

Presentation to the Lord Reading Law Society Board of Directors Meeting (Sept. 14, 2016)

I was asked by the president to give a short talk about the founding of the Lord Reading Law Society and its relevance in today's legal community in Montreal. In order to do this I thought a short reference to the historical highlights of the Jewish community in Quebec would be in order.

The first Jewish settlers in Quebec arrived with the British in 1760. This included the Hart family of Trois-Rivières. In 1807, Ezekiel Hart was the first Jew to be elected to the Quebec Legislature. However, the rules required that he take the Oath of Office on the new testament as a "Christian Gentleman" and this he would not do and was therefore prevented from taking his seat in the Quebec Legislative Assembly. The next year his constituents asked him to run again and again he was elected and again after sitting for 9 days he was ejected. He was asked to run again but refused. However, on January 31, 1831, with the support of Louis Joseph Papineau, the speaker of the house, a bill was passed giving Jews full civil and political rights. The first such bill in the British Empire and one year before Britain gave Jews voting rights.

The right to stand for parliament in England was given in 1858. (Benjamin Disraeli was elected in 1857, but had to convert before being elected as Prime Minister)

It is of interest to note that the rebellion of 1837 in Quebec led by Louis Joseph Papineau was fervently supported by Louis Marchand, a Jew from Holland whose name was Levi Koopman. He became one of the founders and leaders of the St. Jean Baptiste Society together with Joseph Olivier who was a descendant of one of the pioneer Jewish families.

By the end of the 19th century and in the early 20th century, immigration increased from Poland and Russia and the Jews were well received and well integrated into Quebec society. They became merchants and professionals, including lawyers, such as S. W. Jacobs, M.P. Maxwell Goldstein Q.C. And Joseph Cohen Q.C. The latter was elected to the National Assembly and it is told that when he was addressing the legislature, Premier Maurice Duplessis rose and interrupted him by saying “we need not listen to the only Jew in the room”, to which Joseph Cohen replied in his deep voice “Mr. Speaker the Premier is in error there are two of us”, while pointing to the crucifix over the speaker’s chair.

After 1930, with the advent of the depression, things deteriorated and immigrants were subject to discrimination and outright racism. There was even a Quebec Nazi Party led by Adrien Arcand. Young Jewish doctors could not practice medicine in certain hospitals and law firms rarely hired Jews. One Jew, Levi Rabinovitch, who graduated at the head of his class in medicine from the Université de Montréal was offered the head internship at Notre-Dame Hospital and when he reported for work, 34 interns refused to work with a “Hebrew” and walked out. Although Management supported him, he was forced to resign because the patients were not getting proper care and he did not want to be the cause of their neglect.

Elsewhere in the Laurentians, hotels posted signs saying “Jews are not wanted” or “À bas les juifs”.

At educational institutions, Jews were either refused admission or had to meet standards above and beyond those for Christians e.g. McGill required an 80% average for admission by Jewish Applicants.

Racism was practised every day by governments. The U.S. had organized a conference to try to encourage countries to accept immigrants, who were fleeing

the Holocaust, and when Canada's representatives F.C. Blair, "Deputy Minister of Immigration" under McKenzie King's government, was asked how many Jewish immigrants Canada would take, he replied "None is too many". When the S.S. St. Louis loaded with refugees from Germany asked for permission to land in Canada it was refused and was forced eventually to take the refugees back to face death or worse.

The pre-war period, i.e. the thirties, was a dismal time. The ravages of the Great Depression affected all of society, including the practice of law. Combined with the debilitating effect of the Depression, or as a result thereof, nationalism was taking hold in Europe and was crossing the Atlantic to Canada and the United States. Racism was prevalent, and we did not have a charter to combat it. It was not only because of the state of the economy, but the state of society in general, that the thirties were called the "Great Depression". It was indeed a depressing period.

Jewish lawyers in Montreal, found life particularly difficult and felt that they were not welcome as members of the Bar. This state of affairs came to a head in 1948 when the Bar of Quebec announced that its annual convention would be held at Mont-Tremblant lodge – a resort whose stated policy was not to accept Jews as guests. This infelicitous choice of venue showed a lack of consideration by our confreres and led to a protest by N.L. Rappaport, on behalf of himself and other Jewish lawyers (he would subsequently become one of the Lord Reading Law Society Founders and its President). The then Bâtonnier of the Bar of Quebec, Gustave Monette, responded by apologizing for their lack of consideration, but the convention went ahead as planned, and was subject to a boycott by the Jewish members of the Bar.

It was as a direct result of this event that the Lord Reading Law Society came into existence. After its founding, Bâtonnier Monette assured the Lord Reading Law Society of his support and promised that the Bar of Montreal would, in the future, provide for its council to include a representative of the Lord Reading Law Society. This undertaking also included an agreement with the English speaking Bar, to include a representative of the Lord Reading Law Society as one of its nominees to the Montreal Bar Council. Since 1922 the English Section of the Montreal Bar had a “ Gentleman’s Agreement” with their Francophone confreres that they would have four representatives on the Montreal Bar Council.

