

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



CANADA

**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and/et

ALEXAN KULBASHIAN, JAMES SCOTT RICHARDSON,
TRI-CITY SKINS.COM, CANADIAN ETHNIC CLEANSING TEAM and
AFFORDABLESPACE.COM

Respondents

BEFORE/DEVANT:

ATHANASIOS HADJIS

THE CHAIRPERSON/
LE PRÉSIDENT

ROCH LEVAC

THE REGISTRAR/
LE GREFFIER

FILE NO./N^o CAUSE.:

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CANADIAN HUMAN RIGHTS TRIBUNAL/TRIBUNAL CANADIEN
DES DROITS DE LA PERSONNE

SITTING IN THE ARGUS ROOM, HOLIDAY INN OAKVILLE - CENTRE
590 ARGUS ROAD, OAKVILLE, ONTARIO ON
FRIDAY, NOVEMBER 12, 2004, AT 9:30 A.M. LOCAL TIME

CASE FOR HEARING/CAUSE DEVANT ÊTRE ENTENDUE

IN THE MATTER of a complaint filed by Richard Warman dated February 5, 2002 pursuant to section 13, subsection 1 of the Canadian Human Rights Act against Alexian Kulbashian, James Scott Richardson, Tri-CitySkins.com, Canadian Ethnic Cleansing Team and AffordableSpace.com. Complainant alleges that the respondents have engaged in a discriminatory practice on the grounds of religion, race and national and ethnic origin in the matter related to the usage of a telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Monette Maillet	on behalf of the Canadian Human Rights Commission
Richard Warman	on his own behalf
Vahe Kulbashian	on behalf of Alexian Kulbashian
Alexian Kulbashian	on his own behalf
James Scott Richardson	on his own behalf

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1 Oakville, Ontario

2 --- Upon commencing on Friday, November 12, 2004

3 at 9:30 a.m.

4 REGISTRY OFFICER: All rise. Please
5 be seated.

6 THE CHAIRPERSON: Good morning.

7 MS MAILLET: Good morning.

8 REGISTRY OFFICER: Please be seated.

9 THE CHAIRPERSON: Ms Maillet?

10 MS MAILLET: Yes, Mr. Hadjis, I'm in
11 the middle of the continuation of the direct
12 examination of Dr. Henry.

13 DR. FRANCES HENRY, Resumed:

14 EXAMINATION BY MS MAILLET (Cont'd):

15 MS MAILLET: Dr. Henry, I believe
16 when we left yesterday we were at page 17 of your
17 report at tab 64.

18 DR. HENRY: Oh, tab 64 is this one,
19 right?

20 MS MAILLET: Now, you indicate, the
21 next title is: "Analysis of the Flags", at the top of
22 page 17.

23 I believe that's where we were when
24 we left off yesterday.

25 DR. HENRY: Yes.

1 MS MAILLET: Sir, again, these
2 documents come from the CD of the Tri-City Skins that
3 was disclosed to the parties.

4 We didn't print off everything on the
5 CD, but we did print off the documents that Dr. Henry
6 will be referring to. We provided them to the parties
7 yesterday.

8 And so, the flag part that I'm about
9 to go into deals with the coloured -- there's four
10 pages of coloured print.

11 THE CHAIRPERSON: I was wondering
12 whether, for purpose of our discussions, we should -- I
13 see, there are one, two, three -- I'm sorry, are these
14 together?

15 MS MAILLET: There are four pages
16 that indicate "things we don't like or agree with",
17 that's one document.

18 THE CHAIRPERSON: That's one
19 document.

20 MS MAILLET: That's one document.

21 THE CHAIRPERSON: The four coloured
22 documents are one document?

23 MS MAILLET: That's correct.

24 THE CHAIRPERSON: The four coloured
25 sheets?

1 MS MAILLET: That's correct.

2 THE CHAIRPERSON: So, that's one
3 document.

4 And there's another document here; is
5 that it?

6 MS MAILLET: That's correct. There's
7 the Tri-City Skins message board.

8 THE CHAIRPERSON: Right.

9 MS MAILLET: That's another document.

10 THE CHAIRPERSON: So, those are the
11 two that have been printed off the CD that you will be
12 referring to in the course of your questioning of this
13 witness?

14 MS MAILLET: That's correct.

15 Now, Mr. Warman advised me -- oh, I'm
16 sorry. Okay, the coloured photocopies is one document.

17 THE CHAIRPERSON: Okay.

18 MS MAILLET: Then the rest that are
19 stapled together are three separate documents, I
20 apologize.

21 So, the first document, at the top it
22 indicates Tri-City Skins message board.

23 THE CHAIRPERSON: That's a single
24 document, one page.

25 MS MAILLET: That's a single

1 document.

2 THE CHAIRPERSON: Okay.

3 MS MAILLET: The next document is "a
4 warning for Americans".

5 THE CHAIRPERSON: Page 1. Are we
6 missing page 2?

7 MS MAILLET: And it looks like we're
8 missing a page.

9 THE CHAIRPERSON: It's that old
10 reversal problem with the photocopier.

11 MS MAILLET: I apologize. Let me
12 see. The same goes for the next document that's called
13 "Rants & Raves".

14 I apologize, we'll get those copies
15 to you.

16 THE CHAIRPERSON: Okay. Well, maybe
17 your questioning can continue.

18 I noticed throughout the report there
19 are excerpts cited by the witness each time.

20 MS MAILLET: That's correct.

21 THE CHAIRPERSON: So, you can provide
22 the missing pages during a break and complete it.

23 MS MAILLET: I will.

24 THE CHAIRPERSON: What I would like
25 to do is treat each of these documents as a separate

1 exhibit, notwithstanding the fact that they are to be
2 found on the CD, just for the purposes of organizing
3 our hearing.

4 MS MAILLET: Yes.

5 THE CHAIRPERSON: Okay.

6 MS MAILLET: Absolutely.

7 THE CHAIRPERSON: Well, should we do
8 them in advance or should we do them one by one.

9 So, the first item is the coloured
10 sheet, the one that's been printed in colour.

11 MS MAILLET: Yes. Perhaps I'll just
12 ask Dr. Henry if these are the documents she looked at
13 in doing her analysis of the flags as stated at page 17
14 of her report?

15 DR. HENRY: Yes.

16 THE CHAIRPERSON: Okay.

17 REGISTRY OFFICER: The four-page
18 colour document as described by the Chairperson will be
19 filed as the Commission Exhibit HR-11.

20 EXHIBIT NO. HR-11: Four-page
21 colour print-out. (subsequently
22 removed)

23 THE CHAIRPERSON: And I note in the
24 report it's marked WA-060.

25 MS MAILLET: Yes. What happened was,

1 this was the order of documents that were provided as
2 the Commission disclosure.

3 When we scanned the documents they
4 were given this number and then provided to the
5 parties.

6 THE CHAIRPERSON: Is that number on
7 the CD or, no, because the CD is simply a mirror image;
8 right of the -- sorry.

9 MS MAILLET: WA --

10 THE CHAIRPERSON: I see the eyes roll
11 on this end. It's whatever you described as the copy
12 of the hard drive.

13 MS MAILLET: Yes, WA-016 was the copy
14 of the CD, that's right.

15 THE CHAIRPERSON: So, where would one
16 find this on the CD? Is there a specific file number?

17 MS MAILLET: My information is page
18 25 to 28 of the CD.

19 THE CHAIRPERSON: I should go into
20 the CD.

21 MR. WARMAN: If it's of any
22 assistance, I believe the websites were saved as one
23 large "pdf" document and, therefore, as you scroll down
24 you'll hit the pages.

25 So, if you look between pages 25 to

1 28 that's where this material is found.

2 THE CHAIRPERSON: Pages 25 to 28 of
3 the CD.

4 That will be helpful as we go along.
5 Maybe you could come in each time, Mr. Warman, and tell
6 us what the page numbers are.

7 Okay.

8 MS MAILLET: Now, Dr. Henry, there
9 are four pages here, three of which seem to have
10 pictures of flags or symbols on them.

11 Could you please discuss what you
12 found in this document.

13 DR. HENRY: Well, the first one is
14 the analysis of the flags which is headed as "Things we
15 don't agree with".

16 The top flag apparently represents
17 the Russian flag and the rainbow coloured flag
18 apparently depicts the gay world.

