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**"Are You People Jewish?": The Mistaken Identity
of Mary Rosenblatt in the 1952 Harry Lee Murder
Case**



Mary Rosenblatt. Local History & Archives, Hamilton Public Library, "Hamilton Woman Found Slain Companion Badly Wounded," *The Hamilton Spectator*, 2 June 1952, 7.



Harry Lee. Local History & Archives, Hamilton Public Library, *Our Heritage Scrapbook*, Vol. 6 (January 1992-December 1993), 80, Brian Henley, "The Last Hanging," *Hamilton Spectator*, 30 January 1993.

On June 2, 1952, thirty-eight-year-old Mary Rosenblatt was shot and killed in Sheffield, Ontario – allegedly, by Harry Lee. Lee, a thirty-seven-year-old mixed-race man, was hanged for the crime nine months later, in February of 1953. In the six decades following his death, the Lee/Rosenblatt case has received attention for several reasons: Lee was the last man hanged in Hamilton, Ontario; is widely believed to be innocent of the murder; and is regarded as the victim of a racist plot to frame him.¹ As a result of these provocative facts centred on Lee, Mary Rosenblatt has been the object of far less consideration, benignly described as a wife, a waitress, a mother, and a Jew.² Yet, as Lee alleged a long-time affair between himself and Mary, one nurtured in a common workplace, her gendered/sexualized status as a wife and waitress was a crucial aspect of the case. Rosenblatt's Jewishness has proven equally meaningful, specifically in how the case has been collectively "remembered" by residents of Hamilton and Canfield (Lee's birthplace), journalists, community chroniclers, and scholars. Historian Barrington Walker, for example, who is especially interested in issues of racial identity, notes that Rosenblatt "was a Jewish woman at a time of pervasive anti-Semitism in Canada."³ Walker's observation, however, is only significant to the extent that Rosenblatt was, in fact, *not* Jewish.⁴

What factors contributed to this ethnic/religious misrecognition in the decades following Lee's death, and what can be gained by "remembering" Mary in this way? The confusion over her identity is likely attributable to several issues: her common Jewish (married) name of Rosenblatt; the central role that Jewish ritual and institutions played in the work lives of both Mary and Harry Lee, and in the events leading up to the murder; the residence of the Rosenblatts in Westdale, an increasingly Jewish enclave in 1950s Hamilton; and the significance of Lee's own racial and religious identity. Because of various aspects of these causes, the Lee/Rosenblatt murder case intersected serendipitously with Hamilton's vibrant Jewish community. As such, the case and the flawed collective memory which has followed suggest complex perceptions of Judaism, evident in the racialized way that Mary's imagined Jewishness can be used to mitigate Lee's racial and sexual transgressions.

Before Lee's 1952 Hamilton trial, guilty verdict, death sentence, petition for clemency, and hanging, there was the murder of Mary Rosenblatt. There are two principal versions of how Mary Rosenblatt was killed. According to the prosecution, Harry Lee, who himself was shot in the incident, was the perpetrator. On Saturday, May 30, he had lured Mary to his house, held her against her will, drove her from Hamilton to Sheffield, and shot her in a botched murder-suicide scheme when she refused to leave her husband for him.⁵ According to the defense, and based primarily on the testimony of Harry Lee, two armed thugs invaded his home where he and Mary were enjoying a tryst, kidnapped them in Harry's car, forced them to drive for several days throughout Southwestern Ontario, and then shot them after a struggle for a rifle.⁶ In both scenarios, in the early morning hours of Monday, June 2, an injured Lee summoned the help of a service station attendant in Sheffield who discovered Mary stretched across the front seat of Lee's car with two bullets in her chest.⁷

Almost immediately after the incident, Lee was charged with first-degree murder, and went on trial in late September of 1952. His lawyers were John Agro and Gerry Kennedy, two "youthful barristers" who had established a shared legal practice in Hamilton just a few months prior to assuming the Lee file - Agro's first murder case.⁸ The prosecutor was Harvey McCulloch, and Judge Wishart F. Spence presided over the case.⁹

As evidence in the case was purely circumstantial, the character of both Lee and Rosenblatt and the nature of their relationship were under scrutiny. The prosecution endeavored to poke holes in Lee's unusual story, attempting to show that Lee was a jealous, manipulative, and lying killer. In contrast, the defense cast the bespectacled Lee as a kind, gentle, and frail man (he suffered from debilitating arthritis¹⁰) who, along with Mary, was the unsuspecting victim of a brutal, random crime. Thanks partly to the testimony of her husband Charles Rosenblatt, who insisted that "Mary only thought of her home," the prosecution depicted Mary as a devoted wife and selfless mother.¹¹ With help from testimony by Lee about his long-term sexual re-

relationship with Mary, however (including testimony about sexual relations in her home while Charles was at work¹²), the defense cast Rosenblatt as a restless wife, and a less-than-innocent participant in a consensual adulterous liaison.¹³ Although there was compelling evidence that pointed to the existence of an affair, including photographs of the pair, a love letter, greeting cards, and a gift of jewelry, no other witness but Lee testified to having knowledge of it.¹⁴ Still, journalists since that time have assumed it to be true, inserting it into the established narrative of the case that includes the fiction of Mary Rosenblatt's Judaism.

This ethnic/religious fiction is a kind of misrecognition, a concept spawned by recognition theory, in which acknowledging and appreciating "the distinct cultural, linguistic, and ethnic identities of different people and groups is not merely a question of civility, but 'a vital human need.'"¹⁵ In contrast to recognition, misrecognition refers to the act of ignoring, invalidating, misunderstanding, or mislabeling the identity or experiences of a person or group, a transgression often perpetrated by the dominant culture, and which inflicts various political, economic, legal, and/or psychological injury on the violated party. As this misrecognition often relates to racial, cultural, class, gender, sexuality, and/or disability politics, and is both the source and product of inequities, exclusion, and oppression, its theoretical and disciplinary applications are complex and far-reaching.¹⁶ Charles Taylor, a pioneering theorist of recognition in the early 1990s, refers to "its absence" as misrecognition, but Simon Thompson and Majid Yar remind readers that misrecognition "should not be understood simply as the opposite of a normative conception of recognition."¹⁷ Indeed, it ultimately proves significant in that "it is the experience of such misrecognition which is the *impetus* behind struggles for recognition."¹⁸

In the scholarship related to North American Jewish identity, "passing" has received far greater attention than misrecognition.¹⁹ Unlike misrecognition, which is most often imposed on a person or group by outsiders, and often functions to denigrate, passing involves an individual adopting a "fraudulent" identity in order to access greater privilege (although misrecognition is also an expression of "self-interest").²⁰ There are numerous historical, literary, and cinematic examples of Jews passing as non-Jews. But there are also notable cases of non-Jews passing as Jews, most often to challenge rigid racial, ethnic, and/or religious categories and stereotypes.²¹ Mary Rosenblatt did not exercise passing, nor did she experience misrecognition – her reputed Jewishness surfaced after her death, and was rooted not in ignorance, neglect, or malice, but in objective circumstances and reasonable assumptions. The perpetuation of the error, however, has not only denied Rosenblatt her true identity, it has aligned her with a Jewishness infused with negative meaning – one that works to serve the interests of Lee. As such, this instance of misrecognition by members of Hamilton and Canfield's White, non-Jewish communities offers an interesting case study in thinking through how post-war racial discourses have shaped the legacy of a tragedy.

