CLOUDS IN THE THIRTIES

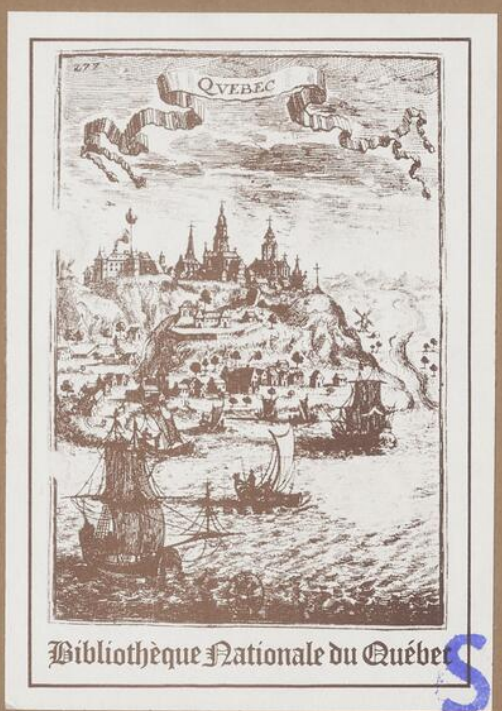
On Antisemitism In Canada. 1929 - 1939

A Chapter on Canadian Jewish History

By
David Rome

Section 2

Montreal, 1977



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ECONOMIC ATTACK

The unsatisfactory economic position of those of French Canadian origin within the nation was highlighted by community-minded citizens of this group, often to arouse their public to improve their condition, but not less often to arouse xenophobia and antisemitism.

As far back as 1907 Paul Tardivel recommended a Catholic boycott not only of Jews but of "all enemies of religion so as to deprive them of the means to harm our coreligionists." He was inspired by the French Ami du clergé which denied that the program was based on any feeling of hatred or contempt. "Our compatriots can use this means very effectively to defend their interests and to prevent the Jewish invasion.... The Jews invade our cities and our countryside alarmingly." (La Vérité, Dec. 21, 1907)

La Vérité was followed by Joseph Bégin's La Croix in advancing the boycott idea (May, 1908)

In establishing its rationale for calling our compatriots to have nothing to do with (Jews), neither to rent nor sell their houses to them nor to buy anything from them: "We must boycott them; we must force them to leave" -- La Croix spelled out the entire catalogue of fear, hatred and rejection:

"We have begun to tell of the Jews as they are, wherever they succeed in setting foot. This people rejected by God is the plague of mankind. Without any question it is the right arm of Satan on earth. Evil finds its most obstinate spokesmen among them utilizing all possible means: the press, the theatre, the cinema, the schools, books,

debauchery, dissolute manners and immoral dance. It is not only perverse but no less intriguing and cunning. It organizes secret societies of Christians without their even suspecting that they are led to the abyss by a Jewish hand.

"The Jew is always a Jew whether he lives in Britain, Germany, France or Canada. He neither assimilates nor changes.

"For him the Talmud, compiled by the rabbis, is the law and he observes it wherever he is. This law teaches him that Christians are animals and are to be treated as beasts. It tells him that he may rob them, maltreat them and even kill them....

"There are already 80,000 Jews in Montreal out of a total population of 700,000. That is more than enough to turn the Canadian metropolis into a ghetto. And they are given a free hand. They invade all: finance, trade, all lucrative professions. They are permitted entry and they become rich at our expense; they multiply and become strong under our very eyes, waiting for the day when they can say -- as they do in Moscow, Warsaw and Vienna, 'We are masters. We own high finance, advanced education, the great press, the governments. We have the gold. We have everything.'

"Very well, we of La Croix, we shall block their way." (May 24, 1923, cited in Idéologies au Canada français, 1900-29. ed. by Dumont, Ferland et alii. Quebec, Presses de l'Université Laval, 1974. Pp. 45-83)

The analyst seeking to understand La Croix,

"If one considers the French Canadian people as guided by the mysterious force of an invisible Providence, the only source of verity and of truth, it is only normal to see the reverse -- in the light of the disintegration of the Christian social order, with the aid of tradition of the church -- the social disorder derives from a single source, the Jew, a secret power allied to Satan, the prince of evil.

"Such an ideology centred on the Jew may correspond to a rationalization of a profoundly Manichaean value system, appropriate for a group of Christians, we were going to say backward; shall we say ultramontain?"

Five months later Croix mocked the French Canadian and Irish public,

"Continue to buy those outlandish objects (from the Jews); bring them your wages and your savings; make them rich and powerful and arrogant; let your children and your parents leave for the United States by not encouraging commerce and industry, and Montreal will become the Jewish capital of Canada." (Oct. 6, 1923)

In the 1930's propagandists for the same idea used the information gathered by the Dominion Bureau of Statistics to heighten jealousy and hatred.

To quote Kernaghan's thesis on Freedom of Religion in Quebec, "The economic crisis of the early 1930's jolted the French Canadians to an awareness of the importance of economics in an abrupt but effective manner. Now, all the nationalist theory and written materials on the question of economic control were revitalized with widespread public approval -- at least from French Canadians.

"This question of economics was the primary concern of the nationalist movement in Quebec in the early 1930's. The French Canadians -- as many other peoples in the past -- sought a scapegoat to explain their economic ills. The Jewish people were an easily accessible target. Whereas the English Canadian and American proprietors of large industry and commerce were isolated, somewhat aloof from attack, the ordinary French Canadian encountered the Jew in his daily business dealings. In addition to the fact that the economic crisis had less adverse effect on the English than on the French in Quebec, the Jews were suspected of plotting together during the depression years to ensure their common survival. The conviction that comparative economic success of the Jews had been achieved at the expense of the French Canadians was an especially powerful irritant."

In this context there developed popular attacks on the Jews on the economic front, kin to the "white pogroms" which had developed in central Europe under the sponsorship of the nationalistic governments.

In Quebec this attack went under the complex name of achat chez nous.

Complex semantically because it was deliberately confusing with a number of other, more innocent concepts.

The first use of the term occurs in Saint Hyacinthe to denote the campaign to encourage local shopping rather than in the metropolis of Montreal.

Quickly it became accepted as a nationalistic weapon for the economic advancement of French Canadians through preferred patronage of French Canadian stores and services rather than giving business to others. It was stated as a positive act of loyalty rather than as an attack on others. "Legitimate self defence" was the formula, later also used by churchmen and others, as we shall see, to legitimize their attacks on Jews.

Robert Rumilly provides an example of the semantic confusion which is all too eloquent. In his propaganda for cooperative planning, M. Alphonse Desjardins set the objective: "to free us from the Jews and the usurers." In the record edited by Abbé Grondin (pseudonym of Paul Préval) the word was changed to "the strangers." (Histoire de la Province de Québec, vol. 16, P. 172)

"And then, what does Mr. Cohen complain of? He knows very well that the Jew encourages the Jew unless he has absolutely no other choice. He knows that money that enters Israel never leaves, and that in all matters Israel thinks only of Israel."

When Joseph Cohen, M.L.A., protested against this campaign, Le Journal responded (and was echoed by Action catholique and by the Patriote of May 30, 1935),

"This is not antisemitism. It is simply legitimate defence. It is not to bully or to persecute the Jewish merchant. But we want the Canadian to prefer the Canadian merchant. What can be more natural and normal?"

The concept of economic self-sufficiency, an attitude that was widespread in Canada during that decade, spread, in part innocently, to awaken fraternal awareness of French Canadian society and as an instrument for the economic advancement of their group. In the course of the years more positive means for achieving their goal were sought and found as Quebec turned its attention to this problem.

But the movement soon became negativist and antagonistic to all other Canadians and other Quebeckers. Oliver illustrated this in his analysis of the Achat chez nous press of St. Paul, of L'Etrille, the Duplessis-oriented Progrès du Nord and other such publications.

He noted that the movement was congenial to the spirit of the large lower middle class which was unwilling to see any radical change in the social system, yet was generally dissatisfied. "The rise of Achat chez nous leagues all over the province during the depression was mercurial. Tied frequently to parish organizations, they were fostered by the press, especially the nationalist press. Behind the movement was a simple, direct explanation of the depression difficulties. They were due to the unscrupulous business practices of competing foreigners, expecially Jews. Against the Jewish merchant scapegoat L'Achat chez nous directedthe full virulence of its propaganda." (Pp. 240-41)

The secret Order of Jacques Cartier, organized in Oct. 1925 and chartered in 1938 (R.S. Gordon, "The Cagoulards and Politicians who Fish in Murky Waters," in To-Day, vol. 1, no. 1. Nov. 1944, P. 3) reported in its Emerillion that it had founded units of the Ligue de l'achat chez nous, and that in one case "a non-Christian foreigner," a merchant, had been forced to close his doors. (Aug. 1936)

One of the features of the Canadian scene at this time is a sophisticated mode of conversation in the public press by which very extreme and arousing statements are made while all the time avoiding terms which would indicate clearly the object of the attack. Here is one of the basic differences between the Patriote and the Devoir; the former is so

specific as to be obscene; the latter so mellifluous as to be hypocritical, covering its viciousness and vice so deep in unction as to make the cardinal's Semaine religieuse sound like a street arab. So the Devoir and the Emerillon are fit subjects for study in indirect style. Their effect, and the menace explicit there, were not the less frightening for not lending themselves to illustrative quotation.

When it became clear that the campaign was an attack, rather than a program for the advancement of the Quebec people, its sponsors denied antisemitic interest; it was as much anti-English as anti-Jewish (this makes it proper). But in fact, the instances cited, and the economic circumstances, ensured that Anglo-Saxon capital, their banks, trusts, mines, heavy industry, academic, professional and governmental citadels were quite untouched by the French-Canadian autarchic campaign; indeed, they continued their own quiet anti-Jewish programs of discrimination. Only the Jews were the intended victims, and only they were hurt.

The economic attack on the Jews are constant, ubiquitous and sophisticated. A.J. Belanger analyses the "bloc notes" in the Devoir during the eighteen-months period which constituted the moment of truth for the province, in his analysis, (1934-1936). He concludes that Jews were seen as the economic enemy of the French Canadian nearly as often as the trusts and much more often than the banks or the men of politics. They were seen as "a constant menace to French Canadian merchants. Thanks to the protections of government, they can change names readily and therefore conceal their true ascendance, and deceive the consumer who is not even aware that he is dealing with a Jews. Similarly, thanks to the good will of the authorities, they can trade on Sundays and thus injure our own people who observe the Lord's Day. More than a dozen editorials rebel against their underhand practices of mutual protection." (L'Apolitisme des idéologies québecoises, le grand tournant de 1934-36. Québec, Presses de l'Université Laval, 1974. Pp. 34-35)

This anti-Jewish campaign was a very Canadian product; it was not a consequence of Hitler's rise to power in Germany. In 1932, when Hitler had not yet begun to export his teachings to Canada, the Achat chez nous activity

was already under way in this country. As early as 1932 the Quebec City Société St. Jean Baptiste was distributing posters with this message.

Everett C. Hughes observes, "The symbolic Jew receives the more bitter of the attacks which the French-Canadian would like to make upon the English, as perhaps even upon some of their own leaders and institutions. When French-Canadians attack the English, they pull their punches. Against the Jews, however, attack may proceed without either fear of retaliation or of bad conscience. In fact, the Jew in Quebec is the physically present small competitor rather than the hidden wirepuller of high finance." (French Canada in Transition. Chicago, Pp. 217-18)

Jean-Charles Harvey emphasized, "Our societies have invented the frightful myth of accursed groups. We have become too well habituated to think of the Jews as enemies. One of the prime movers of this form of French Canadian racism is the desire to rid ourselves of embarrassing competitors.... The sole purpose (of the Achat chez nous) is to war on merchants of other origins. What a confession of helplessness and of defeat." (Le Jour, Apr. 14, 1945, cited by V. Teboul, "Antisémitisme au Québec," P. 109)

In February 1932 Arcand's Chameau in Montreal was praising the Action populaire of Joliette for its campaign against Jewish merchants and noted success on the retail level. It urged the further elimination of Jews from trade. (Feb. 26, 1932) The editor warned its readers, "Do You Want to be Poisoned? Buy your Food from the Jews." (May 27, 1932)

The Chameau called its readers editorially "To Do Our Christmas and New Year's Day Buying from Canadian Merchants." (Dec. 2, 1932)

This could not fail to injure Jewish citizens against whom the Catholic citizens were called for "legitimate defence." As H.M.Caiserman reported to S.D.Cohen, Honorary Secretary of the Canadian Jewish Congress,

"It is elementary that the slogans distributed amongst the French population of the province react first of all against the Jewish merchants, particularly against those in the outlying districts." (July 2, 1937)

Indeed, the Abugov case against the Chameau and against the Goglu and the Miroir was based on his claim that their propaganda had ruined his business. ("Le Chameau en cour de justice," in Chameau, July 29, 1932)

One of the important leaders of the movement has bequeathed us a rare revelation of this distorting use of language to convey the opposite of the meaning of the words, and yet to communicate intention with the clarity and power of incendiary eloquence. It comes from one of the masters of language in French Canada, even though the very visible Abbé Lionel Groulx chose to cover his face otherwise for the occasion with the nom de plume of Jacques Brassier.

In an article early in the antisemitic campaign in Quebec he demonstrated how one can preach the driving out of the Jews from the province, starving them and perpetrating other of the evils that were Poland's and Germany's first steps to world war and to holocaust furnaces -- and yet without being antisemitic, indeed, while condemning anti-semitism, while remaining Christian (even priestly), while being positive, wise, and without calling for anti-Jewish legislation, and even while pretending to oppose violence:

"It is not only that antisemitism is not a Christian solution: it is negative and foolish. To solve the Jewish problem it would suffice for French Canadians to recover their common sense. No need of extraordinary legislative procedures; no need of violence in any form. We need not even issue the mot d'ordre, 'Do not buy from the Jews.' We need

only say to French Canadian customers, 'Do what everybody is doing. Buy from your own people.' Yes, that is about all we need to be saying. And, if by a miracle, our slogan was understood and followed, within six months, within a year, the Jewish problem would be resolved, not only in Montreal but from one end of the province to other. There would remain only the Jews who can subsist from each other. The rest would be forced to disperse, to seek their livelihood in occupations other than trade." (Action nationale, vol. 1, Apr. 1933, Pp. 240-41)

The revered historian and ideologist Abbé Lionel Groulx saw the Achat chez nous as "a direct consequence of a true national education, for, to the extent that we have ceased to be French Canadians, we have become the customers of others," as he was cited in Entraide. (Montreal, 1965. P.1)

Achat chez nous "means economic solidarity in all domains or, if you wish, priority to our own people in all institutions of finance, commerce and industry. As for me, if I happened to support this formula, it is because I saw it as a way of doing our best in regard to one of the few resources of wealth that remain in our hands in a province four-fifths French: our consumers' market," as he told Faribault on May 23, 1957. (Both references cited by Jean-Pierre Gaboury. Le nationalisme de Lionel Groulx. Ottawa, Editions de l'Université d'Ottawa, 1970. P. 173)

It may be incidental or central to our Canadian story to note that the moral and economic weakness of this thinking was a segment in the vulnerable socio-political philosophy of this master. It was his Achilles heel and contributed to the loss of following, particularly in the years following World War II. This is adumbrated by Jean Louis Gagnon and developed somewhat by Gaboury. (Pp. 183-84)

The Hon. C.J. Arcand, a provincial minister of the crown in the Taschereau cabinet, attacked the "disloyal element" with whom "our people have to compete", for "business control rests in the hands of those who are not of us." He urged, "Make your purchases from our people only." ("Race Hatred from a Cabinet Minister," in Canadian Jewish Chronicle, Nov. 2, 1934, P. 3)

An endless flow of periodicals, for some of which it is difficult to assess responsibility, ownership, distribution or influence, over a wide range of literary value or sincerity, joined in attacking the Jew -- some more openly than others.

Prime Minister Bennett's photograph graces Le Petit defenseur, issued by the Ligue des marchands canadiens indépendants and the Native Sons of Canada, connected with Lavery. On the front page a call to boycott the Jew; inside a "poem" caricaturing the Jew -- endlessly, (Oct. 1935)

In the Progrès de Villeray J.A.G. wrote, "It is we French Canadians of the province of Quebec who have enriched the Jews and the strangers here." (Oct. 25, 1934)

In Rivière du Loup the local paper told its readers, "When you spend your money at the stores of strangers it will be used against your race and your religion." (Dec. 14, 1934)

An exposition of Quebec achat chez nous products in the St. Jacques market, June 12-22, 1933, refused Montreal Jewish exhibitors. (Patriote, June 15, 1933)

The restaurant keepers association of Montreal published Le Restaurateur which the editors frankly called antisemitic. Its slogan: Never Buy any Jewish Products; Always Buy from Christians. Their delegation told a prospective advertiser, "Our two thousand members believe that it is their civic duty as good citizens of this country to fight the Jews not only because they are a danger to their trade but mainly because restaurant keepers, if they are to live, must put an end to Jewish disloyalty and dishonesty within the boundaries of their own trade." (Letter to Charles Gurd & Co., Nov. 13, 1933)

In Quebec City, pending the opening of the offices of the Achat chez nous organization, the secretariat of Action Catholique served as headquarters. The columns of this newspaper, like the Devoir, were filled with appeals and reports of achat chez nous, identifying the movement with the interests of French Canada. The name of the influential Abbé Lionel Groulx figured prominently in this propaganda, as did Eugene L'Heureux, (Le Devoir, Feb.8, 1935) In the Devoir Clarence Hogue was almost fixed -- or assigned -- to the subject.

Louis Philippe Roy wrote of "the colonization of Quebec City's St. Joseph St.," referring to the fearful possibility that those expelled from Germany may be admitted to Canada. "In this combat French-Canadians and Catholics are guaranteeing the prosperity of the Jews, and hasten the conquest of Quebec business by Jews. They provoke a desire of these grabbers to come to a country, to a province and to a city where it is easy to live well and to do good business with profits gained here. Jews are busy colonizing -- not new lands, but St. Joseph St., the old Quebec commercial citadel." (Action catholique, Nov. 29, 1938)

Georges Pelletier of the Devoir "discovered" that one in eight of the lawyers of the province are Jewish, and, while they are only one in sixty of the population, they constitute a sixth of the city's doctors -- they were all trained and maintained in their professions at the expense of French-Canadian customers and clients, said Roy.

District newspapers like Le Nord sought to establish themselves by riding the anti-Jewish boycott hobby-horse.

A district periodical, Le Nord, addressing itself to Montréal Nord, published names of Jewish-owned stores in the area even while directly opposing unity and good will propaganda. (Oct. 16, Nov. 27, 1936, etc.)

An Achat chez nous exhibition in Quebec City in 1937 had as its intention, not the promotion of Quebec production, but the promotion of "our" goods and services and those who contribute to the success of our "oeuvre," rather than those of "strangers." (L.-P.Roy in Action catholique of Sept. 10, 1937)

Anatole Vanier of Action française called for a Canadian Edouard Drumont to reveal the Jewish presence in Canadian economics and politics, and the Almanach de la langue française even undertook to list the Jewish businesses hiding behind French names.

A letter from Victor Doré, secretary of the Catholic Board of School Commissioners, of November 24,

1938, to Alderman Max Seigler is revealing. Mr. M. L'Archéveque, father of a pupil in Ecole St. Louis, reported that the teacher had told the class that the Jews are paying to provoke a war and to have French Canadians killed so that they can take the country for themselves.

Mr. Seigler drew the attention of the school board to the incident, hoping that upon investigation it would prove to be exaggerated.

Dr. Doré replied, "You were right in thinking the declaration was exaggerated. The teacher involved in the affair recollects calling the attention of his pupils to the loss which is sustained by the French Canadian trade through the fact that too many of our compatriots are inclined to purchase at random and seldom think of giving preference to merchants of their nationality. He denies having made any further comment. At any rate, our Director of Studies gave him due advice to be careful in his remarks in the future."

So everything is all right.

A self-appointed Trade Committee of Inquiry wrote to several Montreal firms in August 1938,

"Following a survey made of your business, the Committee finds that approximately 70% of your fur purchases are placed with non-Christian merchants.

"This explains the disappearance of so many English suppliers during the last fifteen years through their not having had the support of Christian merchants.

"We sincerely hope that you will understand the importance and the urgent need for a change in your buying policy, and that we will have the pleasure of finding an improvement on our next survey in three or four months' time.

"Should our Committee find an appreciable improvement, no disagreeable publicity shall be divulged to English associations, so you therefore have the necessary delay to remedy this serious situation existing at present.

"Should your methods remain the same, the associations shall instruct their members, who will act accordingly."

There was much that was tragic, ludicrous and pathetic in this jousting of the passionate Rumanian Jew in the front line of Canadian Jewry, with inadequate academic training, immigrant English, defending Jews inside German horror camps, explaining Canadian social philosophy, Jewish economics, Quebec history, international affairs, facing the German government, world Fascism, Canadian xenophobia and millenia of religious antisemitism.

To illustrate this condition on the lowest mechanical level we need only cite a letter from Caiserman to Mr. J. Finkelstein of Winnipeg, president of the Congress in Western Canada, twenty months after Congress was organized,

"Even if we put aside the salary of the general secretary, we still need $115 a week for stationery, stamps, newspapers, and the scanty wages of our staff. An emergency appeal sent all over Canada elicited seven replies, totalling $156." (Sept. 27, 1935)

But this situation needs to be seen historically. Education came to be used in more refined and effective ways by defenders of democracy and of the citizen's right to survive in freedom and in equality.

In the final analysis it was only the crushing defeat of Hitler on the bloodier fields of battle that led to the success of the newer modes of reply to the Hogues and Pelletiers and Jeune-Canada and the Société St. Jean Baptiste, not to speak of the unspeakable Ménard.

But in the 1930's this defeat had not yet come and was not yet certain, and Caiserman was alone in the fight against them, with whatever weapons of whatever effectiveness; a fight that was not at all certain of victory for freedom and for life.

Nor was the Devoir the only point of attack upon the Jews. From coast to coast the English-language press was also filled with praise of Hitler and of Germany, effectively drowning out the shrieks from the concentration camps which were already sharpening the ancient instruments of the inquisitional chambers.