19 And my reading is, particularly
20 because it says:

21 "Do you want to live in a
22 communist country? Me either!!"

23 And then it discusses homosexuality,
24 it seems to equate homosexuality to communism and that
25 both, therefore, are evils of the modern world.

1 The text below states quite clearly
2 that whoever wrote this on the website does not believe
3 in homosexuality because it's against the laws of
4 nature and religion, and there seems to be the equation
5 somehow with life in a communist country.

6 The second one is:

7 "S.H.A.R.P. stands for skinheads
8 against racial prejudice."

9 And I think the message here is quite
10 clear. The message is that not all races are equal to
11 whites. It says:

12 "As we feel that not all people
13 are equal, we disagree with the
14 beliefs of these people. They
15 also dislike us, and try to
16 fight us or start problems with
17 us."

18 So, again, it seems to be a clear
19 indication, from my point of view, of their belief that
20 not all people, or not all races, as they stated, are
21 equal to whites.

22 The next one is: The United Nations
23 -- sort of a United Nations flag which is described as:

24 "...world police force for the
25 interests of the world Jewish

1 population."

2 And essentially they're saying the UN
3 really works only for Israel and no other country.

4 And it's also I think noteworthy that
5 the country itself is placed right in the middle of the
6 flag.

7 So, generally speaking, these flags
8 or graphics seem to indicate beliefs that are strongly
9 anti-Semitic again, anti-gay or anti-homosexuality and
10 against the equality of the human species as a whole.

11 THE CHAIRPERSON: You say it's
12 highlighted in the centre of the world map.

13 Do you mean it's this on the side
14 here? I don't see any highlighting.

15 DR. HENRY: It is very difficult to
16 see, but right in the -- well, actually I don't see it
17 on this map either.

18 I saw it on the CD Rom itself, that
19 the country is highlighted right in the centre of the
20 map.

21 I'm not sure I see it in this
22 reproduction.

23 MR. RICHARDSON: Mr. Chair, on my
24 copy of the CD, which I looked through yesterday going
25 over all this witness' testimony, I did not appear to

1 see anything like that at all.

2 THE CHAIRPERSON: All right. Well --

3 MR. RICHARDSON: I mean, it's
4 obviously not there. So, she's stating something that
5 --

6 THE CHAIRPERSON: Just make your
7 objection. You can certainly cross-examine later.
8 Remember, just objections now.

9 I will check the CD to see what I
10 see. What I do note, is there is not perhaps an image
11 on the left side of Israel.

12 DR. HENRY: I believe so, yes.
13 Mm-hmm.

14 THE CHAIRPERSON: Geographic cut-out
15 of the area.

16 DR. HENRY: Yes, it looks like it,
17 mm-hmm.

18 THE CHAIRPERSON: Yes.

19 MR. ALEXAN KULBASHIAN: I'm not sure,
20 but it looks like fire.

21 THE CHAIRPERSON: Well, look at these
22 next pages --

23 MS MAILLET: Mr. Kulbashian can give
24 evidence of what he believes it is at the time.

25 THE CHAIRPERSON: Yes, I'll leave it

1 at that then, because I wasn't sure because mention of
2 the word -- of the map of Israel, I thought perhaps
3 this was on the web, but I'll let the witness speak to
4 it.

5 Your evidence was that you saw it in
6 the middle of the copy of the UN map?

7 DR. HENRY: I thought I saw it, yeah,
8 in the graphic on the CD itself.

9 THE CHAIRPERSON: Okay.

10 DR. HENRY: But it's not clear to me
11 in this reproduction now.

12 MR. ALEXAN KULBASHIAN: Then I just
13 have an objection dealing with this evidence then. If
14 it's not a direct replica of the CD, then it shouldn't
15 be admitted.

16 THE CHAIRPERSON: Look, for the
17 purposes of assisting us in the discussion, I do
18 consider the CD to be the true replica.

19 MR. ALEXAN KULBASHIAN: But this
20 isn't a true replica of the CD.

21 THE CHAIRPERSON: It is.

22 MR. WARMAN: This was printed off
23 from the CD by myself.

24 THE CHAIRPERSON: Okay. Let's not
25 worry about that. I'll look at the CD.

1 DR. HENRY: I would say that it
2 really doesn't matter whether it's highlighted in the
3 centre of the map or not, the text is very clear in
4 regard to how the United Nations works only for the
5 interests of the world Jewish population.

6 So, whether it is in the map or not,
7 really doesn't alter my analysis of it as a strongly
8 anti-Semitic message or statement.

9 MS MAILLET: Dr. Henry, now if you
10 could turn to tab 2 of HR-1.

11 DR. HENRY: Would that be all the way
12 at the beginning of the book?

13 THE CHAIRPERSON: Yes.

14 MS MAILLET: Yeah. The next item in
15 your report is entitled: "the Home Pages".

16 Now, if you could turn -- just take a
17 look at -- there are two pages in this tab.

18 Are they the pages that you examined
19 to form that part of your report?

20 DR. HENRY: Just a second. I think I
21 have lost the place here.

22 MS MAILLET: After the analysis of
23 the flags, the next titled --

24 DR. HENRY: Yeah, entrance pages I
25 have as the next.

1 MS MAILLET: Okay. The copy I have
2 is entitled "the Home Pages".

3 DR. HENRY: And the first site
4 included a table of contents and announces that it is a
5 site for people who have "reached the end of their
6 chain".

7 MS MAILLET: That's correct. So, I
8 believe in the tab they're backwards, the first page is
9 second and the second page is --

10 DR. HENRY: Oh, okay. Yes, all
11 right, I'm with you.

12 MS MAILLET: And are those the
13 documents that you looked at?

14 DR. HENRY: Yes, yes.

15 MS MAILLET: If you could look at,
16 again, page 2 of tab 2.

17 DR. HENRY: Mm-hmm.

18 MS MAILLET: Would you indicate what
19 observations you had with respect to that Home Page?

20 DR. HENRY: Well, it starts off by
21 saying it's a site for people "who have reached the end
22 of their chain", people who are on the edge.

23 Basically it uses, again, very strong
24 hyperbolic language, combative language, it identifies
25 the people as warriors, they're not afraid to fight,

1 brothers have died in battle and so on.

2 Essentially, the message appears to
3 be that skinheads, which heads the page, are
4 militaristic, they're prepared to fight and they're
5 also very popular.

6 It asks that "like-minded individuals
7 join the movement".

8 And then I guess we go back then to
9 the first page, which is labelled "Is Back" because I
10 gather there was some lack of continuity and this page
11 now continues basically the same sort of argument, and
12 it begins with an obscenity because, it says, that:

13 "There are views contained here
14 that some people will find
15 offensive."

16 And, of course, it then cites the
17 obscenity and it says clearly that:

18 "We are not here to change
19 peoples' minds."

20 But, so that it seems to be
21 reinforcement for those already in the movement.

22 Again, what I noted in these
23 introductory pages is the division of the world into us
24 and them. The latter are identified as members of
25 anti-racist organizations who are not wanted on this

1 site.

2 In other words, it clearly defines
3 itself as not being for people who are anti-racists.
4 And, again, there is another use of obscenity.

5 And it occurred to me as I was
6 reading it that, you know, the double use -- I mean,
7 using the obscenity twice seems to indicate a certain
8 amount of bravado, that they don't really care how they
9 present themselves to the world.

10 MS MAILLET: Now, if you could turn
11 to the message board page that was provided to you.

12 Again, this is a copy of the next
13 document, Mr. Chair. At the top left-hand corner --

14 THE CHAIRPERSON: Four pages, single
15 sheets?

16 MS MAILLET: That's right.

17 THE CHAIRPERSON: So, this was also
18 taken off the CD. At what page, Mr. Warman; do you
19 know?

20 MR. WARMAN: I'm sorry, I printed off
21 the first four pages. These ones I'm not aware of, I'm
22 sorry.

23 THE CHAIRPERSON: It says WA-115.
24 Again, that's not a reference on the CD; correct?

25 MS MAILLET: That's correct. Yes,

1 the only thing I can say is that this was provided as
2 disclosure No. WA-115 to the parties.

3 I don't know, would this help them
4 find it on the CD? We can double check the CD and then
5 provide you with the exact page.

