall-Dennis Commission in 1965. Ed Brisbois, chairman of the Metropolitan Separate School Board (MSSB), was appointed as one of the commission's twenty-four members. He was quick to understand and act upon the implications of the commission's philosophy of a kindergarten-to-grade-thirteen, non-graded continuum where, ideally, the individual student progressed at his or her own rate. In many speaking engagements he and other separate school leaders began articulating the contradiction between separate schools "truncated" at grade ten and the Hall-Dennis vision which was adopted in the department of education's curriculum guidelines and its policy document on the programme for high schools.

In May 1969, the OSSTA presented to Premier John Robarts and Davis, his Minister of Education, and later that day to the caucuses of the NDP and the Liberal Party, the brief *Equal Opportunity for Continuous Education in the Separate Schools of Ontario*.⁵ The Association's position was summed up in a statement near the opening of the brief:

The purpose of this brief is to obtain for separate public schools of Ontario that equality which is basic to the educational policy of the province, which is demanded by official promotion of continuous child-centred education, and which is implied in the modern reorganization of the school system. This request seeks the removal of the pedagogical and financial shackles which restrain the separate schools from offering a complete educational service from kindergarten to grade 12(13) at the present time.⁶

There was reason for optimism. The Liberal caucus supported the brief, provided that sharing of facilities would take place between public and separate boards. Elie Martel (MPP, NDP, Sudbury East), a former separate school principal, and John Rodriguez, a former provincial president of the Ontario English Catholic Teachers' Association (OECTA), piloted a

⁴ Quoted in *Catholic Trustee* (March 1965), 11.

⁵ Dixon, *Be a teacher*, 221-23.

⁶ OSSTA, "Equal Opportunity for Continuous Education in the Separate Schools of Ontario," 1969, 5.

similar resolution through the NDP convention. The Inter-Church Committee on Protestant-Roman Catholic Relations were consistent in their opposition to money for Catholic high schools, but the Ecumenical Institute of Canada established a study commission on religion in education, which had Anglican, Baptist, Lutheran, Presbyterian, Roman Catholic, and United Church representation. It published a brief supporting extension on constitutional grounds.⁷ However, there was a chorus of opposition from the Ontario Public School Trustees' Association, some public school boards, and many newspapers. They stood to lose many high school students and buildings along with a consequent reduction of teachers, government grants, and local tax revenues.

The OSSTA had a long wait for the premier's response. In 1971, in a letter to Fr. R. Drake Will, the education officer for the Ontario bishops, Robarts expressed very negative opinions on the issue, but shortly thereafter Robarts retired. With the selection of William Davis as PC leader and with the anticipation of an imminent election, the trustees restlessly awaited a reply. Finally, on 31 August 1971, Davis gave his answer; it reflected the views of his predecessor and his cabinet. He provided five reasons for his stance. First, secondary schools since their inception had always been non-denominational. Second, a denominational high school system would "fragment the present system beyond recognition and repair, and do so to the disadvantage of all." Third, the costs of funding an extended separate school system would be great, a point that caused "intense and vexatious public controversy" in the past. Fourth, if the government were to fund Catholic high schools, it "would be obliged to provide ... a further system for Protestant students, another for Jewish students, and possibly still others representing the various denominations of Protestants." Fifth, students moving from the separate to the public school system would not break the continuum, provided the receiving board treated students on an individual basis.⁸

Davis's fourth point indicated that the OSSTA had failed to convince him of the distinction between completing the separate school system and giving financial assistance to private Catholic high schools. His fifth point

⁷ Influential in bringing the commission to this position were its Catholic members: Fr. Patrick Fogarty, CSc, as secretary; B.E. Nelligan, director of education for MSSB; former Liberal leader John Wintermeyer; MSSB trustees Very Rev. P.H. Johnson and Ed Brisbois; Claudette Foisly-Moon, OECTA coordinator, and Fr. Tom Melady, MSSB religious education coordinator. But the Inter-Church Committee on Protestant Roman Catholic Relations, with no Catholic membership, published in 1970 "A New Separatism for Ontario," which opposed extension. OCSTA Archives.

⁸ "Excerpts from Premier Davis's Response to *Equal Opportunity for Continuous Education in Separate Schools*," in N.L. Bethune and R.T. Dixon, Historical Document H13A, *Completion...?* (Toronto: OECTA, 1975).

countered the OSSTA's non-graded argument. If Ontario's schools were truly organized in an individualized, non-graded, continuous-progress manner (which, with very few exceptions, they were not), then a separate school student could readily transfer to a public school at any time.

Davis's announcement did not surprise anyone. His cabinet consisted mainly of members who had supported Robarts' position against two public high school systems. Having eked out a bare win in his campaign for the leadership of the Conservative Party, this relatively young premier was not about to commit political suicide. Instead he conveyed an image of one who could make tough decisions. With this major task off his agenda, Davis could concentrate on his campaign for the election of 21 October 1971. Despite denials that separate school extension was an election issue, it remained prominently before the public. Repeated efforts on the part of the three provincial leaders – Davis, Nixon, and the NDP's Stephen Lewis – to disavow any intention of using the issue in their campaign kept extension in voters' minds. In addition, demonstrations by Catholic students in Belleville, Sault Ste. Marie, Smith Falls, St. Catharines, and other centres reinforced the public perception that the PC opposition to and Liberal/NDP support of the OSSTA's brief were significant for the voters' ballots. A PC official, Tom Campbell, was quoted as saying, "There were people on the Tory bus in 1971 who would joke about hiring Catholic kids to come over with their placards ... gaining them [Tory] sympathy."⁹

The results on election day gave the PCs seventy-eight of 117 seats. There were at least two other issues. First, Davis had stopped the extension of the Spadina Expressway; although this was principally a Toronto matter, the premier again conveyed the image of one who could make difficult decisions. Second, the New Democrats seemed to have a good chance of gaining a number of seats; the spectre of a socialist Ontario was raised. No in-depth study of the election was done to determine the effect of the completion issue. But Fraser Kelly in the *Toronto Telegram* wrote that "in riding after riding in the rural or semi-rural areas, Conservative seats were won, or pluralities increased on the separate school issue."¹⁰ Walter Pitman, running for the NDP, wrote about his loss in Peterborough where "the marketing research indicated that an election could be won, at least in part, by opposing the separate school system."¹¹ In any case, Davis's victory was decisive. He had a mandate to maintain the position that the separate school system stopped at the end of grade ten. Clearly, the political instincts of this

⁹ Quoted in Claire Hoy, *Bill Davis. A Biography* (Toronto: Methuen, 1985), 271.

¹⁰ Fraser Kelly, "Ads, jobs and separate schools aided Tory win," *Toronto Telegram*, 22 October 1971.

¹¹ Matthews records. Walter Pitman to Father Carl Matthews, SJ, 29 October 1971.

new young premier served him well when they persuaded him to say no to separate school extension.