The Devoir complained that Jews were monopolising the retail and small wares trade, to the detriment of French Canadian interests. (Patriote, Apr. 26, 1934)

Jean Rollieu wrote in the Devoir that he learned from "one of my friends who have for many years studied the tricks of Jewish commerce in Montreal that the Jewish merchant is narrow-minded and does not know the temperament of his French Canadian clients." (Nov. 9, 1934)

Colbert Boucher in the same daily included anti-semitic comments in his front page editorial on the Achat chez nous. (Nov. 24, 1934)

D. Baril wrote in Devoir that French Canada should follow the example of the Jews and buy from French Canadians only. (Feb. 7, 1935)

In Quebec City one form of the boycott: the Action catholique refused its advertising columns to Jewish merchants, implying more than once that such competing newspapers as the Evénement and Soleil, which did not thus shun the Jews' advertisements, were in Jewish hands. (Richard Jones. L'idéologie de l'Action catholique, 1917-39. Quebec, Presses de l'Université Laval, 1974. P. 20, note 40)

As late as Sept. 1946, Ma paroisse was already a progressive, very widely circulated, very authoritative periodical; it already felt responsible for teaching little children not to hate the Jews as Christ killers (P. 20). But it was still preaching l'achat chez nous and urging its readers "to unite in order to desert all alien merchants." (P.3)

Even in 1943, while war was pouring out the life blood of millions of all races and faiths to cancel Hitler's teachings, the "moderate," "scholarly," "Catholic" professor of Laval, Abbé Maheux explained to Victoria, B.C., Protestants, whileon his cross country mission for"a better understanding between Canada's two races,"

"Our slogan, l'Achat Chez Nous, does not mean 'Do not buy from English-speaking Canadians.' It means, 'Do not buy from Jews.'" (Vancouver Province, cited by

Louis Rosenberg in the Canadian Jewish Chronicle.) There is no record of the distinguished father being hooted off the platform.

The incident tells us much of the ideological condition of his audience and of Abbé Mahoux' evaluation of that condition, as well as of his own moral state.

As Judith Robinson put it, "The explanation explains much. Offered in this year of horrors by one Canadian of good will to others, it explains too much."

Another example of logic twisted to the same end: Omer Héroux "proved" that there was no antisemitic intent in the campaign of the St. Denis section of the Société St. Jean Baptiste, and that Jews have no occasion to take umbrage at its literature. To make his point he quoted from their circular:

"There is much talk of antisemitism. We sincerely believe that the most energetic and the most effective manner of combatting semitism is to encourage our 'corner grocer.' This is open patriotism." (Devoir, Jan. 5, 1934) Q.E.D.

Héroux justifies the Quebec City society reprinting the antisemitic statements of Mgr. Paquet and of the pro-Hitler Bishop of Linz whose anti-Jewish proclamation touched off the racist drive in French Canada, (Devoir, Jan. 17, 1934)

(One may well wonder what the Montreal lawyer, who helped to reorganize the Société St. Jean Baptiste in Montreal between 1870 and 1874 and who prepared the fortieth anniversary celebrations of the society, would have had to say about the antisemitism of his Quebec City associates. His name: Joseph Olivier Joseph of the Josephs, of the law offices of Laflamme Joseph and Cross, in 1896 greffier of the Appeals Court - In Papers of Léon Trepanier in La Bibliothèque nationale de Québec)

A few weeks later Héroux used similar logic in exculpating the Devoir from the charge of antisemitism,

"Is it being antisemitic to recommend to French Canadians to be as sensible as the Jews, and to practice the same mutual and economic assistance that all groups, beginning with the Jews, practice now without needing to state so or even to think about it?" (Devoir, Jan. 25, 1934)

By its nature this "idealistic" boycott of the Jews attracted racketeers as well as persons who genuinely were interested in advancing the interests of their people.

The Blue Bird Association des commerces canadiennes had been formed ostensibly to protect the small store keeper from the attacks of foreign competition. On the orders of the Canadian Broadcasting Commission, radio station CKAC cut off its appeal "to buy from your neighbour whom you meet in church and who is connected with all your religious and educational associations ... of the same race as the majority of the residents of these districts."

The association was soon brought before the courts on charges of running a lottery (Patriote, Feb. 8 and March 15, 1934) and was barred from the facilities of radio station CHLP, as was the Association de la feuille d'érable.

Similarly, one Louis-Joseph Blanchette was brought before the Quebec courts because he travelled the country-side collecting moneys to combat the Jews through his Economie du peuple catholique, presenting them, as token of assurance, a bond for $75,000 payable in 2034. (Canadian Jewish Chronicle, Aug. 3, 1934).

Years later, when the war against Nazi racism had ended and Hitler was already mouldering, Devoir was still proud that it led all Quebec publications in methodically elaborating and maintaining the achat chez nous movement in its early stages. (Clarence Hogue, Feb. 13, 1950. p. 11). It noted that unemployment among French Canadians was as high as 20% of salaried workers and only 5% among Jews. It ascribed to English and Jewish employers dispensing first with the services of those not of their race.

The campaign was echoed in the church press (exemplified by Albert Nerviens in Action paroissale, Dec. 1935, Pgs. 4-5. "Achetez chez nous à prix, qualité et service égaux.")

M.V. appealed to Canadian women in Action paroissale of Sept. 1937,

"Time presses. You will buy tomorrow, and next week again. Already your thoughts run to a smart hat. You eagerly consult the advertisement pages. You have stopped time and again before the shop windows of large and small Jewish merchants on the Boulevard and on the main streets. You are planning next

season's wardrobe. And while the sons of Israel, jolly and fat, rub their hands with glee as they anticipate the handsome profit of which your candour gives promise, and while the descendant of proud Albion consults his bank book and treats us as 'crazy people' I see our own merchant disturbed and in great anxiety, figuring the chances of success which remain to him. And it is in face of this sad spectacle of our native sons sacrificed to the stranger that I resolved again to shoulder the burden and to speak, as so many have, about 'L'Achat chez nous' (Buy from our own).

" Are you, or are you not in favour of the survival of the French Canadians in Canada? Remember: Our survival depends on our economic rehabilitation. We shall not survive unless we recover our rightful position in commerce and finance.

" An English merchant opens a commercial firm in Montreal, in the Province. He needs employees. To whom will he entrust the directorate, the management, the accountancy and all other well paid positions? To the English. From whom will he buy his merchandise? From the English. With which banks will he deal? Which lawyers will he consult? Which notaries, doctors, tradesmen? Which hotels and boardinghouses will be patronise? To which colleges and universities will he send his children or the children of his well-paid English employees? And all this with the money that we Canadians give to them by the handful, so that they may stint on the wages of our people and crush their pride.

" Masters of commerce, they speak to masters everywhere and profit by establishing their own people in every vacancy of importance or in advantageous positions.

" I spoke of the English first in order to refute the argument 'We don't buy from Jews: but surely it does no harm to buy from the English.' It really does not matter.

" Already supplanted by our compatriots of English origin, we are also ousted by the Jews.

" The latter proceed in the same manner and despoil and exploit us even more and in a more adept manner, using our money to destroy our national and religious patrimony.

" All countries are unanimous in recognising that they have no greater enemy than the Jews. They are the source of all great calamities; they participated in the French Revolution and in the Russian revolution; they are the most zealous adherents and leaders of free-masonry. They are the sources of discord, the fomentors of strikes and, in short, they are the propagandists of communism. Reliable documents contain

information on this subject: of fifteen communist leaders in Canada, thirteen are Jews.

" We know this and yet apparently nothing can be done to make us give up this harmful habit of supporting them and of providing them with the hard-earned wages of our own people. For a few cents we trample underfoot our own best interests; we sell and barter our religion and our race.

" How can there be one drop of French blood remaining in our veins or how can we retain one atom of Christian pride if it can please us to deal in this manner with these little Judases?

"Because it is obvious that to buy from Jews above all, and even from English with the Protestant mentality, is treason. The poor Canadian can be certain that he will never again see the cent that he has given to the stranger; and neither will our religious institutions, nor our churches, nor our poor missionaries; that cent is lost to the French-Canadian and Catholic community and quite often it will be used to work against us.

" You may argue, these strangers are too well established here; nothing can dislodge them and our abstention will change nothing. But you are wrong. They are here because their interests are very well protected. But let us understand once and for all: We are the majority in Quebec. Let us ruin their commerce; rather let us be one hundred percent French-Canadians. Let us not spend one cent anywhere but at (French) Canadian stores and you will see how the appearance of Mount-Royal, Saint-Lawrence and so many other streets will change. Good French names will blaze there; our fathers, brothers, fiancés and our sons could, in a few years, face life secure in the knowledge that they can earn an honest living, can hope for a well-earned retirement and can abandon their role as valets to the strangers."

It was a staple theme in Paul Bouchard's Nation where he wrote on "The Jewish Commercial Menace" (March 10, 1938) and R. Vezina on "Commercial Nationalism" (July 16, 1938). The special issue on Jews, issued on Aug. 18, 1938, carried a special article on the theme.

Premiers Godbout and Duplessis and Mayor Borne endorsed the principles of the Achat chez nous, and issued executive instructions accordingly. (Action catholique, Sept. 8, 1936; Evénement, Apr. 28, 1938)

Premier Adelard Godbout referred to the need of an Achat chez nous policy for Quebec in an advertisement inserted by his ministry of agriculture in the quarterly of the Canadian Society of Technical Agriculturalists in 1936.

H.M.Caiserman commented on this report, "The matter is known to us, but the alternative is between the half-anti-Semitic Liberal government and the three-quarters anti-Semitic opposition."

A leaflet distributed by a Parc Lafontaine grocer announcing specials also told the public, "We remind you again that 75% of the chain stores are managed by Jews. If you follow the papers you will also see that these people are brought before the courts for dishonest practices. Don't be attracted by their low prices, for their intentions are to sell at higher prices."

It is difficult to measure the effectiveness of this boycott of Jewish merchants. The distribution of Jewish residents in the smaller centres of Quebec, as compared with Ontario and the west, is a theme that has long been worthy of analysis.

The Canadian Jewish Congress consulted the Jewish Colonization Association in Paris about the campaign in francophone Quebec:

"It is evident that in a country like Canada, where there are 33 religious groups, such propaganda is extremely dangerous.

"As a matter of fact, Jewish storekeepers in certain sections of Montreal complain that customers come in and ask whether the proprietors are Jewish; if the reply is in the affirmative, they refuse to buy. This is the beginning of the same propaganda as that disseminated in Poland and which produced such catastrophic results.

"We have endeavoured to find a leading-French Canadian economist who should write an article and show that the Achat chez nous propaganda is a misfortune both to the group which preaches it and to the country as a whole. I am sorry to report that we

could not secure a French-Canadian economist who would be willing to put his signature to such an article.

"Under these circumstances, our problem is to secure an authoritative reply to the propaganda by a leading French economist, who would be willing to write a documented article on the subject. Do you think you could help us in this respect?" (Sept. 24, 1936)

One case reported in the Eagle of July 1934 details the tragedy of a Jewish merchant in a Quebec town where the priest preached on the boycott. The next day a large iron sheet was nailed to the door of his store with a message, "Let us not buy from Jews, for they are a cursed race of rotten sheenies, thieves, anti-Christians and, above all, damned God-killers. Let us be patriotic and encourage our own local merchants."

Witnesses told of the school teacher, a laborer and the son of the hotel keeper putting up the sign.

Although T.D.Bouchard, M.L.A. for the area, offered to assist him, the merchant was put out of business.

In his personal style Jean Charles Harvey ridiculed the Achat chez nous movement by indicating what would happen to a nation, a province, a city or a family if they sought to live by this narrowing principle of autarchy -- "the home-made economists, the imbecile and the ill-doers would have made their point. They would be back to the ancient tradition of the Hurons and the Iroquois before the white men came.... Buy from your own, think only as your own, only your own art, only your own tradition and literature -- a formula for stupefaction, brutality and death," (Un principe de vie sauvage. Montreal, Association de l'unité et de bonne entente du Canada.)

Father Papin Archambault, revealed as member of the secret Ordre Jacques Cartier, who surfaced on every anti-Semitic occasion, was the object of a Harvey attack when the Jesuit preached Achat chez nous in his tract, Notre relèvement économique. French-Canadian economic progress lies in its ability to compete. "But how can you expect the graduates of our secondary schools to teach us the secrets of material attainment if they do not know life and its realities? Can armies of good nuns and brothers in pious orders spur us in the fields of business? It is easy to preach this dangerous Achat chez nous so that we may ascribe to imaginary facts the responsibility for a condition created by men who unwittingly sacrifice the future of a nation so that they may retain their old ways and even for their gain." (Le Jour, Apr.13, 1940, P.1; cited by Gagnon, P.171)

In Ontario, the Canadian Jewish Congress reported in 1937,

"During the past four years we have witnessed an amazing growth of anti-Semitism. Manifestations of an intensified anti-Jewish sentiment have been springing up everywhere.

"The minor and more spectacular evidences of this program against the Jews have been the many instances in which Jews have been barred from hotels, semi-public beaches, golf courses and parks. While the many sign posters in front of parks and beaches to the effect that Gentiles only are admitted may be disturbing and do much to awaken anti-Jewish feeling, these are not the most serious effects of anti-Semitic propaganda. The most pernicious results of this movement have been the startling increase in the number of individuals and companies who refuse to rent living quarters to Jews; the spreading policy of not employing Jews; the boycott of all Jewish firms; the sporadic attempts by various organizations to involve Jews in disturbances and in violence.

"In the past, Jews have been accustomed to regarding evidences of antisemitism as the work of prejudiced individuals and cranks. During the darkest days of the economic depression it was anticipated that the sharpening of competition and the keen fight for existence would intensify economic rivalry between Jews and non-Jews in various fields. It was certain, therefore, that latent prejudices would be awakened. To add to this, Hitler gained power in Germany, and it was assumed that, until Canada's economic position was considerably improved, increased antisemitic activity could be expected. Just the reverse happened, however. There was an upward curve, as if synchronized, of both betterment of economic conditions and increased anti-Jewish movements.

"The truth is that during the past four years an entirely new type of antisemitism has assumed prominence in this country. There has been a transition from the sporadic and unorganized type of anti-Jewishness to national organizations directed by professional agents.

"It is this professional aspect of antisemitism which has given an entirely new status to anti-Jewish functions, has aroused unprecedented anti-Jewish feeling, and has brought the Jewish community face to face with a situation somewhat familiar: the situation in Germany in the early years of the Nazi movement.

"Antisemitism in 1937 has attained its pre-eminent position through the efforts of a nation's mighty propaganda machine, spewing forth antisemitic tracts and publications in most of the languages of the world, which are being distributed through organized groups. The responsibility for this international attack upon the Jew, violating all concepts of common decency and humanity, rests upon the Nazi government of Germany."

The chairman of the Port Dalhousie Council refused Mrs. Feldman a license to operate a cigar store and restaurant with her boarding house because "There are enough Jews here; we do not wish to encourage more."

Alderman (later mayor) Nathan Phillips was of the opinion that the Council's action was legally valid.

The convening meeting of the Canadian Jewish Congress in 1934 was told by a western spokesman,

"There is a definite prejudice and discrimination against the employment of Jewish men as teachers in the public schools of the Western cities. This prejudice is denied and often cloaked under the pretense that qualified Jewish applicants cannot be found. A high administrative official in one of the larger Western cities admitted to me a few years ago that the appointment of Jewish men trained as principals or as qualified vice-principals was not favored, and came into a different category from the employment of Jewish girls as teachers.

"Jewish girls only stayed several years in the profession and therefore did not create a problem. Since men were mostly employed as principals, or vice-principals, it was felt that the employment of a Jewish teacher as principal or vice-principal of a public school, in which there were children of other racial origin, might not meet with the approval of the majority of the parents. In any case, there is no doubt that there are many Jewish men who are public teachers or qualified to act as such, who are compelled to teach in rural schools or small village schools at low salaries, or are forced into the legal, medical professions since they cannot hope to secure positions as principals in the larger city schools.

"Of this there can be no doubt, there is not a single Jewish principal or vice-principal in any city in Western Canada.

"In some Western cities there have been, from time to time, cases of discrimination against the admission of Jewish probationers or nurses-in-training into city hospitals. These cases have been mainly due to the personal prejudice of the woman who happened to be superintendent of nurses, who never having met a Jewish nurse in her life, was confident that Jewish girls could never make good nurses and should not therefore be admitted."

In the larger cities the fragile economy of the Jewish community was endangered by complex ethnic and social trends not directly related to prejudice.

As H.M.Caiserman analyzed "The Employment of Jewish Labour in the Men's and Boys' Clothing Industry" in 1938 he noted elements of peril to the Jewish economy:

The increasing employment of non-Jewish foremen led to the introduction of more workers of the ethnic origin of the foremen and more general training of such workers for the industry; this also led to more non-Jewish contractors in the higher echelons as well as more workers in the lower echelons, whatever the background of the employing manufacturer or contractor;

With the diminution of Jewish foremen, there are fewer men to train young Jewish workers to the work. Consequently the remaining Jewish work come to constitute an aging population;

The depression lowered wages and work opportunities, and many workers -- reluctant as they were to wait out the hard time by recourse to public relief -- left the industry to seek better opportunities elsewhere -- and were replaced by others;

Smaller municipalities and their chambers of commerce offered considerable inducements to lure manufacturers and contractors to establish plants outside the metropolis where local labour found employment. Although some city workers moved to the countryside to follow their jobs, Jewish workers, with their family roots in the city and with their urban traditions, remained in the cities and outside the trade;

The provincial government encouraged this trend in the interests of the local workers, and also in order to

strengthen its political rural base; this government-backed trend left the industry and the workers who remained in the city at a serious disadvantage;

The union situation is an important aspect of this development. Many employers move to the countryside to escape the unions. The government is the more willing to encourage this movement in the light of its inveterate hostility to unions, and particularly to "international" unions;

In the meantime Jewish employers found themselves in the company of very alien workers, and often fascist and antisemitic; not seldom such sentiments were freely expressed at work in Jewish-owned establishments;

In addition to these effects on Jewish workers and employers, there was a concomitant effect upon what had initially been a major and central Jewish community institution which had made major creative contributions to group life. These unions began to be less and less Jewish, particularly at the rank and file level. Nor could this trend remain at this membership level. This trend in factory location could alter the life of Canadian Jewry profoundly.

Another form of economic warfare on the Jewish group was the formation of Catholic unions whose constitutions contemplated only Christian workers. This was bitterly true when they succeeded in the traditionally Jewish needle trades where so many of the workers were Jewish. The dress manufacturers guild had, in fact, signed such a contract which was published in the Official Gazette.

The Congress discussed the issue and wrote Rabbi H.J.Stern on March 2, 1937,

"We are firmly convinced that the Catholic unions are not for Jewish workers:

"Article 27 of the constitution makes it obligatory for each Catholic Syndicate to have Saint Joseph as its Patron Saint.

"Article 28 provides religious formulae for the initiation of members.

"Article 35 provides that the Chaplain has a right to attend meetings.

"Article 75 provides that members must have their hats off at meetings.

"Article 85 - The order of the meetings provides for an opening prayer and for a closing prayer.

"You have probably read in the press about five or six weeks ago that an American manager of an asbestos mine in Quebec, who did not happen to be a Catholic, was compelled to leave the community at the request of these trade unions, as a price for settling the strike.

"What would prevent the same Catholic unions, who are even now demanding at mass meetings and in their press in various communities of Quebec that managers in various factories be replaced by French Canadians; what will prevent them from forcing such Jewish manufacturers who do not agree with them to leave town?

"The International Unions, at least, do not know of racial discrimination."

H. Carl Goldenberg reported to the Canadian Jewish Congress on April 15, 1937 that "it was a calamity for the Jewish dress manufacturers to sign a contract with these 'opposition' unions. Any contract with them in any industry would, as a matter of course, eliminate Jewish workers from that industry." Mr. Goldenberg believed that Jewish manufacturers would suffer the same fate, also to be eliminated eventually.

This discrimination by fellow Jews was "the greatest evil in Canadian Jewry," to cite H.M.Caiserman in the Eagle of July 27, 1939. He speaks of a survey of this matter carried out by Dr. Alexander which led eventually to the establishment of the Jewish Vocational Guidance Service. Employers pointed to the strong union loyalty of their Jewish workers.

Coupled with the frequent slack seasons in the needle trade industries and the common discrimination against them by non-Jewish employers, I. Rabinovitch pointed out, this could lead to widespread demoralization, to pauperization, and to the disintegration of community structures and the democratic traditions which were effective in the community.

It was a delicate matter that the newly established Canadian Jewish Congress was not equipped to handle. It was embarrassing to admit that Jews, too, acted against their co-religionists. It was difficult to demand from non-Jews that they desist from practices that were followed by Jews. It was difficult to demand that employers hire without regard to race or creed at a time when even Jewish employers were injecting these elements in their employment practices. It was difficult to combat the Achat chez nous of the Quebec nationalist movement when Jewish employers were themselves boycotting Jewish workers and services.

Yet one of the important problems placed squarely before the Congress was the case of some score of Jewish pressers who were locked out of their shops for many months following a lost strike in Jewish shops.

The editor of the Eagle reported that by 1939 anti-Jewish sentiments common to the non-Jewish workers were so strong that the Jewish employers came to be uncomfortable in their own factories and stores, even as Jews were being eliminated in a very complex social process from an important economic sector of Canadian society which they had, substantially, created. It was a subtle but important chapter in the history of the Canadian community in which ingenuity, education and cultural traditions played a very strong part.

There is something comical in the report by Israel Rabinovitch, in the Eagle, of Jewish manufacturers distributing membership forms to Jewish employees -- to apply for membership in their unions; each union meeting opened with Christian prayers. (Dec. 17, 1936)

An unreliable report disseminated by the German Welt-Dienst from Erfurt in 1937 told of a Montreal meeting at which 1,000 pledged "I promise not to buy from Jews under any conditions." (no. IV/6 and 7, March 15 and April 1, 1937).

With not much more veracity, the Nazi Vienna Die Schoenere Zukunft wrote, "In Montreal, the Canadian Metropolis, the Jews may become members of almost all the (social) clubs, but they are excluded from the stock exchange. Whoever wants to acquire a seat on the stock exchange must assure the directors that he will not choose a Jew as partner in his business; he may not even employ a Jew in his office". (Feb. 28, 1937)

H.J. Child, Chairman of the Montreal exchange, strongly denied that there were any such regulations. "It is true that there are no Jewish members on the exchange itself, but this is not because they are excluded. There is nothing whatsoever in the By-laws, and to the best of knowledge, there has been nothing since the formation of the Exchange in 1874, which would prohibit Jews from becoming members.

"While at the present time, I do not know of any members having Jewish partners, there have been partnerships in the past. At the present time there are quite a large number of your race employed by members of the exchange". (Letter to Canadian Jewish Congress, Apr. 7, 1937)

An unexpected voice dissented from this chorus of enmity from an important source: at the height of this propaganda in the summer of 1935 Cardinal Villeneuve spoke on race hatred being disseminated in the name of patriotism.

"I am pained to observe at this period so critical for our future, when we feel a patriotic awakening in our midst, that so much energy is being devoted, possibly the largest measure of activity, towards destroying each other. We must defend our positions, but we must not deprive others of the right to live." (cited by I. Medres in N.Y. Jewish Morning Journal, Aug. 4, 1935).