6 THE CHAIRPERSON: Is it one "pdf"
7 file entirely that's on the CD?

8 MR. WARMAN: The Tri-City Skins.com
9 website is.

10 THE CHAIRPERSON: It is. So, one
11 could search, I presume, perhaps for one of these
12 words and find it.

13 MS MAILLET: And we can make efforts,
14 Mr. Chair, to provide the Tribunal with the page.

15 THE CHAIRPERSON: All right. So,
16 it's on the CD. In that case, we can produce it.

17 REGISTRY OFFICER: One-page document
18 from the Tri-City Skins message board will be filed as
19 Commission Exhibit HR-12.

20 EXHIBIT NO. HR-12: One-page
21 document from the Tri-City Skins
22 message board.

23 (subsequently removed)

24 MS MAILLET: Dr. Henry, the next part
25 of your report deals with a message from the message

1 board.

2 Is this the document that you looked
3 at in making this analysis.

4 DR. HENRY: Yes, it is.

5 MS MAILLET: Could you please tell us
6 what you found on this page?

7 A. Well, I think this posting from
8 somebody named Panzer Faust is very clear and
9 self-explanatory.

10 It refers to an event that happened
11 wherein 370 Muslims died, I guess, on a train fire or a
12 train wreck in Egypt, and rather than show this as the
13 disaster that it naturally is, the writer is saying
14 that:

15 "...it's "poetic justice" that
16 370 Muslims, including women and
17 children burned to death because
18 Muslim "idiots" preach death to
19 Christians."

20 This message certainly advocates a
21 considerable amount of hatred and I think it goes
22 beyond that, because it advocates and reinforces the
23 fact that people like this, Muslims who are against
24 Christians, should be punished and perhaps even more
25 so.

1 So, I think it's a very vicious kind
2 of letter or posting that suggests that the people who
3 died in this disaster deserved it because they were
4 anti-Christian.

5 THE CHAIRPERSON: There's mention
6 here that idiots on this board, presumably on this
7 message board, were preaching death the Christians.

8 Did you see the message that this
9 seems to be answering to?

10 DR. HENRY: No.

11 Yeah, it's also, of course, very
12 badly written with spelling and other grammatical
13 errors.

14 It refers to, I guess, that there are
15 Muslim idiots on this message board, but I didn't see
16 the earlier messages, no.

17 MS MAILLET: Thank you. Dr. Henry,
18 if you could turn to the next document entitled: A
19 Warning For Americans.

20 Again, is this a document that you
21 viewed on the CD which relates to the next portion of
22 your report.

23 DR. HENRY: Yes, it is.

24 THE CHAIRPERSON: Again, we don't
25 have the reference to the page.

1 MS MAILLET: No, and I will --

2 THE CHAIRPERSON: It's on the CD and
3 it's missing page 2.

4 MS MAILLET: Yes.

5 THE CHAIRPERSON: So both of those
6 will be corrected.

7 MS MAILLET: Yes, yes.

8 THE CHAIRPERSON: But the document is
9 produced.

10 REGISTRY OFFICER: Three-page
11 document entitled: A Warning for Americans, a message
12 from a south African will be filed as Commission
13 Exhibit HR-13.

14 EXHIBIT NO. HR-13: Three-page
15 document entitled: A Warning
16 for Americans, a message from a
17 south African.

18 (subsequently removed)

19 MS MAILLET: Dr. Henry--

20 DR. HENRY: Yes.

21 MS MAILLET: --what was it that you
22 noticed about this article?

23 DR. HENRY: Well, this letter is
24 apparently written by a racist from south Africa, and
25 essentially what it outlines is the black takeover in

1 South Africa and in Zimbabwe, and it warns that this
2 same kind of takeover will take place in the United
3 States because of what is called the ethnic
4 metamorphosis, the changing and increasing diversity of
5 the population of the United States and the demands of
6 have-nots; that is, people who are currently
7 disadvantaged, and it suggests that white Americans
8 will not be able to withstand these demands.

9 There is, again, a very strong sort
10 of racist ideology by dividing the world into "we" or
11 "us"; that is, the westerners, people derived
12 essentially from European origins, and "they", which in
13 this instance are savages and savages and their
14 behaviour are found in Africa.

15 This can all happen in the United
16 States because some of these very savages actually are
17 maybe immigrants to the country.

18 Blacks, in this statement, are
19 uncultured savages who practise ritual killing,
20 witchcraft and so on.

21 Nowhere in the article is there any
22 mention of anything positive about the culture or the
23 cultural practices of the people that the writer is
24 talking about.

25 So, there is a considerable amount of

1 racism by omission and a strong emphasis on bringing
2 forward the racist message.

3 MS MAILLET: And in your experience
4 with respect to hate propaganda, is that typical of
5 hate propaganda--

6 DR. HENRY: Yes.

7 MS MAILLET: --is the absence of
8 positive cultural practices?

9 DR. HENRY: Yes, very much so.

10 THE CHAIRPERSON: Me Maillet, leading
11 question.

12 MS MAILLET: Sorry.

13 If you could turn to the next
14 document titled: "Rants & Raves".

15 Again, it's provided as a copy which
16 was provided to you.

17 And I apologize, again, Mr. Chair,
18 that page 2 is missing, but we will provide you with
19 the page, as well as we'll attempt to provide you with
20 where it can be found on the CD.

21 THE CHAIRPERSON: All right.

22 MS MAILLET: Is this the document
23 that you looked at in this next portion of your report?

24 DR. HENRY: Yes, it is.

25 REGISTRY OFFICER: Three-page

1 document entitled: Rants & Raves will be filed as
2 Commission Exhibit HR-14.

3 EXHIBIT NO. HR-14: Three-page
4 document entitled: Rants &
5 Raves.

6 (subsequently removed)

7 MS MAILLET: Please talk to the
8 Tribunal about your analysis with respect to this
9 document.

10 DR. HENRY: This posting is
11 apparently written by a 40-year-old man, white man who
12 was visiting Canada, and he discusses the
13 multi-cultural degeneracy that has ruined a once great
14 land.

15 He basically reveals himself as a
16 white supremacist who believes in putting race
17 certainly before nationality if we are to survive as a
18 people.

19 The posting includes, I gather, his
20 own words to Oh Canada, and contained in those lyrics
21 are many racist assertions, particularly those that
22 relate to the rainbow coloured garbage can which
23 singles out ethnic groups.

24 I noted that the use of the
25 identifier 'rainbow' may also suggest an anti-gay or

1 homosexual attitude.

2 In addition I think to being a white
3 supremacist, the writer reveals himself also as
4 anti-Semitic because the final line of the Oh Canada
5 parody points to the fact that:

6 "How did Canada, which used to
7 be free, get so PC".

8 And it is, of course, the result of
9 the Jews and their democracy.

10 MS MAILLET: And I see that page 2 --

11 DR. HENRY: The second one is the one
12 that's missing, right.

13 MS MAILLET: That's correct, but if
14 you could talk about it as you did in your report, and
15 then we'll provide the Tribunal with that.

16 DR. HENRY: Yeah, the second letter
17 is apparently from a young person who very clearly
18 spells out his belief in the superiority of the Aryan
19 race, he identifies it as the Aryan race, and its
20 belief in white power.

21 And the third letter is also not
22 there at the moment, right.

23 The third letter is from another
24 white supremacist who rants about an inter-racial doll
25 being available to white children.

1 MR. RICHARDSON: I'm not -- I know
2 page 2 is missing or the one page is. Is there a
3 second page missing as well? This is my question.

4 Because I'm not sure if she's reading
5 that off the continuation from the page that's missing
6 from the young man's, that we just started on.

7 So, I don't know if there's two on
8 the next page that's missing or is there two pages
9 missing?

10 MS MAILLET: There obviously is,
11 there's one page missing, it's page 2 of 3, we have
12 page 1 and we have page 3, so...

13 MR. RICHARDSON: Okay. So, all
14 that's going to be referred to is that page? I just
15 wanted to clarify that.

16 THE CHAIRPERSON: I believe the
17 witness is reading from her report where she's taking
18 excerpts from those pages, or page in that case.