Four Contributors to the Myth of Rosenblatt's Jewishness

Confusion about Mary Rosenblatt's affiliation with Judaism was apparent from the start. In the newspaper article that broke the story of the murder, Charles, already sensing a mix-up, relayed to the press that the family was not Jewish.²² At the trial, the testimony of Mary's sister Vera referred so often to synagogues that prosecutor Harvey McCulloch was compelled to ask her "Are you people Jewish?"²³ It probably didn't help matters that Vera's married name was Pawlick, which sounded like the commonly Jewish name Pollock.²⁴ After initial impressions, however, the press and courtroom quickly moved past the notion that Rosenblatt was Jewish, one already dismissed by Hamilton's tight-knit Jewish community who was well familiar with its members.²⁵

But after Lee's hanging in 1953, Mary's Jewishness became a fixture in the narrative about her murder. Allison Gowling, for example, whose father Norm went to school with Harry Lee, and whose mother Ethel saw gravediggers prepare Lee's grave, noted that "it was common knowledge" in Lee's hometown of Canfield that Mary Rosenblatt had been Jewish.²⁶ Allison remembered Ethel saying in the late 1960s that "Harry was running around with a woman who was white, Jewish, and married with kids." Ethel also noted that the two lovers met because Mary was a member of the synagogue in which Harry worked.²⁷ In 2010, Walker described Rosenblatt as "a married White Jewish woman," and, in 2013, journalist Mark McNeil described her as "a Jewish married mother of two."²⁸

The surname Rosenblatt was probably the initial source of the confusion. As Gowling plainly pointed out when asked why his mother thought Mary was Jewish, "Rosenblatt is a Jewish name."²⁹ Indeed, Rosenblatt, which means rose leaf, is of German-Jewish origin, and was a familiar Jewish surname in Hamilton. Of the eight Rosenblatt families living there in 1952, five were Jewish.³⁰ The three gentile Rosenblatt families consisted of those belonging to Charles and Mary, Joseph and Charlotte (Lotta) (presumably Charles' parents), and Harry Rosenblatt.³¹ All except Harry are buried in the Rosenblatt family plot in Hamilton's Catholic Holy Sepulchre Cemetery.³² Charles Rosenblatt was of German origin, while Mary, whose maiden name was Anonech, was of Russian descent.³³ Hamilton also had several Rosenblood families who were also Jewish, adding to the confusion around the like-sounding Rosenblatt name.³⁴ Unlike so many Jewish names anglicized after World War II, the Rosenblatt name announced the Jewish connection of those who claimed it, including Mary Rosenblatt.³⁵

Another factor in Mary's projected Judaism is that the Jewish community played a pivotal role in the case. Both Rosenblatt and Lee held jobs within Jewish Hamilton. Rosenblatt worked as a waitress at various synagogues and in Jewish homes, and Lee was a caretaker at the Adas Israel Anshe Sfarad Congregation (commonly referred to as the Cannon Street Synagogue) at 126 Cannon Street West. Although the two

first met in 1950 when Lee gave the stranger and her daughter a ride when they got caught downtown in a rainstorm, Charles mistakenly believed that they likely first crossed paths at a mutual workplace, the Cannon Street Synagogue.³⁶

On Saturday, May 31, 1952, the day that Mary disappeared from her home, she was working as a waitress at Temple Anshe Shalom, a Reform synagogue on Cline Street North in Hamilton's west end. That Saturday, the Bennett family was celebrating a Bar Mitzvah, and Mary was waitressing at the luncheon following the prayer service.³⁷ When the telephone in the synagogue kitchen rang, Mrs. Sonia Udell, the Jewish caterer who was supervising the Bennett affair, answered the call from a man who asked for Mary.³⁸ After Mary spoke to the caller, presumably Harry Lee, she completed her tasks and prepared to leave. Mrs. Udell gave her some apples, oranges, and cherries to take with her. Carrying the fruit in a blue bag, and a bouquet of flowers from Mrs. Bennett, Mary got into a taxi at 3:54pm, and headed to the Cannon Street Synagogue.³⁹

Mary's position as a waitress in the Jewish community was directly related to a piece of crucial evidence in the case that served to discredit Lee. Following his arrest, a note allegedly signed by a Mrs. Wright, but in the handwriting of Lee, was found in his pocket. The note, written in the first person, claimed that Mrs. Wright was having a dinner party that Monday evening, and required Mary's help. Mrs. Wright testified, however, that she never had plans for a dinner party, and that she had no cause to leave such a message. The prosecution alleged that Lee used the falsified note, which he had presumably shown to Mary, to concoct a Saturday afternoon meeting between her and Mrs. Wright as a way to lure Rosenblatt to the Cannon Street Synagogue, and ultimately to his home.⁴⁰

Also working in the Jewish community, Lee had been the caretaker of the Cannon Street Synagogue for four years. He acquired the job through his landlady, Mrs. Sarah Dennis, who first held the position, and then shared it with Lee.⁴¹ Lee had resided with the motherly Dennis since he was a teenager, and they lived together, with two other borders, at 122 Cannon Street West, a modest two-floor brick house which was owned by the synagogue, and which afforded lodging for the caretakers as part of their remuneration.⁴² The house was right next door to the synagogue – only a narrow driveway with a gate facing the street separated the buildings.⁴³ The proximity of the house to the synagogue meant that Dennis and Lee were readily available to address any problems at the synagogue, and to meet the needs of its congregants.

The Cannon Street Synagogue was built in 1930 by Orthodox Jewish immigrants from Eastern Europe. Although not large, the building was "an imposing structure of red brick," and housed a grand sanctuary with three massive crystal chandeliers, aately carved wooden *torah* ark, and a *bimah* surrounded by majestic brass candelabras.⁴⁴

With an ornate sanctuary and other function rooms to prepare and maintain, and with a dedicated, observant membership to answer to, the synagogue kept Harry Lee busy. The sanctuary was the site of regular prayer services that were held every week-day morning, and several times on the Sabbath, including Friday night and Saturday morning, afternoon, and evening. Services were also held on holidays throughout the year. In the basement, the synagogue had a kitchen and social hall that were used for Sabbath luncheons, and for bar mitzvah, wedding, and holiday celebrations. Lee was needed to lock and unlock doors, turn lights on and off (particularly on the Sabbath when Jews aren't allowed to do this themselves), set out the dishes and food for meals, and clean and maintain the interior and exterior of the building.⁴⁵

On the Saturday night before Mary Rosenblatt's Monday morning murder, congregants proved quite demanding of Lee. With Mrs. Dennis visiting her family in Cayuga, Ontario, Lee was left responsible for locking up the synagogue after the evening prayer service, which concluded just after sundown at about 9:30pm. Moshe Aron (Moses) Waxman, an established member of the synagogue who oversaw its operations, called on Harry for assistance several times that night. According to Lee's testimony, when there was yet another knock on the door, Harry, "thinking it was merely another worshipper," unwittingly opened the door to the two intruders.⁴⁶ After they barged into the house, Waxman again summoned Lee at the front door of his house to move his car so the Rabbi could back out of the driveway.⁴⁷

The many interruptions by Waxman that night proved to be a crucial feature of the prosecution case against Lee. First, Waxman testified that, although he noticed a light on upstairs, he saw no other men in the house.⁴⁸ Even more significantly, Lee himself testified that in his repeated visits between his house and the synagogue, he never took the opportunity to tell Waxman, nor the Cantor who waited by the Rabbi's car, that unknown men had invaded his house and were holding Mary captive upstairs. Nor did Lee use his freedom from the house to call police. Lee claimed that the assailants threatened to end Mary's life if he said anything about their presence in the house.⁴⁹

The third contributor to Rosenblatt's mistaken Jewish identity was her residence in Westdale where, by 1952, a disproportionately high number of Jews resided. Established between 1925 and 1931, Westdale, a neighbourhood in Hamilton's west end, had approximately 760 families in these early years, of which only five were Jewish.⁵⁰ They comprised less than 1% of the Westdale population.⁵¹ The overwhelming Protestant presence was due partly to the restrictive covenants that prevented minority groups from purchasing Westdale homes, and to the resolve by developers to permit only Protestant churches to locate there.⁵² In the post war years, however, landmark litigation cases outlawed restrictive covenants, and Westdale's exclusionary policies were lifted.⁵³ Many of Hamilton's approximately 3000 Jews, most of whom had resided in the working-class downtown district,⁵⁴ began migrating to middle-class Westdale.⁵⁵ With fine public schools, a university, a commercial centre, and a selec-

tion of both sensible and gracious homes, the attractive neighbourhood held much allure.⁵⁶ By 1951, Jews made up 8.3% of the area's residents, a significant number relative to Hamilton's Jewish population of 1.5%.⁵⁷ Along with Charles and Mary, two of Hamilton's five Jewish Rosenblatt families lived in Westdale. Unlike all five of the Jewish Rosenblatt men, however, who were in the furniture business, and owned their own stores. Charles was a welder at Slaters, a nearby steel factory.⁵⁸ Accordingly, the Jewish Rosenblatts in Westdale lived in the more affluent section of the area; Charles and Mary lived on its periphery in a small two-bedroom bungalow.⁵⁹