Even the militantly liberal Olivar Asselin consented to his publishers, the Ecole social populaire, appending to his pamphlet on L'Industrie dans l'économie du Canada français an essay on the Achat chez nous movement on the promotion of the ethnic group. (Montreal, 1938, no. 296)

While comparing the movement with such geographic advancements as the Buy British, Buy in Manitoba and Buy in the Maritimes, the Ligue de l'achat chez nous placed "the honour of our race before any other social virtue. Our first duty is to be of our race and to be of our race intensely." It quoted the Goebbels of Quebec, Mgr. Paquet,

"It is just, it is opportune, that this solidarity assert itself, that all to whom Providence has bestowed the same blood, the same language, the same beliefs, the same care for matters spiritual and immortal should establish these sacred bonds, advance the spirit of union and of social confraternity as far as the political duty permits. Racial sympathies are like the sense of justice and the sense of honour; they know no limits."

The 1937 Ontario report on antisemitism noted, "During the past four years we have witnessed an intensified anti-Jewish sentiment. Minor but more spectacular evidence has been the many instances in which Jews have been barred from hotels, semi-public beaches, golf courses and parks. But these are not the most serious effects of antisemitic propaganda. The most pernicious results have been the startling increase in the number of individuals and companies who refuse to rent living quarters to Jews; the generalised policy of not employing Jews; the surreptitious boycott of all Jewish firms."

Restriction on employment opportunities for Jews was -- and remains -- a complex question in which antisemitism is a major element. There are other social and traditional considerations in the problem that need to be taken into account for a fuller understanding.

There are the established economic interests, vested in religious, class and even family groups, which prevent opening up of all occupational vacancies to free contest. There is the matter of acculturation as an often unspoken requirement for more positions than is usually admitted, and any number of other considerations.

Nevertheless, for the Jewish citizen-victim, especially of the second and later generations, the loss was material, frustrating, humiliating and a civic-psychological source of tension and even of social pathology.

A revealing index of the conditions appears in a report of Jewish professional men in Canada prepared at the time by Louis Rosenberg: the proportion of Canadian Jewish men in the professions was substantially the same as for all Canadians, about 4%. However, an analysis of salaried professional men, usually engaged by large corporations and by public bodies, and, on the other hand, of those professional men who derive their income from fees, reveals that among all Canadian eight times as many professional men were salaried; among Jews, on the other hand, the categories are equal. "The motivating factor which attracts Jews to certain professions rather than to others is not preference, a higher income, or hereditary tendency, but the necessity of training for a profession in which they will not be dependent upon a public or private employer for a position and will not be faced with the danger of initial exclusion or subsequent dismissal as a result of racial, social or religious prejudice. The Jewish doctor, lawyer, dentist, although handicapped at times, has at least some chance of making his own job and carving out a career for himself. The Jewish teacher, engineer, nurse or other salaried professional faces the difficulty of securing an appointment and retaining it... Unfortunately, the pioneers of new outlets often find it extremely difficult to secure positions, and graduate Jewish civil engineers, architects and technical agriculturists are found working in their fathers' small retail stores or acting as commercial travellers in clothing and men's furnishings."

B.G.Kayfetz recalls the Jewish condition in Toronto at the time. Even after the war broke out "there were only a few Jewish teachers in the public schools; even fewer in the high schools.

"It was generally accepted that Jewish high school teachers had to 'recht op golus', be it in Fort William, Barrie, Galt or Owen Sound, before they were permitted to enter the charmed circle of teaching in Toronto -- if, indeed, they were so fortunate.

"Some spent years, decades in this servitude. Most never broke out.

"In 1911, I was engaged at a boys' private school in Niagara Falls. The headmaster and owner of the school, a fearless, freethinking, nineteenth century liberal, suggested to me that it would be better if I passed as a Czechoslovak. He didn't even have the excuse of religious bigotry to explain his proposal for he was an agnostic. What special 'yichus' there was about being Czechoslovak in preference to being Jewish I failed to see then and now.

"So rare were Jewish teachers at Parkdale Collegiate in the 1930's and so little knowledge was there about Jews that when a red-headed Jewish student teacher from the Ontario College of Education took our class, a boy next to me -- his name was Macdonald -- whispered in my ear that this teacher obviously must have had his hair dyed. Every one knows that Jews never have red hair naturally!

"At the University in the 1930's I only knew of two Jews on the faculty. There was Jacob Finkelman who lectured law, and a woman in mathematics who did not rise beyond a junior rank of lecturer as she bore a double liability -- her sex and her religion.

"Dependent as engineers were on employment by others, and with the added liability of a depression with very little construction going on, they drifted into other occupations.

"Dr. Willinsky once had to pass for Greek Orthodox because his Slavic sounding name made it plausible.

"The Toronto General Hospital from 1929 apparently adopted the practice of accepting one Jewish intern per year, a form of numerus clausus that they had no compunction about.

"The surgeon-in-chief of a leading Toronto civic-supported hospital was reported to have stated that Jewish doctors would be appointed to staff 'over his dead body.' The fact that these institutions were supported by taxes levied on all citizens irrespective of religious label went quite unnoticed.

"There was no problem about admission to the U. of T. Medical School, in the 1930's at any rate, provided the student had the qualifying matriculation credits. The problem arose at the end of the training process when the student graduated and sought a hospital that would accept him or her as an intern. That is where we lost a great number of talented and bright young people who had to go the United States for their internship. Some returned here, but many -- perhaps the majority -- stayed and became part of the brain drain.

"In Toronto two major department stores bestride the city like a colossus.

"I was always accustomed to thinking of downtown Toronto as consisting of two major elements: Eaton's and Simpson's, and whatever else sprung up between these mammoth institutions.

"Their record of employment of Jews was nothing to be proud of.

"When they conducted their own tailoring shops in the period before World War I the staff was almost exclusively Jewish -- who else were tailors, finishers, bushelers in those days?

"I've even heard tell the story of the Jew who was dismissed because he came in to work on Yom Kippur -- or was it the Sabbath?

"The office and retail section however, was a different story.

"A rather strange account was often heard:

"Jewish girls would take a job in the sales department and give their religion as some safe Protestant denomination. They would be employed and work for several months -- until Doomsday or very appropriately and literally Yom Hadin, or Yom Kippur in its more common name. She would be away that day and on her return would find a little yellow slip in her pay envelope informing her of her dismissal.

"Her absence of that day had identified her as Jewish -- that was enough for her discharge.

"Jews could get ahead in politics.

"There had been a Jewish alderman once in the 1880's, another named Louis Singer in 1912, and from the early 1920's almost continually a brace of Jewish aldermen -- almost always lawyers -- but always representing the Old Ward Four, i.e., the area of Jewish settlement in the central part of the city.

"It was difficult for many years for a Jewish candidate to win in nearby Ward Five because the number of residents was not quite big enough. Jews could rise -- but they had to get their start in a Jewish riding.

"This applied across the country. In Montreal back in 1917 the Laurier regime designated Cartier as a "Jewish riding" and it was represented in turn by Sam Jacobs, Peter Bercovitch, Fred Rose, Maurice Hartt, Leon Crestohl and Milton Klein until it disappeared in the redistribution.

"In Toronto West-Centre or Spadina it was Sam Factor and David Croll; Winnipeg North -- Abe Heaps.

"There's nothing wrong with a Jewish MP or MPP representing a Jewish riding. But it's rather confining to have to start in some particular riding."

Corroborative testimony comes from Prime Minister Mackenzie King himself. In a letter to the Hon. Andrew Haydon on Feb. 1, 1930 he discussed the high abilities of Bernard Rose, "I do not know anyone who is better able to interpret Liberal principles and policies to the electorate. His services ought to be utilized in connection with campaign work".

Yet, "I suppose it would hardly do to have one of Jewish extraction in charge of the work of Party organization. But for this circumstance, I question whether you could secure, were he obtainable, a man who would more efficiently discharge some phases of this all-important work. I believe he has a facility for correspondence not possessed by one man in a thousand in our country." (King Papers. Pp. 148947-48)

To continue with Kayfetz,

"One of the eyesores that greeted the traveller coming in on Highway No. 4, the only artery leading into the cityfrom Hamilton, was a placard over a private beach just by the Humber River called Brooker.

"Brookers used to display a sign over their gate which read Gentiles Only.

"At the other end of the city when in 1935 larger numbers of Jews started to visit Kew Beach, squads of young hoodlums inspired by what had happened in Germany earlier that year banded themselves together in a 'Swastika Club' to intimidate the Jews, keeping them away from the Eastern preserves of Toronto by strong arm bullyboy methods.

"An entire body of mythology has grown up about these incidents and the Christie Pitts incidents which followed. In retrospect they've expanded in size and meaning.

"They did occur.

"There were fights, and trucks did marshall men at Spadina and Dundas to carry off the fighting forces to the landing shores of operation Counter-Swastika in the East End.

"Housing was clearly restricted. Refugees from Germany and Czechoslovakia who came to Canada in the late 1930's word a phrase that caught me up short and shook me when one of them referred to a section of the city as 'Judenrein,' where Jews aren't permitted.

"This had such a ring of repression that I wondered if we were living in the same city.

"In 1941, the war was on. I overheard my employer's wife phoning hour after hour in reply to advertisements. Each time she called, she was looking for an apartment, she would ask as a matter of course, 'Is it restricted?'

"I was somewhat taken aback.

"She occasionally explained "We're Jewish" but most of the time the code word "restricted" was fully understood

on the other side of the phone. This was a degrading, humiliating procedure to go through, but go through she did.

"In another case immediately after the war's end a discharged medical corps captain still in uniform was negotiating for a purchase of a home in the Queensway area on the western side of Toronto.

"All was well until the would-be buyer mentioned, quite in passing, that he was Jewish.

"This destroyed the entire negotiation, the real estate agent explaining that he was bound by some unwritten agreement (or perhaps it was written) not to sell to Jews. Even Jews who had just defended their country."

The Toronto condition was paralleled in Montreal. In May 1935 Caiserman wrote to Alexander Brown of the Ontario Congress office, "You probably know that in Quebec, qualified high school teachers, who have passed examinations of the Protestant Board of McGill University and terminated their studies with distinction, do not find employment in the high schools of the province. It is said that only two are engaged as French teachers, but I cannot guarantee even this statement."

To which Mr. Brown replied, "It seems that in this respect Ontario is but slightly better than Quebec. There are only four Jewish teachers in the various high schools, technical schools and vocational schools of Toronto, and three throughout the rest of the province, of whom Mrs. Ida Siegel knows. Although it is not admitted, in practice there is a definite barrier and discrimination against Jewish teachers.

"In Toronto, there has been only one appointment made in the last four years, and that was because a high school principal requested that a certain Jewish boy be placed on his staff. The same applies to the province. We have a number

of highly qualified Jewish high school teachers who have distinguished themselves at the University and Normal School by winning important scholarships, for whom there is no hope whatsoever of obtaining a position."

Kayfetz holds that the Jewish community patiently endured this treatment, and he explains the circumstances that had nurtured this suffering inaction:

"We were not the kind of community then that we are today.

"We were predominantly an immigrant community. Men and women from Russia, Poland and Romania. Not fully integrated into the society, certainly not acculturated, not yet secure in their identity and still adjusting, however imperfectly, to an unfamiliar Canadian society.

"They had come in the main from a Czarist society where Jews were regarded as an alien element, barred from secondary (even primary) and advanced education. To train for a profession they had to cross countless hurdles, including study abroad. They were forbidden to live in the main urban centres.

"In contrast to what they had been exposed to, the open society of Canada, where their sons and daughters at least had a fighting chance at college, embarking on a professional career was so far in advance of what they knew that they were willing to put up with the discrimination; obstacles which to them were challenges to be overcome."

The Canadian Jewish Chronicle commented at the time,

"The annual crop of scholarships and awards in the public and high schools has been very gracious to the Jewish students of Montreal. There is a prodigality of recognition on the part of the authorities which is most gratifying.

"We view the situation from an entirely different angle, looking far beyond the immediate horizon. While we

may feel uncomfortable at this complimentary reflection, the non-Jew knows full well that in the hard world of realities which the young recipient of scholastic honors will face, all these things will be of little account. He knows that there will be little chance for this ability to be turned into practical channels.

"All we have to do is to take stock of the situation as it is. We hear of brilliant students whose career from public school to the university has been a procession of academic honors, and then---he finds the lid tightly clamped down on everything he attempts. Nobody knows as well as the Jewish professional man how circumscribed his fields are. The same story unfolds itself in other fields of endeavor. How many of these men look back upon their academic awards with disillusionment and disappointment?" (July 12, 1935)

The chronicles of the community are replete with such incidents as the St. Catharines, Ontario, case where a Canadian-born Mr. Feldman was refused a tobacconist's licence in premises where cigarettes and tobacco have been sold for over forty years. The reasons were common knowledge.

The case was brought before the lower courts, but the Jewish community in 1936 did not find the financial resources to appeal the police court magistrate's ruling to the county court. "It was only a question for Congress to pay $150 lawyer's fees, which we have not got," the Ontario secretary of the Congress wrote on Oct. 6.

The Department of Indian Affairs in Ontario replied to an inquiry on May 25, 1936: "If this club is Jewish, we have no space available. If not, there would be a charge of $5 per week for the privilege."

The Canadian Jewish Congress noted a further evil from which the community was suffering, in spite of the antisemites' charges of Jewish clannishness. A rally of workers for the Congress was told in 1935,

"There is discrimination against the English by the French majority in the Province of Quebec, and vice versa. Such discrimination is a challenge to British ideals

of fair play and to economic sanity. However, the greatest amount of discrimination is being directed against the Jewish citizens.

"The chartered Bank of Canada, the insurance companies of the Dominion, the trust companies of the country, and large industrial and commercial interests from coast to coast discriminate against the employment of Jews, openly.

"To this economic discrimination is to be added another serious aspect -- the discrimination of Jews against Jews. On the one hand we see thousands of positions, previously occupied by Jews, being filled by non-Jews; and on the other hand we see the non-Jews preaching all over the province of Quebec, the slogan 'Buy from our own!' In other words, Jews discriminate against Jewish workers, and Catholic workers discriminate against Jewish manufacturers and Jewish storekeepers. Can we tolerate such conditions?"

The Congress appealed to employers,

"We do not urge the exclusive employment of Jewish labour; we merely suggest that the percentage of Jews which you are at present employing be not reduced, and that you strive to increase their number gradually.

"The discrimination against Jewish labour, not only in industrial and commercial establishments but also in home industries and in the most menial of trades, is the most serious problem faced by Canadian Jewry and justifies us to take up this matter in turn with the Gentile firms in Canada, which, we regret to say, discriminate in a much greater measure against the employment of Jews."

The child's view of the Winnipeg antisemitic experience is documented.

In the case of Larry Zolf, the interest is particularly profound in the contrast between generations as well as between cultures. The father, Falek Zolf, was the idealistic product of Russian Jewry at one of its creative peaks, early century anti-czarism, Zionism, Hebraism, migration. In Winnipeg he was one of the teachers of the innovative radical Yiddishist J.L.Peretz School, one of the strong educational institutions of that Jewish culture

nourished by Zhitlovsky on the American continent, a Yiddish author, a militant secularist, a self-sacrificing chalutz building an intense Jewish society. Young Larry as a child saw more conflicts between the father's view of the world and the world's view of itself than did other sons of fathers; particularly father's vision of justice for the Jew in Canadian society and Winnipeg's own modus vivendi of the conglomeration of European and Indian peoples, which was in effect a near-mockery of father's Labour Zionism. His career as a Canadian commentator is a successful continuation of father's struggle even as his writings, so often autobiographical, are a comment upon it. His humour is a continuation of the Sholem Aleichem his father loved so richly, with a further touch of the bitterness of the militant at the moment of battle.

Even when Zolf wrote on the American element in the Canadian dream, he could not but be autobiographic. ("Boil Me No Melting Pots" in William Kilbourn's A Guide to a Peaceable Kingdom. Toronto, Macmillan. Pp. 152-56)

The Boy from Winnipeg who was not Jewish confirmed the accuracy of these memories. James H. Gray's recollections of his childhood in the prairie capital recalled the ethnic structure of that society. (Toronto, Macmillan)

The Boy remembers,

"In our world we chose up sides socially and nationally.

"If a couple of Irish, English, Jewish or Polish kids got into a fight, the rest of us tended to stand back and let them go at it. We confined our participation to shouting encouragement to the one we favoured. But if a Jewish kid tangled with a Polish kid, it was not long before several other Jewish-Polish fights were going on, or two or three of one group would gang up on one of the other. We learned quickly, in the North End, always to make a quick nose count of the odds before letting the first fist fly....

"The plain truth was that many an Anglo-Saxon kid spent much of his life envying the foreign kids. The Jews, for example, always seemed to be getting off on special holidays of their own, while we had to stay in school and work. Not only did the Ukrainian kids have our Christmas holidays; they had a week in January when they had Christmas all over

again. Even the Catholics who were not foreigners got away with murder, in our judgment. They had saints' days and feast days which gave them extra time away from school.

"There was undoubtedly a great deal of antisemitism in the North End of Winnipeg, and some of the parental attitudes must have filtered down to the children. Certainly the Poles and the Jews kept their distance from each other, and the Ukrainians brought their prejudice against both with them when they came. For us, however, 'Jew' was just another generic word that often included the peddlers who were Italian or Greek. When we scrounged bottles and scrap metal it was to sell to 'the Jew,' who was anybody that came along buying junk. The word 'Jew' was also a verb that was synonymous for 'bargain vigorously.' If we haggled successfully over something we would say, 'I Jewed him down.'"

These relationships between people constituted the determinant of the moods and the conditions of life and the measures of frustration and success. They were etched into all strata of awareness of the residents of that large portion of the globe, and have remained an important element of social, artistic, political and economic aspects of Canadian life.

Sometimes the minutiae of the lives of children -- a moment of restlessness in the classroom -- broke into the headlines of the press when a normal reaction exploded into exaggeration, and became a theme for the great media, as when maths teacher in the eleventh grade at Durnin St. John's Technical High School was irritated into an antisemitic expression: "No wonder Jews had been persecuted in Germany. They had been persecuted because they had flouted the laws of the country, just as members of the same race in the classroom were causing trouble by their disregard of the rules of the school."

Suddenly the background changed. Instead of being a happening in a classroom it suddenly became a segment of a world-wide catastrophe in which madmen - racists were annihilating Jews.

His eighteen Jewish pupils walked out into the streets, full of protesting dissidence. School trustees had meetings. Apologies, absences from meetings, apologies reiterated, faces saved, momentary notoriety, politicians disclaiming, "We certainly don't want this in the papers." (local press, Nov. 5, 1937) But the memories of the human relationships, of school atmosphere, of the reality of the human condition pervasive at all age levels of human society were formative in shaping Canadian Jews and other Canadians.

James H. Gray later reported on the antisemitism on the Canadian prairies, which was substantially the same as in other English-language areas: prejudice closed doors even to second-generation Canadian Jews. A chapter in his The Winter Years is entitled, "A Goy among Jews."

"For the Ukrainians, Poles and Jews, Winnipeg was far from being a city of 250,000 in which they, too, were free to search for work. As much as two-thirds of it was barred and bolted against them.

"None of the city's chartered banks, trust companies, or insurance companies could knowingly hire a Jew, and anyone with a Ukrainian or Polish name had almost no chance of employment except rough manual labour. The oil companies, banks, mortgage companies, financial and stock brokers, and most retail and mercantile companies except the Hudson's Bay Company, discriminated against all non-Anglo-Saxons.

"For the Jews, a name change was not enough. It was not even enough to leave the synagogue, as did many of the young Jews who became communist converts. In the minds of antisemitic Winnipegers, there was no way in which a Jew could escape from Judaism. In plain truth, the unhappiest Jew in town would have been one who managed to sneak into a job in any of the Anglo-Saxon companies.

"Ours was a society with a well-defined pecking order of prejudice. On the top were the race-proud Anglo-Saxons, who were prejudiced against everybody else. On the bottom were the Jews, against whom everybody discriminated. In between were the Slavs and Germans. By the mid-thirties the Germans had become deeply infected with Hitler's poison and discriminated against Ukrainians, Poles and Jews. The Poles hated the Russians, Ukrainians and Jews, and both the Ukrainians and Jews subdivided again into 'Reds' and 'Whites' who endlessly refought the Russian revolution.

"Racial discrimination was so much a fact of life that it drove the minorities into economic ghettoes. Jews tried to live off the trade of other Jews; and Ukrainians, Poles and Germans tried to live off other Ukrainians, Poles and Germans. This drive to survive in a prejudice-ridden community produced the rash of small industry and bootstrap manufacturing that developed in Winnipeg.

"The ingenuity of the Jews and Ukrainians in finding things to get into was almost without limit. A garment-district janitor gathered up and took home all the chamois scraps from the cutting table. He made dies with which to cut the hundreds of scraps into hundreds of rectangular 1" x 2" pieces. He tediously sewed the pieces into a huge patchwork blanket that he sold back to his employer, who re-cut it into chamois linings for cheap coats. As long as he got his raw material for nothing and could hire neighbourhood women to sew for fifteen cents per hour, he was in business.

"Small-scale garment factories, glove factories, shoe factories, printing plants and dress plants proliferated. Long-empty warehouse space in the old wholesale district began to fill up with Jews trying to scratch a living in manufacturing. The North End filled up with home-based contractors. When a Ukrainian went into a construction business, he trailed a small army of other Ukrainians behind him -- a Ukrainian excavator, a Ukrainian concrete-mixer, a Ukrainian plumber, a Ukrainian carpenter, a Ukrainian painter, a Ukrainian plasterer. It was the same with the Germans. The Jews tended more towards commercial enterprises and manufacturing.

"Despite what amounted to a mass crusade of group self-help, with each racial group trading within the group, there was no passage to prosperity by that route. The groups were too small to provide a market of sufficient size to make for an efficient or profitable operation. The great Jewish drive to catch up had produced five times as many doctors and lawyers as the Jewish community itself could support. Racial discrimination drove the businessmen and professionals in among themselves, but economic necessity drove them out into the larger community again to batter at the citadels of prejudice. Because of the greater compulsion upon them, the Jews worked harder for smaller rewards than anybody else, and the paradox was created of antisemitic businesses doing an increasing volume of business with Jewish enterprises. I once asked a Jewish friend who was prospering by making clothing for a huge retail outlet how he managed to do so much business with people who were so notoriously antisemitic.

"'They keep me in business,' he said. 'I make more money from them than any other customer I have. Why? Because they are antisemitic. Antisemitism distorts their judgment. In the back of their minds on every deal is the idea that they have got to beat down a Jew till he loses money on the trade. This business of having to grind down the Jew is a trap they keep making for themselves! And they don't even know when they are caught in their own trap. They have one absolute rule -- to pay less than last year. They have to be able to brag to the other managers what they did to the Jews.

