

ירשה

Heritage - Yerusha  
Fall 2016

Kislev 5777

VOLUME 18, NO. 4

www.jahsena.ca



# HERITAGE

The Journal of THE JEWISH ARCHIVES & HISTORICAL SOCIETY OF EDMONTON & NORTHERN ALBERTA

## INSIDE



A History  
of Jewish  
Judges in  
Alberta's  
Courts

page 4



Mysteries  
from the  
Photo  
Archives

page 8



Odette  
Masliyah's  
Polyglot  
Hospitality

page 10

## PHOTO ID WORKSHOP

Thursday, Dec. 15,  
1 to 3pm,  
at the JAHSENA office

*If interested  
please email  
jahsena@shaw.ca  
or call 780-489-2809*

## Who are we and what is this event?



JAHSENA Archives

JAHSENA is seeking information about the photos in our archives. If you know about this event or any of the individuals shown, please contact our office.



## From the President,

by JUDY GOLDSAND

October 2016

The most exciting event of the past year was the publishing of JAHSENA's new book, *From Generation To Generation: Jewish Edmontonians As Heritage Builders*. The book highlights twenty-five historic Jewish Edmontonians who, in addition to their jobs or professional work, made outstanding contributions to enhance life in Edmonton and beyond. If you haven't read it, there are copies for sale at the back or from the office.

The official launch of the book was held Sunday, May 1, at Audreys Books. It was a thrill to see that our book made the Edmonton Journal's best seller list for non-fiction during the first week of May. It took the better part of a year for then Archivist, Paul Gifford, to research and write the book, along with assistance from our Editorial Board. The Editorial Board members were (along with me) Gillian Horwitz, Debby Shoctor, Anita Sky and Jini Vogel. I am most grateful to them for all the time and effort they put into many meetings and revisions. We express our appreciation to the Edmonton Heritage Council and to the Edmonton Jewish Federation for their grants toward the book. And a special thank you goes to the generous donors to our book publishing campaign.

JAHSENA again sponsored a film in the Jewish Film Festival in May and we give special thanks to volunteers Mel Wyne and Phyllis Nurgitz for their help and to Sari Schiff for donating the door prize.

Our organization again participated in

OPEN DOORS EDMONTON, part of the annual city-wide Historic Festival held in July sponsored by the Edmonton and District Historical Society. This year we partnered with the Chevra Kadisha and Temple Beth Ora to feature a tour and program at their shared location. We welcomed more than 50 visitors who were keenly interested in hearing David Marcus and Michael Paull talk about the Jewish Burial Society, and Francie Nobleman and Steven Friedenthal discuss the Jewish Reform Congregation's role in our city.

In July, JAHSENA was invited to speak to the Jewish Seniors' Drop-In Centre members about our new book. After I told them about JAHSENA's work, the members enjoyed a reading by Gillian Horwitz of the story about Alfie Simons, who for many years had been an active member of the Drop-In Centre.

Rivvy Meloff and Miriam Shugarman are new volunteer interviewers in JAHSENA's oral history program and I thank them for the wonderful job they are doing.

In closing, I want to especially thank past president Jini Vogel who helps in so many ways, and Vice Presidents Gillian Horwitz and Miriam Rabinovitch, secretary Hal Simons, and longstanding treasurer, Howard Davidow for their valuable work and support. And an extra special thanks goes to Colleen Paull, who since March has been very ably handling all the archival work and administrative work in the JAHSENA office. Colleen, we couldn't run things without you.

# ירשה HERITAGE

The Journal of the Jewish  
Archives & Historical Society  
of Edmonton and Northern  
Alberta

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GRAPHIC DESIGN

**PageMaster**

MAILING ADDRESS

**JAHSENA,**

**10220-156 St. Suite 200,  
Edmonton, Alberta, T5P 2R1**  
Telephone: (780) 489-2809

Fax: (780) 481-1854

Email: [jahsena@shaw.ca](mailto:jahsena@shaw.ca)

Website: [www.jahsena.ca](http://www.jahsena.ca)

Cemetery Website:

[www.edmontonjewishcemetery.ca](http://www.edmontonjewishcemetery.ca)

## TWO NEW BOARD MEMBERS

At the Annual General Meeting held October 27, at Beth Shalom Synagogue, two new members were elected to the JAHSENA Board. We are happy to introduce them:

### KAREN FARKAS



After 19 years in academia, Karen, along with her husband Clyde Hurtig, owns and operates a wholesale healthful food company. She is a life member and treasurer of the Interfaith Centre, a life member of Canadian Hadassah WIZO, and of Vegetarians of Alberta. She currently serves on the Board of Beth Israel Synagogue and on three of its committees. During her 35 years in Edmonton, Karen has been an active member of the Arab-Jewish Women's Peace Coalition and has volunteered with the Sustainable Population Society and several support groups for working women.

### IZZY GLIENER



Izzy is a native Albertan who has resided in Edmonton since 1937. He graduated from the Edmonton Talmud Torah in 1943, was a fervent Zionist and active in Young Judea Youth Organization. He graduated from the University of Alberta in 1956. Izzy's community activities include serving as a Board member of the Edmonton Jewish Federation, and as an active volunteer with the Kinsmen Club, the Family Centre, the United Way, and the Henry George Society. He has had a longstanding interest and been active in Provincial politics.

## In Memoriam 2015-16

The following individuals were lost to us this year. We offer our condolences to their families and friends, and hope that their memories will be blessings to us all.

