

Interview: Leo McGrady (LM)
Interviewer: Carmela Allevato (CA)
Date: July 8, 2024
Location: Burnaby, B.C.
Transcription: Pam Moodie

CA [00:00:05] It's July 8th, 2024, and I'm Carmela Allevato, and I'm interviewing Leo McGrady, an eminent lawyer and a mentor to many, many of us who were active in the labour movement and lawyers in the labour movement. So, Leo, I just want to start out with your full name and where were you born?

LM [00:00:29] It's Leo Benedict McGrady. And I was born in Toronto.

CA [00:00:33] But then you moved to B.C. But before we get to that, what was your early childhood like?

LM [00:00:42] Delightful. I was the second oldest of nine children. I was born in Toronto, but at the age of one year we moved to London, Ontario and we were part of a very close-knit Irish Catholic community where we all went to the same church and the same school. And if you had more than five children, you got your own pew. And it just so happens that my wife's family had the pew in front of me. So we had great sport pulling their hair when things got boring during the service. And we were there probably for five or six years and then moved back to Toronto.

CA [00:01:38] And were labour issues or social justice issues part of your upbringing as a child, do you recall?

LM [00:01:47] Labour issues were not. My family, for some inexplicable reason my parents were very anti-union, and were very disappointed when the oldest boy became a union counsel. But they got over that. But social justice issues were very important to me, through religion. I'm not at all religious now, but I had an uncle, a Catholic priest who I was named after—Father Leo McGrady, and my godmother was a Grey nun. And they were very strong influences. And the church was a very major part of our life and when I was 12, I joined a monastery in New York and spent three years there. And, that was, had an incredible influence on me as well and then when I left I was in Catholic school, Saint Michael's High School, and then Saint Michael's College at the University of Toronto. But what was interesting about my university experience is that I spent as little time as possible at Saint Mike's and most of my time in University College, because that's where all the Jewish kids went and I found them a lot more active socially, social activists, and a lot more interesting. And St. Mike's, in that era, which was the late 1950s and early '60s, was populated by a large group of very wealthy, New York Catholics.

CA [00:03:34] Interesting.

LM [00:03:35] And, I just had no identification with them. I just absolutely loved hanging out at UC, and my favorite course was Italian. And there were a lot of Italian Jews there in Toronto that were just a blast. And some of them I maintained my relationship with all these years.

CA [00:04:00] And then you came out to BC?

LM [00:04:03] I went to Ottawa first.

CA [00:04:05] Okay.

LM [00:04:06] And worked with the Treasury Board.

CA [00:04:09] This was after law school?

LM [00:04:10] No, after my undergrad.

CA [00:04:12] Okay. All right.

LM [00:04:14] And then I went to Winnipeg. I got transferred to Winnipeg. I decided I no longer wanted to be with the government, and went to law school in Winnipeg. I had always been a mediocre student because I was pretty disinterested in what I was, what was happening in the classroom but when I got to law school, I was in heaven. And I remember writing my first Christmas exam and getting the results, which were, they still had numerical grades and I got about 97 or 98 and I was just—in real estate and real property law which I always, then and now, hate. I remember running home to my partner and so excited that I had found what I absolutely love even though at the same time I hated it. And so I was just in heaven in law school. I did everything I could: got great marks, wrote articles, edited the Law Journal, ran for student council, all the things people do throughout their career, I crammed into law school.

CA [00:05:36] And so then how did you end up in British Columbia?

LM [00:05:39] That had always been a dream. From the time I was a young boy, I had read about Vancouver and the coast, the water, being on the water. And the activism, I mean, it was the center of the hippie movement in the late '60s and early '70s, and all of that sounded very exciting and very interesting. So I, I came out here. And in those days, getting an articling job was like picking fruit during autumn. There was—the city was just exploding and the law firms were exploding. And so getting offers was very easy. And I ended up with John Laxton's firm, who just passed away last month. Yeah, last month.

CA [00:06:40] And Laxton was the lawyer for the NDP for years.

LM [00:06:44] Yeah, yeah. And a brilliant lawyer and quirky. But, as a mentor he was just phenomenal. And so I worked with them, articulated, and then stayed with them, and then went out on my own.

CA [00:07:01] And tell me your involvement with the Georgia Straight.

LM [00:07:06] Well, John was their counsel, and they were in the crosshairs of Stuart McMoran, who was then the city, chief city's prosecutor.

CA [00:07:15] Why were they in the crosshairs of the city's prosecutor?

LM [00:07:20] He was reactionary and medieval in his views. And they were the antithesis, and they were advocating for freedoms of all sorts and advocating legalization of marijuana.