"'Let me tell you about last year! Last year they cut the price so much I have to walk away and they go to Herzog Cloak. It happens he's got a government contract, so he is half-busy and they have to pay him $4 more a garment than they offered me. They can't come back to me; but Herzog comes to me and I do half the order for him in my plant at the price he gets!

"'And let me tell you about the year before last! Maybe you know they buy coats on a staggered delivery -- one-third by October 1, and the balance by November 1. They forget to fill in the first date on the order, so when it turns cold they start screaming for coats. 'Work overtime,' they say. 'Do anything, but get us the coats! I knew this had to happen, so I planned for it. I made up the garments to meet the usual schedule and waited. They pay me a big fat bonus for overtime I never had to work! And not only a bonus for me! I tack on a dollar a coat for my wife's Hadassah! When she gives me the receipt, I tell her better she should send it to the buyer, or better still she should send it to his boss and thank him for the donation his company has made to Jewish relief! What a joke that would be!'

"Most of his co-religionists made up for anything lacking in natural instinct by a capacity for concentration on what they were doing. They also had the physical stamina needed to work an eighteen-hour day, if necessary, and behind them was a driving force far greater than any to be found in the 'white' community." (Pp. 126-34)

Of the 70 places for doctors-to-be admitted each year, the first 50 were reserved for Anglo-Saxon, regardless of their educational attainments; the rest were allocated to Jews, Slavs and women. Only one Jew or central European

was on the staff of the banks in the west in the 1920's. The stock exchange excluded Jews as did the insurance companies. (The Roar of the Twenties. Toronto, Macmillan, 1975)

Professional schools made no secret of demanding higher marks from Jewish applicants for admission or of keeping them out completely. The most respected of universities were accused of this, even in the House of Commons.

Long after the war Hayes reported similarly,

"It is difficult to estimate the prevalence of discrimination since no intensive surveys have been conducted in all phases of this complicated problem. There can be no doubt that it is difficult for Jews to get into Canadian medical schools. In 1944-45 a Royal Commission in the Province of Manitoba arose as a result of charges that the University of Manitoba Medical Faculty was practising discrimination against Jews in the Medical Faculty. Apparently, the matter received sufficient public attention to justify an inquiry on such a high level as the Royal Commission. The results of the Royal Commission were characterized in many quarters as a 'whitewash.' However, the situation was somewhat relieved after the Royal Commission hearing." (Bnai Brith Anti-Defamation League, New York. Facts.)

As late as November, 1958, John Porter was able to write ("Higher Public Servants and the Bureaucratic Elite in Canada", in Canadian Journal of Economic and Political Science, vol. 24, no. 4, Pp. 483-501), "With the exclusion which operates at the top of other social hierarchies, and with freedom of entry into the bureaucracy it may be that for Jews ethnicity acts negatively on promotion in the sense that a 'tactful balance' at the higher levels is sought also for this ethnic group."

A LAW TO PROTECT THE JEWS?

In the face of these growing attacks, Jews sought remedies.

The search was world-wide, for the problem and the peril were international.

In the despair there were numerous suggestions. With hindsight we know that they all proved unavailing and that Jews survived the antisemitic rage only where the antisemites did not reach them, first politically and then militarily. The advance was stopped, in the event, by none of the Jewish efforts in defence but at a late hour and at vast human expense, by force of arms unsheathed fundamentally for other reasons.

Before that cataclysm Jewry was desperately seeking to refute the lies, to muster allies, to repel the attack, to preserve the earth from pollution, to aid the suffering, to rescue the threatened.

The means proposed ranged from elevating mankind to a level immune from violence and falsehood, to fortifying one corner of the land as a fortress of resistance and strength.

Rabbi J.L.Zlotnik used to tell a beautiful parable in the Jewish speech tradition: As mankind evolved in sensibility, the early men came to be troubled by the brambles and thistles which were hurting their newly sensitive feet. Early wise men sought ways of covering the earth with leather; a wiser man suggested that leather under foot would enable man to walk securely everywhere.

So Jewry exhausted itself in argument, preachment,

education, exhortation. They sponsored and they added to the political thought, the psychological examination, to the ethics and the eloquence of the decade a vast literature in defence of the foundation of democracy; at least in the English language a new voice entered the church and the press to speak of Jews and of Judaism and also of the implicit egalitarianism at the root of the century's freedom and human fulfillments. It was a literature of expectation, hope, expanse, but it also demanded commitment. It demanded the self-awareness of freedom in democracy. The Canadian library is the richer, for example, for the pamphlets, sermons and books of Rabbi Eisendrath, to be invidious by naming an example.

The prior example of this action developed in Germany where the Jewish community sought to counter violence and megaphone with facts set forth in reason and dignity. The mocking ineffectiveness of this educational approach quickly forced the search for other techniques, exemplified in Canada by a public debate between Caiserman and Israel Rabinovitch, editor of the Jewish Daily Eagle. ("What Can in Fact Be Done About the Reckless Antisemitic Provocation in the Province of Quebec?" by H.M.Caiserman in the Eagle, June 28, 1936.)

The Yiddish writer felt that in Canada and throughout the western world there is a basis in the underlying constitution for a ban on racist incitement, on provocation based on religious prejudice, on calls to civic violence, on the libeling of persons, groups and creeds. Judges, juries, legislators and executives of government should be entrusted with the protection of exposed and maligned groups such as the Jewish, and should be called upon to maintain public order and citizen's security from the unleashed mob and from the morally irresponsible élite who thus incite and exploit the mobs.

But those experienced in the courtroom traditions knew how reserved legislators and judges in free societies were at all times in limiting expression of even extremist writers and speakers in the interest of those who felt aggrieved.

The very fact that observers like Rabinovitch had occasion to insist on legal action indicated all over the world it had proven difficult to condemn the offenders before legal judgment.

Thus the Protocols have been circulating for many years and no court has unmasked the lie or those who spread the lie. The ritual murder accusation is the ultimate in viciousness which is self-evidently false, yet the courts have not punished those who circulated and repeated the ghastly calumny. Even repeated accusations against the Bnai Brith by name could not be stopped by the maligned order.

It is not only that members of parliament and judges are members of their own societies and either share or are sensitive to their societies' judgments and prejudgments. The judicial process often involves juries and other instances which reflect very concretely all the elements of popular consensus -- more open to the very prejudices and propaganda against whose evil protection was being sought.

Nevertheless the Jewish community was tireless in seeking judicial and legislative protection.

Long ago, as far back as 1924, S.W.Jacobs, M.P., had taken the case of the offensive La croix of Montreal, to Hon. Lapointe, federal minister of justice, and to the post-master general, suggesting that this poison sheet be prevented from passing through the mails. "Practically every article is an attack upon Jews."

But he was informed by the ministers that it could not be suppressed. (Public Archives of Canada. Jacobs Papers, Apr. 14, P. 941)

Joseph Bégin, founder of La Croix, was not afraid. "The Member of the Commons sought to stop the Cross, to stifle it. But the Cross, daughter of the Church, will not retreat before the son of the Synagogue." (May 3, 1924; cited by Philippe Reid in Idéologies au Canada français, 1900-29. P. 78)

Now that the Goglu was poisoning the air of Canada, Peter Bercovitch, M.L.A., drew the attention of the federal government to Arcand's peculiar uses of the nation's mail. On the outer sticker of the Goglu was a message, "The Jew is an Asiatic, issue of a mixture of yellow and black. White people should avoid him." Bercovitch demanded that use of mails for such scurrilous and obscene purposes be stopped. Again, with no issue. (A.M.Klein, "La Cause des juifs," in 1932 Souvenir Edition of Jewish Daily Eagle, Pp. 66-67)

As the antisemites' challenge became more pressing the Jewish members of the Quebec parliament decided to seek legislation which would protect the community now so dangerously open to the malice of slander by all comers.

On January 29, 1932, Joseph Cohen was permitted to present his bill no. 167, seconded by Peter Bercovitch, "Respecting the publication and distribution of disparaging matter against any religious sect, creed, class, denomination, race or nationality," a bill so innocuous as to startle us today: a measure that would permit a group to petition the court for an injunction against repeating slanders that expose it to shame and hatred; truth or public interest would be accepted as a defence. The bill proposed merely authority for the judge to restrain repeated publication of libel against any nationality or race.

The bill, entitled An Act respecting the publication of defamatory libel, read,

"2. The repeated publication of a defamatory libel, without legal justification or excuse, against any nationality, race or creed, likely to expose persons belonging to such nationality or race or professing such creed, to hatred, contempt or ridicule, shall give rise, without prejudice to any other recourse, in favour of any person belonging to such nationality or race or professing such creed, to the remedies hereinafter provided.

"3. That word 'publication' used in section 2 of this act shall be interpreted to mean any words legibly marked upon any substance whatever or any object signifying such matter otherwise than by words, exhibited in public or caused to be read or seen or shown or delivered with a view to its being read or seen by any person.

"4. Any person belonging to such nationality or race or professing such creed may apply to a judge of the Superior Court in whose jurisdiction such libel is published or circulated for the issue of a writ of injunction, whether interim, interlocutory or final, to prevent the continuation of the publication of such libel or of any libel of a similar character.

"5. Such writ may be directed and issued against any person, firm or corporation directly or indirectly responsible for the authorship or publication of such libel.

"6. The provisions of Articles 959 to 972 of the Code of Civil Procedure both inclusive, shall apply to the proceedings taken under this act, save that, notwithstanding the provisions of article 963, the judge to whom application is made for the granting of a writ of injunction may, in his discretion, relieve the petitioner from the obligation of furnishing security for costs and for the damages which may result from the issuing of such writ."

As the sponsors pointed out, it did not provide for damages for any group libelled, nor did it foresee imprisonment or any other punishment for offenders.

Bercovitch said,

"These papers have systematically attacked not only the races and religions, but some of the ablest statesmen of our country; they are doing everything in their power to destroy the good feeling, the concord, the good will and respect that our people have for each other and for those institutions in this land that are both dear and sacred to us all.

"Today no man's honor is safe, no institution is sacred, no religion is respected by these vilifiers and the slanderers, and we are weekly witnessing the sorry spectacle of the most grotesque libels and despicable lies being published and circulated throughout the province; all of which can have but one effect, and that to poison the minds of the majority of the population of this province against an element that has always respected the laws of the land and has always fulfilled its obligations to the land of its adoption.

"Only very recently one of these sheets published the ridiculous statement that Jews were permitted, according to their Talmud, to murder Christians, to commit arson and rape and most of the the other crimes to be found in the Criminal Code.

"It is probably giving these libels and untruths an importance that they do not deserve by making the public statement that they are a tissue of falsehoods from the first to the last and can have but one object and that is, to hold a respected element of the population up to contempt, hatred and ridicule.

"I believe that the time has come when we must endeavor to put a stop to the libelling of races, religions and nationalities in the Province of Quebec. While we have laws that prevent the libelling of an individual, there is no law that will prevent the libelling of a race, religion or nationality, even though the effect on the body politic of libelling a nationality or a religion in a country where there are diverse minorities may be much more disastrous than the mere libelling of an individual.

"The object of the bill under consideration is merely to prevent a repeated and systematic publication of libels, not only against Jews, but against any nationality, any religion and any race. The law does not authorize the claiming of damages by any race or nationality that has been libelled, nor is there any provision for punishment by imprisonment; it merely gives a judge of the Superior Court the power to issue an injunction to restrain the

repeated publication of libels against any nationality or race -- in other words, the real object of the law is to give bigotry no sanction -- persecution no assistance." (Feb. 16, 1932)

Public reception was ominous for legal protection of the Jewish community during the decades ahead. Many years later a special committee set up by the federal government noted that the Criminal Code even on the widest interpretation was doing little or nothing to protect groups from the evils of hate propaganda. Provincial legislatures were fighting shy of such legislation. But they were no worse in this regard than the courts. (Schmeiser)

Virtually all the newspapers of Quebec labelled the bill an assault upon the freedom of the press.

The bill was immediately attacked by Action catholique as discrimination in favour of Jews. In an editorial on Feb. 2, 1932 ("Another Legislative Pillage Demanded by the Jews," signed by E. L'Heureux) the newspaper wrote,

"Canada is a Christian state. Consequently it is the most recently arrived who must accommodate themselves to the established order, and not for the state to pillage its own legislation in order to enable the newcomers not to assimilate."

Extraneously, but significantly, L'Heureux introduced another argument against the Jews' demand for protection:

"But for the Jews it would have been easier for the provincial government to organize our Public Assistance in accord with the principles and the representations from our religious authority. Without them Sunday observance would be easier among our people. Without them we would not be having the troublesome matter of the Jewish schools."

Action catholique pronounced that "the Province of Quebec, a paradise for minorities, does not merit the affront of a law which would give her the appearance of being more of a persecutor than her sister provinces." The church spokesman went on to say that there was nothing like this law in the United States, France, England or other civilized countries, and asked why Quebec had to be the exception. The press was unanimous that, in order to stop an anti-semitic campaign in a couple of yellow journals, the legislation would cause trouble for all the papers. They

were also in agreement: such a law would aggravate racial quarrels and obtain results opposite to what Bercovitch and Cohen sought.

Later Louis-Phillipe Roy put it succinctly in Action catholique:

"Two or three times the Jewish legislators have already asked the legislature of Quebec in vain to protect their semitic group from attacks by a handful of antisemites. The Catholic and the independent press has foiled these discriminatory bills (ces projets de loi d'exception)",(cited in Patriote, May 2, 1935.)

The Arcand-Ménard teams presented a detailed memorandum to the Quebec parliament to the same effect. (Feb. 19)

(Lita Rose Betcherman. "The Early History of Canada's Anti-Discrimination Law," in Patterns of Prejudice, vol. 7, no. 6, Nov. 19, 1973 Pp. 19-23; reprinted in Congress Bulletin, Feb. 1974, Pp. 14-15; and her The Swastika and the Maple Leaf. Toronto, Fitzhenry and Whiteside.)

The Gazette commented that to go to such an extreme measure as the proposed bill was like mounting a huge steam-driven crusher to destroy little kernels of fanaticism.

Devoir in a sarcastic column by "G.P." (Georges Pelletier, soon to succeed Henri Bourassa as director), regretted that:

"Some people lack all sense of measure, like the sponsors of the bill on outrageous subject matter. Does John Bull get upset when he reads in a Quebec paper that Napoleon called England a nation of shopkeepers? Or Jacques Bonhomme when he reads in a Montreal daily that the French are a race of frog eaters? Or does Sandy become angry at the Scotch jokes in the Gazette, or Pat when he reads a story about Irish drinking habits in the Star?

"But is Issac angry when La Patrie writes that the Jews have been and continue to be bankers exacting high interest from everyone and that they have a penchant for usury? Quick, to the nearest lawyer. There the vexed man will demand an injunction against the paper and he will get it."

Devoir's criticism became progressively more bitter. "This heavy and awkward machinery (referring to the injunction) does not get to the law breaker until long after the violation. As an example, if Mr. Abel Vineberg, editor of the Gazette, publishes a libel against the Jewish race, it will be consumed with the breakfast rolls before the law catches up with it." To make the law work, Le Devoir continued, there would have to be a censor in each printing shop, appointed, of course, by Bercovitch and Cohen, "like the kosher butcher shops whence nothing goes out which is not approved according to talmudic prescriptions."

This was followed by some slurs on the alleged electoral practices of the two Jewish politicians, and by the inevitable link-up between Judaism and communism.

Action nationale, a journal to be taken seriously, warned, "This is an attempt thus to stem a certain anti-semitic movement here. Have they considered the full consequences of unchaining here the very movement they are proposing to repress? The surest way to make the Jew suspect, an object of jealousy for the entire population, is to make it a privileged tribe, a caste of untouchables, which it is too much already.

"Let them venture and they will see. We are even surprised that the Jews, who ordinarily do not lack intelligence, take this road or are led down this path. (Jacques Brassier, "Le Problème juif," vol. 1, Apr. 1933, Pp. 241-42)

The signature was ominous. The very influencial but cautious Chanoine Lionel Graulx had recourse to this nom de plume for his more violent intentions.

Not surprisingly, the Arcand press saw the Cohen-Bercovitch bill as intended to block "our newspapers which, like thousands of other papers, have sprung up as if by magic in all the Christian countries of the world." The approach of the intended legislation is to grant to other groups "privileges which would be equal to those of the French and the English in Canada without forcing these groups to assimilate to the basic Canadian races. A German would be as much at home here as in Germany, or a Pole or a Russian or an Egyptian." (Le Goglu, Feb. 5, 1932)

And, in another issue, "The Deputy Beder (sic) Bercovitch, false prince of the filthy ghettos, wants to convert the machinery of our beautiful Catholic and French-Canadian laws to the use and caprice of imported Jewry. In fact, this flotsam and jetsam of the Red Sea, this fugitive from the massacres of Egypt, this leftover from the justifiable furnaces of Nebuchadnezzar, this illustrious descendant of the assassins of Christ, has the cheek characteristic of rats and Jews to ask the parliament of our race for a law which would permit the residue of Yiddish immigrants from Poland and Russia to hinder the rightful claims of an honest and upright race which does not want to submit any longer to the exploitation, thievery, perfidy, immorality, filth, corruption and bolshevik propaganda of the sons of Judah."

Mrs. Betcherman believes that the Bercovitch bill changed a formerly neutral press to one highly critical of the Jewish politicians, if not of the whole Jewish community.

"The Taschereau government was growing timid with advancing age and took alarm at the bad press. Bercovitch was now under pressure from his own party to retire his bill.

"While refusing to abandon it, he agreed to make substantial changes, and on February 9 reintroduced it in the Assembly. The revised legislation covered group libel on the grounds of race, religion and nationality only: class, sect and the rest were dropped. Outside the

chamber, Bercovitch assured the newspapers that he did not want to cause problems for them; he just wanted to impede systematic racist campaigns.

"But the papers could not be mollified. With Le Devoir in the lead, they stepped up their alarmist offensive. As Georges Pelletier remarked, "Bercovitch has released a rabbit and all the press of the province are giving chase."

Since the revised bill answered the main criticisms, the papers sought to find new objections. They took the position that existing legislation, such as the Civil Code and the Press Act of 1929, was sufficient to take care of the problem. From this followed the argument that Jews were asking for special laws above and beyond everybody else. Le Progrès du Saguenay wrote: "There is no need to sabotage the Press Act to the benefit of a fistful of malcontents. The laws common to the province and satisfying to its population ought to suffice for the Jews." In this climate of opinion, even the powerful government's supporter, La Presse, was muted. Its dutiful assurance that the bill was expected to pass was faint-hearted.

"It was not until the last days of the session that the antidefamation bill came up for debate.

On second reading, Feb. 16, a debate arose and it was decided to adjourn the discussion. It was resumed on the 18th.

"The Liberals had been warned off by the press, and were not going to support their colleagues' measure. R.F. Stockwell was chosen to speak against the bill. To add to the drama, it was an open secret that Stockwell and Bercovitch were rivals for the post of Provincial Treasurer.

"Stockwell took the position that the Jews of Quebec had all the rights of British subjects, including the right to hold property and the right to practise their own religion. He maintained that they were now asking for an additional right -- immunity from criticism, and this he would not accord to any race. His next point was a jurisdictional one, namely that the bill created a new crime and therefore was a federal matter. The

offending journals were unimportant and should be disregarded. In his peroration, he summed up the conventional wisdom: "Let us recall that what is good will survive, and what is bad will die."

The legislator of Brome argued that Jews are not being deprived of their property, of their civic rights or of their freedom of worship. "I fear that this bill opens the way to abuse greater than the abuse we seek to correct....Liberties obtained have always been through the freedom of the printed word, freedom of speech, freedom of the press. These are the three great influences by which the battle has been won in the past. Why should we do something that would menace those functions?"

Premier Taschereau took the floor. He began by saying that this was one of the most difficult situations he had faced in a long career. He complimented the sponsors of the bill and through them assured the Jewish community that its members still enjoyed the respect of their fellow citizens. He understood the suffering of the Jews at these unwarranted, slanderous attacks because for a year he himself had been the victim of those papers. But he had ignored them and he advised the Jews to do the same. His speech left no doubt that he strongly deplored the anti-semitic campaign, which he described as "anti-national and anti-Quebec." He called it a disgrace in a province which "prides itself on being the refuge of liberty and tolerance, of harmony among races."

However, he told the House that he could not vote for the Bercovitch bill because he no longer believed that "public opinion is ready to accept such a radical measure." Moreover, in his judgement, existing laws were sufficient to protect the rights of minorities.

The bill was replaced by another measure which provided for a non-partisan committee to study the situation even as "the House, in the interval, expressed the opinion that every propaganda intended to create dissension of race or creed in the province is condemnable and unfortunate, and does not meet with the approbation of the Members of the Legislature". (Journals of the Legislative Assembly.)

Thus the bill died.

The Canadian Jewish Chronicle expressed the bitterness of the community.

"Students of political science, concerned more with problems of the real rather than the theoretical, might find it interesting to investigate wherein resides the ultimate sovereignty in the Province of Quebec. Only then will it find a plausible explanation for the sudden change in the expression of the legislative will, which one day gives every indication of supporting a measure, and then, unexpectedly and inexplicably, records the very opposite decision.

"Such a fate has been that of the bill seeking to make published attacks on any religious or racial group within the Province an offense giving rise to damages in favour of any individual forming part of the group attacked. This bill, sponsored by our deputies, Peter Bercovitch and Joseph Cohen, and intended to curb once for all the scurrilous and demoniacal attacks on Jews by certain yellow tabloids published in our city, after having been approved in principle by all parties, has been done to death by the usual parliamentary subterfuge of being referred to a special committee for further study.

"Whatever reason the Government may have proferred against enacting legislation of this sort will always remain unconvincing when it is recalled that it did not hesitate a few years ago to pass a retroactive law and punish a local journalist for attacking its injured dignity, although at the time when the attack was staged this did not then constitute an offense at law."

We might note that the Bercovitch measure was not altogether without issue. In the fall of 1935 Marcus Hyman wrote that his Manitoba bill was based upon that which had been presented in the Quebec legislature. (Canadian News, Sept. 27, 1935; communicated by Caiserman to Bercovitch, Jan. 26, 1936)

The demise of the bill was hailed by the Goglus as the second legislative defeat of the Jews within the year, following as it did the bill which emasculated the Jewish School Commission.

To anticipate:

Later the defeat of this effort was used in the courts to defend the legality of anti-Jewish propaganda. By a peculiar twist of logic the Goglu argued: A trial court had both convicted Ménard on charges of criminal libel and had awarded damages in a civil libel suit against him. Ergo, "all our laws suffice to protect everyone against offences by the press. If our laws are sufficient for all Canadians, there is no occasion to enact special laws for the Jews." (Oct. 21, 1932)

This teasing game between assembly and courtroom continued, with the Jews always "out".