Alice Abells, z'l	Gwen Pechet Hiller, z'l	Cecilia Shaw, z'l
Roger Adler, z'l	Claire Holender, z'l	Rivera Spector, z'l
Nina Baltzan, z'l	Leo Idels, z'l	Allen Silverman, z'l
Lena (Lee) Blevis, z'l	Leon Kagna, z'l	Anna Staroselsky, z'l
Miriam Broyde, z'l	Meyer (Max) Kaplan, z'l	Ruth Superstein, z'l
Yaffa Bryan, z'l	Boris Khaykin, z'l	Samuel Toronczyk, z'l
Doreen Cohen, z'l	Viola (Vi) Klein, z'l	Ryhor Ukrainski, z'l
Bernie Dlin, z'l	Lenard Kohn, z'l	Rae (Rachel) Warhaft, z'l
Bertha Dvorkin, z'l	Marilyn Lyman, z'l	Valerie Weinlos, z'l
Trudy Dvorkin, z'l	Samuel (Louie) Milner, z'l	Shia Youz, z'l
Isabella Easton, z'l	Isadore Mons, z'l	Olive Zukerman, z'l
Jack Feldman, z'l	Maria Oratovsky, z'l	
Basya Finkelshteyn, z'l	Ryhor Oukrainisk, z'l	Every effort has been made
Dr. Manny Friedman, z'l	Mark Rachkovetsky, z'l	to identify all those who
Ricky Furman, z'l	Isabel Rodnunsky, z'l	have passed away in the last
Robert Haymond, z'l	Thelma Rolinger, z'l	year, but if we have omitted
Arthur Hiller, z'l	Dov Ber Sass, z'l	someone, please contact the
		JAHSENA office.

## JAHSENA Recent Acquisitions

*These items have recently found their way into the archives, and are available for research purposes:*

One envelope of miscellaneous text from Mel Wyne.

A photo of Anna Shapiro in a Jewish Drama, 1954, from Anna Shapiro.

Four JNF pins and various invitations/papers donated by Debby Shoctor.

The book "A German Life: Against All Odds Change is Possible" by Bernd Wollschlaeger, MD, from The Jewish Federation of Edmonton.

Two March of the Living jackets from Valda Levin.

A Mezuzah from Jane Karstaedt.

Three oral history interviews by the JAHSENA Oral History Committee: Dr. Cyril Kay, Arliss Miller and Leo Superstein.

One box of photos and proofs from Fred Katz.

An envelope of miscellaneous text and newspaper articles from Sandra Shuler.

Donation of Talmud Torah programs from Ken and Natalie Soroka.

A box of miscellaneous text and photos from Jack Chetner.

Three boxes of miscellaneous text and photos about Edmonton from the Jewish Historical Society of Southern Alberta.

24 Israeli music Cd's from Leon and Deborah Miller

*We are still accepting donations of books relevant to local family or organizational history. Should you have any questions about donations, please contact our office.*

# A history of Jewish Judges in Alberta's Courts



Justices Tevie Miller, Samuel Lieberman and Ronald Berger



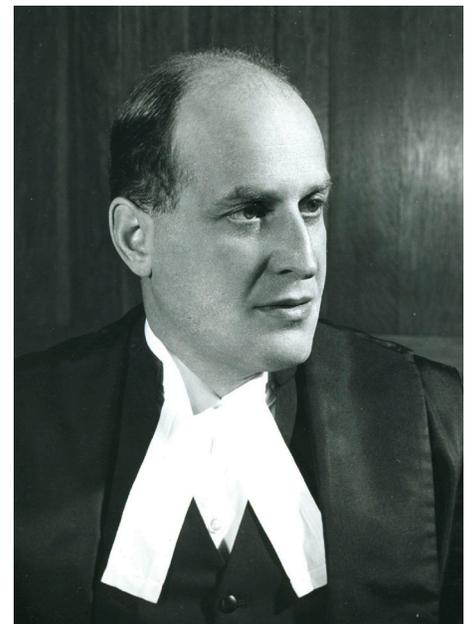
*The following is a condensed version of a talk by Justice Eric Macklin presented at the October 27th 2016 Annual General Meeting of the Jewish Archives and Historical Society of Edmonton and Northern Alberta.*

First, I want to thank the Jewish Archives and Historical Society of Edmonton and Northern Alberta for inviting me to speak to you today. The topic for my discussion will be the impact of Jewish Judges from Edmonton on the Superior Courts in Alberta. By Superior Courts in Alberta, I mean the Supreme Court of Alberta (the predecessor to the Court of Queen's Bench of Alberta), the Court of Queen's Bench of Alberta and the Court of Appeal of Alberta.

## **SAMUEL LIEBERMAN**

The first Jew appointed to a Superior Court in Alberta was Sam Lieberman. Sam was born in Edmonton in 1922. His father, Moe Lieberman, had moved to Edmonton from Toronto and, in 1917, set up a law practice with his old friend from Toronto, Harry Friedman. Sam joined the Armed Forces in 1940. During World War II he completed two tours of operations overseas as a pilot in the Royal Air Force Coastal Command. In 1956 he was awarded a Canadian Forces decoration.

Sam Lieberman returned to Canada in 1945, went back to university and graduated with the first post-war law class in 1948. He articulated at his father's law firm and was admitted to the Bar in 1949. He practiced law in the firm then known as Friedman Lieberman and Newson from 1949 to 1966. In 1966, he was appointed to the District Court of Alberta and, in 1970, he



Justice Samuel Lieberman

became the first Jewish Superior Court Judge in Alberta when he was elevated to the Alberta Supreme Court Trial

Division. Six years later, in 1976, he was appointed to the Alberta Supreme Court Appellate Division, now known as the Alberta Court of Appeal.