Davis's refusal to extend separate schools could have sounded the death knell of Catholic secondary education in Ontario. Indeed that was the expectation of those persons and groups who for their own reasons were opposed to Catholic schools. Perhaps Davis and ministry of education officials held the same expectation. Certainly there was no encouragement from the ministry for separate school boards that decided to establish or expand grade-nine-and-ten programs. A few Catholic schools did succumb, but as events of the following decade and a half were to show, the government's attempts to limit their schools engendered in Catholic educational leaders a great amount of discussion, a renewed determination to achieve justice, and an array of creative ways to ensure that the demands of parents for Catholic education would not be denied. The actions discussed below of trustees and directors of education would not have been possible – in some cases not even considered – without the support or insistence of the Catholic public, especially parents.

When Davis rejected the OSSTA's brief, there were seventy Catholic secondary schools in Ontario, most of them providing grades nine to thirteen by means of the close cooperation of the separate school board for grades nine and ten and the Catholic private board for grades eleven to thirteen. Several stopped at grade ten.¹² These included six high schools that would merge into three. Inflation, teachers' salaries and, consequently, student tuitions were rising. What were the separate boards with grades nine and ten and the boards of governors with grades eleven to thirteen to do?

One option was to carry on in the face of the premier's "no." Almost all of the separate boards and dioceses with Catholic high schools in cities elected for this choice. Their spokespersons continued to argue for the kindergarten-to-grade-thirteen continuum, convinced that Davis's position was pedagogically illogical and that the provincial government would eventually complete the separate system. Because of the large size of the boards and the numerous Catholic high schools in the Archdiocese of Toronto and the Diocese of Hamilton, their Catholic leaders' beliefs and actions regarding the continuum argument were crucial for the survival of the extension issue. Archbishop Philip Pocock of Toronto and Bishop Joseph Ryan of Hamilton, the three Directors of Education – Toronto's B.E. Nelligan, Hamilton's Patrick Brennan, and Kitchener's John Sweeney

¹² Ontario Ministry of Education *Directory of Schools, 1970-71*. This figure does not include a few private Catholic high schools like Regina Mundi in London and Mount Mary Immaculate Academy in Ancaster which had no relationship, even for their grades nines and tens, with their local separate boards. A handful of high schools did not have sufficient numbers to offer grade thirteen.

– and Fr. Kenneth Burns, CSC, principal of Denis Morris in St. Catharines, provided forceful leadership throughout the 1970s and early 1980s. A second option, developed by the OSSTA’s research director, Fr. Raymond Durocher, was to concentrate on expansion of grades nine and ten and on securing from the ministry of education for those grades grants equal to those of the public school system. Considerable debate between advocates of the two courses of action took place.

In the fall of 1971, Dr. Nick Mancini, the OSSTA’s president, and other members of the executive, met with Premier Davis and his Minister of Education Robert Welch. There was no change from Davis’s statement of 31 August. In addition, the trustees were told that grades nine and ten might be equated with fourteen credits for grant purposes,¹³ and that, in Mancini’s words to his board of directors, “Any extreme increase in nine and ten enrolment would be closely watched and controlled.”¹⁴ In such an environment, Jim Sherlock, an the OSSTA director, attempted to discourage (unsuccessfully) the OECTA’s intentions to restart its campaign for funding to grade thirteen. In his opinion and in full agreement with Durocher, he stated that such a campaign would be too risky a political gamble and that prudence dictated a step-by-step, incremental approach beginning with equitable funding for grades nine and ten.¹⁵ Mancini concluded after his meeting with Davis that “No matter what happens grades nine and ten hold the key to our future developments.”¹⁶ (The OSSTA’s executive director Chris Asseff and Mancini both tellingly recalled in a 1999 interview that Davis suggested full high school grants for grades nine and ten as a final settlement but that Mancini declined to abandon seeking separate school completion.)¹⁷

The result of these discussions was the writing of a booklet entitled “Intermediate Separate Schools in Ontario. Sixty-eight Fundamental Questions,” distributed to all separate boards. It discussed staffing, curriculum, school organization, financing, and accommodation for an intermediate-division school. The careful phraseology reflected the two

¹³ High school students usually took four credits a semester, which equalled eight credits in a September to June calendar.

¹⁴ OCSTA Archives. Dr. N.A. Mancini, president, OSSTA, to directors of OSSTA, 25 November 1971.

¹⁵ Jim Sherlock, former Hamilton-Wentworth superintendent of business, former assistant executive-director of OSSTA, chair of Halton District Catholic School Board, telephone conversation with author, Burlington, 17 May 1999; and OCSTA Archives, OSSTA Executive Committee, 7 December 1973.

¹⁶ OCSTA Archives. OSSTA Executive Committee, 7 December 1973.

¹⁷ Chris Asseff, former executive director of OSSTA, telephone conversation with author, Richmond Hill, 18 June 1996; Dr. Nick Mancini, former president of OSSTA, former trustee on the Hamilton-Wentworth RCSS Board, telephone conversation with author, Hamilton, 17 May 1999.

schools of thought among separate school leaders. The term “the upper intermediate credit continuum” was used both to highlight the kindergarten-to-grade-thirteen continuum and to accept the inferior ministry funding of grades nine and ten in separate schools compared to that in public high schools.¹⁸

Meanwhile, meetings took place among the OSSTA, Premier Davis, and ministry of education staff to discuss funding for grades nine and ten. The problem was that separate boards received elementary school grants for these grades, while public boards got secondary school grants, which were considerably higher. Davis wondered if there could be a three-level system of grants: primary-junior (kindergarten to grade six), intermediate (grades seven to ten) and senior (grades eleven to thirteen). This idea carried the risk of reinforcing an upper limit for a separate school.¹⁹ Nothing came of it. The OSSTA continued to request annual grant increases for grades nine and ten. In the mid 1970s, the trustees convinced Davis to reverse his position and initiate a weighting factor of 1.1 (counting each student as one and one tenth students for grant purposes). During Thomas Wells’s tenure as minister of education, the factor went to 1.2. With Dr. Bette Stephenson as minister, starting in 1978, the annual increase in the factor was considerably reduced. Nevertheless, the gap between public and separate grants for grades nine and ten continued to narrow. The weighting factor assisted separate boards in a second way: as separate school enrolment rose, the revenue from local taxes, calculated on a per-pupil basis, dropped; consequently, the government grant rate increased. This seemed to encourage separate boards to initiate programs for grades nine and ten and eradicated any notion that Davis’s “no” in 1971 would result in separate schools ending at grade eight.

These activities on the part of the premier, the minister of education, and the separate school trustees transpired because private Catholic schools had closed in only nine communities, but in four of them the separate school board had kept operating grades nine and ten.²⁰ Hamilton, Toronto, and other places not only kept their Catholic high schools operating, but opened new ones. When Davis turned down the OSSTA’s “Equality” brief, Bishop Emmett Carter of London telephoned Archbishop Philip Pocock to ask his intentions. Pocock stated that he was going ahead with the opening of new high schools, possibly at the rate of one new one per year to meet

¹⁸ OCSTA Archives. OSSTA, "Intermediate Separate Schools in Ontario. Sixty-eight Fundamental Questions," n.d.

¹⁹ OCSTA Archives. OSSTA Executive Committee, 7 December 1973.

