

Velma Demerson passes away at aged 98. She fought Canada's racist law that imprisoned her for ten months at age 18 in 1939 for being 'incurable' in loving a Chinese-Canadian man

[By Diane Peters, special to *The Globe and Mail*, June 7, 2019](#)

On May 10, 1939, a bewildered 18-year-old Velma Demerson stood before a Toronto judge and heard the words: “You are charged with being ‘incurable.’ ”

Ms. Demerson was living with her fiancé, a Chinese man she had met in Toronto, and was newly pregnant with his child. For this transgression she was incarcerated for 10 months, first at the Belmont Home and then at Andrew Mercer Reformatory for Women.

After her release, she married Harry Yip and lost her citizenship, following the rules of the 1946 Canadian Citizenship Act, which said women had to take on their husband’s citizenship. (As China never accepted her, she remained stateless until 2004.)

The marriage did not survive, and Ms. Demerson also had a troubled relationship with her son. “It was a love story that went totally wrong because of racism and gender,” says Karin Lee, a filmmaker who is making a documentary about Ms. Demerson’s life.

Ms. Demerson, whose full name was Athena Mary Demerson Lakes, spent her retirement years seeking justice for these wrongs. “She was on a mission, always on a mission,” her daughter, Sylvia Lakes, says. “She was just a humble person. It wasn’t the notoriety, it was getting the word out, it was explaining what had happened to her and holding the government accountable.”

She was successful, to some degree. In 2002, 62 years after being released from prison, Ms. Demerson received an apology and financial compensation from the Ontario government for her unjust incarceration. In 2017, federal MPs apologized for the loss of her citizenship.

But until her death on May 13 at the age of 98, Ms. Demerson continued to battle for proper redress for wrongs committed against thousands of women charged under Ontario’s Female Refuges Act of 1897, many of whom lacked the resources to hire a lawyer. “She never got a blanket apology for the women who suffered as she did. That’s what really upset her,” Ms. Lee says.

“She was an incredible human being,” says Harry Kopyto, who represented her in court and secured her victory over the Ontario government. “I’ve never met anyone in my life who had a bigger effect on me.”

It was Mr. Kopyto who found a way to work around the fact that the statute of limitations had expired on her civil, provincial case. He argued that the legislation Ms. Demerson was charged under had criminal ramifications, so therefore it was disguised criminal law, an illegal act and a federal matter and, therefore, fair game decades later.

Ms. Demerson's careful research and the support she received from social-justice leaders and groups aided in winning the case as well.

She wrote extensively about her struggles in her 2004 memoirs *Incorrigible*, which focuses on her time in prison. Her book *Nazis in Canada* is about the doctor at the Mercer Reformatory who performed cruel procedures on Ms. Demerson. This book was self-published and is currently being re-edited. It will be released in future by a publisher in Britain.

Athena Mary Demerson was born on Sept. 4, 1920, in Saint John. Her parents divorced when she was eight and her brother was 10, and she moved back and forth between her father and his restaurant in Saint John and her mother, who ran a rooming house on Toronto's Church Street and told fortunes.

She met Harry Yip when he was her waiter at a Yonge Street café. He was kind and she soon took refuge in his tiny flat. In spring 1939, her father reported her to the police and she was arrested while having breakfast with Mr. Yip. (Years later, she confronted her father about his actions, and he told her: "If I hadn't put you in there, you would have turned rotten.")

She was about three months pregnant when she was incarcerated for being incorrigible. Her mother claimed to have talked the judge down from a two-year sentence.

Her months at the Mercer Reformatory were torturous. Along with insalubrious living conditions, with cockroaches crawling around, she was subjected to almost constant gynecological exams and treatments. Later, she realized she had been exposed to and painfully treated for venereal diseases by a doctor who was later fired by the prison.

After the baby was born, he developed serious eczema. He was eventually taken from Ms. Demerson. She wasn't told where her son was, but she managed to find him at a hospital after her discharge.

Ms. Demerson married Mr. Yip after getting out of prison, and the family struggled with poverty, baby Harry's health – at one point he lived in a foster home run by a nurse – and discrimination. Eventually, the two divorced. Ms. Demerson took young Harry to Hong Kong in hopes it would improve his skin problem and serious asthma. Upon his return to Canada at age 12, Harry decided he wanted to live with his former foster mother.

At age 26, in 1966, Harry had an asthma attack while swimming and died.

By this time, Ms. Demerson had moved to British Columbia and began going by Mary to separate herself from the traumas she had suffered in Ontario. She met Norman Lakes, and the two married and had two children, Sylvia and Cliff, but later divorced.

After relocating from the B.C. Interior to Vancouver, single mother Ms. Demerson furthered her secretarial training and worked in a law office. She doted on her children, giving them music lessons and helping them with their essays. “She was devoted to our well being,” Sylvia says.

Until Ms. Demerson’s retirement, her children had no idea what she had been through in her teen years. In 1989, she returned to Toronto briefly and began researching the doctor who had treated her at the Mercer, and other facts about her past. In 1995, Ms. Demerson moved back to Toronto to focus on seeking justice, doing so under the name Velma Demerson (which also served to protect the anonymity of her family in B.C.). “She was fed up over what had happened to her,” says Sylvia, who recalls her mother changing around this time, revealing a newfound determination. “This was a new side of her personality we had never seen before.”

Ms. Demerson found documents at libraries and archives and took meticulous notes. “She dug and dug and dug,” Sylvia says. She also got connected to a range of advocacy organizations and academics, who began championing her cause.

Ms. Demerson began the process of launching a suit against the Ontario government and eventually visited Mr. Kopyto’s office. “I’ve been through half a dozen lawyers, and none of them have been able to help me,” she pleaded. “I need justice. I need to clear my name.”

He agreed to help and the two worked together for years to put together a case. Ms. Demerson tried to find other women to join her in her suit, but many had died by this time, and those remaining did not want to speak up. “Most women do not admit they’ve been arrested under this law,” Ms. Lee says. “It’s humiliating, it’s something to be shamed over. It was traumatic and most hide it.”

Once Mr. Kopyto successfully showed the act was illegal and that the statute of limitations did not apply, the Ontario government issued Ms. Demerson a written apology and gave her some money. (Ms. Demerson revealed to her daughter that she found out years later the sum was actually a fraction of what she should have received, and she regretted not challenging the amount.)

In 2002, the Ontario NDP awarded her the J.S. Woodsworth Award for her work on human rights and equity.

After that victory, Ms. Demerson kept advocating for a larger apology for all of the 15,000 women jailed under the act, and aimed to right wrongs concerning the revocation of her citizenship. She consulted with Don Chapman, author of *The Lost Canadians*, who helped her get a verbal apology from a group of MPs in 2018. “We got nothing official. Nothing from the PM, nothing in writing,” he says.

In her later years, during which she was also being treated for throat cancer, Ms. Demerson continued writing and advocating. “The thing about Velma, she was always busy,” says Ms. Lee, who marvelled at Ms. Demerson’s energy and sense of independence, even in her 90s – she often refused rides and preferred to take the bus.

She had a great sense of humour and while she was often speaking out about gender discrimination, racism and government wrongs, she remained optimistic. “She was a survivor,” Ms. Lee says. “She took that energy and moved it forward. She really thought about the past, but she didn’t allow the past to affect her.”