CA [00:07:39] This is back in the '70s.

LM [00:07:41] Yeah, yeah. And he used the morality squad to lay charges against them. And there would be one charge laid, and then it would be disposed of, and then there'd be another charge laid and it would be disposed of, but they'd just keep going and going and Laxton was their counsel and did a fabulous job. And then I ended up taking over that role and writing a column for them and also running the legal aid.

CA [00:08:22] Tell me about the legal aid clinic that you ran in Gastown.

LM [00:08:26] We got three other lawyers together. One was Hamish Bruce. He was a wonderful, eccentric lawyer trained in the finest British military school who was just this rabid lefty and Wally Auerbach, and a couple of others. And there was no organized legal aid, the province had not set up its system, although there was talk of it and there was a huge need. And so we did this.

CA [00:09:03] And is that when you represented Lester and Summers and—involvement in the Gastown riots?

LM [00:09:09] Yes, they were— Ken Lester was a pal and just a delightful young kid. And I knew Eric Sommer a little bit less well, but Ken was also very active in the Georgia Straight, and so that's how I got to know him. And the government set up the Inquiry because of the violence that was unleashed on the part of the Vancouver Police Department and the horse—and their horse riot squad, horseback riot squad. And the number of innocent shoppers that were corralled and some arrested and it was just appalling. In any event, there was a very lengthy inquiry. McEachern was the counsel to the inquiry. And I ended up acting for Eric and for Ken, for the inquiry. And it was, and Joe Woods was acting for the BC Civil Liberties. And if it hadn't been for him, I, Ken, and Eric would probably still be in jail. I mean (laughter), not seriously, but Joe was probably 4 or 5 years older than I was, and very bright and extremely kind. And he bailed us out, basically, and I came across as a semi-intelligent counsel, but that was entirely his doing and his creation. In any event, they were (those two) were identified as the people who started the riot, which was just garbage. But other than that finding, there was nothing.

CA [00:11:03] Okay. And so the, just for the purpose of clarity: the Gastown Riot, the so-called riot was? Can you describe just briefly what the issue was?

LM [00:11:15] The legalization of marijuana. People that you would welcome into your classroom, or welcome into your home, were doing six months in jail for possession of a joint. Just absolutely outrageous. And that was the—

CA [00:11:35] The nub of it.

LM [00:11:36] The tinder. Yeah. I don't remember the numbers, but hundreds and hundreds of people showed up and were lighting up, and there were protest signs and marches and so on. And Vancouver City Police Mounted Squad was unleashed on these people and, using their whips and batons and people were beaten and arrested and pursued. It was just appalling in a modern democracy, what happened. It was like, I saw a work of art at Simon Fraser University labour studies program a few years ago, that I thought, at first glance, was from Russia. One of the horrible events in Russia. Turned out it was an artist's rendering of that riot. It was just so compelling. So dramatic.

CA [00:12:38] So, then you said that you later left Laxton's firm and went off on your own. Who did you act for? Like, when did you start acting for unions? Is what I'm trying to get at.

LM [00:12:55] I did criminal law for a number of years, which I loved. Because the majority of the cases in those days were protesters, or dopers, and very interesting people and wonderful issues. And that's when I got to write the first version of the Protest Guide. But I did that. It wasn't my first love. My first love was labour law. And my first big labour case came from Peter Burton, who I had worked with at the Georgia Straight and knew quite well. We were good pals. And he had moved to Kitimat and that union, CASAW, went out on one of the longest illegal strikes in union history in this province. And Peter was president of the union, and he called me and asked if I would act for the union, and I and Ian Donald from Rankin and Company ended up doing that. And we did everything. We did a criminal case, injunction of the labour board case, and that was my entry. And shortly after that, I was hired by Roger Maine and Carolyn Askew to teach labour law at Capilano in the labour studies program. And that was it. I never looked back.

CA [00:14:41] You never looked back.

LM [00:14:42] I just was in heaven. I loved it.

CA [00:14:45] And you were also involved, as I understand it, in representing Peter in a libel case. Because over your career, you've also done a lot of defamation cases involving the labour movement and labour folks.

LM [00:15:04] Yeah. That's been—

CA [00:15:05] Yeah. So tell me about that.

