



CLARA THOMAS ARCHIVES

**Inventory of the
Aubrey Golden fonds**

Inventory #F0510

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Fonds/Collection Number: F0510**Title:** Aubrey Golden fonds**Dates:** 1957-2001**Extent:** 26.6 m of textual records and other material

**Biographical Sketch/
Administrative History:** Aubrey Edward Golden was born in Toronto on 9 August 1934. He attended University College at the University of Toronto, receiving his Bachelor of Arts degree in 1955. He graduated from Osgoode Hall Law School, was certified as a specialist in civil litigation by the Law Society of Upper Canada in 1989, and in 1990 completed graduate studies for his Master of Laws degree from York University with specialization in constitutional law and the Charter of Rights and Freedoms. Golden was called to the Bar of Ontario in 1959, appointed a Queen's Counsel in 1980, and practiced as a general counsel until his retirement as a lawyer in 2004. He worked alone on civil and criminal cases during 1959 and 1960 before becoming involved with a succession of firms: Sher, Loftus, Golden and Goodman, 1960-1966; his own firm with associate counsel, 1966-1974; Golden, Levinson, 1975-1983; Golden, Green & Chercover, 1983-1997; Golden & Company, 1997-2001; and in association with Cavalluzzo Hayes Shilton McIntyre & Cornish, 2002-2004. His work focussed on constitutional, labour, environmental, and administrative law, with a strong interest in civil liberties and public interest cases. Golden was particularly active among labour unions (by 1983, Golden and Martin Levison ran the largest labour law firm in Canada), and he took a lead role in development of collective bargaining for professionals working in the areas of education, science, and engineering. He also represented farmer organizations and Native groups in their disputes with government agencies, commissions, and private parties, which led his call to the Bar in Prince Edward Island in 1971, Alberta in 1972, the Northwest Territories in 1981, and Nunavut in 1999. These cases brought Golden before trial and appellate courts, including the Supreme Court of Canada, to contest issues such as federal anti-inflation legislation, provincial funding for separate schools, and the constitutionality of trespass laws. Golden's cases also brought him before labour relations tribunals, parliamentary and legislative committees, and municipal councils and committees. He was particularly active in public affairs, serving as the National Chairman of the Canadian Bar Association's Survey Committee on Wiretapping and Electronic Eavesdropping from 1965 to 1967 and its Civil Liberties Section from 1967 to 1969 (also serving on the CBA's Council during these years), as Chairman of its Administrative Law Section from 1984 to 1985, and as Chairman of the National Lawyers Committee of the Coalition Against the Return of the Death Penalty in 1987. Golden was a member of a committee of five citizens responsible for mediating a resolution to the seizure of the Kingston Penitentiary by inmates in 1971, and was appointed by the Minister of Labour to a conciliation board to resolve a strike of air traffic controllers in Canada in 1974. He was also active in politics, preparing policy documents and speaking at conferences of the National Liberal Federation from 1961 to 1969, when he ran for the national council of the New Democratic Party. He served as advisor and counsel for the caucus of Ontario's New Democratic Party until 1978. Golden's career reflected a literary inclination, beginning with his work as editor of the first issue of the "Gargoyle," the newspaper of University College, while an undergraduate. He co-authored "Rumours of war" with Ron Haggart in 1971 (a second edition was published in 1976), which examined the suspension of civil liberties in Canada when the government of Pierre Elliott Trudeau invoked the War Measures Act during crisis sparked by Front de Liberation du Quebec. Golden wrote a column on legal issues for "The Toronto star," contributed to magazines such as "Maclean's" and "Saturday night," was a commentator on CBC current affairs programming such as "Viewpoint," and was a frequent speaker on issues involving constitutional reform, collective bargaining, public affairs, censorship, and the freedom to read. In partnership with James Lorimer, Golden revived the public affairs magazine, "The Canadian forum : an independent journal of opinion and the arts," in 1987, serving as Chairman and Director for Canadian Forum Limited. He was a member of the Writers' Union of Canada from 1971 to 2001, and the Canadian section of International PEN from