In March 1933 Taschereau introduced his bill 28 ("An Act to modify the Code of Civil Procedure regarding defamatory libel") of which he had given notice the month before. The measure provided that when a newspaper, a publication, a pamphlet or any imprint publishes repeatedly, or if anyone distributes, writings or articles which in the opinion of a judge constitute an infraction of the provisions of the Canada Criminal Code regarding defamatory libel, he may issue an interlocutory injunction on a citizen's complaint.

The Canadian Jewish Chronicle was not ecstatic. The bill introduced by Premier Taschereau, which aims at fumigating the diseased press of this province, is not a new bill but rather an amendment to the existing code, whereby it will be possible to grant an injunction against any journal that prints anything of a religiously defamatory nature. The bill is a triangular one, dealing as it also does with black-mailing and pornographic literature. Jewish people will be interested most in that section which concerns their own racial and religious integrity.

The bill is fortified by the recommendation of Justice Desaulniers who, in rendering judgement in the Abugov-Goglu case last summer, regretted his impotence in the matter because of defects in the existing law.

The old bugaboo about freedom of the press is being exploited by political opportunists who are concerned only with the freedom of the Goglu. But what is of paramount interest to us is the effectiveness of this bill.

It is something and it is nothing. It throws a sop to our people, and at the same time it tries to placate the ruffled feelings of the jaundiced press.

As the bill stands it does not protect the Jewish people, but only the Jewish individual. This is in keeping with the suggestion that the only way to silence such papers is by swamping them out of existence with a hurricane of individual injunctions.

If this is the intention of the bill, then it is worse than useless, for if it is passed, it leaves a gaping hole through which the mudrakers can crawl and enjoy immunity. Such libels as those that have been conducted by the Goglu, while aimed at an individual, jeopardize the well-being of all the Jews in the province. The individual is only an excuse; if he is attacked on the grounds of his Jewishness, every Jew is implicated.

It is presumptuous to expect the Jewish community to constantly scan the horizon for litigants who will put the Goglu out of business. The protection of the Jewish people against malicious attacks is the business of the province. (March 3, 1933)

Georges Pelletier, director of the Devoir, objected strongly to the proposal (March 11, 1933) as one that could interfere with press revelation of material which is in the public interest. During the silencing thus envisaged an ill-doer being exposed could continue to defraud the public, or be elected to the senate.

But that month Arcand's Le Miroir and Le Goglu were closed down on the orders of Bennett, conveyed through the political channels of Sen. Blondin.

"The suspension of publication of the slander sheets gave Premier Taschereau the chance to extricate himself from

his commitment to the Jewish community. On April 11, he announced that the bill would be retired because the offending papers had gone out of business. "The deplorable state of affairs no longer exists," he declared, adding that "there are some journals which do not share all our convictions but they are decent." (Betcherman, p.30.)

But the closure of these periodicals was barely temporary. They were succeeded within months by the appearance of Ménard's Le Patriote.

The first issue, on May 4, 1933, expressed the hope that Mr. Taschereau will not create a law to suppress it.

As Nathan Gordon reported to the Canadian Jewish Congress session of January 1934: After the failure of the Abugov action, "it was announced that another bill would be submitted to the forthcoming session of the legislature with the object of curbing such journals. But once more a good deal of opposition developed, and when the weeklies in question suspended publication, the bill was withdrawn."

The Ontario story parallels that of Quebec.

In April 1931 Fred Singer, K.C., Member of the Provincial Parliament, raised the question of the right of automobile insurance companies to reject the applications of Jews, and the Superintendent of Insurance was directed to make an inquiry. After a conference with a small group of representative managers, the Superintendent issued a letter to all the companies operating in Toronto, asking them for their policy in this regard. Referring to the conference, he wrote, "It was conceded that no company should be required or compelled to provide insurance upon a risk which inquiry dictated to be unsatisfactory. But a serious question of public policy arose when any insurance company refused to entertain applications for insurance from any class of citizens based upon their nationality or religion."

The inquiry showed that 85% of the companies do not discriminate against Jewish applicants. (American Jewish Year Book, vol.33, 1931-32, Pp.59-60)

The statistics were dubious. The young Canadian Jewish Congress made vain efforts to secure the hard facts from the insurance companies, even from the parent corporations overseas, but the response always was that no figures were being kept by the insurers. Nevertheless the word was about that the applications of Jewish businessmen were treated differently from others, and that the companies had reasons to justify this discrimination.

This was used not only by Ménard's Le Patriote, but also by the cardinal's official La Semaine religieuse de Québec which wrote,

"Who can count the multitude of usurers, crooks, defrauding merchants and bankrupts, incendiaries among the Jews of all nations? The attitude of certain insurance companies towards Jewish stores is instructive, conclusive. It is therefore reasonable and in keeping with the general good to tell citizens, 'Do not borrow from Jews, have nothing to do with them, don't....'" (Sept. 27, 1934, no. 14, Pp. 52-53)

In Germany the satanic Voelkischer Beobachter noted the Canadian development, citing a specific case which, in the event, happened not to be authentic. A Jewish businessman had lodged a claim before the courts against an insurance company which -- in point of fact -- made it a clear matter of policy not to discriminate against Jews. In this case the company disputed the claim on the ground that the policy had been bought under an alias, that the policyholder had not disclosed that he had a criminal record and had served a term in Sing Sing, that the property in question was registered in the name of his common law wife, that he had changed his name from a clearly Jewish one to one less identifiable, and that the fire was clearly incendiary in origin. The judge agreed that there was justice to this defence. (Congress correspondence with A. Brown of Toronto and the Winnipeg Bnai Brith, June 22, Aug. 15 and Sept. 17, 1934; letter from District Grand Lodge Bnai Brith no.5, Winnipeg, to M.J.Finkelstein, June 22, 1934.)

As Mrs. Betcherman told it in Patterns of Prejudice:

"A small step was taken in the direction of positive legislation to provide equal rights for all citizens, regardless of race or creed, in the 1932 session of the Ontario legislature, when a Jewish government member, E.F.Singer, introduced a bill designed to end the racial and religious discrimination then commonly practised by the insurance companies.

"The House was clearly sympathetic when Singer gave instances of the difficulties faced by reputable Jewish businessmen in obtaining fire insurance. All of the eight members who debated the question supported the principle that unfair discrimination against Jews and other religious groups should be stopped.

"But (on second reading, March 22, 1932) there was some attempt to quash the bill by questioning its practical value. Notwithstanding these last ditch efforts, with the blessing of the Conservative Government, the law was passed and Ontario's Insurance Act was amended to read: 'Any licensed insurer which discriminates unfairly between risks within Ontario because of the race or religion of the insured shall be guilty of an offence.' "

In her The Swastika and the Maple Leaf Mrs. Betcherman records that "Premier George Henry's Conservative administration thus had the distinction of enacting the first piece of human rights legislation in Canada." (P.50)

"A broader human rights bill made a fleeting appearance in the Ontario legislature early in the 1933 session. A young Conservative of Hamilton, not a Jew, Argue Martin, strongly supported by Singer, introduced a bill to prohibit advertisements and notices which discriminated on the basis of race and religion. The proposed bill had teeth in it, with fines ranging from $50 to $500.

"What Martin and Singer were trying to do, of course, was to rid the landscape of those offensive signs in

front of resorts, factories and apartment houses which announced that 'Gentiles only' would be accommodated or 'No foreigner need apply' for work. 'Help wanted' ads in the newspapers often have similar messages.

"Overt discrimination in housing and recreation was blatant. Entire suburbs were closed to Jews, and restrictive covenants, prohibiting the sale of certain land or houses to Jewish buyers, were upheld in the courts. The city-owned Toronto Island was rented out to cottagers on twenty-one-year leases. On one part of the island 'Gentiles Only' signs began to bloom in the summer of 1932. As it happened, the chairman of the Parks Commission was a Jewish alderman, J.J.Glass, and he managed to have a clause inserted in the leases, to the effect that signs could not be erected on city property without the commission's approval. But the signs were like weeds. Eradicated in one area, they sprang up in another. Motorists driving into Toronto were greeted by a large 'Gentiles Only' sign on a private beach just outside the city limits. Summer resorts displayed signs stating 'No Jews or Dogs Allowed' and their owners distributed brochures assuring prospective guests that their clientele was restricted."

There was some support for Martin's measure. Rev. Salem Bland, writing in the Toronto Star under the nom de plume of The Observer, agreed that discriminatory notices were 'an unfair and oppressive situation.' They hurt the feelings of a class of people and spread infection of prejudice. Notices which excluded the Jewish people probably inflicted the greatest pain, 'just now when a once great and enlightened nation in Europe seems likely to give dictatorial power to a madman, who professes to be bent on reviving the hideous medieval persecution of the race that has laid the world under greater obligations than any other, and when in a neighboring province there is going on a persistent attempt to kindle the same foul flame in Canada.'

But, if the liberal press was ready for such a law, the Ontario legislature was not. Despite eloquent pleading from its sponsors, the Legal Bills Committee threw it out. The chairman stated that while appreciating the point

of view of the proponents of the bill, he doubted if it would accomplish the goal set for it. The most that the committee was prepared to do was to present a resolution to the House, strongly condemning the practices which Martin had sought to eradicate through his legislation.

But to no avail. The Legal Bills Committee threw it out in spite of eloquent pleading on its behalf.

In Montreal Ménard's Patriote gloried at the success of Wilfred Effington, M.P.P., in fighting off the Ontario bill which was stronger in its provisions to protect the Jews than Taschereau's measure had been. ("Violent Antisemitism in Ontario," May 11, 1933)

A declared fascist was running against Glass in the provincial election and building his campaign on a boycott of Jewish stores. Glass assured his Jewish constituents that the provincial liberal government was thinking of introducing legislation to outlaw hate literature.

Premier Mitchell Hepburn was returned in a landslide victory, and Glass was reelected with him. The Jewish legislator announced that he would ask the House to pass a law which would place a recognized group on the same footing as an individual in the matter of libel or slander.

The Globe and Mail reacted sharply. Such legislation was "not the British way." It would be "mischievous, undemocratic and anti-British." A law to curb so-called antisemitic activities would give all groups, communists and fascists included, the right to protection. There would be no limit to what might be construed as "anti" in court actions. Such a law would lead to fascism itself. The writer advised "the Hebrews" to ignore the propaganda. "If the Fascists have not a worthwhile idea in baiting the Jews, it will die anyway."

Even labor and the liberal clergy expressed their grave concern. Under their grave pressure Toronto's city council secured legal advice that libels could not be suppressed through existing procedures.

The Toronto office reported to Caiserman on the political mood of the moment,

"Although A.J. Freiman of Ottawa suggested that the bill be introduced during the present session, both the Premier and Mr. David Croll contended the present session would be most untimely for the purpose of the bill.

"The reason is that the obstructionist tactics of the opposition have caused a large number of important bills and business to gather, which will have to be dealt with before the present session closes. Should the bill, introduced by Mr. Glass, elicit any contention (and there is always the chance that such a bill would) there is a great danger that it would be thrown out due to pressure of other important business in the present session. Once thrown out, the possibilities of a successful re-introduction and passing of the bill would be lessened; and Mr. Glass agrees with the Premier and Mr. Croll that it is not wise to endanger the successful passing of what to us is so important a piece of legislation by the premature and overhasty introduction at an inopportune moment." (Letter from Alexander Brown, Ontario secretary, Apr. 19, 1935).

The Glass bill was never introduced. Although it was prepared and entered on the Order Paper of the House, its sponsor had second thoughts on being advised by Hepburn that government legal counsel were doubtful of its constitutionality. After a private canvas of constitutional experts confirmed that the bill probably intruded upon federal powers, Glass abandoned the idea. (Betcherman)

The discrimination against Jews incorporated in deeds of land was strongly reflected in a detailed survey conducted in Hamilton. The Canadian Jewish Congress sought remedial legislation and interviewed the Attorney-General who practically assured them of such legislation. The promise was not kept. (Minutes of public relations committee of the Canadian Jewish Congress in Ontario, Apr. 28, 1937)

The anxiety of the entire community in the face of this situation was becoming the more tense. Those responsible for implementing the programs of Canadian Jewry were only the more aware of the difficulties they were facing. The community at large was pressing for more vigorous action; they were the more energized by their awareness of the hostility towards them on the political and legislative level. The Jewish press was demanding more vigorous and immediate action, on legislative and judicial levels. Serious journalists, like Rabinovitch and Hersh Wolofsky were urging a community call for anti-hate legislation and for more effective libel laws to defend Jewish citizens whereby the disseminators of the lies could be brought before the judges for the harm they have done to residents of Canada.

Wolofsky accused the leaders of the community, many of them his close friends, of indifference and of giving consideration to community problems only when they are at meetings.

Israel Rabinovitch questioned the value of the consultation of the lawyers in the Congress, feeling as he did that the temperament of the experts will affect their opinions. ("Half an Ultimatum" by H. Wolofsky in Eagle, Aug. 31, 1937; Rabinovitch, "We Await Impatiently," in Eagle, Sept. 31, 1937, and Oct. 21 and Nov. 2)

They were confirmed in their views after inquiries from Ottawa as to responsibility for anti-Jewish literature of American origin mailed out from Canada with an Ottawa post office box as the return address. Postmaster General J.C. Elliott replied on Apr. 20, 1937,

"The person concerned is Jean Tissot, a former police officer, who frankly accepts responsibility.

"This raises the question of penalties for misuse of the mails by spreading false information against religious groups.

"At various times the Post Office Department has been faced with the question of whether the attacks of one section of society against another, by means of publications couched in intemperate language sent through the post, can be construed as containing a seditious intention calculated to disturb the tranquility of the State; but it is considered that neither the Post Office Act nor the Criminal Code gives me the right to interfere.

"After carefully examining the legal aspect of the matter, I am satisfied that your recourse is to the Courts, rather than to this Department, for the prohibition of the transportation in the mails of the matter complained of." (Minutes of Congress Committee, Apr. 29, 1937)

Helpless as they felt in the situation, the Ontario Congress Committee declared,

"The effort to bring to the attention of the Government of Canada the unprecedented anti-Semitic activity and the dissemination of anti-Jewish literature, and to request an investigation into racial prejudice and hatred is of profound importance. The urgent necessity that our objectives be achieved requires that every precaution be taken to ensure sympathetic reception of our requests to the government.

"In view of the gravity of the situation and the apparent

lack of official interest in the raison d'être of organizations inspired and controlled by the Nazi government, it is imperative that no representations whatsoever be made until proper organization and formulation can be accomplished. It is essential, moreover, that every possible support from non-Jewish individuals and organizations be mobilized to investigate anti-Semitism in Canada.

"The demand for immediate representations to the government on the part of the Canadian Jewish Congress, instigated by impatience at the necessary caution which must be exercised, must not be acceded to, since an improperly organized effort minimizes chances for success. Anti-Semitism in this country is no longer the sporadic action of prejudiced individuals, but is organized on a national scale by agents. Greatest amount of information compiled in a dignified and authentic manner is required.

"The advisability of deferring action until a more propitious time is emphasized by demands made by prominent figures in the United States for an investigation into Nazi activity. If this request is granted by the United States government, an important and valuable precedent will have been established."

After its experiences in the provincial jurisdiction the Jewish community sought to bring its interests and its anxieties before the highest authorities of federal government. This did not prove either easy or effective.

A representative Jewish delegation called upon the Hon. Mr. Meighen in Ottawa on May 2, 1934 to suggest federal legislation against the hate propaganda threatening Canadian citizens, but his reaction was no more than cordial.

As H. M. Caiserman reported to M.J. Finkelstein, western president of the Congress, on May 3rd, "A Congress committee composed of Messrs. S.W. Jacobs, Nathan Gordon, A.J. Freiman, Sam Factor, A.A. Heaps, and the General Secretary have met in Ottawa with Mr. Meighen, the leader of the Senate, to urge him to sponsor a bill in the name of the government for certain amendments of the Criminal Code.

"We presented him with a voluminous file of anti-semitic propaganda from every part of Canada to substantiate the need of the proposed legislation.

"Mr. Jacobs pointed out to him that the Canadian Jewish community has hesitated for the last three years to suggest any legislation, but that the character of the anti-semitic propaganda is such that they must request the intervention of the government. Mr. Meighen, while agreeing emphatically that something must be done, suggested that a number of difficulties must be overcome to ensure that the suggested Bill not meet defeat." (The H.M.Caiserman Book, 1962. Pp. 245-6)

"Mr. Gordon pointed out a number of articles of the Criminal Code which could be amended on the lines of the State of New York Bill.

"It was agreed that Mr. Gordon and Mr. Jacobs draft a bill and submit it to him as soon as possible; that he will then study it carefully, and see exactly what action could be taken."

Mr. Gordon did indeed draft such a proposed amendment to the law, but this proved a futile exercise.

As Caiserman reported to the American Jewish Committee, who had expressed a deep interest in the Canadian experience, on Aug. 1, 1935, Congress submitted a draft amendment to Article 201 of the criminal code. The Law Committee of the Senate approved the amendment. But the legislation was abandoned after a meeting of the Council of Ministers.

A report by A.A. Heaps, Jewish labor M.P. from Winnipeg, reflects the frustrations of the day:

In his quest for federal action on hate propaganda he called on one cabinet minister who informed him that, he having received a communication from the prime minister regarding the problem, it has become a matter for the cabinet.

Minister of Justice Lapointe told him that educational methods are the only means which can be used to deal with this antisemitic propaganda.

Mr. Heaps pointed out to him that to expect a minority of 160,000 people to conduct proper educational propaganda among the entire population of the dominion is to expect the impossible, particularly in face of the fact that the anti-semitic propaganda in the dominion is apparently subsidized by foreign countries.

He stated that, therefore, the best educational method is a parliamentary investigation. The public hearings would be reported in the press of the dominion. As far as the Jewish people are concerned they have absolutely nothing to fear from ventilation of the truth.

To Mr. Lapointe's objection that he did not quite see why Canada should be the first country to institute such an investigation, Mr. Heaps replied that the United States had already commenced such action and suggested that the only way to deal with the matter was to pass a proper amendment to the Criminal Code.

Mr. Heaps reminded him that the Hyman Bill in Manitoba had proven effective, and there was no reason why it should not be effective Dominion-wide.

Mr. Lapointe had no knowledge of the Hyman Bill but remarked that the Government might be disposed to stop the circulation in the mails of Nazi and antisemitic literature, to which Mr. Heaps replied that this would not be enough. It would still permit the sale of antisemitic literature on the streets. Only a Parliamentary investigation could decide on the best way to curb this nefarious propaganda.

As Heaps had arrived for his appointment with the minister, one of the secretaries to the minister asked Mr. Heaps to see him after the interview. Mr. Heaps did so.

To his great surprise he was told by the official that he had recently been to Vienna where the Jews represent a large minority; having observed matters there, he was greatly inclined to be anti-Jewish. Mr. Heaps endeavoured to show him that his impressions were very erroneous. But above all, it demonstrated to Mr. Heaps the atmosphere of the department.

Having arrived home very much perturbed, he wrote a personal letter to the minister in which he suggested to him that he commence his educational work with his private secretary.

Mr. Heaps "saw the secretary to the Prime Minister and endeavoured to obtain an appointment for an important Jewish delegation from coast to coast. The conversation was a very sympathetic one, but the secretary declared that the appointment cannot be arranged at present."

The Ukrainian member of the Commons for Edmonton, Michael Luchkovitch, who had been angered at a slur against his people by a sitting judge, proposed a measure to modify the criminal code, cap. 36 of the Revised Statutes of Canada, to render group libel an offence. Of course his efforts of 1935 got nowhere.

The Montreal L'Illustration read the Luchkovitch bill its own way:

"It would forbid Canadians to judge immigrants, and strangers who think they are masters of Canada. We will no longer be able to criticize the religion of the Doukhobors, to complain that communist demonstrators are mostly parasites from central Europe, to regret that Montreal business is falling into the hands of strangers, to compile immigration statistics, to tell of the yellow peril. In short the Canadian will no longer be able to think of Canada first, to point out and to denounce acts, words and customs which are anti-Canadian." (Apr. 10, 1935)

(As an aide to identification: J.W.Pickersgill, secretary to the Prime Minister of Canada, informed Mr. King on October 6, 1938 that L'Illustration, which is edited by the Fascist Adrien Arcand, is reputedly financed by the government of Quebec. -- King Papers, P. C-119062)

Action catholique wrote "As a matter of charity we would seek their welfare; we wish their conversion and their salvation, and we pray constantly for them. In justice and in conformity with morals, we respect their life and property and all true rights. But as infidels they have no right to be treated as members of the Christian family. Without lacking in charity and justice we can say that this race is undesirable, that the Jewish religion is evil, and the Luchkovitch bill is therefore an absurdity." (Louis Phillippe Roy, quoted in Patriote, May 2, 1935)

The Devoir lamely criticized the proposal on the ground that come war, popular resentment would sweep away the force of law and people would again -- as they do now to Germans -- deprive those who share race with the enemy of their possessions and of their rights. ("Bloc notes", Apr. 15, 1935.)

Mr Luchkovitch's sincere, if naive, efforts were not advanced by the failure of enthusiasm and support from the Jewish community, its legislators or its friends.

S.W. Jacobs, M.P., a very vigorous spokesman for Jewry in the House of Commons and president of the Canadian Jewish Congress, gave it to Mr. Luchkovitch as his opinion that the bill should not be pressed at this time because it had no chance of adoption. A Liberal government could be expected to fall, and the chance of getting such a measure through at that time would be much greater. (Caiserman letter to Rabbi Eisendrath, Apr 19, 1935.)

Characteristically, the Rev C.E. Silcox of the Social Service Council of Canada and director of the Committee on Jewish-Gentile Relationships, in his inexperience and timidity in countering antisemitism, wrote Mr. Luchkovitch on Apr. 9, 1935, "I have devoted a good many years to the study of racial and religious prejudices, both in the United States and Canada, and only last December my report on Catholics, Jews and Protestants was published by Harpers.

"Let me say simply that I have the greatest sympathy with the intent of the bill; but personally I do not believe that this is a suitable sphere for legislation.

"The evils of prejudice may only be intensified by efforts, however well-meaning, to deal with them by legislation They must be dealt with by educational processes. Such a bill, if passed, would, in my judgment, be self-defeating.

"There have been similar Jewish efforts in the United States and, I think, some states have passed legislation of this character. They have even sought to make it an offence for a board of education to inquire into the religious affiliation, if any, of an applicant for a teaching position. None of these efforts is of much avail, and it usually but intensifies the antagonism which may already exist.