²⁰ These were in Barrie, Kirkland Lake, London, Niagara Falls, Smith Falls, St. Raphael’s, Summerstown near Cornwall, Thunder Bay, and Waterdown.

pent-up demand in Metropolitan Toronto.²¹ He believed that such expansion would ultimately convince Premier Davis not only that separate boards would not confine themselves to a grade-eight limit, but also that separate school completion was just and logical. In 1971 there were twenty-three separate boards cooperating closely with Catholic high school boards in the administration of fifty-seven Catholic high schools; these stayed open. Between 1971 and 1984 forty-one new ones were established: twenty-five offering grades nine to thirteen and sixteen offering grades nine and ten. In addition, enrolments in many of the pre-1971 high schools increased.²² These statistics would impress Davis and would be one of the factors causing him to change government policy with regard to the separate schools.

A number of cost-sharing methods were employed to enable Catholic schools to keep offering grades eleven to thirteen. A traditional and major cost-saving device was the salaries of religious teaching orders. Many of the urban separate schools would never have survived in the decades prior to the improved provincial grants after World War II without mainly female Orders teaching at extremely low salaries. Similarly, before the greatly increased 1964 provincial grants for grades nine and ten of separate boards accruing from the Ontario Foundation Tax Plan, Catholic high schools would either have closed or have raised tuition to an amount untenable for many families if the Religious had not been supporting them. Even as the great number of vocations to the religious life decreased and separate boards moved more and more into grades nine and ten in the 1960s and 1970s, priests and sisters continued to contribute significantly to the private school budget by turning over a large part of their salaries to the private Catholic high schools and by supplying principals and teachers at little or no cost. The Religious managed to keep even relatively small high schools open, such as, St. Joseph's High School in St. Thomas run by the Sisters of St. Joseph's and O'Gorman High School in Timmins run by the Grey Nuns. At St. Joseph's in Renfrew a few retired Sisters of St. Joseph, who were qualified teachers, offered their services as volunteers conducting grade thirteen courses. However, vocations to the religious life had begun declining in the 1960s; this source of cost-saving was greatly diminished by the 1970s.

A second important source of revenue was student tuition. Tuition kept rising because of inflation and increases in the number of lay teachers and their salaries, and thus became an impediment for some prospective

²¹ Archbishop Leonard Wall, telephone conversation with author, Winnipeg, 10 August 1999.

²² Annually Fr. Patrick Fogarty, executive director of the English Catholic Education Association of Ontario, reported statistics on Ontario's Catholic high schools. Archives of the Catholic Education Foundation of Ontario.

students. Based on a survey of seventy-five schools in 1983-84, the average fee was \$724. In Metropolitan Toronto this was a particularly vexatious problem because of the variation in tuition among its schools. In some cases it went as high as \$1,200 a year. This was approaching an upper limit.

In the dioceses where they were invoked, parish assessments helped greatly. For example, in Brant County the revenues amounted to twenty-two per cent of Sunday collections. Bishop Carter of the London Diocese saw parish assessment for St. Anne's High School in Tecumseh rise to forty per cent.

Lotteries, raffles, and fund-raising campaigns were a common feature of the times. These helped balance the budgets of private schools in many communities. The Archdiocese of Kingston raised \$700,000 for Notre Dame/Regiopolis. In Waterloo County, the Catholic private board launched a campaign that generated \$2.2 million in 1979. In Hastings Prince Edward County, the private board raised \$100,000 annually by selling tickets at \$100 each for substantial prizes. In Tecumseh, the St. Anne's High School Parents' Club and Booster Club, with bingo and Las Vegas nights, garage sales, and walkathons, raised enough money to build a sixteen-room addition at a cost of \$1.5 million. In summary, more than \$19,000,000 was raised to finance deficits in seventy-five Catholic high schools.²³

Despite the monies from the Religious, tuition, parish assessments, and fund raising, the Catholic high schools would not have survived without the ministry of education grants and the local tax revenues for grades nine and ten. Staffing was the major expense, consisting of about eighty per cent of the budget for grades nine and ten. In this area OECTA members were very helpful to the private section of the high schools. By the 1970s most, if not all, of the teachers in Catholic high schools had contracts with the separate school board which assigned them to three periods of teaching in a four-period day. The fourth non-teaching period allowed time for the teacher to plan lessons, evaluate students' assignments, and meet with parents and individual students. In most Catholic high schools the teachers donated their non-teaching time to the private school by teaching all four periods. At a cost of time and energy, they carried out their other professional tasks before and after school hours. OECTA members made a second sacrifice to assist both the separate school boards and the Catholic boards: they usually did not seek wage parity with the public high school teachers. Also, since the private school was either in the same or an adjoining building in relation to the separate board's students in grades nine and ten, the private-school students benefitted from the availability of the principal, the vice-principal, the librarian, and the guidance staff. Separate school boards also made available resource materials such as library books and

²³ Fr. Fogarty's statistics.

audio-visual equipment. When they were not in use by the students enrolled in intermediate-division credits (previously designated as grades nine and ten credits), these materials were accessible to the students taking senior-division credits (previously designated as credits in grades eleven to thirteen).

Accommodation was always a problem – there was never enough of it; it was expensive to provide, and it could not meet the standards of instructional space in the public high schools. But there were some creative methods applied to the problem. Often the diocese or religious Order owned the high school building and property. In these cases the separate board would rent classrooms, the library, and the gymnasium for its grades nine and ten, and offices and parking space for its staff and students. Where more space was needed, the separate board, able to report its enrolment, would get approval and funding from the ministry of education to build classrooms. Although they were very much the worse for wear, portables judged as redundant by the ministry of education and vacated by the MSSB provided some accommodation for the private high schools in Metropolitan Toronto. The Hastings Prince Edward County RCSS Board came up with the novel idea of selling air rights to the private board so that in 1973 it could build five classrooms for its students in grades eleven to thirteen on top of the one-storey part of the separate school housing the students in grades nine and ten; this was a considerable capital cost saving for the private board.

Then there was the expense of transporting the private-school students to school. There was often space on separate school buses to permit the students in grades eleven to thirteen to get transportation to their high school. In a few exceptional cases, such as Peterborough, the public board permitted the Catholic high school students to ride on their buses and even dropped them off at their high school. The trustees' rationale was that their parents were paying public school taxes at the secondary school level. Furthermore, the public school board believed that it was cheaper to transport these students than to educate them.

Finally, the ministry of education's new program for high schools assisted the financing of the private component of the Catholic high school with regard to determining cost sharing between the separate and private school boards. In 1971 the ministry replaced the grade structure with the credit system. Under the grade structure the separate board was responsible for the students in grades nine and ten. In other words, the board financed two of the five grades or roughly forty per cent of the total budget for the high school – roughly because the enrolment in grade thirteen was usually smaller than that in the other grades. Under the credit system, the ministry of education defined a separate school student as one who had completed fewer than nine credits at the end of September. This meant that in most cases a separate school student completed sixteen credits before becoming

a private-school student. A graduation diploma required twenty-seven credits, an honour graduation diploma six more. Thus, depending on how many students went beyond the regular graduation diploma and how many students took more than the minimum twenty-seven credits, the separate board's share of the total high school budget worked out to between forty-eight per cent (sixteen over thirty-three credits) and fifty-nine per cent (sixteen over twenty-seven credits), a significantly higher percentage.