19 MR. RICHARDSON: Sorry, about that.

20 DR. HENRY: So, the third letter
21 which you don't have in front of you then, is also from
22 a white supremacist and he's discussing an inter-racial
23 doll being available to white children, and he uses
24 this to show that the purity of the races, of all races
25 is being watered down.

1 And I think he concludes that in 200
2 years - I mean, if these kinds of trends continue, then
3 in 200 years we will all be what he refers to as a
4 bunch of mutts.

5 And that refers, again, to the
6 classic biological racist view that the mixing of races
7 produces mongrels or mutts.

8 So, these messages, all of them,
9 contain strong sentiments of racial superiority, of
10 white supremacy and they contain these classic elements
11 of biological racism.

12 MS MAILLET: Thank you. Now, Dr.
13 Henry, if you could turn to tab 19 of HR-1.

14 Section 3 of your analysis indicates
15 at the top of page 20 of your report being An Analysis
16 of Website Documents of the Canadian Ethnic Cleansing
17 Team.

18 Now --

19 MR. RICHARDSON: Mr. Chair, I'm
20 sorry, this is the Vinland Voice, which both Mr. Warman
21 and Mr. Wilson both stated earlier was a separate
22 website, was a separate identity, in its own. So as
23 they're referring to it as on the C.E.C.T. site or
24 C.E.C.T. document, it is a Vinland Voice.

25 I want it clear that there is a

1 difference. It was already proven and stated there is
2 a difference and when she refers to it as a C.E.C.T.
3 document, well it's just not so.

4 So, I just want her to refer to it as
5 what it actually is, is a Vinland Voice document.

6 THE CHAIRPERSON: We went through
7 this exercise somewhat with Mr. Kulbashian yesterday.

8 The point being, at the very least
9 the connection that was referred to in the discussions
10 yesterday was that there is a link from the C.E.C.T.
11 site to the Vinland Voice site, at the very least, and
12 that's part of the connection that was discussed.

13 It's certainly material that's in the
14 evidence, Vinland Voice is in evidence.

15 I'll allow the question to continue
16 on Vinland Voice.

17 You can certainly point out any
18 problems, any lack of connection between one and the
19 other in your argument, but I think the Vinland Voice
20 is a fair topic for discussion based on the evidence
21 that we've heard to this date.

22 MS MAILLET: Now, Dr. Henry, when you
23 refer to the Vinland Voice, August 30th, 2001 edition,
24 which is at page 20 of your report, is this the
25 document that you see at tab 19 of HR-1?

1 DR. HENRY: Yes, it is.

2 MS MAILLET: Would you please talk to
3 the Tribunal, or describe to the Tribunal what the
4 material is that is in this document and what your
5 analysis is of that document?

6 DR. HENRY: Yes, it seems to be
7 reprinting news reports in the first instance about
8 Canada's role in supporting the view that there is
9 anti-Israeli language expressed at a UN conference.

10 Then it also talks about the arrest
11 of a Toronto teacher who is believed to be an Islamic
12 terrorist.

13 The first two articles in the
14 newsletter then call attention to Canada's role in
15 fighting terrorism and in defending Israel.

16 Although there is no particular
17 commentary involved here, it seems obvious that the
18 reprint of these items are designed to criticize Canada
19 for its defence of Israel and its arrest of suspected
20 terrorists.

21 The next one is, I guess, on page 2,
22 which is headed WAU Canada, and it is a letter, or a
23 message from Woman for Aryan Unity, and the
24 announcement is made that a Canadian chapter of this
25 group is being formed, and it tells us what this

1 particular organization is about. It works to:

2 "unite, educate and protect our
3 white race."

4 It identifies itself as being made up
5 of a group of:

6 "proud mothers who believe in
7 raising our Aryan children to be
8 strong and to fight for our
9 cause."

10 The organization then, Women For
11 Aryan Unity, clearly, again, is a white supremacist
12 organization based on the biological belief in the
13 superiority of the white, or what is referred to here
14 as the Aryan race.

15 MS MAILLET: Now, the next article
16 deal with the ARA?

17 DR. HENRY: The ARA.

18 MS MAILLET: That would be on page 3
19 of tab 19.

20 DR. HENRY: In the middle of page 3
21 and it's headed, "In Response, ARA Report, August
22 24th", and it relates to the activities of the
23 Anti-Racist Action Group who were protesting outside a
24 Montreal courthouse where one of the warriors,
25 presumably one of the members of a white supremacist

1 organization, were up on certain charges. The charges
2 I think were unspecified in the report.

3 There is another article that refers
4 to the meeting of the same organization in New
5 Brunswick.

6 It appears that the intent of these
7 notices is to poke fun and mock the activities of the
8 ARA, of the Anti-Racist Organization.

9 The following one is the - let's see,
10 where is that - on page 5, Kitchener/Waterloo Rally,
11 and it's a news item that states that:

12 "Anti-racist activists are
13 rallying in the
14 Kitchener/Waterloo area to
15 protest meetings and various
16 activities that are happening at
17 the Wolper Pub which has...",
18 according to the article cited:

19 "...become a watering hole for
20 neo-Nazi organizing."

21 And Neo-Nazi skinheads and members of
22 the Tri-City Skins were also at the scene. The police
23 presence was strong and there were protesters being
24 pepper sprayed.

25 There is also a link at the very end

1 of the newsletter on page 6, which I've called
2 attention to because one of the ways in which these
3 newsletters and various websites are related to each
4 other is through the use of links.

5 So apparently this may be a new one,
6 and it describes, therefore, what is on a website
7 called Cross Star.

8 MS MAILLET: Thank you.

9 DR. HENRY: I think that ends that
10 particular section.

11 MS MAILLET: Now, if you could turn
12 to tab 20 of HR-1.

13 Is this the article, or the document
14 that you viewed to form the next part of your report
15 based on the Vinland Voice September 14th, 2001 issue
16 at page 21 of your report?

17 DR. HENRY: Mine is headed September
18 28th.

19 MS MAILLET: If I could assist the
20 witness?

21 THE CHAIRPERSON: Yes.

22 DR. HENRY: I'm not sure this is the
23 same one.

24 ---Discussion off the record

25 DR. HENRY: Okay, I think we have it

1 now. So, this is the one dated September 14th, 2001,
2 yes.

3 MS MAILLET: That's correct. And is
4 this the document at tab 20 that you viewed--

5 DR. HENRY: Mm-hmm.

6 MS MAILLET: --to prepare this
7 portion of your report?

8 DR. HENRY: Right.

9 MS MAILLET: Okay. If you want to
10 take a moment to take a look at that to refresh your
11 memory.

12 DR. HENRY: This is the one that
13 relates to the events of September 11th.

14 It notes that a lot of people died
15 tragically and comes to the conclusion, of course,
16 that, and as always the Jews are mixing up in it, and
17 it says, again, that it does not:

18 "I do not take kindly to
19 innocent white dying for nothing
20 and, especially because of the
21 dirty Jews."

22 So, again, it has an anti-Semitic
23 message.

24 The writer is urging all racialists
25 to act and there are many targets on Canadian soil,

1 such as B'Nai Brith offices, Mossad temples and any
2 Jew/Arab temple, building, house and even cars. There
3 are no innocent Jews, especially in times of war.

4 So, there is here a call to action in
5 the sense that there are also sites available in Canada
6 which could be treated in the same manner as those --

7 THE CHAIRPERSON: Can I ask you a
8 question?

9 The term racialist, is it to be
10 distinguished from racist or any other term in the
11 technical parlance?

12 DR. HENRY: Yeah, I'm not sure. I
13 think this particular usage is to identify people who
14 are racists, and instead of using the term -- where the
15 writer urges all racists to act, he's using or she's
16 using the term racialist.

17 I think it's just a particular form
18 of that term, but I think it's designed essentially to
19 mean racists.

20 There is some literature, primarily
21 from Europe, where the term racist is not used, instead
22 it is racialist.

23 So, this writer may, in fact, be
24 influenced by something that he's read. Normally we
25 use the term though racist.

1 THE CHAIRPERSON: Thank you.

2 DR. HENRY: The attack on the Twin
3 Towers in New York is the work of Jews and the Israeli
4 government rather than Palestinians or even Osama Bin
5 Laden.

6 And essentially the message here
7 seems to be that war should be declared on Jews and
8 Arabs as a form of retaliation.