"Only recently, in the Province of Quebec, an ex-Catholic priest, now a missionary of the Church of England, was brought into court on the charge of blasphemy because he had criticized the Catholic hierarchy. The right to criticize another religious group is practically inherent in the right of religious liberty itself; whether it is good-mannered or not, is another question; and it is seldom, if ever, well-informed.

"Moreover, in my judgment, there are certain racial characteristics, although large numbers of individuals in any given race may deviate from the generality. Now, if any one member of a given group has a marked dislike of the general characteristic behavior of another group, you cannot correct his opinion or his prejudice by legislation. You have to re-educate him, however slow the process may be. This job of re-education is, in my judgment, the single greatest social enterprise confronting the Canadian people, which is such a mixture of different racial groups.

"The question of what is libellous, too, is extremely difficult to determine. For instance, insurance men generally affirm that Jews are a poor risk in fire insurance or in automobile accident insurance, although not in life insurance. I have given the subject a good deal of consideration, and while I have never seen actuarial proof which absolutely convinces me, I think that the insurance companies have probably in many instances some good cause for the attitude they take -- even though it may be hard on certain Jews (and there are many of them) whose word of honour might be respected anywhere and who would never think of condescending to arson.

"This is just a typical instance and there are many. The situation is highly complicated."

Rabbi Maurice N. Eisendrath of Toronto sought to counter the effect of his friend's missive when he wrote to the legislator a week later, "I am desirous to maintain a liberal attitude toward all the problems and movements of our time, and I fully appreciate that prejudices cannot be dissipated by law. At the same time, there are limits beyond which freedom should not be permitted to go, even in the most democratic and liberty-loving commonwealth.

"I do not see wherein freedom of expression is curtailed by permitting recourse to the courts in case of definite libel. It was the 'laissez faire' attitude toward the flagrant libels of the Nazi movement in Germany which bred such bitter anti-Jewish feeling there. I do not think that we in Canada desire to have such things reproduced here, and yet you yourself know that similar falsehoods are being disseminated in this country. I, therefore, feel that it is a false liberalism which would permit such propaganda to be distributed without restraint.

"There is an old saying to the effect that if a man wishes to drown a dog, he says that it is mad. It is the attempt to paint the minority in all manner of ugly colours which leads to its persecution. No just criticism of any group should be suppressed; but when the minority is subjected to such obvious falsifications as are contained in the Blood Accusation, the Elders of Zion, et cetera, surely there should be some legal redress for a group, and even, as is possible, with regard to the individual."

By this time Mr. Luchkovitch was quite discouraged. As he wrote to Rabbi Eisendrath on April 18, "There is not much likelihood of my Bill passing. The Government has already intimated that they would not support it and a lot of their own. I spoke to Mr. Henri Bourassa the other day and he informed me that he would not be able to vote for the Bill.

"Rather than press for a vote, therefore, I think it would be the best policy under the circumstances not to call for a vote this session. The best method to follow in a matter of this kind would be to have it introduced in the Senate by the Leader thereof, or, in case of his refusal, by some other prominent member of the party that is in power. Once it passed the Senate it would have a better chance of getting through the House of Commons."

Canadian Jewish Congress experience with Bennett's successor as Premier of Canada, William Lyon Mackenzie King, was as fruitless.

Securing an appointment with King proved difficult even for his friend of many years, S.W.Jacobs. Another Jewish friend from the House of Commons, A.A.Heaps, of Winnipeg also tried, as did A.J.Freiman, again without success. They compromised with a meeting between Heaps and the Postmaster General. (Letter from Caiserman, Aug. 20, 1937, to Oscar Cohen, secretary of the Congress in Ontario)

On August 25, 1937, the Congress wrote to the Prime Minister of its "concern at the unchecked avalanche of anti-semitic literature which is being distributed in Canada through the Royal Mails:

"This literature libels the Jewish people, accusing us of most preposterous things, accusations which have time and again been proven utterly false. The purpose of this propaganda is to poison the minds of Canadians from coast to coast, filling them with hatred against the Jewish citizens of the Dominion.

"The Nazi Party of Canada publishes weekly and monthly newspapers whose purpose is, chiefly, to insult and blacken the name of the Jewish people. They libel the Jews as a whole, and thus they escape legal prosecution.

"In addition, they import, publish and distribute through the mails vast numbers of books, pamphlets and articles, written by Jew-baiters known throughout the world -- all aiming to destroy the Jewish people."

Congress sent the Prime Minister samples of the defamatory materials being circulated in Canada and requested the Federal Government,

"I. That the Post Office boxes be refused to individuals or organizations which engage in the promotion of hatred among His Majesty's loyal subjects and in the circulation of literature libelling groups of Canadians.

"II. That the Post Office of the Dominion refuse to transmit such objectionable literature through the mails.

"III. That legal measures be adopted which would make such libellous accusations a criminal offence.

"After careful consideration, the Canadian Jewish Congress requested the government for a parliamentary investigation into Nazi activities in Canada. The investigation is desired because,

"1. Such an investigation, by exposing the direction and financial aid behind the Nazi web in Canada, would thoroughly discredit the organizations and the programs.

"2. Certain Nazi agents would leave Canada rather than face a board of inquiry.

"3. The Parliamentary committee would uncover the extent of organized antisemitism in Canada and would propose measures to remedy the situation.

"4. When we make public the work of Nazi agents, we will secure the active support of a large body of the non-Jewish community, and the antisemitic propaganda now being circulated will be publicly exposed as falsehoods and vicious calumnies.

It was only through the intervention of A.J. Freiman, backed by representations from A.A.Heaps, that the Congress petition got past the secretaries to Mr. King. He, in turn, referred it to the cabinet on September 14, which passed it back to the Post Office and to the justice department. Requiescat. (King Papers, Pp. 199,625-28)

The convention of the Trades and Labor Congress requested the government to investigate Nazism in Canada, and the Toronto, Montreal and Kitchener communities supported this proposal.

An Ontario delegation to the Postmaster General, consisting of Jewish and Protestant citizens, complained of the mails being used to distribute attacks upon their adherents. The ministers consulted their law officers and determined that it was beyond their powers to deny the departmental services to those making disruptive attacks on races, creeds or specific fraternal groups. (Jewish Telegraphic Agency Bulletin, Nov. 11, 1937; Letter from Prime Minister King to Canadian Jewish Congress, Sept. 10, 1937)

The Prime Minister indicated to the post office department his interest in the question, and the issue automatically went to cabinet, whereas a few weeks earlier, Mr. King had no time to receive Jacobs, Heaps and Freiman. (Heaps report, Sept. 17, 1937)

Apparently the staff of the post office was mildly sympathetic to the Jewish plea, but Ernest Lapointe,Minister of Justice and influential voice of Quebec in King's entourage, took a less friendly position, and not this time only; several months earlier Lapointe had prevented S.W.Jacobs being named to the Canadian parliamentary delegation at the Coronation. The invitation was to come from the Canadian branch of the Empire Parliamentary Association where Jacobs had been an

active member for twenty years. At this point the naming of the delegation was referred to the speaker and thence to the cabinet. There Lapointe had objected to a Jew being named as Quebec's representative at the coronation of the King. (Montreal Star, March 29, 1937; Congress letter to Board of Deputies of British Jews, Apr. 16, 1937)

Of this case the Canadian Jewish Chronicle wrote, "The sacred ceremony of crowning the monarch of the British Empire has been befouled. Coupled with crowning of the monarch is the recognition of the equality of all his subjects, regardless of race, colour, or creed. To exploit the coronation for back alley race discrimination is therefore tantamount to besmirching the coronation." (Apr. 2, 1937)

The Prime Minister pleaded complete ignorance and innocence in the entire affair.

Heaps reported to the Congress in Montreal on September 12, 1937 that, as a consequence of the Congress petition, the Post Office sought to learn the purposes served by the post office box given in the Key to the Mystery. They learned it was the destination of Nazi propaganda in German from Erfurt and of Danish Nazi materials.

His representations to Minister of Justice Ernest Lapointe led to a discussion of procedures that might be followed in the situation. The Minister did not favour legal action by the Crown against the antisemites. But if such action was taken he suggested that the locale be Ontario rather than Quebec where, the Minister admitted, the Jews might not secure full justice.

Nor would he agree to a royal commission to investigate subversive propaganda in Canada. He was more sympathetic to the idea of a parliamentary inquiry which might lead to changes in the legislation. This would also serve to bring the issue into the open.

The Hon. Mr. Lapointe arranged for an audience for Mr. Heaps with the full cabinet in session. The Winnipeg legislator addressed them for half an hour on the serious situation.

In the West the race situation was so tense that the Attorney General of Saskatchewan, T.C.Davis, wrote to the Hon. Mr. Lapointe on March 29, 1938, suggesting that the government should consider amending the Criminal Code to cover group libel. "In a country such as this, where we have a highly mixed population, particularly in Western Canada, a movement of this type serves no good purpose and merely breeds a lot of ill will," he wrote. There was nothing in the present law to control these Hitler-style groups, whose aim was to exterminate Jews and Freemasons, and "it might be advisable to amend the Criminal Code as proposed by Luchkovitch, the M.P. for Edmonton."

Davis personally doubted the effectiveness of this type of legislation; nevertheless, his letter testifies to his concern over the problem.

Lapointe, however, did not believe that legislation was called for. (Betcherman, Pp. 119-20)

Some, more militant, continued to disagree. Prof. F.R.Scott always held that section 136 of the Code declared it a crime for anyone knowingly to publish false news "whereby injury or mischief is or is likely to be occasioned to any public interest." But "this little used section of the law" was not invoked. In particular, he notes, it was not applied when The Protocols of the Elders of Zion was disseminated; "If this was not a knowing publication of false news likely to injure a public interest, it was an act equally harmful.... The control of the mails gave Ottawa further responsibility for.... protecting fundamental rights. Newspapers obtain special postage rates from the Post Office, and there would be every justification for the withholding of this privilege from any paper which does not meet the standards required by law." ("Dominion Jurisdiction over Human Rights and fundamental Freedoms," in Canadian Bar Review, vol. 27, no. 5, 1949, P. 523)

As late as 1966 a special committee set up by the federal government found that "the criminal code, even on the widest interpretation, does little or nothing to protect groups from the evils of hate propaganda."

Not until thirty years later, under the premierships of Pearson and Trudeau, did Canadian legislatures begin to appreciate that the evil of anti-Jewish hate teachings requires control; for existing law of libel, free speech, sedition, etc., was not protecting society against this diabolical activity. (B.G.Kayfetz. "The Story Behind Canada's New Anti-Hate Law," in Patterns of Prejudice, vol. 4, no. 3, May 1970, Pp. 5-8)

Thirty years later, Douglas Schmeiser, an authority on civil rights in Canada, noted that "judicial attitudes towards minorities before the Second World War could hardly be described as sympathetic." The conventional wisdom, of course, was that you could not legislate against prejudice.

The significance of these legislative failures is very broad, far more extensive than the deliberations of the several hundred legislators concerned.

These political persons at Ottawa, in Quebec and in Toronto were the responsible technologists in the area of substantive public opinion. Their reactions to the predicament of Jewry in the 1930's is a faithful reflection of what these experts gauged to be the mood and the wishes of the Canadian constituency, with ruthless destruction of their professional position at the hands of the electorate as the price of misjudgment.

PROTECTION FROM THE COURTS?

Even as legislators decided that existing legislation sufficed to protect citizens, including Jewish citizens, from attack by libel, the proposition was being contradicted in the courts.

E. Abugov was a fruit merchant in Lachine who lost his business as a result of the anti-Jewish agitation.

In 1932 he sought an injunction from the Superior Court against Joseph Ménard, owner of Le Goglu, Le Miroir and Le Chameau, published under the editorship of Adrien Arcand.

Consel Joseph Cohen, M.L.A., submitted a 15-page plea analysing the distorted and false statements cited in the weeklies, the dangerous incitements they published, the revival of the ritual murder myths, the attacks on Jewish businessmen and their promotion of l'achat chez nous.

In his defence Ménard argued for the freedom of the press to discuss and to comment upon current affairs, within existing law.

"Indeed," he argued, "The Jews had at the last session of the legislature sought a law that would permit an injunction following a racist attack. If the legislature did not wish to consecrate such a new principle, how can the Superior Court arrogate unto itself powers which the parliament has not granted it? To accord an injunction in the present case would be to defy the legislature and to defy the legislator. Such an injunction would also limit the freedom of the press; would limit the circulation of text books which also describe the Jewish race in similar terms, such as the Marist Geography, the New Testament, Tacitus, Napoleon, Shakespeare, Voltaire, Luther, Graetz, Achad Ha'am, Daudet, Hitler, Isaiah, and a host of other enumerated writers." (Le Goglu, July 22, 1932)

Arcand published a résumé of his anti-Jewish thinking at the request of the judge, (Miroir, July 17, 1932; also reprinted in Patriote, May 30, 1935 when he summarized it in response to Bourassa's lecture of May 16).

This résumé constitutes the essence of the lies and of the hatred which animated him and his followers and which came close to drowning mankind in its own blood. They deserve to be recalled as a warning to a world not completely purged by its consequent experiences:

1) Jews are not in their proper home; Canada is the home of the Canadians;

2) A Canadian must be a Christian;

3) Jews here are trained to become different from Christians;

4) Jews have been taught to imperil the traditions, the ethic and the faith of French Canadians who are properly at home here;

5) Newspapers in some thirty countries, who are in contact with Arcand, publish the same materials;

6) Scores of publications and international groups prove beyond a doubt that Jewry is an international institution devoted to the destruction of Christian civilization;

7) Canadians have the right to defend their homeland against the Jews;

8) They are prepared for any struggle to repel this danger;

9) Jewish thinkers admit that they are the executioners of humanity;

10) Jewry is the fomenter of bolshevism;

11) Since the days of Christ they have been dedicated to hatred of Christ and of His church;

12) Canadians will never permit the Jews to form a state within our state.

Mr. Justice Desaulniers condemned the periodicals on moral grounds and, recalling the Ortenberg case, he questioned the authenticity of the Talmud "quotations". He called the periodicals subversive, "anti-social, anti-Christian, anti-national," disturbing public peace and order. But he regretfully interpreted the law against Mr. Abugov, since the legislation in effect in this country does not forbid agitation. (Gazette, Sept. 14, 1932)

As Mr. Justice Gonzalve Desaulniers of the Superior Court said, in dismissing E.Abugov's petition for an injunction against the Miroir, the Goglu and the Chameau -- slandering the Jewish race,"Abugov addresses himself to the tribunals, beseeching them to hold in leash the campaign which menaces the public peace and exposes the Jews -- all Jews, without distinction -- to the scorn and the hatred of their fellow-citizens. A few days after the presentation of this petition the plaintiff instituted a principal action whereby he claimed from the defendant $500.00 in damages, and reiterated his request to have the aforementioned campaign suppressed. While hearing the pleas I demanded that the defendant abstain from writing against the Jewish race until final judgment had been rendered on the principal action.

"Not only did Defendant refuse, but I do not think I am mistaken, after reading documents on file, in saying that he added new virulence -- virulence which went so far as to bespatter the Court itself. I readily pardon the insults addressed to me personally, but I am surprised that Defendant and his collaborators should have so forgotten the respect they owe to the magistrature. Judges are delegated by His Majesty, and rendering justice in his name, they represent him. Attacks on the dignity of the Bench, therefore, should be promptly and severely repressed.

"I regret that Defendant did not see fit to follow my counsel. All citizens who have the good order of society at heart will regret it as I do. The editors and the collaborators of the three publications of the Defendant claim to be serving the interests of their French-Canadian compatriots in demanding the expulsion of the Jews and in dubbing them assassins and thieves.

"History of the immediate past ought to render them more circumspect and better advised. They forget that French-Canadians are in a feeble minority in North America. These still bear the bruises of a secular struggle in the course of which this powerful legal bulwark which assures them the maintenance of the institutions and the survival of their group was constituted. Placed in an almost desperate position by the conquest, their tenacity and their virtue have established this great entity of social truth whose fruits they enjoy today. It was by an appeal to tolerance that the compatriots of the Defendant raised their rights, at least in this province, to an equal plane to those of their victor.

From a campaign of the type which is being carried on before our very eyes there may indeed arise a new drama in which we might lose what we held most dear. The publications of the Defendant pronounce anathema on the University of Montreal, which gives medical, legal, and philosophical instruction to Jewish students. Are not all nations subject to the injunction of the Golden Rule? Must a reminder of this be made to Catholics?

"So as better to realize the seriousness of the campaign which the Miroir, the Goglu and the Chameau are carrying on, it would be well to emphasize certain excerpts from their columns.

"'Jews are assassins,' writes the Miroir. 'Jews, insofar as the necessities of their religious practice are concerned, are murderers in the full and brutal meaning of the word.' One shudders merely to repeat these quotations. The Miroir insistently reiterates the absurd ritual blood accusation.

"One of the publications of the Defendant goes so far as to say historical and contemporary facts at all events allow Christians to fear for themselves, especially during the Jewish Easter, in March and in April.

"Who cannot see in such an audacious writing an appeal to rioting? Is not the plaintiff, Abugov, justified in fearing for himself and for his kin a blind and a bloody outburst of mob violence? Suppose a coincidence, always within the realm of possibility, takes place; the disappearance of a Christian child around March or April next, (and such things happen often enough) who could answer for the calm of the crowd, always impressionable, if its imagination had been raised to a white heat by such incendiary writings? A single word from an excited person might be enough to let loose events which might have the most disastrous consequences for social order.

"The anti-Jewish campaign of the Miroir, Goglu and Chameau is anti-Christian. This same campaign led by Drumont in France ended only in leaving France divided against herself, in weakening her moral forces and in the banishment of an innocent man to Devil's Island.

"The Jewish race is one marvellously gifted. Despite their faults (which of us has none?) they offer for

our reflection the prodigious and outstanding example in history of a people surviving the empires which enslaved it. Where are now the Assyrians, the Egyptians, and the Persians? What has become of the Russian and Spanish Empires? The brutal pen which at Madrid has just signed the edict of the expulsion of the admirable Sons of Loyola, was dipped in the inkwell of Ferdinand and Isabella who sent a hundred and seventy thousand into exile.

"I want to note carefully the nature of this campaign in order to deplore the fact that the law has not placed in the hands of the magistrature the necessary implement to keep such movements within decent limits.

"It is not a question, may the Lord forfend, of suppressing the liberty of the Press. That liberty is the precious conquest of the modern spirit. To attack its abuse might involve an attack upon that liberty itself. I therefore understand the scruples of the legislature.

"I have carefully examined that well-established jurisprudence on Article 957 of the Code of Procedure. The jurisprudence is supported by the refusal of the Quebec Legislature to adopt the bill presented at its last session and leaves me no discretionary power. That Bill would have allowed me to apply the injunction in a case like the present. It is now for the Legislature to find the remedy which at present is not available. But I hope -- for reflection will surely bring about sentiments more Christian -- that the Defendant will himself understand the irreparable harm that he is causing his race in the eyes of the people of this continent.

"Considering, therefore, that the petition is not justified by any provision of the Code of Procedure the Court rejects the petition for an interlocutory injunction, with costs."

The Canadian Jewish Chronicle expressed the bitterness of Canadian Jews over the helplessness of the law in protecting them,

"How well we remember the efforts of the benign provincial legislature to destroy Mr. Peter Bercovitch's bill. We always turn to British jurisprudence as a model for our own legal structure; but [illegible] in England a man was arrested a few weeks ago for placarding the streets with objectionable

notices; he was indicted for attempting to create a breach of the peace. In Canada, we presume that a breach of the peace takes place actually when brick-bats and bottles are flying around. Is it not sufficient that an atmosphere charged with calumny and race hatred are all precursors of a breach of the peace? And yet our legislators allow this quiescent eruption to gather force and intensity.

"We have an anti-blasphemy law which is very severe with its treatment of those who fall foul of it. The distribution of a pamphlet is sufficient to endanger the liberty of that person. We have an anti-communist law which is ferreting out people on the flimsiest of charges, and packing them off wholesale out of the country. Every possible and impossible infraction is protected, but a group of irresponsible news-scavengers are allowed to run loose without a weapon to curb their disgraceful deeds. Our legislators in Quebec are fiddling at their own sweet leisure, while a situation is being developed with their connivance which may be fraught with incalculable dangers as time goes on."
(Sept. 16, 1932)

Not that the filthy-mouthed Arcand-Ménard team was immune from prosecution by its victims. Those who were not Jewish were not so naked to offence.

Ménard had also attacked Oscar Major, a writer with the Patrie. He called Major a bandit, a maniac, an imbecile capable of any wicked act, a turncoat, a traitor, a felon, a liar, a coward, and had otherwise referred to him obscenely -- the entire Arcand-Ménard vocabulary of invection which had become familiar to their Jewish victims; all this even after formal protest and warning.

But Major was not Jewish, and he instituted action for libel.

Without mentioning names Arcand accused the Petit journal of forcing Major to take this action against him on pain of losing his position as sports journalist: the Petit journal was angered by the competition of Ménard-Arcand (Miroir, Feb. 8, 1931)

In the course of action Ménard argued that Major had criticised Ménard's papers in the sports columns of Le Petit journal and that Ménard's articles complained of were provoked by Major's comments. (Judgment of Chief Justice Greenshields, March 16, 1931) He further maintained that the language he had used was normal and without offence in the sporting and in humourous and satirical journalism. (Rapports judiciaires de Quebec, vol. 53, Ménard, appellant, vs. Major. Montreal, June 21, 1932, Pp. 476-81)

His case is best described in his own words in his Patriote of June 22, 1933:

"Joseph Ménard in Prison. A material result of a prolonged political battle where accumulated hatreds, intimiation and blackmail have led Houdism to complete destruction. The Major case was only an incident which resulted in Ménard suffering two punishments for a single cause of complaint. These risks are to be expected in the battle for ideas.

"The present president of the Patrie had sold a note which had been signed by Ménard, owner of the periodicals, and issued to the bank; he sold it to a third party who had no other interest in acquiring this note than to deliver the signer into the hands of Camillien Houde.

"In order to hamper the sale of the Ménard newspapers, certain Houdist groups sent more than 2,000 lawyers' letters to the trustees of these journals threatening injunctions and persecution. These trustees were prosecuted and brought before the judge only because they had sold these newspapers. They were acquitted.

"The Ménard case came before the Superior Court, Chief Justice Greenshields presiding. It considered that Major had indeed been libelled and condemned Ménard to pay $1,000 in punitive and exemplary damages since material damages were not established."

The chief justice also "reserved the plaintiff's prayer for contrainte par corps for further adjudication if the necessity arises."

In the appeal court presiding Judge Tellier failed to see the humour in the language complained of, and confirmed the judgment pronounced by Judge Greenshields in the Superior Court. Ménard paid the damages of $1,000 and costs.