This class disparity highlights the dramatic upward mobility of the Jews in Hamilton since their emigration from Eastern Europe at the turn of the century. Many had arrived in Hamilton as peddlers and junk dealers.⁶⁰ Now they were business owners and professionals, prosperous enough to sponsor fancy Bar Mitzvah luncheons at the synagogue, and to host parties in their homes, where hired caterers and waitresses like Mary served as an emblem of their success. At the final Bar Mitzvah at which Mary worked, there were eight waitresses tending the affair.⁶¹ According to rumours after Lee's hanging, Hamilton Jews were even moneyed and influential enough in 1952 to arrange for hit men to finish off Lee.⁶²

The movement of Jews to Westdale meant that their synagogues moved with them. ⁶³Just ten days after Rosenblatt's murder in 1952, Temple Anshe Shalom celebrated a historic milestone: the official opening of its new building in a prime Westdale location.⁶⁴ As the first synagogue in the west end, Anshe Shalom's move from Hughson Street signaled the westward relocation of Hamilton's synagogues from the downtown core: in 1956, the Beth Jacob, Hamilton's Conservative synagogue, moved from Hunter and Park Streets to the corner of Aberdeen and Cottage Avenues in Hamilton's Southwest; and in 1961, the Adas Israel Anshe Sfarad on Cannon Street West moved to Cline Street South, and changed its name to the Adas Israel Congregation.⁶⁵

The synagogue building-boom indicated the maturation of the Jewish community in Hamilton. Thanks in part to the pro-natalism of the post-war years, the expanding community outgrew its relatively modest downtown structures, and was erecting expansive buildings to accommodate generous seating in the sanctuaries, as well as space for chapels, social halls, kitchens, auditoriums, classrooms, libraries, and administrative offices.⁶⁶ The aesthetics of design were also a priority, with congregations wanting to create impressive edifices that would reflect the success and ambition of their increasingly affluent members. In 1959, *The Spectator* referred to the new Adas Israel building as an "ultra-modern structure,"⁶⁷ and the hefty cost of constructing these "modern" and "handsome" buildings was regularly quoted in the papers.⁶⁸

The greater civil rights, upward mobility, and visibility experienced by Hamilton Jews in the 1950s were part of a general trend toward an improved status for Canadian Jews in the 1950s. Both provincial and federal legislation prohibiting racial,

ethnic, and religious discrimination was steadily emerging: in Ontario in 1944, for example, it had become unlawful to produce or exhibit hateful signs, such as those pronouncing "No Jews or Dogs Allowed."⁶⁹ Moreover, 1959 marked the official bi-centennial of Jewish life in Canada, an anniversary, however contrived, which offered Jewish leaders the opportunity to undercut anti-Semitism by extolling the many contributions to Canadian nation-building by both pioneering and contemporary Jewish citizens. *Maclean's Magazine* used this occasion to laud Canadian Jews for their many positive character traits, and for their impressive educational, professional, and financial achievements.⁷⁰

The final factor in Rosenblatt's ascribed Jewish identity is the parallel preoccupation with Lee's race and religion during the case and following his death. Lee's mixed-race identity infused the case with "the exotic," creating a climate in which Mary's Judaism was simply another strange aspect of a case featuring foreign elements. In one police report, Lee's parents were both described as mulatto, but other accounts describe his mother as black and his father "of Spanish background," speculations indicating Lee's own turn as an object of misrecognition.⁷¹ Nonetheless, despite Lee's racially "inconspicuous" appearance marked by lighter skin and blue eyes (or perhaps because of it), the press repeatedly remarked on his "dark," "wavy-haired" or "curly-haired" appearance, and, in the courtroom and in legal documents, he was regularly referred to as "mulatto," "coloured," or "of part negro blood."⁷² These assorted, arbitrary labels reveal what Constance Backhouse terms "the slippery fictions of racial designation," but all were meant to evoke racist biases, especially those related to the unrestrained sexuality of black men, notions which assumed a ubiquitous place in the courtroom.⁷³

This fixation on race notwithstanding, the manufactured Jewish identity of Rosenblatt suggests the arguably exaggerated ways in which Lee's racial identity has been constructed as pivotal to the outcome of the case. Barrington Walker contends, for example, that "Rosenblatt's Jewishness was never explicitly made an issue in court," but because her Jewishness was not assumed there, Walker would be mistaken to construe it as even *implicitly* an issue.⁷⁴ For Lee, racialism was certainly not rendered invisible, but later observers recalling his trial and sentence have insisted that "there was discrimination because of his colour."⁷⁵ Lee's race, in neither the courtroom nor the press, however, was ever overtly discussed, nor was it ever exploited as a way to malign his character or to sabotage him as a murderer. Indeed, he was regularly described by witnesses and newspapers in flattering ways: as composed, well mannered, and a gentleman.⁷⁶

Lee's lack of credibility and guilty verdict were determined to a far greater extent by his dubious and inconsistent story, and by his many missed opportunities, according to that story, to flee his assailants or get help. Mr. Justice Spence described Lee's account as "utterly fantastic and unbelievable," and stated that after Lee had given his

testimony, "I was of the opinion that not one member of the jury would doubt his guilt. The story was simply so fantastic...."⁷⁷ Judge Spence also noted that Lee's testimony "varies in important details from the story which he had told at the hospital on the morning of June 2...and also from the story which he had given to Inspector Wannell...."⁷⁸ Finally, the Judge highlighted "the almost astronomic" number of times that Lee could have requested aid not only from the men at the synagogue, but during his extended car ride alone with Mary when the two of them, temporarily free from their alleged captors, stopped for gas, telephoned Mary's husband, and even asked a Kitchener police officer for directions.⁷⁹

Lee's religion also played a featured role in the case, a fact which implicitly invited consideration of Mary's. Lee self-identified as a religious man who, after Mary's murder, experienced a Christian rebirth in jail where he devotedly read and studied the bible, and where his "faith in the Almighty has never been shaken."⁸⁰ White, evangelical Christian pastors E.S. Kerr, of the Forward Baptist Church in Galt, and J.H. Blair, of Central Gospel Tabernacle in Hamilton, both ministered to Lee in jail, and led the charge for clemency after Lee's guilty verdict and death sentence.⁸¹ In addition to Christian communities in Galt and Hamilton, many churches supported the pastors' fight, including those in Lee's hometown of Canfield, and in nearby Dunnville, Cayuga, Chatham, and Crystal Beach. They mailed signed petitions to the Minister of Justice in Ottawa, requesting that Lee be given a stay of execution, and eventually a commuted sentence.⁸² Just days before Lee's hanging, the pastors held a massive prayer rally for Lee (attended by more than four hundred people), and were with him in his final minutes of life when, reading the Bible, singing a hymn, and calmly affirming his innocence, "he behaved like a Christian gentleman."⁸³

Although the focus of far less attention than the churches that fought to save Lee's life, the Cannon Street Synagogue also supported Lee's clemency battle. An additional petition was sent by the "District of Cannon Street Synagogue, Hamilton, Ontario," and included the signatures of the synagogue's leading members, including Waxman, Katz, Hoffman, Bornstein, Sherman, Rochweg, Orgel, and Silverman. On the second page, "Rabbi S. Lichtiger of Adas Israel Synagogue" also signed the petition.⁸⁴ This support for Lee was likely attributable to his tenure as a hardworking and dedicated employee. Or perhaps it was a legacy of shared black/Jewish persecution in North America at the hands of white Christian racists, against whom the two groups had often united.⁸⁵ Or possibly it was due to the Holocaust, which had raged less than a decade earlier: many of the signers, themselves victims of Russian pogroms in the late nineteenth century, would have learned in recent years of massacred relatives in Europe, the innocent victims of mob and state suspicion, racism, and tyranny; others were likely Holocaust survivors themselves.⁸⁶ These Jewish petitioners must have empathized with Lee, sensitive to the possible injustices of his predicament. Certainly this compassion would have been severely mitigated if Rosenblatt had been a member of the Jewish community, but because this Jewish activism on behalf of Lee has

rarely received mention, it has never served to raise doubts about Mary's Jewishness.