9 He also suggests, or advocates that
10 they should not be allowed into the country and those
11 that are already here should be deported, if not
12 killed.

13 This is followed by -- let me see if
14 I can just find that.

15 MS MAILLET: I believe the next thing
16 you refer to --

17 DR. HENRY: Is the letter from Paul
18 Fromm.

19 MS MAILLET: Which begins on page 3--

20 DR. HENRY: Three.

21 MS MAILLET: --I believe "Dear Canada
22 Firster", and then it continues on to page 4, signed at
23 the bottom by Paul Fromm.

24 DR. HENRY: What he's urging in that
25 letter is that we must observe a Canada or America

1 first policy in order not to get trapped by other
2 people's conflicts.

3 And he notes that both countries;
4 that is, the United States and Canada, should cease
5 letting the Israeli tail wag the dog of foreign
6 policies.

7 This suggests -- I think this is a
8 reference to a film of that name, and it suggests to me
9 that, again, the influence of Israel is so strong that
10 foreign policies of countries like the United States
11 and Canada are actually being influenced by it.

12 MS MAILLET: The next...

13 DR. HENRY: The next one is David
14 Duke.

15 MS MAILLET: I believe that starts
16 at...

17 DR. HENRY: Page 4.

18 MS MAILLET: Yes.

19 DR. HENRY: And it's also in
20 reference to September 11th.

21 And David Duke is fairly well-known,
22 I think, for his isolationist views, and this letter
23 also advocates an isolationist foreign policy for the
24 United States.

25 He also specifically notes:

1 "break the grip of this Zionist
2 power in our midst."

3 Again, there appears to be the
4 suggestion that behind the tragedy of September 11th is
5 Zionist control and power.

6 MS MAILLET: Now, I believe the next
7 article that you refer to about Bin Laden is at page 6.

8 DR. HENRY: Yes. This comes from --
9 well, it's identified as coming from an underground
10 Palestinian website, and in it a nuclear device is
11 describe which could:

12 "With one kaboom destroy half
13 the world's Jews and the
14 non-Jews who go up with them
15 will be dying for a very good
16 cause, the greatest cause of all
17 time, the survival, advancement
18 and expansion of the white
19 race."

20 So, again, it conforms to the
21 ideology of white supremacy and racism because it
22 suggests that many people should be annihilated in the
23 interest of a good cause, which is the expansion of the
24 white race.

25 MS MAILLET: Now, the next article

1 you refer to comments on September 11th from the B'Nai
2 Brith, I believe, are at page 9 of tab 20?

3 DR. HENRY: Yes, right at the top.

4 MS MAILLET: The B'Nai Brith article
5 seems to start at page 8 and then the comments are
6 afterwards.

7 MR. RICHARDSON: Are we still on Tab
8 20?

9 MS MAILLET: Yes, we are.

10 DR. HENRY: At page 8, in the middle
11 of the page, it says: "For Immediate Release", and
12 then it continues at the top of page 9.

13 The articles are reprinted and they
14 conclude with an editorial comment, again, that because
15 these organizations, or B'Nai Brith is a Jewish
16 organization that the Jews are trying to pass the buck
17 and direct attention elsewhere, and it again uses an
18 obscenity against them.

19 There were many more messages in this
20 very long newsletter, but they seem to be -- most of
21 them seem to be attacking the Jews and the state of
22 Israel who are essentially blamed for the September
23 11th attacks.

24 And, again, as I've noted, there's
25 racism, there's the ideology of white supremacy and

1 what is also strongly implied in some of them is that
2 Jews are not white.

3 Many of these messages contain
4 elements of destruction, of calling attention for the
5 need to destroy entire groups of people.

6 MS MAILLET: Now, if you could turn
7 to tab 23 of HR-1.

8 Again, it's another edition of the
9 Vinland Voice dated September 28th, 2001.

10 DR. HENRY: Yes.

11 MS MAILLET: Is this the document
12 that you looked at in forming your analysis at page 22
13 of your report?

14 DR. HENRY: Yes, it is.

15 MS MAILLET: If you would like to
16 take a minute to take a look at that.

17 DR. HENRY: This one starts with just
18 a statement about what Jews are responsible for. It
19 blames them for allowing Arab bombers into the country
20 and for making Arabs want to attack us.

21 It uses a considerable amount of
22 mockery and insult and it subverts the Pledge of a
23 Allegiance to:

24 "race-mixing rag of the
25 Jew-nited States of America."

1 It's followed by a -- just looks like
2 an extract from an article from somewhere which details
3 the statistical growth of the ethnic population in the
4 United Kingdom.

5 Although there doesn't appear to be a
6 commentary on this, its purpose seems to be to make the
7 readership feel very threatened and apprehensive about
8 the growth of numbers of people of colour in the
9 population of the United Kingdom.

10 And there's also a very long article
11 on hate crimes and the distribution of cards defining
12 such crimes that was distributed by the anti-Defamation
13 League in the United States.

14 We then move to "my life as a
15 diversity victim".

16 MS MAILLET: I believe that's found
17 on page 4 of tab 23.

18 DR. HENRY: This is from a writer
19 called Damien, and what he's saying essentially is that
20 his hometown has become an inter-racial hell hole
21 because blacks have become the majority on its city
22 council, and he describes that the meetings are:

23 "full of angry negroes shouting
24 at each other."

25 And that some have already -- some

1 measures have already been taken to cancel important
2 services in order to balance the budget.

3 We then move to --

4 MS MAILLET: Mr. Chair, I'm just
5 going to approach the witness because I'm wondering if
6 she has the same copy that I do here.

7 DR. HENRY: Now, I now move to the
8 images, but we have already dealt with the images.

9 THE CHAIRPERSON: Should the witness
10 be referring to perhaps the version of her report that
11 is in the binder.

12 MS MAILLET: That is in tab 64, yes.

13 THE CHAIRPERSON: It appears the
14 witness had prepared a previous draft; is that...

15 MS MAILLET: I believe that's what it
16 was, these are not in the same order.

17 DR. HENRY: It's just that I had
18 marked up my copy.

19 THE CHAIRPERSON: I see.

20 DR. HENRY: So, that's why I was
21 using it, but I see it's creating --

22 THE CHAIRPERSON: Well, perhaps you
23 could have both open at the same time, principally at
24 least for the order of the report that's before the
25 Tribunal.

1 DR. HENRY: Right.

2 We're on page 23 now.

3 MS MAILLET: And that still continues
4 with the Damien article?

5 DR. HENRY: Yes.

6 All right, so we're still up to the
7 letter by Damien, who then talks about a 'nigger
8 escaping prison and killing his uncle' and to a home
9 invasion that occurred in his town, which apparently
10 was also caused by another 'nigger'.

11 And that it took -- when his mother
12 called the police in regard to the home invasion, it
13 took a deputy 35 minutes to arrive, and the comment is
14 made: "and he was black also".

15 The article ends with a mocking kind
16 of refrain which says:

17 "diversity, got to love it."

18 This is a very strong anti-black and
19 anti-diversity kind of message, and what it seems to be
20 saying is that diversity is a bad thing and that,
21 particularly diversity in the form of blackness, will
22 damage the infrastructure of an entire town.

23 And I think that more or less takes
24 us pretty well through what is in my report on the
25 website material.

1 MS MAILLET: Thank you, Dr. Henry.

2 Now, in viewing all of this material
3 and in conducting your analysis of what is in the
4 material, did you form any type of opinion as to its
5 effects on either the targeted individuals or society
6 as a whole?

7 DR. HENRY: Well, I think hate
8 messages in general have a very strong impact because
9 they are attempts to de-stabilize democratic societies.

10 In a democracy, of course, freedom of
11 speech is constitutionally allowed, and so that many
12 groups can espouse their message, including messages of
13 hate.

14 Since the Internet was invented and
15 developed, many groups that espouse hatred and write
16 hate messages, of course, have used the Internet to
17 disseminate their information.

18 It appeared to me that one of the
19 many aims of some of these Internet websites is not
20 only to disseminate their message, but to recruit more
21 members.

22 And one of the ways that they attempt
23 to do this is to create a network by providing links to
24 other websites.

25 So, that if you tap into website "A"

1 you get a number of links to many others, and so a
2 whole network of message dissemination is available to
3 them.