During his career on the Court of Appeal, Sam Lieberman sat on more than 1,100 reported cases. When Justice Lieberman was appointed to the Court, he was a noted expert in insurance law having practiced in that area for many years. However, it was when he was on the Court that he showed his compassion and his intellect. In a case called *R v Hall*, the Alberta Court of Appeal sat as a panel of seven, which is an extremely unusual event to occur. Indeed, I have never seen any panel greater than five sit in Alberta so the sitting of seven members would indicate the seriousness of the case before the Court and its desire to set a firm precedent.

In that case, Mr. Hall was sentenced to an indeterminate period of incarceration as he had been declared a dangerous offender. It had become clear that Mr. Hall suffered from a mental illness and was described in evidence as being “intellectually retarded”, a “high grade defective” and “inadequate, indifferent and irresponsible”. That condition, combined with an acknowledged high level of sex hormones, made it impossible for him to control his impulsive sexual behaviour.

Justice Lieberman recognized that the paramount consideration in cases such as *Hall* was the protection of society. However, he could not ignore the effect of imprisonment upon Mr. Hall and felt constrained to comment upon it. In describing the problem of imposing an indeterminate (and therefore very lengthy) sentence, Justice Lieberman recognized the need to ensure that Mr. Hall and others with similar conditions, were not brutalized or condemned to a form of protective custody that is, in reality, solitary confinement. With great insight and compassion, he said

the following at para 11:

*This case poignantly brings the need for a separate facility for mentally retarded offenders into sharp focus and I trust that it will be brought to the attention of the Solicitor General of Canada. Great advances have recently been made in the education of the retarded. They can be taught to be productive and responsible citizens and I respectfully suggest that the educational and vocational facilities available to the retarded who are not incarcerated should, as far as possible, be available to those who have offended and are imprisoned...*

I would point out that while the term “retarded” is now considered improper and inappropriate, it was a standard term at that time and its use was not considered, in any way, politically incorrect or derogatory.

Notably, and further evidencing his concern for the treatment of those with mental health issues, Sam Lieberman was instrumental in establishing the Alberta Board of Review for persons found to be “criminally insane”, a term that has been replaced by the term “not criminally responsible”. He was its first Chair and served in that position for nine years.

In another decision exhibiting the respect for Justice Lieberman, he was assigned as one member of the three Judge appeal panel hearing the defamation action by Peter Lougheed, the Premier of Alberta at the time, against the Canadian Broadcasting Corporation. You may recall that Premier Lougheed commenced an action against the CBC for its depiction of Premier Lougheed in a television play entitled “Tar Sands” that was shown on CBC on September 12, 1977. Premier Lougheed complained that the portrayal of him was false, malicious and defamatory and falsely attributed words and thoughts to him and false motives.

After a long and distinguished career, Justice Samuel Lieberman retired from

the Court in 1997. He passed away on September 19, 2012.

## TEVIE MILLER



Tevie Harold Miller was born in Edmonton on January 1, 1928. He was admitted to the Alberta Bar in 1951 and the Northwest Territories Bar in 1965. He was appointed a Queen’s Counsel in 1968.

Tevie also came from a family steeped in the law. His father was Abe Miller, a prominent lawyer in the City and, upon graduating from Law School, Tevie joined his father’s partnership in 1951. He remained as a senior partner with the law firm of Miller Witten until he was appointed a Judge of the District Court of Alberta on December 20, 1974. He was appointed to the Alberta Supreme Court Trial Division on July 8, 1976 thus becoming the second Jewish appointment to the superior Court. The Supreme Court of Alberta became the Court of Queen’s Bench of Alberta on June 30, 1979.

Tevie Miller was always held in the highest of esteem and respect by both the Bench and the Bar. He was appointed Associate Chief Justice of the Court of Queen’s Bench of Alberta on

*Continued on next page*

February 24, 1984. While Tevie made tremendous contributions to the Jewish community and the community at large, I will restrict my comments to the impact he had as a member of the Court of Queen's Bench of Alberta.

One area in which Tevie has been recognized as a true leader and visionary is in the area of alternate dispute resolution. Alternate dispute resolution includes mediations, arbitrations and, in the case of the Court, judicial dispute resolutions.

Tevie was at the cutting edge of this development, having recognized the need for parties to engage in a facilitated attempt at a resolution of their dispute rather than a litigated one. He was optimistic that a facilitated resolution might well preserve some positive aspect to the relationship of the parties, particularly in family situations and especially to benefit children in those families. His efforts in setting up the Judicial Dispute Resolution Program for the Courts has been recognized with the dedication of a JDR facility in the Courthouse specifically used for Judges conducting dispute resolution conferences with litigating parties. Tevie was also instrumental in developing the techniques for judicial dispute resolution and encouraging Judges to involve themselves in assisting parties to resolve their disputes short of going through a trial process.

Tevie Miller was also a leader in the area of family law. This is an area that is fraught with emotion and often difficult to resolve as the parties are often bitter towards one another and often seem more bent on punishing their estranged spouse than resolving their disputes and acting in the best interests of their children.

Cases involving the custody of children are often the most difficult to decide, said Justice Miller. He remarked, "No Judge enjoys playing Solomon in these matters but the litigants leave us no choice."