Given the four reasons cited above, it is easy to understand why later chroniclers of the Lee-Rosenblatt case understood Mary Rosenblatt to be Jewish, but the error could have easily been avoided. One only need look at her 1952 obituary, which explicitly documents her Catholicism. That the case has been profiled primarily by community reporters and amateur historians could be partly responsible: they are often limited in the scope and breadth of their research due to editorial dictates, as well as time, space, and financial constraints.⁸⁷ But we must also consider the possibility that in the collective memory of the case, perpetuating the mythology of Mary's Jewishness serves the cause of Lee's wrongful conviction.

Misrecognition and Misconduct

As both an accused adulterer and murderer, how has the mixed-race Lee been able to garner such tremendous support? After all, he held no badges of white, middle-class, masculine respectability: he neither had a wife and children, retained a full-time job, nor owned a home.⁸⁸ Nevertheless, Lee was able to solicit support while in jail for several reasons⁸⁹: as already mentioned, he possessed a gentle and dignified demeanor, expressed a strong Christian faith (which was never challenged by others despite his sinful affair), and consistently and calmly affirmed his innocence, all unexpected but welcome traits of a (black) man accused of murder. He also came from a devoted family, as demonstrated by the consistent courtroom presence of his gracious elderly mother.⁹⁰ Perhaps most significantly, however, he was able to achieve support due to the heinous misconduct of Rosenblatt. Married women like Mary who were seen as pursuing or inviting sex outside the boundaries of their marriage were generally deemed degenerate and promiscuous, and as assuming the traits of a common prostitute. Unlike men in illicit relationships who were judged by a looser moral standard, these women were consistently viewed as "abnormal," and as a threat to the sanctity of home and country.⁹¹ This attitude meant that, irrespective of who killed her, Mary was likely deemed at least partly responsible for her own death, a fate for adulterous wives that was often perceived as fitting retribution for such careless, selfish, and immoral behavior. As such, even with the finality of Lee's hanging in 1953, collective faith in his innocence has endured.

This belief was facilitated, arguably, by the negative attitudes around Judaism in the 1950s that would become closely associated with Rosenblatt in the decades that followed. Although Jews had made great strides in their socio-economic and legal status in post-war Canada, anti-Semitism during this period stubbornly persisted. The most glaring case was the government's approach to Jewish immigration: even after years of restrictionist immigration policies that virtually excluded Jews, and the near annihilation of European Jewry during the Holocaust, the Canadian government only grudgingly began admitting a handful of Jews into Canada in 1947.⁹² Several

years later in 1952, Canada would witness the appointment of the overtly anti-Semitic Vincent Massey as the country's new governor general.⁹³

In addition to the federal government, local institutions routinely implemented quota systems and exclusions. Universities, for example, restricted the number of Jews who received academic and administrative appointments, and who were admitted into undergraduate, graduate, and professional programs, including medical and dentistry schools. Hospitals limited the number of Jewish interns and staff doctors.⁹⁴ And social clubs and resorts barred membership to Jews, who, in response, often created organizations of their own.⁹⁵ In Hamilton, like in many Ontario towns, business owners regularly declared "We don't hire Jews."⁹⁶

It should not be surprising with this continued divide that, in the Lee trial, knowledge about Jewish life and culture was exceedingly narrow. The relatively high number of synagogues in Hamilton surprised the lawyers, and the cultural and religious practices related to Bar Mitzvahs, synagogue prayer services, and the Sabbath were generally unknown, and were treated as an oddity throughout the proceedings.⁹⁷ A language barrier between Agro and witness Sonia Udell, Mary's former boss, highlighted this cultural rift. An impatient Agro grew utterly frustrated when the Jewish immigrant declared "I don't know English talk," and misunderstood basic prosecution questions about how her waitresses got paid.⁹⁸ Indeed, in 1941, half of the 2600 Jews living in Hamilton identified Yiddish as their first language.⁹⁹

Moreover, prosecution references to Rosenblatt's attendance at parties in Jewish homes seemed to cast suspicion on a foreign people who couldn't quite be trusted. When Kennedy questioned married Jewish businessman Abraham Chertkoff, for example, at whose Westdale home Mary sometimes waitressed, the lawyer suggested that a sexual relationship had existed between the befuddled witness and Mary:

Q: How often has she served at your place?

A: I would say on average of about twice a year.

Q: Did you become intimate with her at this time?

A: Become...

Q: Did you become intimate, friendly? I mean just friendly. Did you become friendly with her?

A: Well, I don't know what you mean in the sense of the word 'friendly.'¹⁰⁰

Kennedy undermined both Chertkoff's marital fidelity and professionalism, casting Jewish bosses as potential Lotharios who pursued unknown women within the sexually-charged intimacy of their homes.

Rosenblatt's regular work as a waitress in the Jewish community was primarily used by the prosecution to hint at her immoral character. Mary's waitressing was seen by her husband and the defense as an admirable pursuit as it brought home extra money for her family, and did not supplant her dedication to her twenty-year marriage and her two young children. But the nature of waitressing at synagogues and in Jewish homes raised suspicions about the late hour that Mary often returned to her family. In cross-examining Mary's sister Vera, who occasionally waitressed with her, Agro asked "Do you know, Mrs. Pawlick, as a result of working at these Jewish parties whether it was necessary for your sister or for any of the waitresses to go to the homes of the people putting on the parties and stay out all night?"¹⁰¹ Agro implied that Mary opted to go from the synagogue to the house party not as a requirement of the work, but to search out a good time - "all night." He attempted to besmirch Rosenblatt's reputation as both a responsible employee and a loyal wife, exploiting the perceived connection in the 1950s between a wife's paid public labour and her sexual immorality. Her transgressions were made worse by her connection to the Jewish community in which frivolous and wild parties seemingly abounded.¹⁰² Thus, Mary's presumed Jewishness which surfaced after Lee's death already held pejorative meanings. These views would have major ramifications in a storyline that has cast an innocent Lee as a victim of racism.

Despite the fact that Lee, himself, never testified that the hoodlums who shot him and Mary were motivated by bigotry, the public has generally believed him to be the target of white racist thugs who hunted down the couple in order to end their interracial relationship.¹⁰³ They either sought to murder both Rosenblatt and Lee, or to execute Rosenblatt, and frame Lee for her death.¹⁰⁴ These related plots echoed Ku Klux Klan activities in the post-Civil War and post-World War I American South in which Klan members, threatened by new black freedoms, and black "appropriation" of white men's privileged access to white women, expressed their indignation about interracial romance and miscegenation by brutalizing dozens of black men and white women for fraternizing with one another, and/or by knowingly falsely accusing black men of raping their white girlfriends.¹⁰⁵ Unlike the United States, where state anti-miscegenation laws were prevalent until the 1960s, Canada never explicitly enacted such legislation, but "an informal and extra-legal regime ensured that the social taboo of racial intermixing was kept to a minimum."¹⁰⁶ Indeed, in Oakville, Ontario in 1930, seventy-five hooded Klansmen, mostly from nearby Hamilton where Klan activity flourished,¹⁰⁷ had terrorized a young mixed-race couple planning to marry: after carting off the white woman to the Salvation Army, they abducted the "Negro" man and torched a cross on his front lawn.¹⁰⁸