All of these methods reflected the determination of the separate school community to maintain and expand their Catholic high schools. The OSSTA, encouraged by weighting factors for grades nine and ten, began submitting numerous briefs in the late 1970s and early 1980s in which it urged secondary school grants for separate school students in grades nine and ten. The OECTA never really stopped its campaign for a kindergarten-to-grade-thirteen separate school system. Both associations were encouraged by three provincial reports which reacted positively to briefs from English and French Catholic education associations and recommended improved treatment of Catholic high schools.

The *Report of the Ottawa-Carleton Review Commission* (1977) of Dr. Henry B. Mayo flatly recommended extension of separate schools on the grounds that "if a thing is right, it should be done, and the tradition should be broken (when prudential judgment allows, as St. Thomas Aquinas might say.)"²⁴ He bolstered this position by suggesting that extension would recognize parental rights, would provide for a desirable diversity in Ontario's schools, and would appreciate the importance of religious rights. Mayo also compared the separation of Church and State in the American Constitution to the preferable protection of dissentient and separate schools in the Canadian Constitution. In Mayo's belief a "more enlightened" public and Ontario government were prepared to extend separate schools.²⁵

The Jackson Commission on Declining Enrolment (1978) also offered some encouragement to the advocates of extension. Dr. R.W.B. Jackson wrote in his Report that the Catholic high school question needed re-examination.²⁶

A third study group established by the minister of education had two recommendations which, if implemented, would have greatly assisted Catholic high schools. The Secondary Education Review Project (1981) proposed that grade thirteen be eliminated so that Ontario's high schools

²⁴ Dr. Henry B. Mayo, *Report of the Ottawa-Carleton Review Commission* (Toronto: Queen's Printer, 1977), 127-28.

²⁵ *Ibid.*, 128-29.

²⁶ Matthews records. Dr. R.W.B. Jackson, former commissioner and author of *Implications of Declining Enrolment for the Schools of Ontario* (Toronto: Queen's Printer, 1978) to Rev. Carl J. Matthews, SJ, March 1979.

would be congruent with those in the rest of Canada. This would have reduced the private school years by one-third, a considerable savings for Catholic private boards. Second, the study group recommended that students in grades nine and ten in separate schools be defined as secondary school students for all purposes, including funding.²⁷ This not only would have closed the gap between per-pupil weighting factor grants and high school grants, but also would have recognized a separate school as both an elementary and secondary school.

In 1982, prompted by the Secondary Education Review Project's Report, the OSSTA's board of directors had Durocher prepare a position paper on the funding of Catholic high schools, which would become a brief to the provincial government. Chris Asseff, the OSSTA's executive director, and Durocher met with Cardinal Emmett Carter, Archbishop of Toronto since 1978, on 12 January to go over a draft with him. He asked that a reference to separate school extension be incorporated into the brief. It was then presented to the OSSTA's board of directors. Entitled "The Status of Secondary Education under Separate School Jurisdiction, a Position Paper," it recommended: first, the establishment of Roman Catholic boards of education with elementary and secondary (grades nine and ten) panels; second, secondary school grants for grades nine and ten; and, third, a subsidy or partial funding for private Catholic high schools (grades eleven to thirteen). The paper re-opened the debate that had taken place during the development of the OSSTA's 1972 booklet "Intermediate Separate Schools in Ontario." On the one hand, the Ontario Catholic Supervisory Officers' Association supported the effort to improve weighting factors for grades nine and ten; the Association believed, that it was easier to go after high school grants for the two grades than to seek extension, that the provincial government would be unlikely to make a quantum leap granting extension, that it would likely perceive the grades-nine-and-ten issue as a just cause, and that the extension goal could be pursued at a later stage. This position was totally congruent with the OSSTA's.

On the other hand, Rev. Fr. Carl Matthews, SJ, a long-time vocal advocate of separate school completion and expert in separate school funding since his involvement with the Ontario Foundation Tax Plan, resigned from the OSSTA's board of directors over the issue that the paper did not go all out for extension. He and B.E. Nelligan, the director of the

²⁷ Secondary Education Review Project, *Report*, 30 October 1981, 15-17, 76-77. The presence of Mrs. Mary Amyotte, board of directors, OSSTA; Margaret Dowdall, trustee, Sudbury District RCSS Board; William McRae, director of education for the Windsor RCSS Board; and Frank Clifford, director of education for the Waterloo County RCSS Board on the steering and reactions committees helped bring about the recommendation regarding grades nine and ten.

MSSB, believed that the idea of a secondary panel for grades nine and ten and a subsidy for grades eleven to thirteen reinforced the government's cut-off at grade ten and contradicted the continuous education from kindergarten to grade thirteen argument, which had been presented in the OSSTA's 1969 "Equality" Brief. In February 1982, the OSSTA brief, unmodified except for Carter's suggestion, was presented to Davis by Mary O'Connor, the OSSTA's president. Davis's reaction was to state that he had increased the weighting factor for grades nine and ten. The OSSTA retired to await his action, if any.²⁸ Two years later the Ontario Conference of Catholic Bishops (OCCB) presented a statement to him in support of the trustees' Brief "as a first step to the solution of this increasingly urgent problem."²⁹

The OECTA divorced itself totally from the OSSTA's efforts to secure high school grants for the two grades. It was intent on launching a second campaign for separate school completion. Durocher strongly disagreed with the OECTA's campaign. In a memorandum to the OSSTA's executive, he wrote: "The orientation which concentrates on 'completion' of Grades nine and ten as the most immediate step in the development of our system is challenged by high profile pressure on Government to solve the financial problems of Catholic high schools. As a result politicians who are aware of our present focus . . . are confused."³⁰ One of the OECTA's strategies stirred up some controversy, but according to its board of directors, did cause Davis and his cabinet to do some rethinking. The strategy received its initial impetus at a 1981 convention in Chatham, hosted by the Ursuline Order teaching at "The Pines" Catholic high school. One of the sisters in the audience asked why Catholic high school students were not being encouraged to rally regularly at Queen's Park. In response to her question, the OECTA endorsed a campaign, and financed a plan whereby each of the province's Catholic high schools sent students for one day to the parliament buildings. However, Cardinal Carter and the bishops in the Hamilton and

²⁸ OCSTA Archives. OSSTA, "The Status of Secondary Education under Separate School Jurisdiction, a Position Paper," 16 January 1982, and "Report of the OCSOA Completion Committee to the OSSTA Board of Directors," 23 September 1983; Rev. Fr. Carl Matthews, S.J., former chair of MSSB and member of the OCSTA board of directors, latterly editor of the *Catholic Register*, interview, Toronto, 25 October 1997; Mary O'Connor, former president of OSSTA, telephone conversation with author, Kirkland Lake, 20 May 1999; Nelligan papers. Memorandum to B.E. Nelligan from R.C. Fobert, assistant director of education, secondary schools, Re Comments Re Brief to the Premier and Provincial Government by the OSSTA, 12 March 1982.