An example of a challenging family law case was a case where the father and mother of two children, aged 8 and 6, got into a dispute when the mother wished to move from Edmonton to Ottawa with their two sons to pursue new employment. Needless to say, the parties also accused each other of various indiscretions and poor conduct. Justice Miller purposely left out of his Judgment a review of the lengthy list of complaints that each had about the other and, while he did not say it as one of his reasons, it is clear on reviewing his decision that Justice Miller was most concerned about the interests and feelings of the children and did not think it necessary or appropriate that the complaints be forever available for the children and others to read.

Justice Miller again and quite accurately acknowledged in his decision that "contested custody cases are surely amongst the most difficult types of judgments [Judges] are called upon to deliver." I can attest to the fact that choosing which of two parents a child or children should reside with when both are equally capable (or, frankly, when each are equally incapable) is an extremely difficult decision to make.

Ultimately, Justice Tevie Miller relied upon the opinion of an expert that it was in the best interests of the two children that their ordinary residence be transferred from the mother's home to the father's home if she does move to Ottawa. Justice Miller's decision in this case has been considered legally important because it broke new ground in varying a custody agreement to grant a father custody of children from the marriage when the mother decided to move to another province. He exhibited a very humane approach and a sincere interest in the best interests of the children as the primary focus of his deliberations.

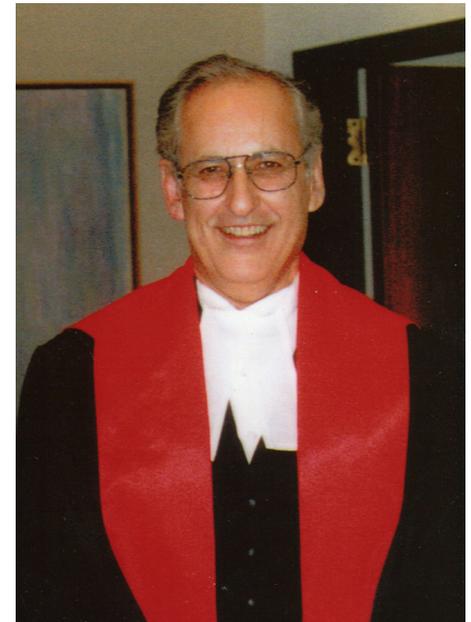
Justice Miller heard a number of other interesting cases including one called *Lewis v Oeming*. This was an action

by an individual who was an employee of Al Oeming's Alberta Game Farm. The employee was mauled by a tiger at the farm. While he was off duty, the employee entered the tiger's enclosure to retrieve a fellow employee's hat. The tiger could have been segregated for that purpose but was not. The employee was mauled and severely injured.

As Tevie pointed out in his Judgment, it is not very often that a Judge of the Court of Queen's Bench of Alberta gets an opportunity to hear a trial where a Siberian Tiger mauls a man.

The Honourable Justice Tevie Miller passed away from pancreatic cancer in August of 1996 at the age of 68.

#### MELVYN A. BINDER



Mel Binder practiced law from 1966 to 1996 where he was a partner in the firm of Witten and its predecessor firms. He was a long standing trustee for the Edmonton Public School Board following which he spent six years as an Alderman for the City of Edmonton. He was appointed as a Justice of the Court of Queen's Bench of Alberta in 1996.

Justice Mel Binder's experience in the public service as a school trustee and as an Alderman together with his involve-

ment in many commissions as both a member and as the Chairman, such as the Edmonton Police Commission, provided him with the ability and management skills to preside over what was one of the most complicated trials ever held in Alberta to that point in time. The background to that trial began in September 1999 when 36 individuals were arrested in Edmonton and charged with many drug offences including conspiracy, participating in a criminal organization and various related drug offences. It was commonly referred to as the *Trang* trial and it spanned 3 ½ years until it finally concluded on February 27, 2004.

Interestingly, it was suggested by many that the primary reason for the number of individuals arrested and charged was the fact that immediately prior to their arrest, there had been a number of drive-by shootings and killings and it was believed that they arose out of an alleged gang war between the *Trang* gang and a rival gang. The belief that this was the case was supported by the fact that after these arrests, the drive-by shootings ceased.

Not only was this one of the most complex criminal trials to that point in time, it was also the largest criminal trial ever held in Alberta. The 36 individuals charged faced 29 separate charges. As I mentioned, the trial lasted 3.5 years. As a result of its sheer size and complexity, a new courtroom was built to accommodate the trial and the technology that would be required to provide easy access to the exhibits and documents that would be relied upon. By way of example, there was in excess of 281,000 intercepted communications in five languages with the Crown Prosecutor proposing to enter about 4,500 of them as Exhibits.

In a memo outlining his considerations in assigning this trial to Justice Binder, Chief Justice Wachowich said the following:

*At the time of this assignment, [Justice Binder] had gained an outstanding reputation amongst the members of the Court ... He was known to readily accept challenging assignments... [Justice Binder] also had a very good reputation with the Bar and was not viewed as being a Judge who might favour either Crown or defense. ... Difficult decisions would have to be made throughout the course of the case of this nature and magnitude, and criticism of the Judge was bound to occur... The ability to deal with technology, and specifically electronic evidence, was also very much a factor. [Justice Binder] was well known for his ability in this area.*

Justice Binder produced a report of almost 800 pages following the conclusion of the *Trang* trial with recommendations to be considered by Judges across the country when presiding over a trial of this magnitude. His report and recommendations have been widely circulated and continue to be referred to and relied upon.