One theory purports that the hooligans who intimidated and framed Harry Lee were not necessarily members of the Klan, however, but "unsavory accomplices of people in the synagogue."¹⁰⁹ This notion suggests that contempt for the adulterous, interracial relationship was not only directed at Lee for having the audacity to date a white

woman, but directed at Rosenblatt for cavorting with a black and/or non-Jewish man. Most significantly, it hints at the perception of Jews in post-war Ontario no longer as racial victims, but as sinister and violent perpetrators capable of master-minding the killing of “one of their own,” as well as of an innocent man. This iniquitous scenario simultaneously shifts the blame for Mary’s murder off of Lee, and helps explain Jewish Mary’s inherent depravity.¹¹⁰

Rosenblatt’s imagined Jewishness is an effective tool in undercutting Lee’s breach of racialized courtship rituals. With the rise of the eugenics movement in early twentieth-century North America, and with the atrocities of Nazi Germany still fresh, Judaism, especially in the context of anti-Semitism, was no longer viewed predominantly as a religion with racial dimensions, but, like blackness, as an identifiable and inferior racial/ethnic/cultural identity.¹¹¹ The confusion that surrounded this more complex understanding of Judaism was similar, perhaps, to that which surrounded the multi-faceted and blurred identity of mixed-race people like Lee.¹¹² This re-conceptualization of Judaism, then, helps to “explain” not only Mary’s exceptionally dark hair in the photograph of her in the papers, but also the otherwise inexplicable attraction of the ostensibly white Mary to the mixed-race Harry.

With the economic success, ethnic identification, and wartime victimization of Jews, Jewishness came to “simultaneously signify] whiteness and racial otherness.”¹¹³ As Barrington Walker points out, the Jewish Mary (like Lee) “was not unambiguously ‘White.’”¹¹⁴ Indeed, Karen Brodtkin demonstrates that Jews in North America had only recently been viewed as “white” at all.¹¹⁵ This racist perception of Jews as laying claim to a lesser grade of whiteness – as a “white ‘other’” or as “‘off-white’” – makes the adulterous relationship between Lee and Rosenblatt less scandalous for them both.¹¹⁶ Walker asserts that Rosenblatt’s bad behavior also compromised the integrity of her whiteness, a process, like Mary’s Jewishness, “which disrupted dominant tropes of Black male sexual transgression.”¹¹⁷ Thus, Mary’s whiteness was destabilized by her Jewishness as well as by her misconduct (an explicable byproduct of her Jewishness), both of which serves to diminish the severity of Lee’s contravention of white womanhood. With Jewishness both diversifying and weakening whiteness, and promoting the “multiplicity and instability of identity,” Lee’s blackness itself has the potential to become less relevant, and, in racist terms, less of a moral and criminal liability in the collective memory.¹¹⁸

Mary Rosenblatt’s Jewish name, work life, and neighbourhood, and Harry Lee’s racial and religious identity, all contributed to the assumption that Rosenblatt was Jewish, a misrecognition that well served Lee’s legacy. In reality, Lee and Rosenblatt were similar: they both pursued financial betterment, dedicated themselves to Christianity, performed paid work in the Jewish community, and likely engaged in a risky, illicit relationship. But it is the differences between them that have been highlighted: historically positioning Lee and Rosenblatt as “opposites” lends a romantic quality

to their alleged story of forbidden love. Harry gets remembered as black, single, working-class, and Christian, and Mary as white, married, middle-class, and Jewish. Despite the fact that many of these labels are ambiguous, contestable, or false, Mary's Jewishness, in its racialized denigration of her, serves to mitigate Lee's transgression of participating in a sexual liaison with a married white woman. As such, perhaps the only similarity that helps to protect Lee's legacy is that Mary's fabricated Judaism transforms her into a racial outsider like he was, making her, in the collective memory of the crime, no more a victim than was Lee, a man who was not only the prey of two racist thugs, but of a fallacious legalized lynching.

1

The author wishes to thank Aaron Shiffman (interviewed 12 July 2013), Allison Gowling (interviewed by telephone, 14 June 2013), Margaret Houghton (Local History & Archives, Hamilton Public Library,), Clara Halpern Jeremias, Don Abelson, Sonia Halpern, Lawrence Burden, and Danielle Demianschuk for contributing to this project.

With the notable exception of Barrington Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958* (Toronto: University of Toronto Press, 2010), 172-81, the case has only been recounted in newspaper stories written by local reporters, archivists, and amateur historians.

2

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 172; Mark McNeil, "A Question of Innocence Lingers," *The Hamilton Spectator*, February 2, 2013, A3.

3

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 173. Walker provides no citation for the claim that Rosenblatt was Jewish.

4

Local History & Archives, Hamilton Public Library, "Mrs. Charles Rosenblatt," obituary, *The Hamilton Spectator*, June 3, 1952, 8.

5

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952,

7; Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 14.

6

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 15-18. The rifle belonged to Lee, who had kept it in the back of his car.

7

Local History & Archives, Hamilton Public Library, "Charge of Murder Laid Against Lee by Police," *The Hamilton Spectator*, June 5, 1952, 7.

8

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Two Youthful Barristers Defend Lee," September 26, 1952, scrapbook.

9

Supreme Court of Canada, Judges of the Court, "Wishart Flett Spence,"

<http://www.scc-csc.gc.ca/court/ju/Spence/index-eng.asp>. In 1963, Spence was appointed to the Supreme Court of Canada where he served for fifteen years. He died in 1998 at the age of ninety-four.

10

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Harry Lee Calmly Hears Death Sentence Passed," *The Hamilton Spectator*, October 6, 1952, near end of scrapbook.

11

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 114, 98, 115.

12

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 3, Part 3, 787.

13

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 120, 118.

14

As evidence of the affair (and thus Mary's willingness to be with Lee that weekend), the defence pointed to photographs of her, taken during her driving excursion with Lee, in which she was alleged to be "smiling" (Charles disagreed that Mary was smiling, insisting that the photographs of Mary were "most unnatural," and that "her teeth are clenched," and she had "a look of terror."). The defence also presented a note which Mary wrote that weekend, and which was found in Lee's shirt pocket. It read: "I wanted to go with Harry to-night for this ride and I am as much to blame as he is. M. We are both crazy in love with each other. Mary Rosenblatt." See p. 11. The prosecution believed that Lee forced Mary to compose the note. See Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952, 7. The defence also referenced various greeting cards to Lee from Mary, and a ladies watch purchased by Lee, and found in Mary's purse after her death. See Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 2; Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 1-2; Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1). Mary's husband and sister, as well as Lee's landlady and friend Sarah Dennis, all testified to knowing nothing of an affair. See p. 119.

15

Stuart Z. Charm, "Newly Found Jews and the Politics of Recognition," *Journal of the American Academy of Religion*, 80, 2 (2012): 388.

16

Simon Thompson and Majid Yar, "Introduction," in Simon Thompson and Majid Yar, eds., *The Politics of Misrecognition* (Surrey: Ashgate, 2011), 1, 3; Andrew Sayer, "Misrecognition: The Unequal Division of Labour and Contributive Justice," in Simon Thompson and Majid Yar, eds., *The Politics of Misrecognition* (Surrey: Ashgate, 2011), 88.

17

Charles Taylor, "The Politics of Recognition," in Charles Taylor, et al., *Multiculturalism: Examining the Politics of Recognition* (Princeton, New Jersey: Princeton University Press, 1994), 25.

18

Simon Thompson and Majid Yar, "Introduction," in Simon Thompson and Majid Yar, eds., *The Politics of Misrecognition* (Surrey: Ashgate, 2011), 1. Emphasis mine.