4 THE CHAIRPERSON: You refer to a
5 study here by Burris, Smith and Strahm.

6 DR. HENRY: Yes, this had been
7 studied by these three writers who come to the
8 conclusion that there is now a universal world wide
9 network of hate groups of all persuasions operating on
10 the Net.

11 They studied hundreds of websites
12 that promote hate in a variety of text, graphic and
13 image forms.

14 So, my general conclusion from
15 reading that study is that the groups have a very --
16 potentially a great access to a very, very wide
17 audience.

18 And the messages that they promote
19 are messages of hate: They're messages of
20 anti-Semitism or anti-Jewishness, of Holocaust denial,
21 of white supremacy, of the inequality of the human
22 species really.

23 They're all messages that are in
24 contradiction or in opposition to the norms and values
25 of most democratic countries and societies.

1 They present an alternative
2 perspective, one which blames diverse groups, Jews,
3 blacks, other people of colour, homosexuals, et cetera,
4 for the ills of society, and they single out and target
5 and denigrate such people, their culture and their
6 views.

7 These messages are, therefore, not
8 only a danger to the groups that are being targeted
9 but, in a much broader sense, they are a threat to
10 society in general.

11 Within Canada, of course, we have a
12 very powerful multi-cultural society that is made up of
13 a hundred - probably more than that by now - of
14 different ethno-cultural groups.

15 Some of them have been here for
16 generations, many others are newcomers, and in order
17 for a multi-cultural society to continue functioning it
18 has to be accommodating to the diverse group of people
19 that make up its population.

20 Hate messages of this kind interfere
21 with the way in which people perceive each other and
22 can, therefore, lead to acts of discrimination.

23 I cite from a very early report on
24 this subject by Kaufmann.

25 THE CHAIRPERSON: Who's Kaufmann?

1 DR. HENRY: Kaufmann was a lawyer at
2 the time, I think he worked for the Justice Ministry,
3 but I'm not --

4 THE CHAIRPERSON: Is he from Montreal
5 Justice and then he became a judge at the Court of
6 Appeal?

7 DR. HENRY: Could be. A very strong
8 human rights advocate.

9 THE CHAIRPERSON: Okay.

10 DR. HENRY: Yes, I think it's very
11 one that you mention, because there was a report on
12 hate propaganda in Canada that was published by the
13 Justice Ministry as early as 1966 - which is really a
14 long time ago - and Mr. Kaufmann in that provided an
15 appendix in which he notes, in particular, that the
16 psychological literature on the subject agree that
17 people are persuadable and especially in times of
18 stress they're persuadable and they can be moved by
19 emotional appeals that are both inaccurate and
20 defamatory and, of course, he cites Hitler's Germany as
21 the case in point.

22 And he notes a statement that I've
23 quoted here because I think it really is very telling:

24 "Uncontrolled harassment of
25 minority target groups and the

1 uncontrolled repetition of
2 falsehoods and pseudo-facts can
3 leave behind a residue of
4 prejudice and hate among
5 non-target recipients, a seedbed
6 from which more wide-spread
7 incitement to hate and harm can
8 flourish."

9 So, therefore, hate crimes and, more
10 specifically, hate communications, messages of any kind
11 send out a powerful message to members of certain
12 groups that they are unwanted and unwelcome but, at the
13 same time, they also work to reinforce perhaps latent
14 racist sentiments in the majority populations.

15 So, they have a very powerful
16 influence, not only in defaming and harming the target
17 group but, as well, in sending out a message that
18 promotes discord, unease, threat among the majority
19 population as well.

20 Again, I note, for example, that
21 there is a psychological impact of hate messages on
22 target groups, that hate mongering can have profound
23 psychological and spiritual damage on people, that
24 defamatory messages violate the right to dignity, which
25 all members of a population should enjoy.

1 And I cite specifically from Kallen's
2 research on the impact of hate trials on a minority
3 target group which supports the general conclusions
4 that I've cited.

5 THE CHAIRPERSON: I don't understand,
6 he conducted research on the impact of hate trials?

7 DR. HENRY: On minority target
8 groups.

9 THE CHAIRPERSON: So, the hate trials
10 involved hate against those minority groups?

11 DR. HENRY: Yes.

12 THE CHAIRPERSON: And how the trials
13 themselves impacted on them?

14 DR. HENRY: Yes, yes.

15 THE CHAIRPERSON: Could you elaborate
16 on that?

17 DR. HENRY: In specific, there are a
18 number of trials that were analyzed, primarily the
19 Zundel trials, the first two or three of them, in which
20 the whole issue of Holocaust denial and Zundel's role
21 in promoting that message was the general focus.

22 Kallen's research is on those
23 particular hate trials.

24 THE CHAIRPERSON: So, the impact of
25 the amplification of the Holocaust denials--

1 DR. HENRY: Yes.

2 THE CHAIRPERSON: --through the trial
3 process on the target groups?

4 DR. HENRY: That's right, yes.

5 THE CHAIRPERSON: Okay. Mr. Kallen
6 is a researcher in Canada?

7 DR. HENRY: It's a woman actually,
8 and the article I think is cited in my bibliography.

9 THE CHAIRPERSON: Yes, it is.

10 DR. HENRY: It's a very important
11 piece.

12 THE CHAIRPERSON: What is the impact?
13 It was, I guess the implication was negative?

14 DR. HENRY: It was very negative,
15 yes. In fact, the article -- the whole research raises
16 some questions about whether people should be on trial
17 and given the attention, say, that Ernst Zundel
18 received.

19 In other words, that the trials
20 themselves -- the hearings and trials, all of which
21 he's undergone, provided him with a platform that he
22 might otherwise not have had.

23 As I recall, she doesn't come to any
24 definitive conclusions, but she raises that as a
25 possibility.

1 THE CHAIRPERSON: Thank you.

2 MS MAILLET: If you could continue.

3 DR. HENRY: Yes. And then there is a
4 citation of a bulletin of the American Psychological
5 Association which talks about what happens to people
6 when they have been subjected to hate mongering.

7 Essentially, symptoms of
8 post-traumatic stress disorder, anger, depression,
9 physical ailments, et cetera.

10 And there is a fair amount of
11 research on this subject, that victims of hate and
12 victims of racism suffer from a variety of physical and
13 psychological ailments, they experience a wide variety
14 of symptoms, and some of these are listed and cited
15 from a number of studies that have been conducted on
16 the effects of hate messages on the physical and
17 psychological health and ill health.

18 THE CHAIRPERSON: Mr. Kulbashian,
19 you're standing up, but...

20 MR. ALEXAN KULBASHIAN: Just figured
21 maybe I'd let her finish so I wouldn't interrupt her.

22 She's not exactly here to give expert
23 evidence on any kind of psychology, any kind of
24 psychological -- she didn't basically state she was an
25 expert in psychology or anything like that and I don't

1 believe her to be and she hasn't been tendered as such.

2 So, I believe that this kind of --
3 it's not only hearsay, it's somebody else's evidence,
4 their credentials haven't been checked, so, it's like
5 bringing expert hearsay evidence from unevaluated
6 experts to the Tribunal, which causes a lot of
7 prejudice.

8 MS MAILLET: She's simply citing, Mr.
9 Chair, something that she read in the American
10 Psychological Association.

11 And, as well, it's our position that
12 Dr. Henry's incredible experience and knowledge in the
13 area of racism has led her to examine other areas.

14 As she said yesterday, there are many
15 things that go into social sciences including
16 psychology, politics, history, and so on, and that is
17 all encompassing in terms of being an expert in the
18 area of racism.

19 It's my submission that that was
20 something that she would have an expertise in, and
21 we're not tendering her as an expert in psychology,
22 we're tendering her as an expert in racism.

23 MR. ALEXAN KULBASHIAN: Is there --
24 okay, I better sit down.

25 Is there, again, a very loose

1 definition of what expertise is? Because reading her
2 degree section in her CV, I see Brooklyn College
3 Department of History and also Ohio State University,
4 sociology and anthropology, and I don't see anything
5 about psychology in there.

6 And if the word expertise is going to
7 be used in a very loose sense, then that's also very
8 dangerous for, you know, because you can say any level,
9 like, reading any article, watching three episodes of
10 heart surgery on TLC gives you expertise, so...

11 THE CHAIRPERSON: Except the
12 suggestion here is that this aspect of psychology is
13 related intricately with racism and, in that context,
14 awareness has been made.