LM [00:15:07] Yeah. Well, there was a very conservative newspaper in Terrace that was distributed throughout the northwest, called the Northern Sentinel. And it sided with Alcan. As did, I guess, a lot of merchants in that part of the province. And it was determined to do its part to end this illegal work stoppage, and so it produced—I think it was published once a week, but, it produced this piece with Peter and a full page photograph of Peter speaking to hundreds of union members, on a Sunday. And the cut, the headline was, "Why did Peter Burton lie on Sunday?" Which was devastating to Peter and to the union and to the whole exercise. And it was, it was them that lied. Peter had never lied and had told the absolute truth. And he dealt with that by public statements and media and so on, on the ground. But we also sued for libel. And their motive was that, Alcan had a huge company in the Azores, and it had brought over many dozens, perhaps over a hundred Portuguese workers, all of whom were very conservative Catholics. And the suggestion that Peter had lied on Sunday, was pretty damaging to him. So we sued and got a settlement and an apology, for Peter. Well deserved.

CA [00:17:10] Yes. And so that was in the '70s, early '80s?

LM [00:17:14] Yeah. The late 70s.

CA [00:17:18] Late '70s. And then let's, let's move on to the work that you did in the '80s.

LM [00:17:22] Sure.

CA [00:17:23] Yeah. What were you involved in? So, during that time, you'll recall there was the Solidarity Coalition.

LM [00:17:32] Oh, yeah.

CA [00:17:32] Yeah, the 'Bad Bills' and all that. What was your involvement with that?

LM [00:17:37] I acted for a lot of the activist unions that went out on strike. And at the time we were very active trying to organize unions in colleges and the universities, most of which were societies and not unions at all. My favorite recollection of this event was Cariboo College in Kamloops, and that was unionized—the Cariboo College Faculty Association, now Thompson Rivers. And those union members, those academic faculty, organized a complete shutdown of the university. They didn't have the numbers to ring the campus with picket lines, but they went to the I.W.A., and the P.P.W.C., and the other local unions, and they shut down the entire campus for the duration of the Solidarity strike, which was just, wonderful! And I remember, just as an aside, the president, going to pick him up at the airport and then driving him back to the airport after his testimony at the Labour Board and his comment as he was getting out of my Volkswagen, "Man," he said, "you know, being on the stand and facing cross-examination was nothing compared to the terror of driving with you. I will never do that again." (laughter) So anyways, I acted for CUPE, many of the locals of CUPE. CUPE was wonderful during that event. And the college faculties were wonderful as well. And I didn't get to participate in any of the demonstrations, which I was terribly disappointed over, because I was at the Labour Board. And the Labour Board held 24-hour hearings and—just appalling what they did and the way they steamrolled that. And, you know, we argued the political strike and you know, were just swatted by the Board, including people that had been appointed by the, as labour representatives and Labour Vice Chair. They were some of the worst vice-chair to deal with and one in particular. I recall insisting that we, we were—we were still litigating at 1 o'clock at night and one of my clients had a (from Prince George), had a health condition and he was having difficulty staying awake. Didn't matter. He pushed us on. And I think we ended up going to 3 or 4 in the morning. It was just appalling.

CA [00:20:42] And those were to prevent picketing?

LM [00:20:44] Yeah.

CA [00:20:44] To declare illegal strikes.

LM [00:20:46] To shut them down. And then filed them in Court so that they became court orders. And threatened, the threat was jail for these people, just defending such fundamental rights in our democratic society. It was just appalling.

CA [00:21:03] So what are some of the other key cases that, you know, that from your career that you want to tell us about?

LM [00:21:12] Well one you'll be familiar with. The Premier, Gordon Campbell's brother. His first name, I think, was Mike.

CA [00:21:20] Mike. Michael Campbell. Yeah.

LM [00:21:24] Published B.C. Business magazine. And you were Secretary Treasurer of HEU—

CA [00:21:35] Secretary Business Manager.

LM [00:21:36] Business manager.

CA [00:21:36] Yeah, yeah.

LM [00:21:38] Yeah, yeah. And that union was in the vanguard of the resistance, against what the Social Credit were attempting to do. And then later the Liberals. And you were in a very active leadership role and incurred the government's wrath like no one else in the labour movement. And Michael Campbell did an article about you that seriously defamed you. And he said that 'it wasn't whether you would, it was a matter of the money.' And that was the most despicable slag of, street workers in Britain in the 17th and 18th century. And I was incensed, as your friend and as your lawyer, probably angrier than you were. You were sort of, you know. Anyway, we sued and got him in discovery. I forget who his lawyer was, but he was as— anyways. And we took a break. We weren't getting anywhere. He admitted writing it, of course, but denied that it was libelous, and that it had the meaning that we were able to prove it did. And you and I took a break and and you said to me, you know, I'll never forget this. "Why don't we suggest to him that the reason he did this was because his brother, the Premier, wanted him to. Because it will inflame him, partly because he's so envious of his brother, but partly because it's probably true. And we'll just have hit the point, the flame-out point." So I went back in and did that, and you were bang on.