19

A notable discussion of Jewish recognition/misrecognition as it gets utilized in European scholarship is by Jean-Paul Sartre who considers the ways in which assimilated French Jews in the 1940s claimed their own Jewishness primarily in relation to the perception of them by others, a "distorted recognition" in a climate of anti-Semitism. See Jean-Paul Sartre, *Antisemite and Jew*, translated by George Becker (New York: Schocken, 1995), in Stuart Z. Charm, "Newly Found Jews and the Politics of Recognition," *Journal of the American Academy of Religion*, 80, 2 (2012): 388-89.

20

Andrew Sayer, "Misrecognition: The Unequal Division of Labour and Contributive Justice," in Simon Thompson and Majid Yar, eds., *The Politics of Misrecognition* (Surrey: Ashgate, 2011), 89; Elaine K. Ginsberg, "Introduction: The Politics of Passing," in *Passing and the Fictions of Identity* (Durham: Duke University Press, 1996), 2-3; Simon Thompson and Paul Hoggett, "Misrecognition and Ambivalence," in Simon Thompson and Majid Yar, eds., *The Politics of Misrecognition* (Surrey: Ashgate, 2011), 18-19. An exception to misrecognition imposed from outside appears in the case of "lost Jews," in which tribal groups of African

and Asian Jews yearn to be recognized as "authentic" by Jews in Israel and America. Charm notes that these remote groups are more the victims of nonrecognition than misrecognition. See Stuart Z. Charm, "Newly Found Jews and the Politics of Recognition," *Journal of the American Academy of Religion*, 80, 2 (2012), 387-410.

21

For discussions about non-Jews passing as Jews in American literature, see Ellen M. Umansky, "Representations of Jewish Women in the Works and Life of Elizabeth Stern," *Modern Judaism*, 13, 2 (1993): 165-76; Hilene Flanzbaum, "The Imaginary Jew and the American Poet," *ELH*, 65, 1 (1998): 259-75; Lori Harrison-Kahan, "Passing for White, Passing for Jewish: Mixed Race Identity in Danzy Senna and Rebecca Walker," *MELUS*, 30, 1 (2005): 19-48; and Ronald Emerick, "Archetypal Silk: Wily Trickster, Tragic Mulatto, and Schmiel in Philip Roth's 'The Human Stain,'" *Studies in American Jewish Literature*, 26 (2007): 73-80. For a film that treats the topic (originally a 1947 novel of the same name by Laura Z. Hobson), see *Gentleman's Agreement*, Director Elia Kazan, 1947. One may also make the distinction between passing and closeting, the latter of which involves hiding, and remaining silent about, one's true cultural identity rather than proactively assuming the identity of another group. See Jamie J. Moshin and Ronald L. Jackson, "Constructing, Negotiating, and Communicating Jewish Identity in America," 74, PDF, ronjacksonii.com.

22

Local History & Archives, Hamilton Public Library, "Hamilton Woman Found Slain Companion Badly Wounded," *The Hamilton Spectator*, June 2, 1952, 7.

23

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File - Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 149. Vera replied "No we are not."

24

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File - Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 149.

25

Aaron Shiffman, interview by author, July 12, 2013, Hamilton, Ontario.

26

Allison Gowling, telephone interview by author, June 14, 2013.

27

Ibid.

28

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 172; Mark McNeil, "A Question of Innocence Lingers," *The Hamilton Spectator*, February 2, 2013, A3.

29

Allison Gowling, telephone interview by author, June 14, 2013.

30

Local History & Archives, Hamilton Public Library, "Rosenblatt," *1953 Hamilton City Directory*, 706.

31

Ibid.

32

I visited the Rosenblatt family plot several times in the Summer of 2013; Mary's husband Charles Rosenblatt would be buried next to his murdered wife nineteen years following her death. See Local History & Archives, Hamilton Public Library, "Rosenblatt, Charles Edward," obituary, *The Hamilton Spectator*, July 28, 1971, 35.

33

Local History & Archives, Hamilton Public Library, "Mrs. Charles Rosenblatt," obituary, *The Hamilton Spectator*, June 3, 1952, 8; Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File - Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee - Capital Case, November 4, 1952, 1.

34

Local History & Archives, Hamilton Public Library, "Rosenblood," *1953 Hamilton City Directory*, 706.

35

In the late 1940s, 80 percent of the 50,000 Americans who changed their surnames were Jewish. See Hilene Flanzbaum, "The Imaginary Jew and the American Poet," *ELH*, 65, 1 (1998): 261.

36

Local History & Archives, Hamilton Public Library, "Hamilton Woman Found Slain Companion Badly Wounded," *The Hamilton Spectator*, June 2, 1952, 7.

37

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 157-58.

38

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 7. Interestingly, this phone call reveals information about the disparate levels of Jewish observance in the city. The Anshe Shalom, the first Reform temple in Canada, adhered to a liberal and modern approach to the practice of Judaism. Udell's use of the phone on the Sabbath, even at the synagogue, was in keeping with acceptable Reform practices. At the Cannon Street Synagogue, however, which was Orthodox, the telephone or any electric or motorized device would not have been utilized on the Sabbath. At the Cannon Street Synagogue, for example, the Rabbi drove his car to the synagogue before the start of Sabbath on Friday at sundown, and left it parked in the driveway until the Sabbath ended after sundown on Saturday.

39

Ibid., 156-59.

40

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952, 2.

41

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 187.

42

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952, 1.

43

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 195; Aaron Shiffman, interview with author, July 12, 2013, Hamilton, Ontario.

44

Local History & Archives, Hamilton Public Library, "New Synagogue was Dedicated," *The Spectator*, March 17, 1930, 3; Local History & Archives, Hamilton Public Library, "Congregation Adas Israel Anshe Sfrad [sic] Opens Synagogue," *The Spectator*, March 15, 1930, 13. Collection of Author, Adas Israel Congregation, "Centennial Rededication 1912-2012," Booklet, 9.

45

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 234-35; Library and Archives Canada, 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 3, Part 3, 767-68. Aaron Shiffman, interview by author, July 12, 2013, Hamilton, Ontario.

46

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 15.

47

Ibid.

48

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 194.

49

Library and Archives Canada, 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 3, Part 3, 767-69, 800-03.

50

Local History & Archives, Hamilton Public Library, John C. Weaver, "From Land Assembly to Social Maturity: the Suburban Life-Cycle of Westdale, 1911-1951," n.d., 26, 28. Westdale is generally defined as the area bordered by the parklands to the north, Main Street West to the south, McMaster University to the west, and Highway 403 to the east.

51

Local History & Archives, Hamilton Public Library, John C. Weaver, "From Land Assembly to Social Maturity: the Suburban Life-Cycle of Westdale, 1911-1951," n.d., 33.

52

Ibid., 28.

53

Ibid., 47. A landmark restrictive covenant case in Ontario took place at a lakeside resort near Grand Bend where, in 1948, the Beach O'Pines Protective Association prohibited Annie Noble from selling her cottage to Bernard Wolf, a Jew. When Noble and Wolf's lawyers challenged the restriction, the court upheld it. They then filed an appeal to the Ontario Court of Appeal, and, proving unsuccessful, went to the Supreme Court of Canada. It reversed the decisions of the lower courts, but did so based not on issues related to public policy, but on marginal legal points. As a result of the public reaction fuelled by this case, restrictive covenants in Ontario arranged after 1950 were declared illegal. By 1955 in Ontario, discrimination based on race in hiring, renting, or selling homes was against the law. See Bill Gladstone, *A History of the Jewish Community of London, Ontario* (Toronto: Now and Then Books, 2011), 157-58; JTA [Jewish Telegraphic Agency] Archive, "Canadian Appellate Court Upholds Restrictive Covenant Barring Sale of Land to Jews," June 14, 1949, <http://www.jta.org/1949/06/14/archive/>; and Irving Abella, *A Coat of Many Colours: Two Centuries of Jewish Life in Canada* (Toronto: Key Porter Books, 1999), 215.

54

Jewish homes and businesses mostly comprised the downtown area bordered by Cannon Street to the north, King Street to the south, Caroline Street to the west, and James Street to the east. Wendy Schneider and Billy Shaffir, producers, *The Jewish Hamilton Project: Remembering Jewish Hamilton*, DVD, 2012.