²⁹ Quoted in Franklin Walker, *Catholic Education and Politics in Ontario*, (Toronto: Catholic Education Foundation of Ontario, 1986), 3:375.

³⁰ OCSTA Archives. Memorandum to *ad-hoc* Committee re Implementation of Secondary Status and Advisory Sub-Committee on Curriculum and Program Planning and to OSSTA Executive Committee, Re Staff Report re Implementation, 29 December 1982.

London dioceses believed the plan was imprudent, and the high school students in their jurisdictions did not participate. In total about twenty high schools sent students to Queen's Park between 21 April and 28 May in 1981. Each group met with its local MPP and stood with placards in front of the parliament buildings while the members of parliament were going to and from lunch. Pictures then went to the local newspapers. The plan worked well enough to create the impression in Dr. Stephenson's mind that the students were at Queen's Park all the time. The following year the "Equality Express" expanded its operation to other centres where the students presented the case for completion.

In 1984 the OECTA met with and received a favourable response from the two opposition leaders in the Ontario legislature, David Peterson and Bob Rae. Shortly thereafter there was an interchange in the House on why Catholic high schools were not being funded. That same year the NDP reaffirmed its support for separate school extension in its *Report of the Task Force on Educational Policy*. Also that year the OECTA intensified its campaign. A twenty-four-part action plan was developed which involved the media, politicians, pastors, parents, municipal councils, the Knights of Columbus, the Catholic Women's League, and other groups. Each of the OECTA's units throughout the province appointed a completion coordinator to implement the action plan locally. As well, the OECTA responded positively to a request for funds from the Ontario Students' Association for Fair Funding (OSAFF), which was preparing a court case to argue the constitutional right of separate school boards to operate high schools with grants and taxes – in other words, to replay the *Tiny Township Case* of the 1920s.³¹

The OSAFF also secured the moral and financial support of Archbishops Emmett Carter of Toronto and Joseph-Aurèle Plourde of Ottawa. When the OSAFF decided to go to court, Plourde gave the students \$5,000 so that they could hire Joseph Magnet, a constitutional law professor at the University of Ottawa, to research the possibilities for court action. Plourde spent another \$9,000 in February 1984 to conduct a poll on separate school extension. The result was sixty-nine per cent in support. The OECTA promised \$10,000 on an as-needed basis. To garner more support for the students, it called a meeting of the presidents of all the Catholic provincial educational organizations in December 1983. Although many at the meeting decided taking the provincial government to court was too risky an undertaking, the OECTA maintained its support of the OSAFF. As well, a number of separate school boards and principals' associations joined their students' councils in sending money. Cathy Guntzel of the parents' communications committee of Carleton County raised \$13,000 in two weeks. Bishop Francis Reding of Hamilton ran an advertisement in the

³¹ Dixon, *Be a teacher*, 381-86.

Hamilton Spectator appealing for money for the OSAFF's contemplated court action. But there were fears. An internal memorandum at the OSSTA quoted *Catholic Register* reporter Mark Terry's description of the OSAFF's meeting with Premier Davis as "unmannerly and embarrassing. . . This doesn't help us obtain larger weighting factors or grants."³²

The OSAFF managed to get two visits with the premier, one before its decision to take their case to court and one after. At the first meeting, Davis expressed his admiration for the students' commitment, suggested they get involved with the secondary education review project he had established, and counselled them to reflect that they were young and could take their time. At the second meeting with Davis and members of his staff, Rick Chiarelli, the OSAFF's founder and president, told them that there would be a court case and that the government would look bad. John Tory, one of the premier's principal secretaries, annoyed at such presumption and bluntness, asserted that the OSAFF was hurting the separate school cause and reminded Chiarelli that the Davis administration had given separate school boards more funding than ever before. Nevertheless, the OSAFF continued its preparations for a court challenge. Professor Magnet's research showed that separate boards were not receiving certain types of tax revenues and that this fact could be a lever to get the extension issue into court. The OSAFF's lawyer, Alan Dubuc, estimated a cost of \$40,000 to get the case to court and more money to win. The OSAFF then went after a second lawyer, Ian Scott, to work with Dubuc. Scott, who was to become the attorney general in Peterson's cabinet, told the students that he would be delighted to represent them and that they could pay him whatever they could afford from their fundraising. He was a singularly appropriate person for the task. As the great-grandson of Sir Richard W. Scott, the architect of the *Scott Act* of 1863, he had often heard his father, also a lawyer, talk about how the judges in the *Tiny Township Case* had erred.³³ Ian Scott was convinced he could win the case for the OSAFF, and, in the end, his convictions carried the day in the Supreme Court of Canada case ruling on the constitutionality of *Bill 30*, the provincial legislation which extended the separate school system.

Meanwhile, Chiarelli, by then a grade thirteen student, successfully ran for trustee on the Carleton County Separate School Board on a platform of completion of the separate school system. Scott advised him that the board should become a co-plaintiff with the OSAFF in order to eliminate the

³² OCSTA Archives. Memorandum to ad-hoc Committee re Implementation of secondary school implementation, "Staff Report re Implementation."

³³ Also, Ian Scott's grandfather, W.L. Scott, a lawyer from Ottawa, was one of the chief architects of the Catholic Taxpayers' Association, the provincial lobby during the 1930s for equality of separate school funding through access to corporation taxes.

possibility of the provincial government challenging the OSAFF's standing as holders of separate school constitutional rights. It took a while to convince the trustees to be a co-plaintiff, especially since the OSSTA was urging them not to get involved. Scott met with Dr. Bill Crossan, the director of education; he explained to him that the case was going ahead and that the board had the power to have the case advance more strongly. In June 1983, the board advised Scott that the trustees would work with the OSAFF.

The statement of claim of the OSAFF and the Carleton County RCSS Board was submitted in York, but then withdrawn and filed later in L'Orignal in order to have the filing coincide with the visit of Pope John Paul II, who was to be in Ontario from 9 to 24 September. The students warned that the provincial government's response, if negative, would be used to embarrass Premier Davis during the Pope's visit. The government twice postponed the date for filing its statement of defence; Scott found this significant. On 12 June 1984, a few days after Attorney General Roy McMurtry submitted his statement of defence, Premier Davis, to the total surprise of most of the people, announced that the government would be extending the separate system to the end of high school.³⁴ He would not be seen in the House again. On 14 October he resigned as premier and party leader. On election day, 1 May 1985, Frank Miller, Davis's replacement, led his party to a minority result – fifty-two seats for the PCs, forty-eight for the Liberals, and twenty-five to the New Democratic Party. On 28 May the New Democrats signed a two-year accord with the Liberals; on 18 June the PC government lost a vote of confidence; David Peterson became premier. Political pundits at the time saw a close connection between Davis's announcement on the one hand and his retirement and the election results on the other hand.