An interesting case involving the competing interests of a young person who wished to use the LRT and the City of Edmonton, which owns the LRT, was heard by Justice Binder in a case called *R v S.A.*, In that case, a young lady who was a youth had been banned from using public transit for having committed an assault at the Churchill LRT station. She was given a written trespass notice which purported to ban her from all City owned property for a period of six months. During that six-month period, the young lady was found in the Stadium LRT Station and was issued a trespassing ticket. She admitted violating the ban on numerous occasions.

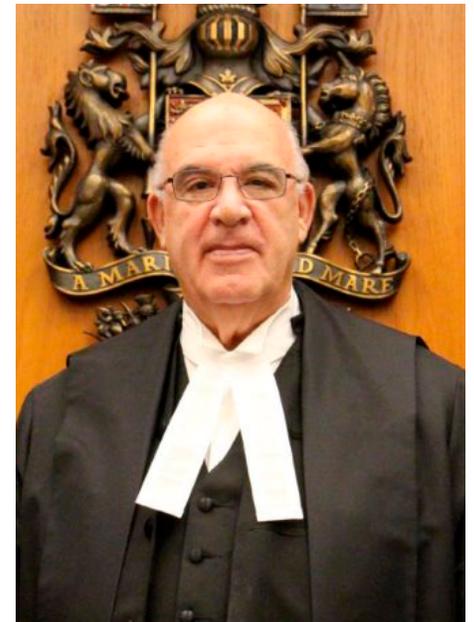
Ms. A. argued that the ban from using public transport was a breach of her *Charter* right. It imposed a limit on her ability to access public transit, which was something she needed to access goods and services in the City of Edmonton, and an inordinate restriction

on her ability to make fundamental personal choices. Justice Binder disagreed and found that access to public transportation did not impact on one's fundamental choices even though the size of Edmonton and its climate made it the only way to get about the City for those with limited means.

While Justice Binder made his finding against the young woman, he went further and showed compassion in an attempt to provide her with some relief. He made a point of stating in his judgment that he felt the result, though correct, was unfair and made the strong suggestion that the Crown take no further steps against the girl. Justice Binder's decision, and his comments with respect to the fairness to the young girl, were upheld and approved by the Court of Appeal.

Justice Mel Binder retired from the Court of Queen's Bench of Alberta in 2012.

#### **RONALD BERGER**



Justice Ron Berger remains an active and productive full-time sitting member of the Alberta Court of Appeal.

Ron Berger graduated second in his class at the McGill Law School in

*Continued on page 15*

# Mysteries from the Photo Archives

Following are a few samples of the thousands of photos held in the JAHSENA Archives. If you know the names of people shown in these photos or any other details, we would appreciate it if you would contact the office, either by phone: 780 489-2809 or e-mail: [jahsena@shaw.ca](mailto:jahsena@shaw.ca). Thank you.



Martin's BarMitzvah, 1943



This photo is dated c.1963.



Talmud Torah Board of Directors, 1934-1936

# Odette Masliyah's Polyglot Hospitality



Odette in Israel.

BY DANIEL ERIN

A warm smile and cup of tea welcomed me when I arrived at Odette and Jacob Masliyah's home on a picturesque, late-October morning. Odette made me feel immediately at home. During our conversation, the sun gradually entered the south-facing windows, and it dawned on me that Odette's hospitality represents something rather special. Odette was born in Baghdad, Iraq. She led a very happy childhood surrounded by a close-knit and caring community with lots of extended family members in her life. In fact, she had 36 maternal cousins living in nearby neighbourhoods. According to Odette, the Jewish school fostered special friendships between students and their families; they would engage in recreational activities together, celebrate together, and help each other through difficult times. As a young child, Odette fondly remembers going for picnics with her family and friends; it was the fun thing to do growing up, she recalls. Because of the government's hostility towards the Jews, Odette remembers that she was always fearful to interact outside the Jewish community.