55

William Shaffir, "Hamilton," Jewish Virtual Library, <http://www.jewishvirtuallibrary.org/jsource/judaica/>. The pattern in the post-war years of upwardly mobile Jews vacating working-class downtown neighbourhoods for middle-class suburban enclaves was repeated in urban centres across Canada. See Gerald Tulchinsky, *Branching Out: The Transformation of the Canadian Jewish Community* (Toron-

to: Stoddart Publishing, 1998), 276-80, and Harold Troper, *The Defining Decade: Identity, Politics, and the Canadian Jewish Community in the 1960s* (Toronto: University of Toronto Press, 2010), 28.

56

Local History & Archives, Hamilton Public Library, John C. Weaver, "From Land Assembly to Social Maturity: the Suburban Life-Cycle of Westdale, 1911-1951," n.d., 26, 37, 38.

57

Ibid., 33.

58

Local History & Archives, Hamilton Public Library, "Rosenblatt," *1953 Hamilton City Directory*, 706.

59

Ibid.

60

Wendy Schneider and Billy Shaffir, producers, *The Jewish Hamilton Project: Remembering Jewish Hamilton*, DVD, 2012.

61

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 156.

62

Allison Gowling, telephone interview by author, June 14, 2013.

63

Rabbi Green, the new spiritual leader of the Adas Israel Synagogue in 1959, remarked that "growth in the congregation combined with a trend among members to reside in the Westdale area led to the decision to build a new synagogue." See Local History & Archives, Hamilton Public Library, Adas Israel Synagogue Scrapbook, Vol. 1 (1958-), "Rabbi Green and 30 Adas Israel Members Turn Sod for New Synagogue in Westdale," *The Spectator*, August 6, 1959, 2-3 of Scrapbook.

64

Local History & Archives, Hamilton Public Library, Anshe Shalom Temple Scrapbook, Vol. 1 (1893-), "Three Days of Dedication to Open Jewish Temple," *The Spectator*, June 12, 1952, 21 of Scrapbook.

65

After the establishment of the Adas Israel Congregation in Westdale, the Cannon Street synagogue was used for decades by Lansair, an auto parts company, to store car parts and exhaust systems. The building was sold again in 1992, and then demolished. It is now the site of a Tim Horton's parking lot. Local History & Archives, Hamilton Public Library, Clippings File, Adas Israel Anshe Sfarad Synagogue of Hamilton – Churches – Miscellaneous, "From Holy House to Parking Lot, a Taxing Issue," *The Spectator*, October 29, 1992; Local History & Archives, Hamilton Public Library, Clippings File, Adas Israel Anshe Sfarad Synagogue of Hamilton – Churches – Miscellaneous, "For Sale: Former Holy House With a Few Spare Parts Thrown In," *The Spectator*, May 14, 1992.

66

See for example, Local History & Archives, Hamilton Public Library, Adas Israel Synagogue Scrapbook, Vol. 1 (1958-), "New Synagogue in Westdale Rapidly Nearing Completion," *The Spectator*, April 26, 1961, 4 of Scrapbook; Collection of Author, Adas Israel Congregation, "Centennial Rededication 1912-2012," Booklet, 19; Beth Jacob Synagogue http://www.bethjacobsynagogue.ca/history_purpose.html

67

Local History & Archives, Hamilton Public Library, Adas Israel Synagogue Scrapbook, Vol. 1 (1958-), "New Synagogue in Westdale Rapidly Nearing Completion," *The Spectator*, April 26, 1961, 4 of Scrapbook.

68

See, for example, Local History & Archives, Hamilton Public Library, Anshe Shalom Temple Scrapbook, Vol. 1 (1893-), "Rabbi B. Baskin Turns First Sod for New Temple," *Hamilton News*, April 16, 1951, 16 of Scrapbook; Local History & Archives, Hamilton Public Library, Beth Jacob Scrapbook, Vol. 1. (1888-), "Beth Jacob Dedicates Handsome Synagogue," *The Spectator*, April 6, 1956, 24 of Scrapbook; Local History & Archives, Hamilton Public Library, Anshe Shalom Temple Scrapbook, Vol. 1 (1893-), "Dedicate New Anshe Shalom Temple Building," *The Spectator*, September 24, 1951, 20 of Scrapbook.

69

Troper, *The Defining Decade: Identity, Politics, and the Canadian Jewish Community in the*

1960s, 5-8; Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada 1900-1950* (Toronto: University of Toronto Press, 1999), 197; Abella, *A Coat of Many Colours: Two Centuries of Jewish Life in Canada*, 182.

70

Troper, *The Defining Decade: Identity, Politics, and the Canadian Jewish Community in the 1960s*, 9, 13.

71

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952, 7; Mark McNeil, "A Question of Innocence Lingers," *The Hamilton Spectator*, February 2, 2013, A3. Harry was the son of Isaac and Adeline Lee. For the mother's first name, see Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, Paul Legall, "Did the Wrong Man Hang?," *The Hamilton Spectator*, c. 1990.

72

For example, Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "PC Says Murder Suspect Asked to Borrow his Gun," *Hamilton News*, October 1, 1952, 33 of scrapbook; Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Lee Trial Nears Climax; May Go to Jury Today," *Hamilton News*, October 3, 1952, 34 of scrapbook; Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Rifle Killer Calm as Sentence Passed; Jury Out for Hours," *Hamilton News*, October 6, 1952, 36 of scrapbook; Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, R.H. Wannell, Inspector, C.I.B. (Criminal Investigation Branch), Ontario Provincial Police, "Memorandum for the Chief Inspector," Re Harry Lee – Capital Case, November 4, 1952, 1, 7; Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Fingerprint and Mugshot card; Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 20.

73

Backhouse, *Colour-Coded: A Legal History of Racism in Canada 1900-1950*, 8; Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 172-81.

74

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 173.

75

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, Paul Legall, "Did the Wrong Man Hang?," *The Hamilton Spectator*, c. 1990.

76

Local History & Archives, Hamilton Public Library, "Hamilton Woman Found Slain Companion Badly Wounded," *The Hamilton Spectator*, June 2, 1952, 7; Local History & Archives, Hamilton Public Library, "Heard Two Men Threaten, Says Defence Witness in Lee Trial," *The Hamilton Spectator*, October 4, 1952, 7. Lee was also referred to as "a model prisoner." See Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Grim Stage Set To Carry Out Penalty," January 30, 1953, 48 of Scrapbook. One could surmise, however, that they meant he behaved well "for a black man."

77

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 18, 19.

78

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 18. In a police interview from his hospital bed after the shooting, Lee indicated to police, for example, that he barely new Rosenblatt, and that he first met her that weekend in Galt, and then gave her a ride. Lee also claimed initially that two armed women had accompanied the men who invaded his home. See Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 9; Local History & Archives, Hamilton Public Library, "Alleged Lee Statement Says Mrs. Rosenblatt Slain

by Gang," *The Hamilton Spectator*, October 3, 1952, 7. Lee later testified that he had deliberately misled police because he felt they had rushed to judgment about a murder/suicide scenario. See Library and Archives Canada, 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 3, Part 3, 785.

79

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Mr. Justice Wishart F. Spence, *Report to the Honourable the Secretary of State – Regina v. Harry Lee*, October 10, 1952, 16-18; Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 3, Part 3, 780.

80

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Rev. John H. Blair, "His Courage Made Me Cry," *The Hamilton News*, January 14, 1953, 43 of Scrapbook.

81

Local History & Archives, Hamilton Public Library, "Will Not Alter Lee Sentence Ottawa Advises Man's Counsel," *The Hamilton Spectator*, February 2, 1953, 7; Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Rev. John H. Blair, "His Courage Made Me Cry," *The Hamilton News*, January 14, 1953, 43 of Scrapbook. Barrington Walker notes incorrectly that the two pastors were black. See Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 179. For a 1953 newspaper photograph of Rev. Kerr, see <http://see-akh.blogspot.ca/2013/01/early-witness-in-mount-albert-ontario.html>. For a photograph of Rev. Blair, see the cover of Jack West and Harold Davis, *They Call Him Mr. Braeside: The Life Story of Rev. J. H. Blair* (Ontario: Harmony Printing), c. early 1960s. <http://www.worldcat.org/title/they-call-him-mr-braeside-the-life-story-of-rev-jh-blair/oclc/50633730>.