CA [00:23:49] And it was so delightful to watch him. (laughter)

LM [00:23:52] I thought he was going to just (gestured up in the air). He was just, you know, he's—he wasn't a big man but I can remember his cheeks pulsing with anger.

CA [00:24:03] Expanded. (laughter)

LM [00:24:05] We thought he was going to start to levitate. Anyways. They asked if they, his lawyer asked then, when they came back if they wanted an adjournment. And then they didn't just want a break, they wanted another day. And then they called us and made a reasonable offer, and we took it. But that was—

CA [00:24:29] And what about some other union cases, labour cases? And then we'll talk about some of the voting rights cases, which involved.

LM [00:24:40] And I wrote down some of these, if I can just.

CA [00:24:44] Sure. I was thinking of the jurisdiction of arbitrators, the Kwantlen Faculty Association case.

LM [00:24:51] Oh, yes, yeah.

LM [00:24:54] Yeah. That. That was a case over mandatory retirement, and we had two instructors from Douglas Kwantlen College. I think Douglas (they combined) that actually who did not want to retire. And they were top of their game. They were 65, but had fabulous evaluations from their colleagues and from the students. And one was, had family responsibilities, I think, for a disabled child and ongoing huge expenses. And they just did not want to retire. So we took the case to arbitration and argued the Charter. And we lost

on the preliminary point that the Charter didn't apply to community colleges. And then we took it to the Court of Appeal and lost there (I may be in error on that), in any event, we took it to the Supreme Court of Canada, and we lost on the merits of the retirement issue. But won, on the jurisdiction of arbitrators to apply the Charter. It was huge from my point of view because what the college and other supporters, there were many interveners from the employer's side, wanted to do was to deprive working people access to the Charter in their prime forum for remedies, which was labour arbitration. And the idea of an arbitrator adjudicating in the modern era without access to Charter remedies for our people, was just appalling. And so, one of the most distressing things during the hearing, the colleges' lawyer tried to tender a letter from Paul Weiler, who was then a Professor at Harvard, arguing in favor of the employer's position that arbitrators should not have the right to apply the Charter. Just appalling.

CA [00:27:23] And Paul Weiler had been appointed as the Chair of the first Labour Relations Board to apply the code under the New Democratic Party, government of Dave Barrett. A leading light.

LM [00:27:35] And considered to be very progressive. Yeah. And then to do something like this. Anyways, we were successful, and I looked the other day at the number of cases that have followed. And it's number, the number is close to about 600 cases.

CA [00:27:51] Oh yeah.

LM [00:27:52] Yeah, yeah. The impact of that has just been phenomenal. In any event, we lost the merits but won the war in some senses.

CA [00:28:04] And what about in terms of other defamation cases? There was a defamation trial in Cana—, in Calgary in the '80s?

LM [00:28:16] Yes. That was—involved a raid between two unions and, just a case that should never have surfaced. The union that initially was sued was the bus drivers' union, the Canadian union, ICTU, was sued by the union that they had raided. And so, ICTU countersued and it was a trial from hell. It should never have happened. And the judge, Letski (I remember his name so well), early on in the trial asked my client on the stand a statement that indicated a terrible bias, against my client. He basically accused him of being, because they were raiding, of being a Judas. The last thing you would ever expect from an impartial adjudicator. And so, without going into a lot of details, we got the judge to the point where he offered us a mistrial.

CA [00:29:40] Wow. Yeah.

LM [00:29:42] And my client said—

CA [00:29:43] That's an amazing. Amazing development in that case. Yeah.

LM [00:29:47] And my clients didn't take it. Yeah.

CA [00:29:49] Yeah.

LM [00:29:50] And so they lost and and the damages were in excess of a million. We settled at much, much less than that because we appealed it, to the Alberta Court of Appeal and the HEU and the successful plaintiff, the last thing they wanted to do. I mean,

my client didn't want to, but they didn't want to pay a million bucks, so we settled it for a very small portion of that. But and that was interesting.

CA [00:30:19] That was interesting.

LM [00:30:21] Yeah, I loved Calgary. I loved the members of the Bar. And. And my opposing counsel ended up being the vice chair of the Labour Board.

CA [00:30:29] Yes. Catherine McCreary. Yes, yes.

LM [00:30:31] Yeah. And she asked me to introduce her to the Bar, when she was [unclear].

CA [00:30:36] I was there. It was it was very charming, actually. It was very lovely. And then let's talk about the Giant Mine lockout of the '90s. Let's talk about that case.