15 I take your point, Mr. Kulbashian. I
16 think it's an important argument that you can make.

17 I think that it is -- in effect, as
18 you say, it is a form of hearsay and we know how we've
19 been treating hearsay in this case and how the Tribunal
20 does treat it.

21 But I'm mindful of your point, and
22 you can certainly bring it up in argument. I don't
23 think that the witness cannot go there in terms of her
24 evidence, but I think that you raise some significant
25 points in terms of this aspect of her testimony.

1 MR. ALEXAN KULBASHIAN: Thank you.

2 THE CHAIRPERSON: Take a note and
3 bring it back again in your final arguments.

4 But I do think that it does -- I
5 accept, if you will, the explanation provided by Ms
6 Maillet in terms of the global context in which her
7 expertise touches upon other areas, but it certainly is
8 not indicated to be her principal expertise, and I
9 accept your argument on that, but I will allow the
10 question.

11 MR. ALEXAN KULBASHIAN: I hope I
12 wasn't interrupting.

13 THE CHAIRPERSON: Mindful of your
14 comments, I will allow the question.

15 MR. ALEXAN KULBASHIAN: All right,
16 thank you.

17 MS MAILLET: Dr. Henry, if you could
18 just continue, if you recall, where you were at there.

19 DR. HENRY: Yes. Well, I have cited
20 a number of other specialists who have studied the
21 effects of hate message , hate propaganda and so on.

22 There is another quote from Delgado
23 who talks about racial language which injures the
24 dignity and self-regard of the person to whom it is
25 addressed.

1 I have cited Delgado's material here
2 because of the important role that language has been
3 put to use in hate messages.

4 We've had examples throughout of
5 mockery, of trivialization, of the attempt to use
6 humorous language on very serious issues and so on, the
7 use of very strong hyperbolic language and the like.

8 So, this quote is really designed to
9 show the effect of such language on the people to whom
10 it is addressed.

11 THE CHAIRPERSON: Who is Delgado?

12 DR. HENRY: Delgado is a very, very
13 famous critical race theorist in the law. He is part
14 of, as is Matsuda, who is a psychologist, who worked in
15 an area called critical legal theory, and it is a field
16 that relates racism, terror, hate and related subjects
17 to basically how the law should view such human
18 activity from a critical perspective.

19 THE CHAIRPERSON: Are these Canadian
20 or American?

21 DR. HENRY: They are American.

22 So, this section concludes with the
23 estimate of 3,000 hate websites at any one time and
24 points attention to, again, to the effects -- potential
25 effects on individuals and groups as noted, and then I

1 just quoted a little piece of a bulletin from UNESCO,
2 which said that:

3 "acts of racial violence are
4 increasingly perpetrated by
5 people whose main contact with
6 racist politics is through the
7 Internet reached "via their
8 computer keyboards"...",

9 to indicate the power that messages such as this on the
10 Internet have.

11 MS MAILLET: Thank you, Dr. Henry.

12 So, in conclusion, what do you come
13 up with in conclusion in your report after having
14 reviewed, again, the materials that were provided to
15 you?

16 DR. HENRY: Well, my general
17 conclusion is that the material that I've read
18 constitutes hate propaganda in a variety of forms
19 ranging from news items, to speeches, to jokes and so
20 on.

21 They all have in common virulent
22 anti-Semitism, anti-black sentiments, although the
23 prejudice is also expressed against a wide variety of
24 other ethnic groups as well.

25 They exhibit very strong racist

1 ideologies and, in my opinion at least, expose viewers
2 or readers to hate and to contempt.

3 I think the reader or viewer of these
4 messages is exposed to a level of anger, a level of
5 stress which, in turn, may make people quite
6 apprehensive and become fearful for themselves, their
7 lives, their properties and so on.

8 Again, I'm pointing to the dangerous
9 effects of negative stereotypes, stereotypes being used
10 in many of these messages, and especially the vast
11 usage of negative stereotypes in the section on the
12 racist jokes.

13 In general, I think the effect on the
14 reader or the viewer is to reinforce the view that
15 certain people are inferior and that they have no
16 redeeming qualities.

17 As well, there is the underlying
18 threat to de-stabilize the values and norms that
19 democratic societies and democratic institutions are
20 based on, and especially in countries like ours which
21 have increasingly become diverse and multi-cultural.

22 MS MAILLET: Thank you very much, Dr.
23 Henry.

24 That concludes my questions to this
25 witness. Perhaps it's a good time to take the morning

1 break.

2 THE CHAIRPERSON: Yes, we'll take our
3 morning break at this time.

4 And who will be begin the
5 cross-examination.

6 MR. RICHARDSON: I will.

7 THE CHAIRPERSON: Mr. Richardson.
8 All right.

9 REGISTRY OFFICER: All rise.

10 ---Recess taken at 11:00 a.m.

11 ---On resuming at 11:30 a.m.

12 REGISTRY OFFICER: All rise.

13 Please be seated.

14 MS MAILLET: Mr. Chair, yes, I just
15 have an issue that I'd like to deal with.

16 And, as well, I hadn't asked Mr.
17 Warman if he also had questions for the expert, so....

18 The exhibits that were produced as
19 HR-11, 12 and 13 today, which were the extra documents
20 that parties didn't have copies of, I looked into it
21 and this is what's happened is that there was Tri-City
22 Skins material from the website that was put in as
23 evidence through Mr. Warman.

24 THE CHAIRPERSON: Yes.

25 MS MAILLET: There was also a CD that

1 was disclosed to the parties.

2 THE CHAIRPERSON: Thank you.

3 MS MAILLET: That CD was never put
4 into evidence.

5 THE CHAIRPERSON: Okay. So none of
6 this material is to be found in James Richardson's hard
7 drive, HR-2, the CD?

8 MS MAILLET: No. It's a separate CD.

9 THE CHAIRPERSON: I see.

10 MS MAILLET: So, because it hasn't
11 been put into evidence, we're going to have to exclude
12 it from -- I mean, the documents that have a number at
13 the bottom, WA-115, 116 and 117 were all previously
14 disclosed, but they weren't identified by a witness.

15 THE CHAIRPERSON: Okay. So, you wish
16 to negate the evidence that was made with respect to
17 those documents?

18 MS MAILLET: Yes, we're going to have
19 to exclude that evidence.

20 MR. RICHARDSON: Does that mean that
21 we don't touch on it as well, just to clarify...

22 THE CHAIRPERSON: Well, I have to be
23 -- yes, I need a clear position from the complainant
24 and Commission.

25 MR. ALEXAN KULBASHIAN: Would it

1 include all these documents that we were talking, were
2 the Internet sites involved as well?

3 THE CHAIRPERSON: Well, that's what
4 we're talking about, but I want to get a clear
5 expression of an opinion here.

6 MS MAILLET: HR-11, HR-12, HR-13, and
7 HR-14.

8 THE CHAIRPERSON: All right. So, is
9 it the position of Commission/complainant to withdraw
10 the Exhibits HR-11, HR-12, HR-13 and HR-14?

11 MS MAILLET: Yes.

12 THE CHAIRPERSON: Yes? I'm sorry, I
13 have a tendency to go to first one at the podium.

14 And that would mean all evidence
15 related thereto is also to be considered as not having
16 been put forth to the Tribunal?

17 MS MAILLET: Unfortunately, yes.

18 THE CHAIRPERSON: Any objections?

19 MR. ALEXAN KULBASHIAN: No objection.
20 I just also clarify, also evidence that was supplied in
21 her report on these items--

22 THE CHAIRPERSON: Right.

23 MR. ALEXAN KULBASHIAN: --would be,
24 like...

25 MS MAILLET: That's what we're

1 talking about.

2 THE CHAIRPERSON: That's implicit.

3 So, perhaps I will take the time
4 later to actually strike a line through that aspect of
5 her report.

6 But clearly her evidence, as we've
7 seen, reflected what was in the report, the evidence of
8 this witness. She was basically following along the
9 report.