82

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, signed petitions to Chief Justice of Ontario J.W. Pickup. According to one report, 1000 letters and petitions in support of Lee's clemency were received by the Justice Minister. See Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Garson Asserts Review of Sentence on Agenda," *The Hamilton News*, January 30, 1953, 48 of Scrapbook.

83

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "Case Taken to God' Pastor Tells Rally," 52 of Scrapbook; Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, "They Hanged Innocent Man' Says Rev. J. H. Blair of Lee," *The Hamilton News*, February 4, 1953, 54 of Scrapbook; Local History & Archives, Hamilton Public Library, "Lee Hanged At Midnight, Protests, 'I Am Innocent,'" *The Hamilton Spectator*, February 3, 1953, 7.

84

Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, signed petitions to Chief Justice of Ontario J.W. Pickup.

85

See for example, Backhouse, *Colour-Coded: A Legal History of Racism in Canada 1900-1950*, 213-14.

86

Wendy Schneider and Billy Shaffir, producers, *The Jewish Hamilton Project: Remembering Jewish Hamilton*, DVD, 2012.

87

W.H. Greenleaf, "Biography and the 'Amateur' Historian: Mrs. Woodham-Smith's 'Florence Nightingale,'" *Victorian Studies*, 3, 2 (1959): 191. Other articles that consider the flawed history by "amateur" historians include Gary B. Mills and Elizabeth Shown Mills, "'Roots' and the New 'Faction': A Legitimate Tool for Clío?," *The Virginia Magazine of History and Biography*, 89, 1 (1981): 3-26, and Roy Rosenzweig, "Can History Be Open Source? Wikipedia and the Future of the Past," *The Journal of American History*, 93, 1 (2006): 117-46.

88

Kimberley White, *Negotiating Responsibility: Law, Murder, and States of Mind* (Vancouver: UBC Press, 2008), 12; Angus McLaren, "Males, Migrants, and Murder in British Columbia, 1900-1923," in *On the Case: Explorations in Social History*, Franca Iacovetta and Wendy Mitchinson, eds. (Toronto: University of Toronto Press, 1998), 168; Lara Campbell, *Respectable Citizens: Gender, Family, and Unemployment in Ontario's Great Depression* (Toronto: University of Toronto Press, 2009), 118, 121.

89

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, "An Editorial," *The Hamilton News*, January 14, 1953, 42 of Scrapbook.

90

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, Rita Conway, "Condemned Man's Mother Kept Vigil Through Trial," *The Hamilton News*, October 3, 1952, 37 of Scrapbook.

91

Margaret Jane Hillyard Little, *No Car, No Radio, No Liquor Permit: The Moral Regulation of Single Mothers in Ontario, 1920-1997* (Toronto: Oxford University Press, 1998), 76; Joan Sangster, *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960* (Don Mills, Ontario: Oxford University Press, 2001), 92, 114.

92

Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe 1933-1948* (Toronto: Lester & Orpen Dennys, 1986), 283, 238- 57.

93

Troper, *The Defining Decade: Identity, Politics, and the Canadian Jewish Community in the 1960s*, 4-5.

94

Tulchinsky, *Branching Out: The Transformation of the Canadian Jewish Community*, 275-76; Abella, *A Coat of Many Colours: Two Centuries of Jewish Life in Canada*, 215-16, 219-20. Also see, for example, Gladstone, *A History of the Jewish Community of London, Ontario*, 153-54, 156.

95

See, for example, Gladstone, *A History of the Jewish Community of London, Ontario*, 156, 159-60, 162, 182-84.

96

Wendy Schneider, "Ottawa Street Then and Now," *Hamilton Jewish News*, September 2013.

97

<https://hamiltonjewishnews.com/community/ottawa-street#>

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 216, 194, 157, 164.

98

Ibid.

99

William Shaffir, "Hamilton," Jewish Virtual Library, <http://www.jewishvirtuallibrary.org/jsource/judaica/>

100

Library and Archives Canada, RG 13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 2, *Regina vs. Harry Lee* (Volume 1), 216-218.

101

Ibid., 155.

102

Ibid., 101, 155, 194.

103

Lee, who first believed the intruders wanted money, testified that "they said they wasn't after money. They wanted a place for to hide and a car to get away." Library and Archives Canada, RG13, Box 1711, cc 753, Lee, Harry, File – Harry Lee, Volume 1, Part 1, Statement of Accused (Exhibit 95). Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, Paul Legall, "Did the Wrong Man Hang?," *The Hamilton Spectator*, c. 1990; Mark McNeil, "A Question of Innocence Lingers," *The Hamilton Spectator*, February 2, 2013, A3; Telephone interview with Allison Gowling by author, June 14, 2013.

104

Local History & Archives, Hamilton Public Library, Hamilton Murders, Rosenblatt, Mary, Paul Legall, "Did the Wrong Man Hang?," *The Hamilton Spectator*, c. 1990; Mark McNeil, "A Question of Innocence Lingers," *The Hamilton Spectator*, February 2, 2013, A3; Telephone interview with Allison Gowling by author, June 14, 2013.

105

Backhouse, *Colour-Coded: A Legal History of Racism in Canada 1900-1950*, 181-82, 186.

106

Debra Thompson, "Nation and Miscegenation: Comparing Anti-Miscegenation Regulations in North America," Canadian Political Science Association, May 2008, 2, <http://www/cpsa-acsp.ca/papers-2008/Thompson.pdf>.

107

Backhouse, *Colour-Coded: A Legal History of Racism in Canada 1900-1950*, 174, 187

108

Ibid., 173-174.

109

Allison Gowling, telephone interview by author, June 14, 2013.

110

Jews were commonly thought to be cunning, unscrupulous, manipulative, and unethical, all traits that could be linked to Rosenblatt and her adultery. See Jamie J. Moshin and Ronald L. Jackson, "Constructing, Negotiating, and Communicating Jewish Identity in America," 74, PDF, ronjacksonii.com.

111

Morton Weinfeld, *Like Everyone Else...But Different: The Paradoxical Success of Canadian Jews* (Toronto: McClelland & Stewart, 2001), 20-32, and especially 29-30.

112

Lori Harrison-Kahan, "Passing for White, Passing for Jewish: Mixed Race Identity in Dany Senna and Rebecca Walker," 22.

113

Ibid.

114

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 173. During the trial, a courtroom debate about the validity of police photographs depicting Mary's corpse unwittingly raised questions about her skin's degree of whiteness. See Walker, 176-78.

115

Some American scholars have referred to the integration, success, and acceptance of select immigrant groups as becoming "white." Karen Brodtkin, in *How Jews Became White Folks* (1998), argues that for Jews by the mid twentieth century, economic prosperity and increasing middle-class status had "played a

very powerful role in the whitening process.”
See Karen Brodtkin, *How Jews Became White Folks & What That Says About Race in America* (New Brunswick, New Jersey: Rutgers University Press, 1998), 36-37.

116

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 178; The expression “white ‘other’” appears in Jamie J. Moshin and Ronald L. Jackson, “Constructing, Negotiating, and Communicating Jewish Identity in America,” 74, PDF, ronjacksonii.com, and the expression “off-white” appears in Danzy Senna’s 1998 novel *Caucasia*. See Lori Harrison-Kahan, “Passing for White, Passing for Jewish: Mixed Race Identity in Danzy Senna and Rebecca Walker,” 34.

117

Walker, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, 178.

118

Lori Harrison-Kahan, “Passing for White, Passing for Jewish: Mixed Race Identity in Danzy Senna and Rebecca Walker,” 44, 34.