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1988, serving on its Censorwatch committee. Aubrey Golden worked as a part-time lecturer at York University from 1967 to 1969, lecturing on industrial relations in the Master of Business Administration program, and provided instruction in advocacy at the Advocates Society Institute from 1988 to 1995 (he joined the society in 1966). He currently operates Golden Mediation Services, a firm he established in 1997 to mediate private and public interest disputes involving employment law, defamation, human rights, constitutional and administrative law, aboriginal rights, and environmental and natural resource issues. Golden also served as a member and past chair of the Toronto Licensing Tribunal.

Scope and Content: Fonds consists of files from the law practice of Aubrey Golden. Files were opened by Golden's staff when he joined an organization, began a new project, or took on a new client. These records include a broad range of documents created or accumulated by Golden or associate counsel under his direction, including handwritten notes from meetings and telephone calls, correspondence, memoranda, research notes, copies of relevant case law, witness lists and statements, photographs, reference material (newspaper clippings, government and technical reports, and trade union publications such as newsletters, flyers, constitutions, and by-laws), affidavits, factums, books of authorities, motions, petitions, court orders, transcripts of testimony, verdicts and their reasons, and documents regarding calculation of damages. The files appear in the order established by Aubrey Golden, and they bear his file numbers. The files fall into six general areas: organized labour; civil liberties and the public interest; politics; commentary on legal issues and public affairs; aboriginal rights; and general interest.

Golden's involvement with organized labour began in 1959, when he was retained by Reid Weir, Recreation Director of Local 598 of the International Union of Mine Mill and Smelter Workers in Sudbury. Weir was fired after the union elected an executive with ties to a rival union, the United Steelworkers of America, and he was attacked in a series of articles by Frank Drea in the "Toronto telegram" that alleged he was a leader of a communist cell in northern Ontario. Reid's lawsuit for defamation against the "Telegram" was settled, and the action for slander against Ray Poirier was heard by judge and jury in 1966 and was decided in Reid's favour. Golden was also retained by Mine Mill from 1960 to 1965 when the union was raided by the United Steelworkers of America for control of bargaining rights in Sudbury. The files deal with applications before the Ontario Labour Relations Board for bargaining rights at Falconbridge and Inco, litigation over the control of union assets, and bargaining applications by other unions for the right to represent workers in food and general merchandising businesses (such as IGA Foodliner) in mining communities that were formerly represented by Mine Mill. Golden later represented the United Steelworkers of America in its action against Radio Shack before the Ontario Labour Relations Board regarding organization of employees at its warehouse and delivery depot in Barrie in 1978. Files trace the proceedings before the board, as well as subsequent hearings before divisional and appellate courts that found for the union. Labour relations and working conditions in Northern Ontario are also the focus of the files for the Lumber and Sawmill Workers Union, which Golden represented in several matters from 1960 to 1988. Early files deal with attempts by the union to stop Ontario Hydro from using labourers known as "slashers" to clear brush from the site of the Long Rapids project, with considerable documentation of living conditions in the bush camps. The union's most significant action involved the arrest of the "Boise Twelve" on conspiracy charges in 1981 following the settlement of a lengthy strike against Boise Canada in which the company's property throughout Northern Ontario sustained considerable damage. The union's executive were arrested based on wiretap evidence collected by the Ontario Provincial Police, charges that were eventually dismissed against all but one union member who was fined a nominal amount. The files contain considerable information about the police use of wiretaps and related case law, as well as a comparison of coverage of the strike by newspapers in Kenora and Thunder Bay to build an argument to have the trial moved from Kenora. Golden was also retained during the 1960s by the Brotherhood of Locomotive Firemen and Enginemen (known as the United Transportation Union by the end of the decade), which fought a decision by the