LM [00:30:48] Yeah, yeah. There's a wonderful book on it called Dying for Gold by two Montreal newspaper reporters who got on to it and followed it and sat through the whole thing, which was an absolutely fascinating book and the mine was owned by some company, and was just about exhausted. The gold was not there, and you couldn't make a profit with the existing union contract, and it was bought by a scavenger by the name of Peggy Witte.

CA [00:31:37] Ahh. That's the name.

LM [00:31:37] Yeah. Who was a very successful engineer from Seattle, I think. And she immediately tried to crank down the wages and benefits to the point where she would make a profit, sort of mining, and the union rejected the offer, and it ended up being a two year, very violent, strike. And it was one of the occasions in which I and my colleagues had her life threatened. That was the—an expression of the division in the community between people who favored her position and people who favored the union position. But we had a prep meeting with the witnesses for the Labour Board hearing. And we met into the night and this was in February, and it was snow, and I remember [phone ringing].

CA [00:32:57] Shall we take a pause? Yeah, we can pause.

LM [00:33:00] That's OK. I know who it is and it's fine. Thank you. And we were meeting with the witnesses late into the night, and we had, there were legal counsel that had come in from Toronto to work with us. And there were was a young lawyer from my firm, Gina Fiorillo. And so there were three lawyers, and then the witness had left, and the three of us stayed behind a bit to talk about our strategy for the Labour Board hearing the next day. And we walked out and there was a light above the doorway, outside over the snow and in the snow were three live thirty-ought-three rifle shells pointed towards the door, just resting on the snow and being a message to us for, you know, we'll get you a plane ticket, but do get out of town. So that was a bit spooky. But we went into the hearing the next day, with the Labour Board, and the hearing lasted a week, and the hotel meeting room was packed with over a hundred union members, and it was just amazing. It was with the Chair of the Canada Board who was a very right wing Chair, and we were uncertain about what the outcome would be, but we had more than enough evidence of their, the company's unfair labour practice. And the lawyer for the company was Mike—I can't remember his last name, but a good guy and a pal who I quite like working with, and a Catholic. And she was a Catholic as well. And there was one scene that we knew that she had arranged, with her

standing on a rocky precipice, and all the scab workers are sitting or lying on the ground in front of her. And I, my dislike of her was just almost out of control. And I remember unwisely saying to her, "Were you trying to create a Sermon on the Mount scene with your workers, Ms. Witte?" And I knew that she would just, that would do it to her. What I didn't anticipate was Mike, Mike Cody.

CA [00:36:01] Oh Michael Cody. yeah.

LM [00:36:03] As well. He was a wonderful guy, a good Catholic. He just went ballistic and so did she. And I was chastised by the Chair of the Board, but I still think it was the right thing to do.

CA [00:36:19] And the union was successful with that unfair labour practice.

LM [00:36:22] And the union members loved the question. Yes, of course, because it was all the scabs that were there. And anyway. But yeah, it was successful. It went to the Supreme Court of Canada. We called. We had a bet, in the firm, about what the split would be. And I called exactly. It was 5 to 9. We were very very—

CA [00:36:45] 5 to 4?

LM [00:36:46] Sorry, 5 to 4.

CA [00:36:48] 5 to 4. Yeah, yeah.

LM [00:36:49] Yeah, yeah. It was very close. But a powerhouse decision then. And the strike ended and Don Monroe, and another arbitrator from here were appointed and brought an end to it. So it—

CA [00:37:07] Now that was. The Giant Mine. Was that in Yukon or In the Northwest Territories?

LM [00:37:13] The Northwest Territories.

CA [00:37:21] Yes, that's right. So, you've, you know, you've been involved in many, many leading cases. I know when I was practicing fully, I was always quoting a lot of your cases and relying on a lot of them. But a big aspect of your contribution to the labour movement, as well as the development of labour law, has been your teaching of workers. So tell us about that.

LM [00:37:49] Oh, well, that was my mother's adage that I talked to you about.

CA [00:37:51] Okay, tell us, tell us that.

LM [00:37:53] Yeah, I just loved teaching, and I love, I mean, I love law, and I love being a lawyer, but much of what we do doesn't take great intellect or great knowledge. And much of what we do can be done by workers themselves, leaving legal fees in the kitty to engage in strike action, deal with lockouts, educate your members. And so teaching trade unionists how to do their own casework has always been of primary importance to me. And so I applied for that job at Cap and just—

CA [00:38:49] And what was the job at Cap? At Capilano College?