But that was not the end.

He was brought before the criminal courts on the same issue.

In the course of these criminal code proceedings at police court (no. 690 in the records), when the preliminary inquiry was heard on Feb. 5, 1931 under Chief Judge Perreault, Ménard moved for particulars, as the complaint did not specify whether the alleged libel was seditious, obscene, blasphemous or defamatory. Judge Perreault refused, without troubling to give reason.

Ménard therefore petitioned the Superior Court on June 29, 1931. Judge Patterson dismissed the application as irrelevant and inapplicable. (Quebec Practice Reports. Superior Court, Pp. 376-79)

Ménard claimed that he could not in justice be punished twice for the same offence. His associate and editor Arcand appeared before the court to testify that what Ménard had published was in the public interest, and that the particular item in question was an incident in the pirates' war to destroy the weeklies. (Chameau, Oct. 21, and 28, 1932)

Nevertheless, Ménard was found guilty in the Court of the King's Bench (jurisdiction criminelle) on Oct. 21, 1932, presided over by Judge Louis Loranger. He was sentenced to fifteen days imprisonment and fined $100 and costs or a further month imprisonment.

In his appeal he argued that the offence had already been judged ("autrefois convict"); the reparation contained before the civil court had been punitive, exemplary, and the purpose of the law on criminal libel had been served. No monetary loss had been established in the civil suit; therefore the damages awarded must have been punitive and exemplary.

But the appeal court held otherwise. Judge Dorion said the term punitive does not apply strictly in criminal cases. The award was the arbitrary evaluation made by the court of the indemnity of real damages in circumstances where it is impossible to arrive at a precise evaluation by direct and precise testimony, as in most cases of defamation causing humiliation, troubled mind or embarrassment. There is not, properly speaking, power in civil law to inflict punishment.

Judge Howard explained: the wrongful act of libel can work in two senses. It requires compensation to another who has sustained injury, but it can also tend to a breach of the public peace. (Rapports judiciaires de Québec. 1933. Ménard, appelant, v. Regem, Montreal, May 31, 1933. Pp. 98-103; also Devoir, May 31, 1933)

Jewish concern was but heightened by the failure of judicial protection.

As frightening as the helplessness of the court -- and of the plaintiff -- in arresting the Hitler program before Hitler had come to power in Germany were other symptoms of the illness which had struck a portion of Canadian society.

The name of the Lavergnes will serve as an illustration. Abbé Edouard Valmore Lavergne had for a decade been inciting against Jews from the pulpit, from the columns of Action catholique and of his own Bonne nouvelle and over the radio waves now that this medium was open to him. The constant nightmare of his world was of Jewry and freemasonry corrupting the pure Catholic society by their malicious press, the nudity of style and the immorality of the films and the stage under their control. (Canadian Jewish Chronicle, Dec. 4, 1931)

His cousin Armand Lavergne was an important figure in the pantheon of French Canadian journalism and nationalism. His position in the hearts of French Canadians and his past as deputy speaker of the House of Commons did not deter him from writing about Judge Desaulniers, "the circumcised judge." He took a strong position in favour of the middle ages and the ritual murder accusation against the Jews which he maintained, in favour of Edouard Drumont and for the right of such periodicals as the Miroir to publish "what comes into their head," particularly in their defence of Christian Canada against the Jews.

It is to Hitler's service that Lavergne applied his sharp ironic pen,

"The Jews come to Canada thanks to the policies of that great Canadian, Sir Wilfred Laurier. Consequently, we can only bow, thanking his glorious shade, and forget the vivid pages of Edouard Drumont's La Fin d'un monde about the first Jew to land on the banks of the St. Lawrence. We can only accept contritely and gratefully the doctrine of that herald of republican France, the Hon. Gonzalve Desaulniers. Let us understand that, in spite of the constitution which states that 'Christianity is part of the constitution,' Moses and Christ are on an equal level in Canada." (Le Goglu, July 29, 1932.)

(A pedantic correction: Lavergne's reference to Drumont is not to La fin d'un monde but to La dernière bataille, 1890 -- cited in Le Combat nationale, Oct. 1938. This work prophesies the destruction of Paris and the subsequent migration of Jews -- at first of only one -- to Canada where they pervert the pristine, Catholic, serene French Canadians. Jews in Canada become a race of prostitutes, pornographers, blackmailers, theatre directors.")

The stupidities of the deputy speaker did not escape the eye of Abraham Moses Klein ("The Holy See vs. Armand Lavergne," in Canadian Jewish Chronicle) who pointed out to the Catholic journalist that enlightened churchmen of the highest rank had denied the validity of the ritual murder accusation against Jews.

Lavergne chose Ménard's Le Miroir as his medium to reply on Aug. 21. He dug up the scandalous 450-year-old atrocity where the most respected Jewish scholars of the city of Trent were tortured -- as frighteningly documented by Bishop Hinderbach of Trent himself -- into "confessing to the murder of a child Simon." Instead of seeing the tragedy of the torture of the innocents as a pertinent lesson for his own century, "St. Armand de Montmagny, Martyr," as Klein calls him, resurrects the agonizing story to encourage Hitler and others to repeat and to multiply the nadir of wickedness on a still vaster scale. All this while Lavergne was still denying he was antisemitic.

The measure of his good taste and of his humour: He found the middle name of Mordecai which he ascribed to

Abraham Moses Klein quite hilarious, as was the fact that Klein must have been circumcised!

It was in vain, of course, that Klein called upon Prime Minister Bennett to remove Lavergne from his office in the Commons to protect it from pornography. "Imperatively the deputy-speaker must be reminded that the House of Commons is not a common-house." (Canadian Jewish Chronicle, Aug. 26, 1932, Pp. 5, 17)

Ultimately following the Talmudic principle that a sin is conducive to another sin in succession, Lavergne repeated his belief, "in the light of my knowledge and reading on the subject, that there have been ritual murders in the Middle Ages and perhaps since" (in letter to Le Canada, Sept. 13, 1932). Like many antisemites of his school he disclaimed antisemitism, but placed ritual murder by Jews on the historic level of Massacre of St. Bartholomew's Day and the dispersion of the Acadians. "I believe that ritual murder has been perpetrated, as indeed other crimes have been perpetrated in other religions and in periods of superstition and fanatic hatred." He repeated his belief that the Talmud demands that a Jew spit every time he encounters a cross, and to say, "Cursed be thou who hast created a new religion." No antisemite he; among his best friends he listed Peter Bercovitch, a political figure he considered fit for cabinet.

Bercovitch responded graciously; by firmly rejecting "the malicious abominable concoction, the blood-ritual accusation, ever the figment of inflamed minds swollen with a persecution complex and catering to mob violence. Never in our literature, never in our history has there occurred anything which can, no matter by how casuistic an interpretation, be made to serve as a basis for this despicable calummy." He rejected the compliment of a hypothetical cabinet appointment at hands smeared with blood of his race. (Canadian Jewish Chronicle)

Later Lavergne wrote admiringly of Arcand as of a leader whom he could follow. (Fasciste canadien, Nov. 1936)

The Devoir joined, if more politely, with Lavergne in criticising Judge Desaulniers. (Sept. 14, 1932)

The Jewish community felt that the courts suddenly ceased to protect them as they had protected them back in 1913.

Regardless of the enlightenment of judges, anti-Jewish propaganda was so easy that every action before justice was outshouted in the yellow press, in the "patriotic" press, in the nationalistic press.

An incident from the intimate history of the Montreal bar at this time may be subject to several interpretations.

Jews had long been active in the professional association. Samuel W. Jacobs had served as treasurer some twenty years earlier, possibly the first Jew on the council of the Bar. In 1921 Maxwell Goldstein was chairman of the nominations committee which selected members of the council.

In 1930 Peter Bercovitch was nominated to the council with the understanding that he help Campbell to be named batonnier. The plan was nearly upset when Curran ran against Campbell, and the latter won but narrowly.

By long tradition the English-speaking members met separately to choose their candidates for the council. In April 1933 Marcus Sperber proposed to their nominations committee headed by Maxwell Goldstein that Nathan Gordon be nominated as one of the three Anglophone councillors. His proposal was accepted and Gordon was thus nominated; by tradition the French-speaking members supported the Anglophone nominations, thus ensuring adequate bi-cultural representation.

But this year the long standing arrangement was treacherously upset by both French Canadians and Anglo Saxon. Some of these latter suggested to the French Canadians that they should nominate an additional candidate beyond the two traditionally assigned to them for this year.

In the May 1 elections Gordon was defeated when he received only 213 votes of the 614 electors. Assuming the 110 Jewish members supported him, he certainly did not have the backing of the 240 other anglophone members whose candidate he was. If he had had only their full support he might have won, for one of the elected councillors had but 370 votes. (Devoir, May 2, 1933)

In consequence -- and by deliberate choice -- the English had but two minority seats on the council instead of the three they were entitled to by agreement -- a very significant surrender of position motivated solely by racial prejudice, for even those who opposed Gordon paid high tribute to him as a person and as an advocate.

The Patriote headlined its report of May 11, 1933: "The Montreal Bar Decides that a Jewish Advocate Does Not Have the Right to Serve on its Council. Several English Lawyers Prefer to Have Only Two Representatives on the Council Rather than Have a Jew."

In this rapidly deteriorating situation Jews found that the written law was providing little defence.

Early in its deliberations Congress received opinion from counsel that no legal action could lie in criminal prosecution for defamatory libel in the case of anti-Jewish propaganda. (Nov. 12, 1934)

A case in point: Le Patriote published a large photograph of the prominent Quebec businessman Maurice Pollack labelling him a gorilla, "the cunning beast of Quebec.... with the appearance of an African cannibal, a sinister drinker of blood from the Jewish government in Moscow.... His sinister eyes, his mouth of bestial expression, his ferocious features describe him adequately." (Dec. 7, 1933)

It was nevertheless felt that the courts could provide no protection or assurance against recurrence or extension of the malignity.

The case of the monthly bulletin of the Quebec Société St. Jean Baptiste is in point.

As its editors relate it in their issue of December 1933, their Action patriotique had been a disregarded leaflet. "Now, beginning today, thanks to the growing generosity of some of our people, Action patriotique will consist of sixteen pages... With this issue we approach frankly and directly the anguished problem created by Jewish enterprise in Quebec.... A noble cause to counter the daring, the malice of a race which cannot adapt itself to the ways of the peoples who welcome it....

We recommend to our people the greatest circumspection in their relations to Jews, and even complete abstention from all contacts with those people who are our enemies by racial animosity and by the teachings of their religious code," to quote Mr. Paquet. Droit public de l'eglise. Principes généraux.

The entire issue was devoted to an attack on the Jewish business man of the city whose alleged exploitation of his employees was extended to all Jews. A letter without a signature asked, "Honour to Hitler.... Will there not be in the ancient City of Champlain a Canadian Hitler to banish you and your coreligionists?"

The compleat antisemite, even repeating the odorous myth of a Jewish odour with which French authors endowed them.

But there was no recourse against L'Action catholique or Le Devoir when they commented procovatively on Pollack in regard to a case sub judice before the Superior Court.

When Maurice Pollack of Quebec City felt it necessary to take action against a former employee, he was severely caricatured and so slandered in public, not least by Devoir and the Société St. Jean Baptiste, that it became a frightening and major case in the annals of Canadian Jewry. Me. Louis St. Laurent, later to become prime minister of Canada, advised that "it would be better that nothing should be done by the Montreal Jewish people." (Letter from P. Drouin, K.C., to H.M. Caiserman, Dec. 2, 1933)

The legal committee of the newly reorganized Canadian Jewish Congress went on record that, if they had been consulted before the action was initiated, they would have recommended against Mr. Pollack seeking recourse from the courts: his private action has become a general Jewish affair. (Minutes, Nov.16, 1933)

No wonder that even in July, 1935 the legal counsel for the community were not of one mind as to the advisability of challenging the Patriote before the law. (Letter from Caiserman to Gutstadt of Anti-Defamation League, July 24, 1936)

This, even though the periodical was becoming ever more menacing. Le Canada reported that the mayor of Quebec, Grégoire, recommended the Patriote to the opening rally of the Duplessis campaign in the presence of the future prime minister of Quebec.

In the Superior Court in Montreal Attorney Edouard Masson questioned the validity of an oath taken by a Jewish witness before Justice MacKinnon in December, 1934 because, he argued, the Kol Nidre prayer permits him to testify falsely. (The defendant in this case was thought to be a convert from Judaism.) Presiding Justice McKinnon not only rejected the argument, but referred in his judgment to the historic significance of the Kol Nidre prayer. He noted that this false reading of Kol Nidre has often been used by apostate Jews to hit back at their brethren in Judaism and by antisemites to foment religious animosity. (Canadian Jewish Chronicle, Jan. 11, 1935)

The incident was ignored by the general press except the Devoir. (Devoir, Dec. 15, 1934, cited in Patriote, Dec. 27, 1934; London Jewish Chronicle, Jan. 18, 1935; Nathan Gordon. Kol Nidre. Montreal, Canadian Jewish Congress, 1935. 3 p. mimeo)

Jewish-owned businesses such as Feldman's, the Bronfmans, Woodhouse and others completely unknown -- and other businesses probably not owned by Jews -- were pilloried and maligned without practical recourse or protection.

Even firms which were not Jewish such as the Coca Cola and Imperial Tobacco, which suffered libellous attack in the fascist press, felt it inadvisable to invoke the protective law.

The fruitless Jewish experience before the courts was discouraging, but efforts to secure some protection and justice continued in the difficult years ahead.

The measure of Jewish isolation can be read in the life of Jean Charles Harvey.

When the incorporation of his Le Jour was prepared in the law office of his Jewish friend, Sam Smiley, it was

witnessed, as is customary, by the secretary and several passers-by, all Jewish. The Devoir seized upon this as evidence of Jewish control of the paper. "Why is a French-language newspaper founded and managed by Jews?" The lie stuck for many months.

So Samuel Bronfman refused Le Jour his advertising to avoid the suspicion of French-Canadians of being the supporter of the newspaper. (Marcel-Aimé Gagnon. Jean-Charles Harvey, Précurseur de la revolution tranquille. Montreal, Beauchemin, 1970. P. 91)

One libel that was let loose in that climate was a vicious attack on A.J.Freiman, outstanding leader of Canadian Jewry and owner of Ottawa's largest department store.

The saga of humanitarian help that Mr. and Mrs. Freiman extended to the needy near and far is one of Canada's great stories. Nevertheless, a lowly detective, Jean Tissot, became a major disseminator of vicious attacks on the Freimans through the Patriote and other media.

The antisemitic infection had reached far into the Ottawa police. Following complaints lodged before the chief of the force, three uniformed men were brought before their superior.

"One detective and two constables were involved, accused of disseminating literature published in pamphlet form in Chicago, headed 'The Downfall of Russia,' as well as copies of a French-Canadian newspaper published in Montreal, which was violently anti-Jewish and which called on all French-Canadians to boycott the Jews in business.

"The pamphlet and literature were circulated outside certain Roman Catholic churches in the city, but the pastors of these churches stated that it was without their authority or knowledge.

"So controversial did the matter become that W.L. Scott, K.C., president of the Catholic Truth Society of Ottawa, in an open letter to the local newspapers, strongly denounced the spreading of such propaganda and declared that the society deprecated any attack on the Jews as a class, 'either on that or any other ground.'

"After hearing evidence from the police officers involved, he severely reprimanded them and warned that a repetition would result in instant dismissal." (Gazette, May 11, 1935)

The most active of the Ottawa propagandists against the Jewish community was detective Jean Tissot, a native of Belgium, resident of Canada for some 28 years and local correspondent of the Patriote. In his signed Outaouais he had singled out Freiman as his most important target. In the heat of his campaign he claimed in a letter to the ever-hospitable Devoir that the Ottawa Jewish merchants were deeply injured by his antisemitic propaganda -- as had been his intention. Freiman, he claimed, had been hurt more than others. (Aug. 14, 1935)

He justified himself by recalling that his "parents were respectable and perfect Christians who feared injuring another person more than anything else, and who would have been repelled at the thought of robbing anybody's business." On coming to Canada he had found it natural to assimilate with French Canadians, and the family joined the fight to keep the French and Catholic schools in Ontario. It was this love of his fellow Canadians, he claimed, that led him to join the anti-Jewish drive, for he felt they would perish if the alarm was not sounded.

During his twenty-five years of service with the police force he came to recognize the most destructive parasite in creation: the Jew "who was enriching himself by the sweat of our brow," through arson, fraudulent bankruptcy, usury, smuggling and traffic in vice.

As he saw it, "there is no Nazi movement in Canada. What the Jews take as such is simply a Christian defense movement. The Jewish presence in Canada forces those who would preserve the Christian civilization to fight against their Jews' anti-Christian campaign.

Counsel George C. Henderson advised Freeman not to sue Tissot even though what had been published "is very apt to have a serious effect upon the minds of the uneducated and may lead to very serious trouble." (Letter, Nov. 4, 1933)

But Freiman felt it intolerable to permit the maligning to continue unchallenged, and instituted proceedings even while Tissot was running in the 1935 federal election on the program of H.H. Stevens' Reconstruction Party.

Even while the case was before the courts, Tissot

addressed a public meeting at the Monument National in Montreal on July 25, 1935, convened "to show Mr. Freiman, one of the leaders of the Elders of Zion, that when one of ours is persecuted for defending his people against the menace of Jewish domination, he is widely supported".

At the trial it appeared that Tissot had sought to incite non-Jewish merchants against Freiman. The managing director of one store testified that Tissot had solicited funds from him to form an association of Christian merchants whose objective it would be to drive all Jewish store-keepers out of Ottawa. Tissot, however, had misjudged the spirit of competition among Ottawa businessmen, for the witness told the court he had promptly informed Mr. Freiman of the slander being spread against him.

Tissot did not even plead that he had acted in the interests of the public good -- a defence open to him, as the judge pointed out to his counsel. Instead, his lawyer, J.H. Vincent, K.C., questioned Freiman on the witness stand on his motives for contributing so generously to Ottawa charities and hospitals and on the objectives of the Canadian Zionist movement which the Freimans headed.

Presiding Magistrate Glenn E.Strike objected severely several times when Vincent called Freiman the president of "a secret society of Jews who, we know, are working not only in this country but in all countries...It is a matter of common knowledge....A secret society with subversive intentions."

Indeed, Vincent's statements about Freiman were so scandalous that Freiman's counsel challenged him, "If my learned friend will repeat in writing outside this court some of the statements he has made here, we will gladly take action against him."

The Supreme Court jury in the Ontario court found Tissot guilty of criminal libel, a verdict which was reached only because Freiman had been personally named in the hate propaganda.

But Mr. Justice Kelly qualified the condemnation as he fined him $50, stating that he "had known of no other case of public prosecution where the initiation of the prosecution had been so severe."

To appreciate this we need only recall the climate of the time. The bench was thus confirming the image that Ménard was painting of the Freimans, among the gentlest and least

vengeful on the Canadian record, who were forced into a distasteful controversy with the denizens of the gutter -- as persecuting plutocrats on the prowl against a poor Ottawa working man, a martyr sacrificing himself in the interests of an oppressed people.

So Tissot, antisemite, was a martyr of over-vigorous prosecution by the Jew Freiman, according to the judge.

Even the Devoir advanced this case for canonization.

As the Canadian Jewish Chronicle of October 25, 1935, noted, "it is obvious that the judge looked at the matter from an objective viewpoint, as if it were a case of only two individuals being involved. The judge did not know that Jean Tissot, ex-detective, was fostering race war under the guise of business advertising, that Tissot was carefully scattering the seeds of civic strife and religious hatred. The prosecution was also representing thousands of other Canadian Jews, who were indirectly involved as targets for Mr. Tissot's misdirected zeal.

"As far as Mr. Tissot's job is concerned, it must be remembered that it was no ordinary job. He was a member of an institution which is supposed to maintain law and order. He was a public official, into whose care had been entrusted the maintenance of peace. He was a trusted servant of his people, who had taken an oath to guard the welfare of the people of Ottawa against those who were bent on making trouble. This was no ordinary position, and in the eyes of the jury, it is possible that his guilt was yet greater because of the position he held. It would indeed have been surprising if the Ottawa police department had kept such a member after finding out that he was the agent for one of the most scurrilous sheets in the Dominion of Canada."

Tissot ran for the federal seat of Ottawa-West in October 1935 on an antisemitic platform. He was supported in his campaign by Mr. Salluste Lavery, national vice-president of the Native Sons of Canada, and by Dr.P.E. Lalanne, who spoke before the Montreal District Native Sons on September 1935 on "Why We Should Oppose the Jews." The lecture was issued by Le Patriote as a 16 page pamphlet.

Tissot secured a fifth of the 20,000 votes cast in the election. (American Jewish Year Book)

It is not without significance that, like Adrien Arcand,

Tissot was introduced to antisemitism when he was invited, somewhere around 1933, by a religious authority to investigate communism. In the course of this "research " he came to the conclusion that Jews were the classic instigators of communism. (His letter to the Devoir, dated Aug. 12, 1935, reprinted in Patriote.)

This unhappy experience with winning a libel law -- not to speak of losing such a case -- is familiar to experienced lawyers. Under the Canadian condition of the thirties it was even more monitory. It effectively closed a venue that had been opened wide for Canadian Jewry a quarter of a century earlier with the Plamondon case.

Certainly it played a part in the public debate of 1937 when Israel Rabinovitch and Louis Fitch were urging the Congress to initiate legal proceedings against the many calumniators of Jewry, while Michael Garber, Rabbi Eisendrath and other officers of the Congress were advising extreme caution on court action.

That was not the end of the Tissot story.

After his victorious trial at Ottawa he was named chief of police at Rouyn in the province of Quebec whence he continued his attacks on the Jews, but slightly less openly. In March the Canadian Jewish Congress learned, on the authority of the postmaster general, that it was from his post office box at Ottawa that had emanated antisemitic materials, distributed through the mails.

The department claimed inability to act in the matter and recommended that the Jewish community consider court action.

Friends wrote to the office of A.M.Klein, then practising law at Rouyn, in March, 1938,

"We are primarily interested interested in the distribution of antisemitic fascist literature throughout the north. Rouyn is the centre for this activity. One of these publications, The New Citizen, has been issued for some time....

"Jean Tissot is active in the Canadian Nationalist Party, if indeed he ever ceased his activity. It is significant that The New Citizen republished a pamphlet by Jean Tissot entitled "Why are the Jews Hated?". The February

issue of The New Citizen also republished portions from a pamphlet published by Le Patriote which was distributed in Rouyn through various sources including a men's clothing store.

"We have secured information that agents of the Canadian Nationalist Party are organizing fascist groups throughout the north, particularly among the foreign groups. Apparently Rouyn is the northern headquarters for this activity."