Canadian Pacific Railway to reduce its crews on yard service to a single engineer based on the Rand Commission's report on freight train operations. Union governance was another element of Golden's practice, and the fonds includes files pertaining to the decision made in 1974 by the United Paperworkers Union in Canada to separate from the parent union in the United States, and form the Canadian Paperworkers Union. The records also deal with the merger of the CPU with the Energy and Chemical Workers Union in 1981 to form the Canadian Energy and Paperworkers Union, a predecessor to the Communication, Energy and Paperworkers' Union. Other files deal with the International Ladies Garment Workers Union, 1972 to 1973, the Retail, Wholesale and Department Stores Union (where the Ontario Labour Relations Board issued a precedent setting decision that forced Humpty Dumpty stores to reopen a plant and storage facility that had been closed to adversely affect collective bargaining), 1977, and the Canadian Union of Postal Workers (the appeal of Jean-Claude Parrot's criminal trial in 1978 to 1979).

Union activity extended into the agricultural sector. In 1967, Golden was retained by the United Farm Workers Organizing Committee to represent its Toronto organizer, Marion Moses, who had organized a picket line at the premises of Culotta Grape Company. The relationship with the United Farm Workers lasted until the early 1980s, and was voluntary. The files deal with efforts to promote the boycott of grocery stores selling grapes and later lettuce from California, where pickers were on strike. Golden helped organize a church and labour delegation that visited California to participate in the picket and show moral support for the strikers. Documents include photographs from the trip, as well as newsletters, flyers, and correspondence regarding the boycott. Other files deal with assisting volunteers who had difficulties with immigration officials when crossing the United States border, and charges associated with the right to treat public areas of shopping plazas as property where freedom of assembly and speech could occur without being subject to trespass laws; the appeal was dismissed by the Supreme Court of Canada. Golden also acted for the Ontario Farmers' Union, which represented the interests of small farmers (large corporate farms were represented by the Ontario Federation of Agriculture). The OFU fought to preserve marketing boards, but often litigated disputes over quotas and their abuse by larger operators. The files, which cover the period from 1968 to 1970, focus on marketing boards and farm organization, as well as an action against Tate and Lyle (a large international sugar conglomerate operating as Canada and Dominion Sugar) that was launched when it violated a guarantee to keep open a processing plant for farmers in the Chatham area who had been induced to grow sugar beets. They also document the restriction placed on the dairy farmers near Athens, Ontario, who operated the Plum Hollow Farmers Cheese Cooperative, in order to force them to deliver their milk to the Ault Foods plant in Brockville in 1971. This arrangement led to a boycott of Kraft Foods that was ultimately successful. In 1969, the several farmers' unions throughout Canada merged to form the National Farmers Union (NFU). Golden was retained as counsel, and he pursued a special act of parliament to create a single corporation to replace the varied corporations, voluntary associations, and statutory organizations that previously existed. Files for the NFU also deal with land use issues and the potato marketing board in Prince Edward Island, marketing boards dealing with tobacco and soy beans, Golden's speeches to the NFU's conventions in Winnipeg, 1971, and Vancouver, 1980, and the arrest of its president, Roy Atkinson, for his part in a mass tractor demonstration on the highway leading to Borden, Prince Edward Island, in 1971 (Atkinson was the only non-resident in the demonstration, and the only person charged with conspiracy to obstruct a highway). The majority of the files pertain to *Kiist et al v. Canadian National Railway et al*, a class action lawsuit sparked by a major dispute in 1978 over grain marketing and the Crow's Nest Pass rates for shipping grain to Vancouver and Thunder Bay. The rates had been established to make prairie grain farms viable producers through competitive prices for shipping grain to Vancouver and Thunder Bay, but the railways responded by sideling large quantities of grain cars "for repairs" that were later discovered on remote sidings in northern Manitoba and Saskatchewan. The result was cargo vessels anchored and awaiting cargo while grain deteriorated on farms and in elevators.

Professional associations were a third area of labour relations for Golden's firm.