LM [00:38:52] Yes, at Capilano College. I was interviewed by Carolyn Askew, Rod Germaine and Ed Laval. And Ed and I became lifelong best pals. He just recently died as well. And then I was hired to teach labour law, which I did. And then we gradually expanded the program to human rights law, to advocacy skills, to privacy law, and then hired lawyer after lawyer after lawyer so that we ended up, I think, with about 15 lawyers and it became—young lawyers entering the profession, the union side, wanted to teach. They saw it as a positive thing to do. And so, we did that until maybe ten years ago. And then Gordon Campbell's sister-in-law, or some relative of his, took a position where she was able to control the content of that department in Capilano (then University) and they shut the program down. And that wasn't going to stop us. And I—there was a new head of the Vancouver and District Labour Council, a wonderful—

CA [00:40:20] Joey Hartman?

LM [00:40:23] Joey. And we had many wonderful lunches. And around that time, she was casting around for new things she could do for the Labour Council. And so I proposed to her that the new thing she do for the Labour Council was to bring all of these programs to the Council and start offering them. And she loved it. And she just was a brilliant organizer for those things. And we started with two or three, and now there's dozens and dozens and dozens. And it was just a huge, huge success. So that's continued. I'm continuing to do that. And I—

CA [00:41:10] I know. You taught a course a couple of weeks ago.

LM [00:41:13] Yeah. Yeah. And I taught it with Carolyn. Yes. Yeah. Yeah. It was just a fabulous—

CA [00:41:18] And that was on the law of protest, right? Was it on protest?

LM [00:41:21] I did that on my own. But just prior to that she and I did three days on advocacy skills. One an introduction. And then we had taught that for a number of years, and the students had asked if we would do two days of advanced mock arbitration and mock labour boards, which she and I did, and they absolutely loved it. Yeah. So.

CA [00:41:50] What about SFU? Do you have a relationship with the SFU Labour Studies department?

LM [00:41:55] I did. I was hired, and taught a year there. But then, it was a ridiculous commute. I live on Bowen, your neighbor on Gambier, and the commute to SFU for a morning class was just insane. I loved it. And I loved the students. But I didn't want to continue, and so I persuaded—we have a young Iranian lawyer with the firm, Sonya Sabet-Rasekh, for her to take over. And she's still teaching to this day, and she loves it. They love her. So. Yeah.

CA [00:42:45] That's great. And you've also, you've also written books. Textbooks. And I know you referred to one earlier, on the Law of Protests, the Protest Guide.

LM [00:42:57] Yeah.

CA [00:42:58] That was the first version. I think you referred to it in the 70s?

LM [00:43:02] Yeah. That was, Hamish, my dear friend, and Wally were protesting against Vietnam, which we did constantly. The Vietnam War and Canada's involvement in it, supplying arms to the U.S. forces and many Canadian soldiers joining U.S. forces. And Hamish came from a strict military family and went to the—did his, some of his undergraduate work in a military (I forget the name), a world famous military academy in London and came here and just got caught up in the Georgia Straight and all that was going on, and he became an activist. And Wally was from a Russian Jewish family with a long history of activism. So the three of us were just, you know, sort of protest terrorists. And we were protesting in the downtown core and blocking some streets. And we were ordered off to go a different direction by a Vancouver city police officer and Wally and I decided that we'd do it. That made sense. We wanted to continue protesting. Hamish wasn't, didn't. And he wasn't going to be ordered around by any mere patrol officer. So he refused, and they arrested him, and they found out he was a lawyer and he was a very charming guy. And they kept him for a couple of hours in jail and then let him go. But that was the start of the Protest Guide. And it was 2 or 3 pages and then just kept expanding, expanding, expanding. And so it's now I think about, 70 or 80 pages and very detailed and covers a lot of history as well.

CA [00:45:13] And is that the one that includes like the Law of Picketing or is there a difference?

LM [00:45:18] That was another. That was about organizing.

CA [00:45:22] Okay.