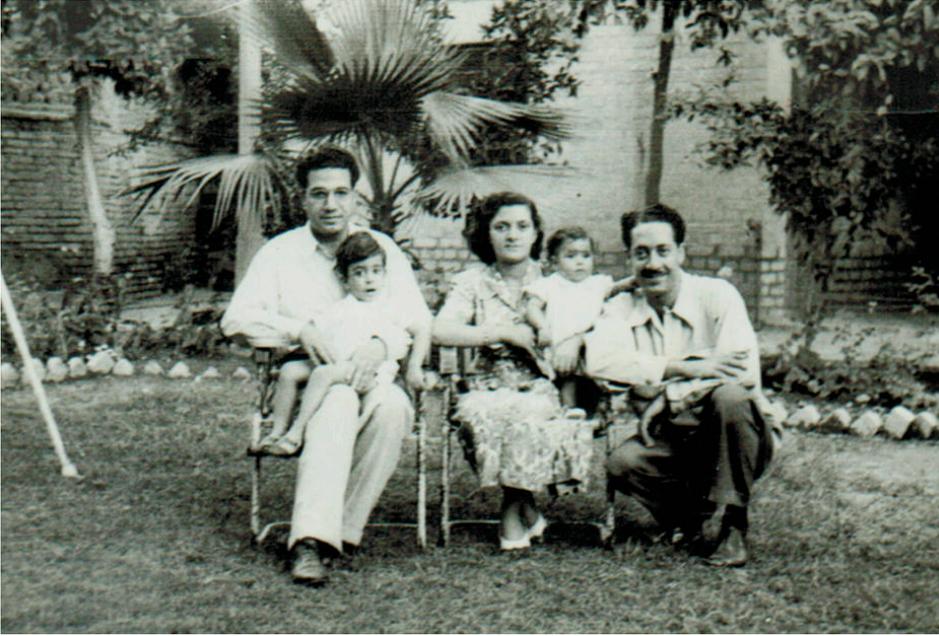
This environment of alienation led

the Jewish community to place a strong emphasis on education and good language skills because an impending need to leave the country consistently loomed. The spectre of having to escape Iraq prepared the children for survival in new countries. For example, Odette and her classmates had to prepare for and meet the expectations of numerous high-school curricula across Europe in addition to learning languages such as French and English. This preparation would allow them to attend post-secondary institutions in various parts of the world.

Odette's father was a successful businessman in Baghdad. He had strong English and Arabic skills, so he was well suited to conduct and run international business operations. Specifically, he ran a Muslim import/export company that distributed radios from Holland. Odette noted that he played a significant role in financial operations, hiring, and working with international clients; it was a big job for one man.

A mass exodus of nearly 120,000 Jews who left Iraq in 1950-1951 led the community to become increasingly estranged from and persecuted by the Iraqi

government. In 1967, after the Six-Day War, Iraqi Jews faced escalating levels of government-sanctioned discrimination and persecution. Indeed, they were made to feel like strangers—burdens—in their own homeland. Jewish students were not allowed into Iraqi universities; Jewish schools could not hire foreign teachers because the government no longer issued visas for them; this posed a significant challenge for the Jewish schools' advanced language programs. In 1960, Jews were not granted passports; eventually, the government decreed that Jews couldn't travel more than 100km outside of their communities; and, after 1967, the government started accusing and imprisoning Jewish men under the pretenses of being Israeli spies. Many of these men were never seen or heard from again. In 1969, nine Jews were accused of spying for Israel, and they were hanged in Baghdad's main public square. These circumstances put significant pressure on Jewish community organizations, especially schools. Odette remembers that school was very important; the students had very long days in class, and academic achievement was a point of emphasis. Since foreign



Baby Odette (in centre) with her parents, brother and uncle, c.1948.

teachers were no longer available to teach languages, schools had to rely on community members coming together and teaching languages such as French and English. A principal recruited Odette to teach grades 4 and 5 French at L'Alliance Française when she was only 17. Odette would later go on to teach Hebrew, Arabic (her mother tongue), French, and English throughout her teaching career.

Unable to leave Iraq legally, Jews were forced to smuggle themselves out of the North and into Iran. Eventually, Odette's family decided that they needed to escape, so they made the requisite preparations leaving everything behind. It is important to note that the family didn't want to leave until life became so dangerous that there was no choice. Odette, her sister, father, and mother planned to depart at the end of November. Her father decided to leave 24 hours before the family to ensure that their route was indeed safe; moreover, if he were caught, the rest of the family wouldn't face imprisonment. It was November 30, 1970. With news that it was safe to leave, Odette, her sister, and her mother dressed themselves in abayas, packed one

suitcase with blankets, and began a perilous journey to escape their home.

After making their way out of Baghdad, the four met their contact—a Kurdish smuggler—who agreed to get them to the Iranian border. They rode in a jeep into the North. Eventually, though, the clandestine group encountered terrain that was impassable for the jeep, so they had to walk. They started walking at 1:00am in the rain. It was cold. Everyone was terribly scared because they were now officially criminals. Both sisters ended up losing their shoes in the mud, but they kept walking. By 6:00am, they had made it to the Iranian border—free from an inhospitable home but not yet safe or welcome. The Iranian border guards spoke Persian only, so it was difficult to communicate with them. At first, the guards were harsh because they thought that the family might be spies. So, for their first three days in Iran, Odette, her sister, father, and mother were shuttled from police station to police station. Afterwards, representatives from the Jewish Agency from Israel greeted the family. The four family members spent one month in Tehran before

settling in Israel. Odette remembers that it was incredibly difficult leaving Iraq; she left friends and family, and she never heard from some of them again.

Odette's family lived in Israel for approximately five years. After arriving, Odette spent a couple of months at an Ulpan, where she took Hebrew courses, and soon after taking her courses she got a job with Bank Hapoalim, in Tel Aviv. Her father struggled to find fulfilling work in Israel, but he was very happy to see family that he hadn't seen in twenty years. Odette's brother lived in Montreal, so her parents eventually moved to Canada. Odette—who had taken a job at the American Embassy in Tel Aviv—and her sister stayed in Israel, but would eventually follow their family overseas. Odette truly enjoyed living in Israel; she remembers wanting to stay because she felt comfortable with the Israeli identity. Moreover, Odette was personally invested in the community, dedicating significant time volunteering. For instance, she contributed to her community by volunteering as a big sister with a Hadassah program; she stressed that it was very important for her to volunteer as a young person. For both sisters, the time in Israel was a special part of their young lives that they really treasure.

After leaving Israel, Odette moved to Canada, where she and Jacob met and were married in Montreal. Soon after getting married, the couple settled in Edmonton in 1977 because Jacob had gotten a job at the University of Alberta. Having considerable teaching experience, but lacking accreditation, Odette decided to take a Bachelor of Education degree (specializing in French and Hebrew) while she taught French for the U of A's Faculty of Extension and Hebrew for Edmonton Public School's Continuing Ed program. She earned her degree after having the couple's second daughter, Ruth. Jacob and Odette's son, Daniel, was born a few years later.