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He was involved with the Steering Committee on Negotiating Rights for Professional Staff from 1966 to 1970, and the files include his brief to the Rand Commission and work on draft provincial legislation in 1967. He represented the Society of Professional Hydro Engineers from 1961 to 1987, including its dealings with the Special Committee on Professional Engineers from 1969 to 1971. His files also contain records dealing with a feasibility study for a Federation of Professional Employees, 1966 to 1972, and the Federation of Engineering and Scientific Associations that involved employees of the Ontario government, 1977. The Ontario Secondary School Teachers Federation was another major client. Files pertain to teacher bargaining legislation in 1974, and negotiations with the Metropolitan Toronto school board in 1975. Golden was also involved in a challenge to federal anti-inflation legislation following a dispute with the Renfrew school board in 1975, and in challenges to separate school funding during the mid 1970s (St. Anne's High School, where the parent-teacher association pursued its constitutional right to equal education with non-separate schools), mid 1980s, and from 1995 to 1999 (Daly et al v. Attorney General of Ontario, which tested legislation that allowed separate school boards to discriminate against non-Catholics when hiring teachers). Both issues wound up before the Supreme Court of Canada, and Golden's files contain ample documentation of his research, working documents, correspondence, and court proceedings. Other professional associations represented by Golden include the Canadian Air Traffic Controllers Association and the Canadian Air Line Pilots Association, with files created during the mid 1970s and 1980s dealing with a conciliation board to assist the controllers in reaching an agreement without a strike, a dispute over the use of French for air traffic control, and the requirement for pilots to retire at 60 years of age (Stevenson v. Air Canada).

He represented the Canadian Media Guild from 1971 to his retirement, guiding it through numerous labour board and court cases leading to its mergers with many other unions into its present representation of all employees of the Canadian Broadcasting Corporation (CBC) in a single bargaining unit.

Aubrey Golden is perhaps best known for his involvement in cases that deal with civil liberties and the public interest, and these themes are well represented by his fonds. His files for the Canadian Bar Association contain extensive documentation on wiretapping and hate propaganda during the 1960s, as well as his work with the Canadian Civil Liberties Association and its Censorship Committee. The defence of obscenity charges form the basis for the files for Lovecraft (a store that sold sex aids and related material) and Metro News (distributors of adult magazines) for the distribution of pornography from 1972 to 1986. Changing social mores also lay at the heart of the charges against David DePoe, an organizer with the Company of Young Canadians, and a large number of other individuals for sit-ins in Yorkville, a community in downtown Toronto. The files deal with conflict between the culture of "hippies" and an older generation represented by City Council, particularly Mayor Alan Lamport, as well as claims of police brutality during demonstrations and unauthorized searches for drugs, and cover the period from 1967 to 1971. Golden had become involved with municipal affairs several years earlier, when he represented the Mimico Rate Payers Association in a public inquiry sparked by Pierre Berton's columns in the "Toronto star" in 1961 about corruption involving improper payments and other considerations for permission to violate zoning laws. The files include newspaper clippings, correspondence, transcripts of the evidence, and the final report by Judge J. Ambrose Shea in 1962. Undeclared pecuniary interest in a real estate development was also the issue in the action launched by City of Toronto aldermen Karl Jaffary and John Sewell against another member of Council, Ben Grys, in 1971. He has appeared often across Canada before various boards and courts, including the Supreme Court of Canada, and was called to the bar of four provinces. Other files within the fonds reflect Golden's wide ranging interest in social and environmental issues and organizations: the Exchange for Political Ideas in Canada, 1964 to 1967 (including a paper on the impact of automation on trade unions and labour relations, 1965); the Kingston Penitentiary Citizens Committee, 1971 to 1973; the judicial review of the closure of Clinton General Hospital, 1976; the Committee for a New Constitution, 1977 to 1978; the inquest into the death of seven students employed in the Ministry of Natural Resources' Junior Ranger Program by a fire set by the Ministry near Napina, Ontario, 1979 to

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1982; the Council of Canadians, 1985; the Coalition on Capital Punishment, 1987; efforts with James Lorimer to revive the public affairs magazine "Canadian forum," 1988 to 2001 (including correspondence, financial documents, agreements, and the original minute book for the managing corporation, 1934 to 1974); a mock trial and conference held by International PEN, 1988 to 1989; and an injunction to stop Notre Development's proposal for a waste management site at the Adams Mine in northern Ontario, 1994 to 2001.