After a change in the political administration of the city of Rouyn, Tissot lost his position there. On May 25, 1938 Klein wrote Caiserman that "the Chief of Police Tissot has been dismissed and in about three weeks time he will no longer be a member of the noble force."

The offending Le Patriote of Montreal continued to appear, and even issued an Ottawa edition. The attacks on the Jewish people and on the Freimans in particular were not attenuated in the slightest measure.

The petty trial became one of the significant actions, such as the Dreyfus, Beilis and the Ortenberg-Plamondon cases, where the antisemitic insanity was dredged up before the institutions of western justice.

By 1932 the Quebec City community found that the authorities were determined not to permit them a new synagogue and school, even though the very old location on St. Marguerite Street came to be in an area so declined that it was unreasonable for purposes of worship and education of a growing and scattered community. Where, outside this province, was a Jewish congregation forbidden synagogual facilities? Even before Hitler came to power in Berlin, an injunction to this effect was being enforced in the old capital. Peter Bercovitch, M.L.A., appealed to Premier Taschereau for assistance when the municipality's administrative committee passed an amendment to this effect. (Canadian Jewish Chronicle, Nov. 25, 1932). More than a decade was to pass, and arson was to occur before this unusual problem was to be resolved.

In the west the climate was different, in spite of the presence of many German -- and Ukrainian -- origin Canadians with a heritage of anti-Jewish feeling and with sympathy for Hitlerism.

A sense of live-and-let-live as a deliberate principle of multicultural living and as an essential condition and element of coexistence in this New World manifested itself in many forms through these critical years.

On Feb. 20, 1934, M.J.Finkelstein, Congress president in Winnipeg, wrote to H.M.Caiserman, general secretary of the national organization in Montreal, "There is an organization here called the 'Canadian Nationalist Party,' which was founded last summer by a certain Mr. Whittaker who formed the Ku Klux Klan in this city some years ago but which failed miserably.

"This 'Canadian Nationalist Party' is now issuing a monthly paper, full of venom, and for some time past we have been considering how to deal with this newspaper.

"The Party is built along Ku Klux Klan lines, but includes a pretentious political program allegedly for the betterment of Canada.

"When it was first started quite a number of Germans joined it, but as only naturalized British subjects are supposed to join the organization and as an oath of allegiance is required, the local German consul pointed out to many of his compatriots that those who were not naturalized still owed allegiance to Germany and had no right to join the Canadian Nationalist Party.

"As a result a purely German society was formed locally under the leadership of Max Meincke who, I understand, claims to be in direct touch with the German authorities of his native land and their personal representative. I understand that the German society takes in only unnaturalized Germans, that it has the blessing and co-operation of the local German consul."

A prominent Canadian church leader wrote to his head of Home Missions, "If the various racial minorities in the west begin attacking other minorities, no one knows where the process will end.

"It is most unfortunate that there seems to be an effort to influence the German group in particular. In my own judgment, the German Canadians constitute one of the most solid of all non-Anglo Saxon peoples in the country and are making a magnificent contribution through their thrift, cleanliness, industry, and skill to Canadian life. In a very real sense they constitute the backbone of much of our agricultural life. I should feel a deep regret if this group should become the advocates, in our Canadian life, of a hatred which the Christian Church must labor incessantly to restrain. The Germans in our midst are too fine a people to permit them to be corrupted without a protest.

"Obviously, the Canadian Nationalist, published at Ellice Ave., Winnipeg, is seeking to corrupt them. The paper refers constantly to the Protocols of the Elders of Zion as if the editors had never heard that this publication is a deliberate forgery, proved to be such by external and internal evidence. The forgery has been completely exposed during the last ten years. I have myself early English and American editions of the Protocols and voluminous literature about it.

"I can understand how many Jews are disliked, but I hate to see trumped up lies being used to damn them. If the nationalists have to trounce them let them at least keep to the truth.

"It seems to me that it would be highly appropriate if July the first (Dominion Day), which this year falls on Sunday, might be observed throughout the church as a sort of Brotherhood Day when all our ministers might stress the importance of maintaining the greatest cordiality to those of other races in order that our country may be confederated spiritually as well as politically, and that on this day every effort be made

to recognize the potential contribution which every resident race in Canada may make to the life of the dominion.

"I feel that this is a matter which the Board of Home Missions might well take up; perhaps with the co-operation of the Home Missions Boards of other denominations it might be possible to observe Dominion Day in this conspicuous fashion this year, which happens to be the 480th anniversary of the discovery of our country."

Der Stuermer in Germany, published by Julius Streicher, had boasted that the Canadian Nazi Party, led by Whittaker, sought to overthrow the provincial government and to ensure that all Canadian Jews go to Palestine. It proposed to achieve this by "strong military basis for its organization." (Cited in Jewish Telegraphic Agency report from Berlin, Jan. 26, 1934)

The Congress committee in Winnipeg reported, "We have quite a serious situation on our hands in connection with a local 'Canadian Nationalist' party which has a large number of adherents among both the Anglo-Saxon and foreign elements in the West -- which issues a monthly paper distributed by the thousands, which sends out thousands of copies of the Protocols of the Elders of Zion in various languages, which holds well attended meetings throughout the West, and which, under the guise of a Canadian political party, is gaining great strength. The language of the newspaper is vile, and the light in which the Jew is portrayed is simply dastardly. In a patient, orderly manner we have succeeded in having the leader of the labor party condemn this notorious organization on the floor of the Legislature."

This is further dealt with in a report by Mr. Finkelstein, "A few weeks ago the Canadian Nationalist, a Nazi sheet, was sold on the streets here, and two of our Jewish boys assaulted the vendor and beat him up. The case was tried in our local police court, a Nazi lawyer appearing for the prosecution while I defended the lads. Magistrate Graham expressed in no uncertain terms his views that newspapers containing such articles are seditious and libellous and contrary to law. Although an expression of this kind by a magistrate is not a precedent, yet I was glad to note such an open expression of opinion from so able a jurist as Graham, and I hope that will help to formulate decent Canadian opinion on this point and will have a very salutary effect on the situation generally." (Tribune, March 21, 1934)

As H.J.Finkelstein wrote to Louis Rosenberg (March 2, 1934), "On our representations the attorney-general prohibited a meeting of Nazis in a Ruthenian hall in North Winnipeg, actually sending the police down to close the doors and warn off all those who came to attend."

The legislator who introduced the legal measure to limit the propaganda against Jews was Marcus Hyman, son of the great London Hebraist Aaron Hyman, compiler of Otzar Divrai Chachamim u-Pitgamayhem. (Tel Aviv, Dvir, 1925)

He was born in Russia in 1883 and received his education in England. A Master of Arts from Oxford and barrister at Gray's Inn, London, he had been secretary to the Gaekwar of Baroda before coming to Canada in 1913. During World War I he was president of the Western Canada Jewish Fund for the Relief of War Sufferers. In 1919 he was a leading Winnipeg delegate to the Canadian Jewish Congress in Montreal and presided over its resolutions committee.

That year he was one of the defenders of the labor men in the trials following the general strike. He sat as labor representative on the school board of Winnipeg in 1923-24, and in the '30's was Independent Labor Member in the Manitoba Legislature. He ran twice for the mayoralty of the city unsuccessfully.

When the Canadian Jewish Congress was reconvened in 1934 in Toronto, Hyman read a paper on "Survey of the Jewish World Condition."

Although he lacked the advantage of belonging to the party in power, his bill won government support. The Bracken administration was being attacked by the fascist press and he wanted to stop its nasty tongue. Thus, for once, the Jews had a powerful ally.

Subsection I of the measure reads, "The publication of a libel against a race or religious creed likely to expose persons belonging to the race or professing the religion or creed to hatred, contempt or ridicule, and tending to raise unrest or disorder among the people shall entitle a person belonging to the race or professing the religion or creed to sue for an injunction to prevent the continuation and circulation of the libel; and the Court of Queen's Bench may entertain in the action." Subsection IV limits the number of actions to be brought in respect to one libel to a single action.

Unanimously the Manitoba Legislature adopted and passed the Marcus Hyman bill, an amendment to the provincial libel law, drafted by E.A.Brotman, Q.C. (Statutes of Manitoba, 24 Geo. V., cap. 23, "An Act to Amend 'The Libel Act,'" assented to Apr. 7; Statutes, 10 Geo. VI, 1946, cap. 11, sections 19-21; Revised Statutes of Manitoba, 1970, cap. D20, section 19)

According to legislative debate as reported in the Winnipeg Free Press of Feb. 12 and Apr. 14, 1934, the bill was inspired by the activities of the Brown Shirt Nationalist Organization in Winnipeg. During discussion in the House, Manitoba Independent Labor Leader John Queen indicated that a recent raid by Winnipeg police on the headquarters of the Brown Shirt organization had revealed evidence of a 'seditious conspiracy.'

The Manitoba law came quite early in the annals of legislation against defamation, and Mark Vishniak attaches great significance to it. (An International Convention Against Antisemitism. N.Y., Jewish Labor Committee, 1946. P. 68) It is "the most useful remedy against civil defamation and criminal libel," in the view of Reisman, "Democracy and Defamation -- Control of Group Libel," in Columbia Law Review, vol. 42, P. 737)

As Mr. Hyman explained to H.M.Caiserman (May 4, 1934), the bill deliberately omitted "the creation of a new right of damages.

"In 1933 there were a number of cases in Winnipeg arising out of the libelling of a certain Lambert by a rag called Hush. The Lamberts obtained damages from a series of defendants, each of whom had distributed the paper more or less innocently as news vendors. The matter came up before the Manitoba Legislature. Although the Lamberts were considered to be right in the first instance, there was a feeling that the series of libel actions was amounting to a racket.

"In order to get my bill through, I felt it necessary to make it quite clear that I was not out to obtain any monetary advantage to any individual through a libel against the race. The only thing aimed at, and attained, was the right to an injunction (with costs, of course), the disobedience to which, once issued, would entail imprisonment for contempt of court.

"The bill does not call for the proof of special damage in an application for a writ. What the plaintiff would have to prove is a) the libel, and b) its tendency to cause unrest. This would entitle him to an injunction order without anything further."

Mr. Hyman discussed the principles of his act for the Canadian News of Toronto (MS. dated Sept. 13, 1935): "Every law student learns a Latin tag roughly meaning 'where there is a right, there is a remedy.' He may also be acquainted with the aphorism that one cannot indict a race or a people.

"On several occasions during the last century proceedings were commenced in England to test out whether malicious and scurrilous writings against our people (obviously a moral wrong) could be stopped by law. No definite conclusions were, however, reached and as a people, we fall between the two aphorisms.

"In recent years there has been a recrudescence of attacks upon our people in many parts of the world; not least, unfortunately, in Canada. The foul forgeries known as the 'Protocols of the Elders of Zion were being widely disseminated on this continent, financed by Nazi propagandists. We were being covered by the antisemitic vomit of racketeers like the self-styled Nationalists, and there appeared to be no remedy.

"In attempting to stop this gap in our law several principles were involved:

"First and foremost there was the necessity to scrupulously maintain the freedom of the press -- freedom to criticize and pass judgment on peoples in their relations with others. This imposed upon any proposed amendment the burden of strict justification.

"Having this in mind I discussed the Bill, when fully drafted, with one of the leading publicists of the dominion who expressed himself completely satisfied that the freedom of the press was in no way endangered by the Bill, and encouragingly added, 'something must be done to stop those blackguards.'

"It must be remembered that the law of libel has two sides, the civil and the criminal.

"Criminal proceedings in libel are based on the assumption that the person or persons maligned, might, out of irritation or anger, be led to commit a breach of the peace in retaliation. Such anger is likely to be all the greater when the libel is true. Hence -- what is very strange to the layman -- the principle: -- the greater the truth the greater the libel.

"In a criminal action for libel a good defence would be to show that the matter was one of public interest; but the truth or otherwise of the libel might not be in issue at all. If, therefore, the law were amended, enabling the follower of a creed or the member of a race, when that creed or race is libelled, to take criminal proceedings, even the success of such proceedings and the conviction of the person guilty of the libel would be no satisfactory solution at all; since the guilty person might still claim that what he said was true.

"In a civil action, on the other hand, the truth of the libel is of vital importance and would in almost all cases be relevant to the issue.

"A civil action in libel is, therefore, more effective to us as a people than criminal proceedings could be.

"The problem, therefore, was narrowed down to an amendment of the civil law. Then followed the question of what remedy should be made available, (a) an injunction--that is, a prohibition against the repetition of the libel--or, (b) damages, or (c) both.

"One great advantage of an injunction is that, once it is granted, a breach of the injunction -- that is, a continuation of the libel or anything similar to it -- is held to be contempt of Court, an additional and very serious offence, punished by the sanction of imprisonment. Hence, civil proceedings in libel by way of an injunction is a very powerful and effective remedy, particularly against irresponsible people.

"The amending Act in question has been criticized in that it does not allow for damages. This aspect was considered and intentionally avoided. Recent legislation in England has been in the direction of curbing the tendency of some libel actions to degenerate into rackets.

"Some unscrupulous individual might be tempted to capitalize a libel on our people, for personal gain, by way of damages -- surely most undesirable. Damages was therefore purposely omitted as we neither desire it, nor could it compensate us.

"There is nothing, however, to prevent any person aggrieved from recovering special damages for any loss actually suffered "

The Canadian Jewish Chronicle noted on Apr. 20, 1934, "The province of Manitoba has not dealt with the situation as if it were an impersonal problem. On the contrary, the middle west has become a seething cauldron of Nazi agitation, and the Manitobans have seen the past with their own eyes.... Manitoba, in this straightforward and unequivocating language leads the way in creating legislative machinery for enjoining journalistic racketeers from carrying on their fell work."

The national legal newspaper The Bench and Bar quoting the Ottawa Journal, commends the amendment to the Libel Act in Manitoba and recommends that it form the basis for similar

enactments in other provinces.

The Manitoba Defamation Act was the first and, until 1970, the only group libel law in Canada. It allowed any member of a religious or racial group that was being defamed to sue for an injunction against the publisher or author. The plaintiff did not have to prove that he was personally affected: it was sufficient cause if the published statements were "likely to expose" his race or religion to "hatred, contempt or ridicule, and tending to raise unrest and disorder among people." (Mrs. Betcherman)

The courts soon tested the new law.

On Oct. 30, 1934, an action for group defamation under the new amendment was commenced by Winnipeg barrister W.V. Tobias against William Whittaker and against Herman and Anna Neufeld of the Rundschau Publishing Company.

According to the complaint, Whittaker was editing and publishing the Canadian Nationalist under the firm name of the Canadian Nationalist Publishing Company. The Neufeld firm was the printer of that periodical.

Neufeld, a Menonite whose pacificism did not restrain him from praising Hitler in his own newspaper, later printed the Deutsche Zeitung published by Bernard Bott who held a Nazi medal for his services in Canada. (Betcherman, p.73)

Capt. W.V. Tobias, M.C., entered the case as a Jewish resident of Winnipeg who was injured by the malicious and false statement published in the Nationalist.

Whittaker, described in the Winnipeg Free Press of Feb. 14, 1935 as "leader of the Brown Shirt Fascists," had been in contact with Arcand since 1932.

For years before his death in 1938 at the age of 63 he had worked with the Montreal Fascist to bring about a fusion of the Canadian nationalist forces into a single movement to form the National Unity Party at a Kingston meeting. (Le Combat National, Nov. 1938)

The Statement of Claim of William Tobias of Oct. 30, 1934, stated that Whittaker "falsely and maliciously wrote of the Jewish race and of those professing the Jewish creed -- 'The Murdering Jew, Jewish Ritual Murder' and published in the Canadian Nationalist concerning those professing the Jewish creed:

"'The Jew world is screeching in protest against Herr Julius Streicher's charges of ritual murders of Christians in his paper Der Sturmer of Nuremberg. Startling and crude illustrations accompanying his articles have aroused fear among 'The Chosen.' But it is often necessary to be startling and crude before one can wake up the gentle-minded Gentile to a realization of the abominations of Jewry. It is an established fact that Ritual Murder is practised by Jews and that there are scores of recorded cases.

"'When the Jewish Historical Society visited Lincoln in June, certain Gentile officials went far out of their way to refute the authenticity of the famous ritual murder case of Little St. Hugh, which happened in 1255; (it was investigated personally by King Henry III, and is recorded by Chaucer, and by the tomb still to be seen in the Cathedral.) Not one iota of evidence was brought forward by these gentry; they contented themselves with futile denials.

"'We ourselves would say that the 'ignorance' is with those people who imagine that the instincts of the Jew are the same as those of White Men, and who take no account of the instinctive sadism of the Higher Asiatic.'

" Whittaker wrote of those professing the Jewish creed, 'The Night of Murder. The Secret of the Jewish Purim Festival is Revealed.

' A Strange Custom

"' Yearly in March the Jews celebrate a strange festival. They are the Days of Purim. The Jews celebrate it in an equally strange manner. They are not harmlessly merry and gay, as is the custom among non-Jews. They do not dedicate their festivity to love for humanity, as does our Christmas; nor to the resurrection and the awakening out of the sleep of death, as does our Easter. The Feast of Purim is of a contrary character. It is dedicated to hatred and murder, and to eating and drinking and licentiousness.

"'Many a murder mystery that could not be solved is nothing but a victim murdered for the Purim festival. In March of 1929, (the time of the Purim festival) at Gladbeck, a beautiful, promising high school boy, Helmut Daube, was slaughtered. His body was found in front of his parents' house.

"'And in March of 1932 (again the time of the Purim

festival) the Jews Meyer (father and son) slaughtered a servant girl in the town of Paderhorn. The body was cut into pound-size pieces. Both victims were the result of Purim-festival murders. And one might add thousands of other murders to these.

"'The Jews do not let these days of Purim fail from among them. They celebrate them 'in every generation, in every family, every province and every city.' They celebrate the feast of Purim in the whole world. And this year they will pierce their dummies with knives, more than ever, amid curses and threats. These dummies will not be called Haman any more, but 'Hitler' or 'Painter'. And they will seek to find real human victims this year, as in all previous years. For, it may be stated right here, that the non-Jew who believes that the Jews would only act symbolically, is very gullible. There are Jews today who butcher their victims in identically the same manner in which their ancestors did, in the night of Purim.'"

As always, the totalitarians demanded their rights as citizens of a democratic society to write what they pleased. They argued that the freedom of the press was at stake, that it was not a libel to make derogatory statements against a group, that the recent amendment to the Libel Act was contrary to all precedents in the British Empire.

The chief justice responded that "libel has been and will always be wrong; that the foundations of the empire will not be shaken if we stop this; that this sort of thing creates ill feeling and unrest among the people, and is almost certain to lead to disturbances and even riots. It it can be stopped; it ought to be stopped." (Report of M.J. Finkelstein.)

The printers, originally named as defendants, were dropped from the case when they tendered apologies and pleaded ignorance of the newspaper's contents.

An interim injunction granted on November 4, 1934, was made perpetual on February 14, 1935, restraining the defendant.....from continuing, writing, printing, or causing to be printed, circulating, distributing or otherwise publishing the libel on the Jewish race and on those professing the Jewish creed, contained in the issue of The Canadian Nationalist, Volume 2, Number 6, or any similar libels injuriously affecting those belonging to the Jewish race or professing the Jewish creed.

During the usual examination for discovery Whittaker

refused to answer all substantial questions. When the referee decided that these must be answered and set a time and place for the continuation of the examination, Whittaker failed to appear, his defence was set aside, and the injunction made perpetual.

"We would have preferred that Whittaker had stood up and defended himself in open court instead of taking the cowardly course he did of refusing to face us. Had he stood up like a man and defended his statements and vows in a Court room, we would have been quite prepared for him as we intended to have a showdown once and for all. Even prior to this suit we have been very active in meeting the venomous attacks of the Whittaker group. In the city of Winnipeg it has almost reached the vanishing point, but out in some rural districts, especially where foreigners are in the majority, he and some of his lieutenants are still carrying on, but with diminishing effect." (M.J. Finkelstein to H.M. Caiserman, Canadian Jewish Congress, Feb. 15, 1935)

The outcome of the Tobias case was a source of pride to many. The conservative Winnipeg Tribune praised the judgment: "Appeals to race prejudice, always harmful and despicable, are particularly out of place in Canada. They are difficult to deal with in law, because democracy calls for the utmost freedom in discussion of public issues, and anything that tends to hamper full political discussion is to be avoided. But this extension of the libel law is in no sense a gag on debate."

In this case, which Fenson calls "the sole action under the group defamation section" in its 31-year history, the law proved effective.

But there is a question about this victory, too. The legal situation did not extend federally or to any other province except Manitoba.

As Whittaker wrote to a reader in Shaunavon, Saskatchewan, on March 19, 1935, "The power of Jewry managed to muzzle the press in Manitoba and get an injunction against our last issue of the Canadian Nationalist. This power does not hinder us mailing this same paper out of the province."

The Canadian Nationalist continued for some years, if only in mimeographed form, and in 1936 we read there about the antisemitic Native Sons of Canada: membership is open only to white men, and Jews are not white but are of a yellow Asiatic race. (Letter from their president to all branches dated Nov. 21, 1935, in Patriote, Jan. 16 and Feb. 20, 1936.)

Although, as Louis Rosenberg told the Kingston Youth Council on June 17, 1936, the publication and distribution of the Canadian Nationalist were prohibited in Manitoba, in fact it was being published, and Ontario residents continued to receive it.

Director H. Beaulieu told the Canadian Jewish Congress, on January 10, 1936, that the post office could not see any violation of postal provisions in the Nationalist. The questions of publication and distribution of this literature are entirely for the courts.

The second volume of the Canadian Nationalist appeared in January 1938 in two colours with a Winnipeg postal box as the address, the same address as the C.N.P. (Canadian Nationalist Party), decorated with a swastika, with Arcand's beloved motto Serviam on its crest, and continuing its series on the Protocols.

In 1938 a columnist of the Toronto Globe and Mail had occasion to write, "A gift of Vol. 2, No. 4, of the Canadian Nationalist, complete with swastika, beaver and maple leaves, has been received from an unknown friend. Being easily nauseated in hot weather, this report put off examining the gift.

"It seemed cooler yesterday. But it wasn't cool enough. It wasn't nearly cool enough.

"On January 23 next at the North Pole it won't be cool enough. If the unknown friend who sent the gift wants it back he can have it, in as bad condition as it came. There are things that the strongest stomach should not be required to stand in any weather. And this reporter's stomach has never yet been strong enough to stand the printed products of Arcand emotionalists in French or English.

"They are hardest to take in English. For an average-stomached English-Canadian, that is to say. For an average-stomached French-Canadian, the agony of reading in his native tongue the sort of stuff that disciples of M. Arcand pour out must be pretty bad, too."

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