Their oldest daughter, Tamara now

*Continued on next page*

works as a psychiatrist in Ottawa. She is married to Larry Shamash, and together they have two daughters, Ellie and new baby Hannah. After completing her Masters degree in social work, Ruth now works as a social worker at Sick Kids in Toronto. She and her husband, Michael Murray, have two children, Jasmine and Judah. Daniel, who is unmarried, lives in Toronto and works there as a lawyer at Bennett Jones.

In 1990, Odette started teaching Hebrew at Talmud Torah. She fondly remembers the eager students, and she always appreciated how students with different skill levels consistently wanted to improve their Hebrew. One thing that Odette would like to see incorporated into the language curriculum involves expanding the students' exposure to Mizrach, so they can learn about the history, Jewish language and culture of Jews from the Middle East. Furthermore, she hopes that the community will learn of a law that the Government of Israel adopted on June 23, 2014, which designated November 30 as an annual national day of commemoration for the 850,000 Jewish refugees who were displaced from Arab countries and Iran.

Odette is very active within the community. She finds great pleasure in helping as much as possible at Beth Shalom, especially when volunteering to recite Torah and Haftara on a weekly basis. In addition, Odette is also involved in a book club that is run out of Beth Shalom. Volunteering is important to Odette. She explains that sharing time with the community adds an important texture to life. Sitting on Beth Shalom's Board of Directors, serving as the Jewish Seniors' Centre's secretary and board member, as well as volunteering with the Edmonton Jewish Film Festival every year, Odette has a varied and diverse perspective on how giving one's time can enrich the entire community. Odette encourages the younger generations to volunteer; she knows that life is becoming busier and



Odette with her granddaughter Ellie.

more demanding on young people, but she hopes that they will find joy and new experience in volunteering throughout the community.

Odette is a very welcoming person. She welcomes guests into her home. She welcomes people into a reading community. As a teacher, she introduced schoolchildren and adults to the wonders of a new history, culture, and language. Welcoming people into a new language involves introducing them to awkward terrain, helping them when they get stuck in the mud, as well as enabling them to feel comfortable in a foreign place and tongue. Given that much of her early life involved feeling unwelcome in her homeland—being forced to flee her home—Odette possesses a very special quality of making people feel welcome. It's inspiring that she continues to share this sense of hospitality with people from different places, cultures, and languages. Hers is indeed a polyglot hospitality.

Finally, Odette wanted to include Psalm 137 in this article because she "feels that her family's life started 3500 years with this psalm."

וּנִיבָּ-מִן, וּנְבִישִׁי מִשׁ-לִבִּי, תוֹרַהֲנִי לַע  
וּיְצִי-תָא, וּנְרַכְּבָּ

*(By the rivers of Babylon, there we sat down, yea, we wept, when we remembered Zion.)*

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To Francie Nobleman on her Special Birthday, from Pierre & Arlene Morin.

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To Dr. George and Judy Goldsand on the occasion of their grandson Cale's Bar Mitzvah, from Odette Masliyah.

### GET WELL

To Nancy Lieberman, from the JAHSENA Board.

To Alex Krimberg, from the JAHSENA Board.

### SYMPATHY

To Kathryn Ivany on the passing of her mother, from the JAHSENA Board.

To The Goldford Family on the passing of Ricky Furman, z'l, from Michael and Colleen Paull; the JAHSENA Board.

To Howard Davidow on the passing of Isadore Mons, z'l, from Karen Farkas and Clyde Hurtig; Michael and Colleen Paull; the JAHSENA Board.

*Do you know me?*



JAHSENA Archives

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at the JAHSENA office, Suite 200 10220-156 St, Edmonton

Help identify unknown people in a number of photos held by the archives.

If you are interested in attending, please reply by email to [jahsena@shaw.ca](mailto:jahsena@shaw.ca)  
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Look forward to seeing you!

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## JEWISH JUDGES

*Continued from page 7*

1967. He was granted a fellowship to study criminal law at the University of Pennsylvania following which he moved to Alberta and was admitted to the Bar in 1968. Ron Berger was appointed to the Court of Queen's Bench of Alberta in 1985.

Ron was the first Orthodox Jew appointed to the Superior Court and was also the first Jew appointed with an acknowledged, in depth, knowledge and expertise in criminal law. Indeed, his abilities and expertise were evidenced by the fact that he was requested by Justice Herb Laycraft, a Justice of the Court of Queen's Bench in 1978 who went on to become the Chief Justice of Alberta, to act as his counsel when Justice Laycraft was appointed as the Commissioner charged with investigating fraud allegations involving Royal American Shows. Justice Laycraft's request for Ron Berger to be his counsel was approved by the Minister of Justice for Alberta at the time, Jim Foster, and that approval was then further approved by the Premier of the Province, Peter Lougheed.

After serving 11 years on the Court of Queen's Bench, Ron was appointed to the Alberta Court of Appeal in 1996. Justice Berger's judicial temperament, fairness, understanding of the *Canadian Charter of Rights and Freedoms* together with his comprehensive knowledge and understanding of criminal law has had significant and profound impact.