Golden's interest in public affairs naturally led to involvement with politics and the media. His files document his work with the National Liberal Federation and the Ontario Liberal Association from 1961 to 1969, including policy documents on labour relations, his role in the election campaigns of Mitchell Sharp and Val Scott, and the movement to draft Charles Templeton for leadership of the Ontario Liberals in 1964. Golden switched to the New Democratic Party in 1969, and the ensuing files deal with his candidacy for the party's federal council in 1969 and election campaigns during the 1970s. His profile was enhanced by considerable media exposure. The fonds includes scripts for his public affairs commentaries broadcast on CBC television, his columns and articles on legal and civil liberties issues, publicity material for his book "Rumours of war" and its release in paperback, and the text for his many speeches and presentations on industrial relations, collective bargaining, censorship, pornography, and the defence of obscenity charges.

Golden's work with the Canadian Bar Association included research on First Nations and aboriginal rights, and these issues became a major focus of his practice. In August 1978, the Inuit Tapirisat of Canada (ITC) was advised of hearings by the National Energy Board into the supply and demand for natural gas to consider the proposal by the Polar Gas consortium of oil and gas companies to build a pipeline through Keewatin on the west coast of Hudson Bay. Golden was retained by the ITC to fight the proposal, which was supported by the federal Department of Indian and Northern Affairs. The files document the three weeks of hearings that preceded the withdrawal of the application. At the same time, the Inuit Tapirisat was involved in an effort to slow down or stop exploration activity that accompanied the uranium find at Shultz Lake, 40 miles upstream from Baker Lake. The use of low-flying aircraft and its impact on hunting the Kaminuriak herd of caribou was central to the action, which was complicating negotiations for the creation of Nunavut. Golden secured an interim injunction in Toronto. Trial of the case was dependent upon the oral history presented by Inuit hunters in the gymnasium at Baker Lake High School. The court dissolved its injunction and instead declared that approximately 150 square kilometres were subject to aboriginal title. The extensive files on the Polar Gas and Baker Lake cases include witness statements, corporate and government reports, substantial research material on caribou as well as archaeological and anthropological evidence, maps, legal arguments, case law, trial notes, and correspondence regarding the negotiation of development rights after the court decision in 1980. Golden also represented the Islington White Dog Band who lived on the reserve along the English-Wabigoon River system in northwestern Ontario regarding a lawsuit over mercury poisoning of the river, and a claim for compensation against Ontario Hydro for flooding reserve lands and causing considerable damage. The files document the settlement of these actions, and Golden's work with other advisors to develop a plan for economic recovery of the reserve, 1980 to 1982. Tagak Curley was another client of Aubrey Golden. He was a prominent Inuit activist and member of the legislature for the Northwest Territories who had shot a polar bear in self defence in August 1981. His refusal to surrender the pelt to wildlife authorities led to prosecution under a game ordinance, which was contested by the Hunters and Trappers Association to test aboriginal title and hunting rights under the Canadian Bill of Rights.

General interest files include: Golden's preliminary report on a proposed industrial relations system for the Bahamas at the request of its government, October 1967; his work for the United Jewish Appeal in 1961, and on the Legal Committee of the Canadian Jewish Congress, 1963 to 1974; and his lecture notes and other teaching material for his courses on industrial relations that were offered through the Master of Business Administration program at York University, 1967 to 1970.

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Restrictions on Access and Use: No restrictions on access.

Finding Aid: File list is available.

URL of Finding Aid: <http://archivesfa.library.yorku.ca/submissions/fonds/ON00370-f0000510.htm>

Accruals: The fonds comprises the following accessions: 2007-003. Further accruals are expected.

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