LM [00:45:23] Yeah. And the Fed [BC Federation of Labour] has moved into that void marvelously well. But when I wrote the first edition in 1987, there wasn't anything around, and people were making mistakes, and it was costing money and delays. And so I talked to Butterworth, which was one of the primary law book publishers in Canada at the time. And they were happy to get—they said they'd be happy to get a book. I did a book. We were ready to go to the printers and the Socreds made massive changes to the law of organizing (laughter). And this was all—anyways, so we went back and started again. We were not going to be discouraged by this. And we did. We got it published. And the only conflict I had with Butterworth—so I loved as a publisher, and I was so sad to see them go under. The only conflict I had with them was how much it was going to cost. I wanted it to be cheap, cheap, cheap, so that rank and file, anybody could use it. And and they wanted it to be hardcover. I won that battle. And we got soft cover and I think we got it for \$90 or something like that. I was so proud of that. And in any event, after it had been on the market for about six months, the rep called me and said he wanted to come out. It had established a record for sales for its niche. And you have to understand its niche was like about that (indicates a small amount). But we sold 1100 copies of it. And he said that far exceeded our expectation, and we've done a gilded frame of one of the covers, and we want to come out, take you to dinner, and others in your firm, and we want to present this. It's just so, it was lovely. Very kind of them. Anyway, so then, the copyright ran out and Amazon reprinted it, long after the law had yet again changed, and were charging twice the money for it. And a woman from CUPE, a CUPE rep, wrote in the comment section a scathing review.

CA [00:48:08] Oh, cool.

LM [00:48:09] Of the Amazon thing. And by that time I had done another draft, another edition, but published it on my website electronically, free, and she referred them to that and just savaged them. It was wonderful.

CA [00:48:25] And your website, mcgradylaw.ca, also has the latest edition of the text of the Law of Protest.

LM [00:48:36] It does.

CA [00:48:37] Yeah, yeah, I just thought I'd put that little plug in. You've also, you've also taught First Nations?

LM [00:48:46] I did.

CA [00:48:46] On the law of protest? Tell us a little bit about that.

LM [00:48:49] Yeah, that was amazing. The first group was the Kitsoo, about mid-Island, and their fishing rights were being diminished by a commercial fisher. And so they wanted to conduct a protest. And I had not done any section on protest on water in my book. But I did. I added a whole new section and I did a day long workshop in their territory, with their members and it was just, it was a completely different experience. And they—we had a debate about whether you let the RCMP know that you're going to be protesting or not, and they decided they were going to and they let the RCMP that they were going to blockade the entrance to this fishing area with their boats on such-and-such a day, the opening of the season. And the RCMP, completely out of character, went to the commercial fishers and warned them not to fish in that area and to let the Kitsoo exercise their Indigenous rights to fish. And there was no conflict. And then the next group was the Heiltsuk, which is on another island further north, and a more militant group. And one of my articling students had married the daughter of the First Nations chief and moved up there.

CA [00:50:59] That was Daniel Bertrand, right?.

LM [00:51:01] Daniel. Amazing kid. He showed up on the first day of articling with me in a black jaguar, and I was aghast. I said, "You're a union lawyer. You got to get rid of that..." I forgot what. Yeah. Pejorative, anyways. And so he, he sure turned out to be a—anyway, he married a wonderful activist woman who is just phenomenal. Just published her first book of poems, which is just so striking.

CA [00:51:40] So you did a workshop up there?

LM [00:51:41] So I went up and did a workshop with them, and Dan worked on revising the protest on water part, and did a marvelous job. And they've used it. I'm not sure of the details, but they found it very useful. And then the third occasion was in Terrace. In that longhouse that is a cathedral of, a cedar cathedral. It's just magnificent. And we scheduled it for an hour and a half, and we were to be done, I think, by about 7:30. And the First Nations communities in that area and the non-Indigenous members of the community, they were all invited. John Jenkins was there. I hadn't seen him in years. And we ended up going 'till midnight. And it was a workshop at its absolute best. I talked a bit, but much of the exchange was between the Indigenous community and the non-Indigenous community about protests, and blockading, and civil disobedience, and rights, and things of that sort. It was just stunning. I just, it was one of the best experiences of my entire life. I wish it

could have gone on all night. And there was a film made of it that, and it was sent to me. But it's impossible to get it working. But, it was an absolutely amazing experience. So that was the third time. So, yeah.

CA [00:53:28] So, just getting back to labour law. What do you think the role is of labour lawyers within the framework of the labour movement?

LM [00:53:39] Interesting question. I think to, it's—they perform multiple functions, one to keep them out of jail. Although that's happening less and less than it used to, fortunately. To help them negotiate the best possible contract, win the most arbitrations. So, perform the traditional legal role, but also advise them on ways of improving the law, and ways of expanding their rights, and by joining the most activist members of the union movement and supporting them in every way possible. So, much like your life.

CA [00:54:37] So, and this is a question I ask everybody. In your years being involved, you know, within the labour movement and the roles that you've had both as a teacher and as a representative: how have you, how do you think the labour movement has evolved? What changes have you seen?