One of the many important cases decided by Justice Berger while he was a Trial Judge involved the National Party of Canada and the Canadian Broadcasting Corporation. Mel Hurtig represented the National Party of Canada and he challenged CBC's refusal to allow him to participate in a political debate televised by the CBC during the 1992 federal election. One of the criteria for participation in the debates was that only parties with an elected member of

Parliament could participate and Mr. Hurtig and the National Party asked the Court to order CBC to include him in the debates. Justice Berger had to decide if the CBC was a government entity falling under the provisions of the *Charter* and if the exclusion of Mr. Hurtig was, therefore, a government decision which breached Mr. Hurtig's *Charter* rights.

Ultimately, Justice Berger found that the Court should not enter the broadcasting arena and usurp the functions of the broadcast media. The political agenda is best left to politicians and the electorate; television programming is best left to the independent judgment of broadcast journalists and producers. He concluded by saying that "the decision of the CBC was a non-governmental decision and not subject to *Charter* scrutiny". This decision has since been referred to many times and most recently when Elizabeth May wished to participate in televised debates before the Green Party had a seat in Parliament.

The value of Justice Berger as a member of the Court of Queen's Bench was further evidenced when a judge was needed to manage the litigation surrounding the demise of the Principal Group of Companies in 1987. Principal Group and its 80 odd subsidiaries filed for bankruptcy and was placed in receivership leaving the Company owing 67,233 investors a total of \$468,000,000. The litigation required a Judge who could manage not only the complicated legal aspects of the massive receivership and the claims by the many investors for a return of their life savings but the extremely high emotions of all involved. It was Justice Berger who was appointed to manage this most difficult of actions and he did so admirably and to the great satisfaction of all.

In 1997 the Alberta Court of Appeal sat as a five-person panel to determine whether the Federal Government had the power to enact the *Firearms Act*

under the Canadian Constitution. The legislation was intended to prevent the misuse of weapons by restricting their possession by those unfit to have such weapons.

Justice Berger held that the licencing provisions regulating the possession or ownership of an ordinary firearm and the registration provisions requiring registration of an ordinary firearm, as contained in the *Firearms Act*, were legitimate provisions introduced by the Government of Canada. This decision was upheld by the Supreme Court of Canada.

Being limited in terms of time, I will simply conclude my comments regarding Justice of Appeal Berger by pointing out that there have been a number of cases where Justice Berger has applied his knowledge and understanding of the *Charter of Rights*, criminal law and the concept of fairness in dissenting from decisions of the majority of the Alberta Court of Appeal. In many of those cases, the Supreme Court of Canada has reversed the decisions of the majority of the Alberta Court of Appeal and either agreed with the decision of Justice Berger and felt no need to provide any additional reasons or agreed with his decision and provided separate reasons. One example is the case of *Stephen Harper v. The Attorney General of Canada* where the Supreme Court of Canada overturned the decision of the majority of the Court of Appeal and agreed with the dissenting reasons of Justice Berger. The result was a level economic playing field for those who wished to engage in political discourse. As Justice Berger said:

*"Freedom of political expression, so dear to our democratic tradition, would lose much value if it could only be exercised in a context in which the economic power of the most affluent members of society constituted the ultimate guide post of our political choices."*

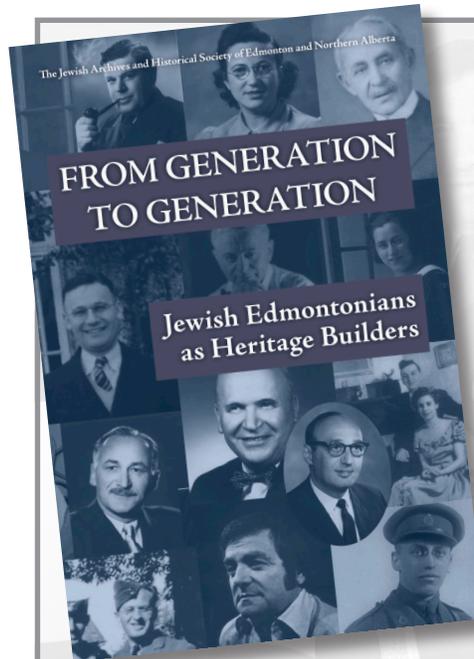
*Continued on next page*

## JEWISH JUDGES

*Continued from page 15***CONCLUSION**

Some may think I am biased in my views of the impact and respect that these four judges have had over the last 50 years in Alberta and Canada. I am. But there is independent evidence. In the early 1990s, a well-respected national magazine for lawyers conducted a survey of lawyers and litigants in each province to determine who were considered the best judges in their respective provinces. Two judges from Edmonton were overwhelmingly chosen as the best judges in Alberta. They were chosen for their intellect, practical good sense, compassion and fairness. They were also chosen because they were true gentlemen in the courtroom and always exhibited the utmost respect to everyone – from the lawyers, to the parties, to the witnesses, and to the court staff. In criminal cases, this also meant the accused. They never denigrated any party before the Court, nor any other judge, whether a colleague or a lower Court judge, with whom they may have disagreed or overturned. The two judges deemed the best in Alberta were Tevie Miller and Ron Berger. Their courtroom styles continue to provide guidance to all judges. It is not often you hear the loser in a case say: I may have lost but I got a fair hearing. It has happened with these two Jewish judges more than any others. High praise indeed.

These four Jewish judges from Edmonton were appointed to the Courts because of their recognized intellect and abilities. They brought to the Courts the finest of traditional Jewish liberal values and a social conscience, so very important in providing and ensuring a fair balance to opposing views. Their impact on law and justice in Alberta and Canada has been profound.



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