However the matter was not laid to rest with Davis's retirement from politics. His decision to extend the separate school system stayed on the front burner with the media and in educational and political circles for some time, kept alive by a court challenge which proceeded all the way to the Supreme Court of Canada (whose judgment would unanimously affirm a separate school board's constitutional right to operate with full funding to the end of high school). As well, the government's standing committee

³⁴ Carleton County RCSS Board minutes; Robert Matas, "Students pushed Davis on RC schools," *Globe and Mail*, 16 February 1985; OCSTA Archivs, Report of the OCSOA Completion Committee to the Board of Directors, 23 September 1983; Rick Chiarelli, former president of OSAFF, former trustee, Carleton County RCSS Board, telephone conversation with author, Nepean, 27 June 1999; Fr. Leonard Lunney, CSB, former principal, St. Pius X High School, telephone conversation with author, Ottawa, 15 June 1999; Ian Scott, former attorney general of Ontario, interview, Toronto, 19 November 1993.

on social development conducted hearings for several months in order to get input from interested parties on what shape the separate school legislation should take. It appeared that the decision to extend the separate school system had been the premier's and his alone. After all, two key people – Dr. Bette Stephenson, his minister of education, and Dr. E.E. Stewart, his deputy minister of the office of the premier and secretary of the cabinet, and former deputy minister of education – privately opposed his decision and remained convinced to the present that it was mistaken.³⁵ In September 1985, about a year after his historic announcement, invited by the standing committee to present his reasons for extending the separate school system, Davis said the following: “If somebody wants to say . . . I changed my mind, he is right. I am not here to apologize for that. I am not here . . . to explain it, except to say very simply that I was the head of government. I had responsibility for close to nine million people, many of them young people, with systems that had their roots in history and tradition. As the head of government, I felt the time had come to make a move in this difficult and sensitive area.”³⁶ His release to the Press gave seven reasons for his change of mind:

- the absence of provincial grants and of the power to tax for the support of separate schools beyond grade ten was, in the minds of Roman Catholics, “arbitrary and inequitable”;
- separate school completion would strengthen the social fabric of Ontario;
- this new education policy would honour the Confederation contract of 1867;
- a basic education in 1867 consisted of graduation from elementary school; a basic education in 1984 meant attaining a secondary school diploma;
- times had changed: in 1971 completion would have involved building many new high schools; in 1984 there was abundant excess classroom space;
- completion would not cripple the viability of the public high school system; one third of Ontario's pupils were in separate schools, yet the public elementary school system was still viable;

³⁵ Dr. E.E. Stewart, former deputy minister of education, former deputy minister of the office of the premier, interview, Toronto, 13 October 1999; Dr. Bette Stephenson, former minister of education, telephone conversation with author, 23 February 2000.

³⁶ “William Davis's presentation to the standing committee on social development,” standing committee on social development, *Debates*, 20 September 1985.

- “the letter of the old law cannot substitute for common sense.”³⁷

The premier concluded by quoting Sir John A. Macdonald who just before Confederation stated, “We can afford to be just [to separate school supporters]; we can afford to be generous because we are strong.”³⁸

Considerable discussion about the reasons for Davis’s change of mind took place in the media, in books, among the provincial and local education bodies, among church leaders, and in the general public. Some critics pointed to the increased number of Catholic voters motivating Davis to garner votes for the next provincial election. Claire Hoy, for example, in his biography of Davis, cited Dr. Bette Stephenson’s belief that demography had a great deal to do with the decision, since close to 500,000 children were in separate schools. Hoy, in addition, alluded to Pope John Paul’s imminent visit to Canada as a motivating factor.³⁹ Hoy’s most controversial statement was that Davis’s friendship with Cardinal Carter was the determining factor. In the *Toronto Sun* Hoy wrote that Cardinal Carter had made threats to Davis to force the issue of completion; the *Globe and Mail* repeated the statement. Carter was so incensed about what he held was an untrue allegation that he considered suing Hoy. He rejected any further action to avoid dragging out the matter in the media and further embarrassing himself and Davis. The premier also denied that Carter had put any pressure on him to grant completion.⁴⁰

As for other motives ascribed to him by Hoy and other commentators of his decision, Davis said to the standing committee on social development, “I read a lot about it [my motivation]; they do not know what they are writing. ... There comes a time in the life of anyone ... when something has been bothering him for a period of time and he says to himself, ‘I have to deal with it.’”⁴¹ Steve Paikin in his 2001 book quoted two of Davis’s associates expressing a similar thought. Hugh Segal, a long-time friend and advisor, told Paikin, “I think he always felt a little guilty over the ‘71

³⁷ Ontario Government: “Notes for a Statement by the Honourable William G. Davis, Premier of Ontario, on Education Policy to the Legislative Assembly of Ontario,” 12 June 1984.

³⁸ Quoted in “Statement by Davis.”

³⁹ Hoy, *Bill Davis, A Biography*, 265, 275. See also, Donald C. MacDonald, *The Happy Warrior, Political Memoirs* (Markham: Fitzhenry and Whiteside, 1988), 261, where MacDonald, the former leader of Ontario’s New Democrats, wrote that demography played a role in Davis’s decision, but added that the per-pupil grants for grades nine and ten in separate schools were ninety per cent of those for the students in public high schools; completion was just another step in the progression towards equality for the separate school system.

⁴⁰ His Eminence G. Emmett Cardinal Carter, archbishop emeritus, interview, Toronto, 10 September 1996; William Davis, former premier of Ontario, interview, Toronto, 7 January 2000.

⁴¹ “Davis’s presentation.”

election victory being on the backs of the separate school issue.”⁴² Senator Norman Atkins, Davis’s advertising campaign manager in that election, said to Paikin, “There was something about his success in that campaign that bothered him, something he wanted to correct.”⁴³

During the one-and-a-half hour meeting with the standing committee, Davis elaborated on the points he had made in his historic announcement and advanced additional arguments to explain his motives. Primarily, for him, it was a matter of conscience, equity, and logic. He told an anecdote about students from Cardinal M. Leger, a Catholic high school close to his home in Brampton. They used to stop and talk to him while he was cutting the lawn. Once they asked him why they had to pay tuition after grade ten. He explained to the committee: “It is hard to explain the logic to youngsters, . . . that when they left on June 18, having successfully completed grade ten, . . . something had happened between June 18 and September 5 . . . whereby they then had to start to pay fees. It was hard to explain the logic or the fairness of this, because we have encouraged children to stay in the same educational environment.”⁴⁴ He believed in what he had said in 1971 – that it was desirable for all adolescents to be educated in one secondary school system, a view held by Egerton Ryerson and, since his time, by many of Ontario’s citizens. But the fact remained, he explained to the standing committee, that, regardless of his personal convictions, a significant and expanding part of the province’s student population would continue to be in Catholic high schools and would continue to suffer from fiscal inequity.

Davis gave the standing committee a brief history lesson to demonstrate the “inevitability” of completion of the separate system. He made clear that one could not understand the issue without knowing its history. He asked the committee whether the matter would still be in debate if there had been twelve or thirteen grades in the separate schools of 1867? He then highlighted three steps the provincial government had taken, among many others since 1867, to advance the separate system towards equality with the public school system. The first was the establishment of the Foundation Tax Plan in 1963, which dramatically improved government grants for separate schools, including for grades nine and ten, and initiated grants to compensate for the inability of separate boards to tax most corporations. At the time, Davis said, he made a note to himself that this dramatic strengthening of the separate school system would “probably . . . [and] ultimately lead to the inevitability of extension.”⁴⁵ The next step in

⁴² Quoted in Steve Paikin, *The Life. The Seductive Call of Politics* (Toronto: Penguin Viking, 2001), 49.