All of these undertakings are still in effect and are scrupulously observed.

The early years of the Lord Reading Law Society coincided with the beginning of the Post War Period. This was a time of hope and optimism. People were aware of the atrocities that were caused by nationalism and racism. People in general were enthusiastically embracing their new found democratic rights as set out by the United Nations in The Universal Declaration of Human Rights. The Bar of Montreal was receptive to welcoming confreres of all religions, races and beliefs. Jews particularly, assumed a more active role in community affairs and institutions, after learning by bitter experience that their passivity did not save them from persecution. So it was that in 1951-52, the late Chief Justice Alan B. Gold was elected President of the Montreal Young Bar Association, and in 1955-56, I was elected Vice-President.

In 1969, Phil Vineberg was elected the first Jewish Bâtonnier of the Bar of Montreal. In 1987, I was elected the second, after which there were several Jewish Bâtonniers, e.g. Casper Bloom, Lynn Kassie and Alan Stein. So that now, this is considered quite normal, but when I was elected, Phil Vineberg called to congratulate me and, with his wry sense of humor, pointed out that we were making progress, because it took 200 years for him to be elected and only 20 years for my election. In any event none of these elections would have happened without the existence of the Lord Reading Law Society.

One of the highlights in our history was the awarding by the Bar of Montreal to the Lord Reading Law Society of the Médaille du Barreau de Montréal. In making the award, the Bâtonnier, Stephen Schenke, said, and I quote:

“The Lord Reading Society’s passion for social justice, its tradition of legal excellence, its contribution to the judiciary and the Montreal Bar, are just a few of the significant contributions that we wish to recognize. We also believe that by honoring the Lord Reading Law Society, we are recognizing the diversity of the Montreal Bar. By highlighting your 60 years of success, we are sending a message of welcome to all ethnic groups in Montreal and cherishing values of pluralism that are so important for the future of Montreal and Quebec.”

It was also as a direct result of the intervention of the Lord Reading Law Society and through its meetings with the Federal Ministers of Justice that the first Jewish Judge, Harry Batshaw, was appointed to the Superior Court and this was followed by numerous other Jewish appointments to all the Courts in Quebec. The appointment of Mr. Justice Harry Batshaw also opened the door to other judicial appointments of many of our Jewish confreres throughout Canada, including appointments to the Supreme Court of Canada and the Courts of Appeal in many of the Provinces. All this was the direct or indirect result of lobbying and advocacy by the Lord Reading Law Society.

A particularly vivid example of the success of the Lord Reading Law Society was brought to my attention in 1988 when, in my capacity as the Batonnier of the Bar of Montreal, I was invited to attend a memorial service for the recently deceased Chief Justice of Quebec, the Hon. Marcel Crete. I was sitting in the front row beside the then Minister of Justice of Quebec, the Hon. Herbert Marx. He leaned over and said “ Would you ever in your wildest dreams have thought you would see this?” He was of course, referring to the fact that the service was being chaired by the acting Chief Justice of Quebec, The Hon. Fred Kaufman, and seated on the dias beside him was the Hon. Alan B. Gold, the Chief Justice of the Superior Court of Quebec and in the audience was the Minister of Justice, and the Batonnier of the Bar of Montreal, all Jewish. Indeed, the Lord Reading Society had succeeded beyond its founders wildest dreams.

I urge you not to take the achievements of the Lord Reading Law Society for granted. It requires your continued participation and support. The discrimination that led to the founding of the Lord Reading Law Society has not entirely disappeared. We have not yet accepted “reasonable accommodation”. I would

urge each and every one of you to make it your priority to be involved in the Lord Reading Law Society not only because its role as an advocate but also as you will experience tonight it is a great place where you can dine, learn and network with our consoeurs and confreres. Your active participation will ensure that the Lord Reading Law Society will continue its role as a proponent of diversity, so that in fact and in deed, we will all be equal at the Bar.

In conclusion, let me say that the Bar of Montreal has become a leading example of cooperation and co-existence between all cultural communities. It has set the tone for Quebec and Canada, in the way it has encouraged the use of both official languages and has accepted the participation of lawyers from all cultural communities. Canada in general and the Montreal Bar in particular have become very sensitive to the evils of Racism. But let me also say that this requires constant vigilance. We must never settle for less when it comes to “Human Rights”. They are not negotiable. As to Racism – “Si nous n’y mettez pas fin, qui le fera?”, and to paraphrase Hillel, one of our Sages, “if not now, when?”

Thank you Mr. Chairman for your kind invitation, and I would be pleased to take any questions.