LM [00:54:58] Yeah. I mean, I think they've become a lot, obviously a lot more sophisticated. I see less evidence of the militance in these years that I used to see in my early days, and that's distressing. But in talking to friends about that, they're reassurances that that's cyclical and that this isn't the end game. And that we'll get back to that stage. And one friend made the comment that the reason for the change in the militance level is that things have become too easy. They've been so successful electing sympathetic governments. But, you know, that's not a forever thing. We're going to go back to the old days. And her version is that we can expect to see the militance return. So I'm greatly encouraged by that.

CA [00:56:15] So we've talked about your, some of your labour law cases. We've talked about some of your defamation law cases. We've talked about your huge contribution to educating the labour movement workers and others around protests and organizing. Tell us about your involvement on voting rights.

LM [00:56:39] Yeah. If, I'm not sure I recollect all of the details, but I remember there was a huge conflict, controversy, about what sort of identification voters would need. And the government, the Social Credit government, passed legislation that we felt would cut out a substantial number of voters in Vancouver, in particular, who wouldn't have the required forms of identification that the new legislation was requiring. And so, you and your partner, Jim, and I and a number of other lawyers—

CA [00:57:43] There were a lot of lawyers involved, actually.

LM [00:57:47] Decided that we were going to arm as many people as we could with the needed forms of identification to ensure that they could vote. And we would do so irrespective of what their particular sentiments were and which party they favored. And so we set up, and Paul Tetreault was another one. Was an activist on it. We, we set up tables all through the Downtown Eastside, and we had two lawyers at each table, at a minimum. And workers, aid workers, drug workers throughout the Downtown Eastside were notified that this was happening, and that they were, would they please do their best to encourage people who were, who didn't have the proper identification, to go to one of these tables and swear a statutory, or declare a statutory declaration, or swear an affidavit. And that

would then become, along with having a person to verify their identity, the needed identification to enable them to vote. And the response was just overwhelming. I don't remember how many lawyers we had, but maybe 20 or 25. We were very cautious because we knew we were going to be attacked. And so, collectively, we prepared a full page of 'You Must Do', that we distributed to all the lawyers, and they had to check off all of these points for each person to ensure that nobody was defrauding us, and nobody was stoned, and nobody was drunk. And I forget what the details were, but we were religious about that. And, as I said, the numbers were stunning. We, the number of stat decs [statutory declarations] that we got, enabling people to vote in that election was over 400. And just, it was way beyond anything that we thought we would get. And, in any event, Jenny Kwan took the riding. And she took it by just about 400 votes.

CA [01:00:27] That's right.

LM [01:00:28] And we were ecstatic. And then, much to my dismay, two lawyers (I didn't know them well), but two lawyers who were active in the Liberal campaign against Jenny, filed a complaint against me with the Law Society.

CA [01:00:49] Oh, I didn't know that, Leo! Yeah.

LM [01:00:51] And in my 54 years of practice, I had never had a complaint with the Law Society. And their complaint was that I, and the other group (other lawyers who were not named), were signing, having people that were drunk or stoned, on heroin or whatever, signed statutory declarations when they did not understand what they were signing. And the Law Society asked me to—one of the lawyers who filed the complaint was an arbitrator who was looking to me for business, and he was in my, my building. And, in any event, they asked me to respond to the complaint, which I did, and I gave them a copy of this form that we had religiously—

CA [01:01:48] Oh. The check sheet. Yeah, yeah.

LM [01:01:51] The check sheet. And then, wrote on a submission saying basically, this is revenge. They didn't win the election, and they're trying to undo it now by attacking the people who—anyways, to make a long story short, as soon as they received it, the Law Society dismissed it, and that was it.

CA [01:02:15] That's great. And just one, one last question. From your perspective, what do you think the biggest challenge that the labour movement faces today?

LM [01:02:33] You know, I don't. That's an interesting question. I don't, I don't know.

CA [01:02:39] Is it related to the militancy or is it just a state of the world or the state of labour? What, what's your sense?

LM [01:02:48] I don't know. I, I think it is the militancy. I think getting back to that, is important. And how you do that and how you encourage people to do that, especially as an outsider, as a lawyer? I don't know. But I think that regaining that, that is important. Although we're seeing, you know, there's flashes of it in individual unions, including particularly your union, which I don't think is (you know much better than I), but hasn't lost the spirit that you brought to it. But other unions have, and maybe as they've gotten larger and had things handed to them, they've lost that, that spirit. So I would say in my view, that's the biggest challenge.

CA [01:03:45] And what advice would you give a young person going into labour law today?

LM [01:03:55] Do it. Yeah. It's, there's nothing better.

CA [01:03:58] Great. Thank you. Leo. That's a wonderful note to end up.