⁴³ Ibid.

⁴⁴ Davis’s presentation.

⁴⁵ Ibid.

the evolution towards equality was the replacement of thousands of small local public and separate school boards with county and district school boards in 1969. With this legislation the provincial government “knowingly” increased the strength of separate boards, which became large enough to have a new and solid administrative and economic base. Third, in the 1970s the ministry of education grants for grades nine and ten in separate schools kept increasing to the point where on a per-pupil basis they were ninety per cent of public high school grants. Dr. Stephenson, referring to this evolution, stated in a speech to chief executive officers of school boards that “It was not a new policy; but was the latest in a long series of incremental developments and has a long history. . . . People who were surprised by this announcement could not have been really aware of what was happening in education.”⁴⁶

Davis gave the standing committee three other reasons for his decision. First, funding was not an issue. The first year of completion, he estimated, would cost one per cent of the total budget for education. Sean Conway, Peterson’s minister of education, who was present for Davis’s presentation, agreed with the figure. Second, Davis added, the secondary education review project in 1981 had recommended the elimination of grade thirteen. If implemented, this recommendation would both reduce the cost of completion and heighten the illogic of not funding the last two of what would be fourteen years in the system (junior kindergarten to grade twelve). Third, Davis was impressed by the fact that the position of the Catholic bishops and of the opposition parties had not changed since 1971; all remained in favour of completion. He had expected unanimity and no debate in the legislature when he would announce the government’s intention to complete the separate system. His assumption would prove correct.

Dr. Stewart added one more argument. In a non-graded credit system operating in all high schools since 1971, how could one determine exactly where separate school grants should cease? Dr. Stewart found ingenious the way the leaders in the separate and private sectors of the Catholic high schools put all the students in the same building and shared costs. This compounded the difficulty of determining precisely what the grants for the separate school students should have been.⁴⁷

There were also personal reasons which between 1971 and 1984 brought about a change of heart and mind in Davis. According to Cardinal Carter, he and his predecessor Archbishop Pocock of Toronto, Bishop Reding of Hamilton, and Bishop Alexander Carter of Sault Ste. Marie,

⁴⁶ Quoted in a “Memorandum to Trustees, Administrators, Principals, from Director of Education Dr. John Flynn re CEO conference talk by Dr. Bette Stephenson, 11 February 1985.”

⁴⁷ Stewart, interview.

among other prelates, “worked on Davis socially at dinners over a long period, exercising friendly persuasion and describing the hardship and injustice students in Catholic high schools were suffering. They played on his sense of fairness, gradually breaking down his defences.”⁴⁸ In a 1999 interview, Davis affirmed his great respect for Cardinal Carter and agreed with the assessment of Bishop James Doyle of Peterborough, who described the premier’s friendship with Archbishop Pocock as “profound.” Doyle sensed that Davis always appreciated the archbishop’s reluctant but gracious acceptance of the 1971 refusal to complete the separate system. After retiring, Pocock lived in St. Mary’s parish in Brampton, which coincidentally was near Davis’s home. The archbishop was often a visitor at the house. At the invitation of Carter, Davis read the Epistle at Pocock’s funeral mass.⁴⁹ A second personal reason which must have affected Davis’s determination was the fact that some of his grandchildren were separate school pupils.

It would likely be impossible for Davis to weigh each of the many influences swaying his position on completion between 1971 and 1984. When Dr. Stewart in 1986 visited his friend Ken Regan, the former director of education for the London and Middlesex County RCSS Board, he told him that, when Robarts and Davis refused full funding, they knew that they would not be able to adhere to that decision; the expanding separate system and the growing Catholic population of Ontario would eventually obligate completion.⁵⁰ In his presentation to the standing committee, Davis allowed that his 1971 decision “was probably the most difficult one ever made in my political life. ... I believed in what I was saying at the time, but I have to say I was never totally comfortable with the position I had taken.”⁵¹ Bishop Doyle, in a 1999 interview, interpreted this discomfort as the positive affect of God’s grace on Davis.⁵²

Another area of speculation among pundits was the timing of Davis’s announcement and the alleged secrecy around preparations for it. Certainly legislative and other implications for a revolutionary shift in government policy required time for study and consultation. As Doyle stated, “Anyone who believed that Premier Davis acted quickly or on impulse with this or any other matter did not know him very well.”⁵³ When the standing

⁴⁸ Carter, interview.

⁴⁹ Bishop James Doyle, interview, Peterborough, 24 October 1999; Most Rev. Leonard J. Wall, archbishop of Winnipeg, telephone conversation with author, Winnipeg, 28 July 1999.

⁵⁰ Ken Regan, former director of education, London Middlesex RCSS Board, telephone conversation with author, London, 5 March 1999.

⁵¹ “Davis’s presentation.”

⁵² Doyle, interview.

⁵³ Ibid.

committee in 1985 asked Davis if in retrospect he would have done anything differently, he replied:

Can you imagine me getting up in the House and saying, “Mr. Speaker, I am in the process of reassessing and reconsidering the government’s position on extension of the separate school system. I am going to present a paper that points out the pluses and minuses. It will be debated for six months, after which, as a result of those deliberations, I will make a recommendation to cabinet and to caucus.”? The result of that would be totally predictable. I would be in no better position as a result of that debate, because opinions would be divided. . . . Some of the rhetoric would have been regrettable, and the confusion it potentially could have created would not have been appropriate.⁵⁴

According to Stewart, the premier had made up his mind after the 1981 provincial election. Dr. Harry Fisher, deputy minister of education during Davis’s time as premier, recalled that Davis had asked Stephenson and Fisher to remain for a few minutes after a meeting which had taken place several months before June 1984. With just the three of them in the room, Davis said, “I think I want to do it.” The completion issue had been on the table so many times over the years that Fisher knew exactly what “it” was. Fisher and his staff began working on the process which was to culminate in the Bill 30 legislation.⁵⁵

For Davis it was essential to arrive at certain agreements with the Catholic bishops of the province before completion could be announced. Davis contacted the OCCB and requested a meeting. Bishops James Doyle of the Peterborough diocese and Eugène LaRocque of the Alexandria-Cornwall diocese, the co-chairs of the OCCB’s education committee, and Msgr. Kenneth Robitaille, the OCCB’s education officer, met with him and John Tory, in the Ranch Room of the Park Plaza Hotel, Toronto, in the late winter of 1983-84. There Davis talked about the possibility of separate school completion, subject to certain conditions. After the meeting the three prelates went downstairs to the coffee room. Astonished and dazed, they asked each other if they had understood the premier correctly. Was he really going to fund Catholic high schools? There would be a second meeting on 30 April 1984, at the Park Plaza to iron out the details. As resource people Fisher and Stewart joined the group of five. Bishop Thomas Fulton of St. Catharines diocese, as president of the OCCB, also attended this meeting. It was agreed that, if word leaked out about the meetings, the explanation would be that the discussions were about improved grants for grades nine and ten. Between the two meetings ministry of education people, in consultation with the OCCB, developed

⁵⁴ “Davis’s presentation.”

⁵⁵ Dr. Harry Fisher, former deputy minister of education, telephone conversation with author, London, 24 February 2000.

details for the legislation. At this point Robitaille called on Durocher for assistance. He had been research director for OSSTA, and in the early 1980s had joined the OCCB as its education officer. In these positions he had earned from the ministry of education great respect for his legal analytical mind and his knowledge of the history of educational legislation.⁵⁶

During this planning period Thomas Wells, the minister of intergovernmental affairs, asked for some ideas from Rolly Fobert, his former administrative assistant when Wells was minister of education. Fobert, as deputy director of education, secondary schools, the MSSB, was a logical choice for this task. But he had no idea what was in the wind. Wells had simply painted a “what-if” scenario. In December 1983, Fobert wrote to him with a number of suggestions “relative to the introduction of a complete ‘Roman Catholic school system.’”⁵⁷ A number of them, in one form or another, became part of Bill 30.

The Park Plaza meetings ended with four agreements. Davis informed the participants that there was no question of establishing a Catholic faculty of education. Second, the premier required that all high school buildings owned by the dioceses would be transferred at no cost to the separate boards; the bishops had been on record for some time with an offer to do exactly that. Finally, there was to be protection for teachers in the public high schools whose positions might be at risk because of their students transferring to the Catholic high schools; in other words, the coterminous separate boards were to hire teachers rendered surplus and were to extend this protection whether they were Catholic or not. Davis also asked the bishops to encourage the separate boards to admit non-Catholic students who wished to attend a Catholic high school. The bishops agreed to all four conditions.

Davis’s announcement on 12 June of the three commissions to be established offered evidence of the careful anticipatory planning that had taken place during the Park Plaza meetings and at the ministry of education. If someone were to ask what about funding for the Jewish and Protestant private schools, the answer would be that Dr. Bernard Shapiro’s commission on the private schools of Ontario was studying the question and preparing recommendations. If anyone wondered what the funding would

⁵⁶ Doyle, interview; Msgr. Kenneth Robitaille, former OCCB education officer, interview, Etobicoke, 8 March 2000; William Davis, former premier of Ontario, interview, Toronto, 7 January 2000; Fisher, telephone conversation with author; Stewart, interview; Bishop Thomas Fulton, telephone conversation with author, St. Catharines, 9 March 2000.

⁵⁷ CEFO Archives. R.C. Fobert, Assistant Director of Education, Secondary Schools, MSSB, to the Honourable Thomas L. Wells, Minister of Intergovernmental Affairs, 21 December 1983; Fobert, interview, Cornwall, 15 August 1997.

be for separate boards moving into secondary education and for public boards losing students and school buildings, one could expect the answers eventually from Dr. Ian Macdonald's commission on the financing of elementary and secondary education in Ontario. Finally, anyone questioning, for example, the intention of a separate board to open up a high school in a community or to negotiate with the coterminous public school board a transfer of a public high school to the separate school board would be referred to the commission for the planning and implementation of funding for Catholic secondary schools in Ontario.

Despite the number of people present at the Park Plaza meetings and involved in the preparation of the new policy, Davis's June announcement took most observers by surprise. One of the strategies employed to preserve confidentiality was the speed with which the preparations for the June announcement were carried out. Robitaille, for example, found the whole process over the winter and spring of 1983-84 quite busy and rushed. Stewart said it was the best kept secret that he experienced during all his years as deputy minister of education and then as deputy minister to the premier.⁵⁸ As a result of the confidentiality, some commentators believed that even key members of the cabinet and of the ministry of education were unaware of Davis's intentions until the last minute. It was not until May that the premier informed his principal campaign organizers that he would be financing Catholic high schools.⁵⁹

As a matter of courtesy, Davis, about two weeks before his announcement, visited Cardinal Carter at his home. Carter was feeling some apprehension, fearing that the OSAFF might begin their court case before Davis's speech, thereby causing considerable debate and conflict, perhaps sufficient for the premier to call things off;⁶⁰ however, on 12 June Davis delivered his speech in the legislature, just after his attorney general had replied to the OSAFF's statement of claim. In an interview in January 2000, Davis contended that the OSAFF had not influenced his decision because he had already made up his mind before he met with the students, but they did have something to do with the timing of his announcement. Perhaps the terminal illness of his old friend Archbishop Pocock had moved up the date

⁵⁸ Stewart, interview; Robitaille, interview.

⁵⁹ See, for example, Keith Brownsey, "The Big Blue Machine: Leadership, Organization, and Faction in the Ontario Progressive Conservative Party, 1971-85," *Ontario History*, Vol. XCI, #1 (Spring 1999): 78; R.D. Gidney, *From Hope to Harris* (Toronto: University of Toronto Press, 1999), 128; Hoy, *Davis*, 265; MacDonald, *Happy Warrior*, 262; Rosemary Speirs, *Out of the Blue: The Fall of the Tory Dynasty in Ontario* (Toronto: Macmillan, 1986), 24-26; Carter, interview; Davis, interview; Stephenson, telephone conversation with author, Stewart, interview.

⁶⁰ Carter, interview.

a little. Perhaps too his intention to retire from politics sooner rather than later influenced his decision and its timing.⁶¹

Pocock would not live to see the Supreme Court of Canada unanimously affirm the separate school board's constitutional right to operate to the end of high school, nor would he witness the rapid expansion of the number of Catholic high schools in Ontario. By the year 2001 there would be 172 English-language and fifty-one French-language Catholic high schools. This would be an increase of 104 and forty-seven respectively since Davis's refusal to extend the separate school system in 1971. All but a handful of separate boards in Ontario would extend their operations to the end of high school.

It is impossible, perhaps even for William Davis himself, to isolate one determining reason for his change of mind. Perhaps too there was a degree of revisionism in his explanation that extension came about as a natural evolution of government policy which in a number of steps improved the ministry of education's support for separate schools. But it is unarguable that his decision came from strong convictions. As a former minister of education, he was intimately familiar with the historical and pedagogical arguments for funding the last three years of Catholic school tax and grant supported education from junior kindergarten to grade ten. On his watch the five grades of high schools had been replaced by thirty credits; this strengthened the pedagogical case for extension. For thirteen years as premier he had watched, possibly to his surprise, dramatic expansion of Catholic high schools taking full advantage of the credit system and higher grants for their programmes – grants which he had had crafted. Cardinal Carter, the bishops of Ontario, the OECTA, the OSSTA, and the OSAFF kept up the pressure for full funding. But, perhaps most importantly, his close friend and neighbour, Archbishop Pocock, as well as separate school supporters within his own family, greatly affected his decision as he contemplated if and when he should complete the separate school system. In 1984 he introduced a new era which would result in a unanimous decision by the Supreme Court of Canada that the Confederation agreement of 1867 had guaranteed the separate school system in both its elementary and secondary aspects.

⁶¹ Davis, interview; Bishop Eugène Larocque, interview, Cornwall, 15 July 1996; Msgr. Robitaille, interview. When Robitaille went to Pocock in the hospital, he found him conscious enough to comprehend the news, but too sick to give much of a response.