10 So, clearly the aspects of the report
11 pertaining to these four items, the four documents are
12 not in evidence.

13 I will treat them as not being in
14 evidence.

15 MR. ALEXAN KULBASHIAN: I will just
16 confer with my --

17 THE CHAIRPERSON: Yes, please.

18 MR. ALEXAN KULBASHIAN: Okay. Then,
19 obviously I agree to have it withdrawn.

20 THE CHAIRPERSON: It would be odd if
21 you did not.

22 So, okay, hand these back. (handed)

23 MR. ALEXAN KULBASHIAN: Also James,
24 you're --

25 THE CHAIRPERSON: You're in

1 agreement?

2 MR. RICHARDSON: Yes.

3 THE CHAIRPERSON: Try not to speak
4 for both.

5 I'll just note it here.

6 Just give me a moment, please.

7 MS MAILLET: Thank you.

8 I believe Mr. Warman has a question.

9 THE CHAIRPERSON: Yes.

10 EXAMINATION BY MR. WARMAN:

11 MR. WARMAN: Dr. Henry, does the
12 removal of Exhibits HR-11 to 14 and the analysis you
13 did in relation to them alter your conclusions
14 regarding the nature of the rest of the material you
15 reviewed in preparing your report?

16 DR. HENRY: No.

17 MR. WARMAN: In that case, does this
18 alter the conclusions you reached in your report?

19 DR. HENRY: No.

20 MR. WARMAN: Thank you.

21 Those are all my questions, Member
22 Hadjis.

23 THE CHAIRPERSON: Thank you.

24 CROSS-EXAMINATION BY MR. RICHARDSON:

25 MR. RICHARDSON: Hello, Dr. Henry.

1 How are you?

2 DR. HENRY: Good morning.

3 MR. RICHARDSON: I'm not a lawyer, so
4 I'm not as organized as Mr. Warman and Ms Monette, so
5 you just have to bear with me. I might jump around
6 just a little bit.

7 You read over the jokes in, I believe
8 it's HR-1, tabs 7 and 8 -- yes, tabs 7 and 8. We don't
9 really need to refer to them, I just want to talk about
10 the jokes.

11 You stated that ethnic jokes are
12 jokes of religion, race, creed, sex make a negative
13 impact on society, they can belittle people, cause them
14 to have self-esteem issues and whatnot; is that
15 correct?

16 DR. HENRY: Are you -- just for my
17 clarification, are you referring to my oral testimony
18 or some text material from the report?

19 MR. RICHARDSON: Actually a little
20 bit of both, but mostly I got most of it from the
21 actual written testimony that you prepared.

22 THE CHAIRPERSON: You'll have to be
23 mindful, Dr. Henry, that Mr. Richardson was absent
24 yesterday for the first part of your oral testimony, so
25 it's not likely that he would have any idea, aside

1 what's been reported to him from Mr. Kulbashian.

2 However, I think we would all agree
3 that your oral testimony for the most part reflected
4 what was in your written report; correct?

5 MR. RICHARDSON: Indeed.

6 DR. HENRY: Correct.

7 MR. RICHARDSON: Just in general, any
8 joke against race, religion, creed, sex would have a
9 negative impact on society was the understanding that I
10 got, in general?

11 DR. HENRY: Yes, when those jokes
12 contain negative stereotypes.

13 MR. RICHARDSON: What about jokes
14 against Newfoundlanders, Newfie jokes, women jokes or
15 jokes that start off with a Rabbi, a Minister and a
16 Priest walk into a bar, you know, jokes that are
17 commonly used every day; would that fall into the same
18 category?

19 DR. HENRY: If those jokes contain
20 negative stereotypes about people, yes.

21 MR. RICHARDSON: I don't want to
22 lead. So, what are the differences between a joke
23 about a black man or a joke about a Newfoundlander
24 being both negative, I guess the question would be,
25 would it be the same negative stereotype if there was a

1 negative in the question?

2 DR. HENRY: Yes.

3 MR. RICHARDSON: So, if the Prime
4 Minister of Canada made a joke, just say, referring to
5 Newfoundlanders, Newfies, would that be considered a
6 racist or a negative remark?

7 DR. HENRY: If the joke that the
8 Prime Minister relates contains a stereotype against
9 Newfoundland people, yes.

10 MR. RICHARDSON: So, would it be fair
11 to say that on a day-to-day basis the majority of
12 population in North America says jokes that they're
13 discriminating to some race, religion jokes, creed or
14 sex one way or the other jokes and those people are not
15 racist?

16 MR. WARMAN: Objection. He's
17 testifying in terms of the majority of people in North
18 America --

19 MR. RICHARDSON: I'll rephrase the
20 question.

21 THE CHAIRPERSON: Okay, rephrase it.

22 MR. RICHARDSON: Have you heard any
23 of your colleagues say such jokes that would have any
24 -- like, that were said basically in humour and was
25 taken in humour but had negative impacts like towards

1 whatever they're --

2 DR. HENRY: I've heard people give
3 those kinds of jokes, yes.

4 MR. RICHARDSON: Did you take them,
5 like, as a joke or did you take them pretty much as --
6 you know, or were you offended, actually, would be a
7 good question?

8 DR. HENRY: All right. Speaking very
9 personally, if the situation warrants it, I challenge
10 people who tell jokes like that.

11 MR. RICHARDSON: Would it be fair to
12 say that most people don't in society, most people take
13 it as a joke?

14 DR. HENRY: I think that's a fair,
15 yes.

16 MR. RICHARDSON: Unless otherwise
17 offended, you know, if it was a black joke and it was a
18 black man.

19 DR. HENRY: Yes.

20 THE CHAIRPERSON: I guess the other
21 aspect of that question was, and the reaction that you
22 have, the challenging of such questions, does not occur
23 as commonly in the population at large?

24 DR. HENRY: Yes, I would agree with
25 that.

1 MR. RICHARDSON: You can go by the
2 term a joke is a joke is a joke?

3 DR. HENRY: Yes.

4 MR. RICHARDSON: Now, in tab 64, page
5 3, HR-1 -- sorry, book HR-1, tab 64, page 3, in the
6 second paragraph you have your analysis and you then
7 indicate your opinion.

8 THE CHAIRPERSON: I missed the page,
9 I'm sorry.

10 MR. RICHARDSON: Oh, sorry, it's page
11 3 in tab 64 in HR-1.

12 THE CHAIRPERSON: Okay.

13 MR. RICHARDSON: You stated that in
14 the form that:

15 "As my analysis will
16 demonstrate, it is my opinion
17 that these documents are not
18 only offensive but they expose
19 persons of Jewish, Muslim and
20 non-Christian religions."

21 Now, if a non-Christian had said
22 this, would you change your opinion on this comment?

23 MR. WARMAN: Sorry, I'm not sure that
24 the question is comprehensible, there's an if in there.

25 THE CHAIRPERSON: If a person had

1 said what, are you referring back to the jokes, I'm
2 sorry?

3 MR. RICHARDSON: Actually, no, no,
4 no.

5 THE CHAIRPERSON: Oh, the opinion.

6 MR. RICHARDSON: Just the opinion.
7 She basically states that Jewish, Muslims or
8 non-Christians would take offence to this.

9 So my question is: Would a
10 non-Christian take offence to something that a
11 non-Christian wrote?

12 THE CHAIRPERSON: So, if a
13 non-Christian wrote this type of material that she
14 studied in her report--

15 MR. RICHARDSON: She's citing Jewish,
16 Muslims and non-Christians.

17 THE CHAIRPERSON: All right.

18 MR. RICHARDSON: So, they would
19 basically not only be making fun of Arabs and Muslims
20 or Jews, but also themselves, a pagan example, or an
21 Odinist.

22 DR. HENRY: Could you repeat exactly
23 the question that you want me to answer?

24 MR. RICHARDSON: Basically you're
25 stating that the jokes were against the exposed

1 persons, the Jewish, Muslim, non-Christian faiths,
2 persons that are black and other non-Caucasian races,
3 individuals and nationalities ethnic or religion.

4 See, you're basically assuming that a
5 Christian had written these jokes or a Christian is the
6 one that is speaking.

7 What if he was a non-Christian; if a
8 Jewish man made a similar joke?

9 DR. HENRY: I think I understand what
10 you're saying, and I think you're getting to the point,
11 is it -- in my opinion you're asking me, is it
12 appropriate, say, for a Jewish person to tell Jewish
13 jokes, for a black person to tell black jokes, for a
14 Newfoundlander to tell Newfie jokes.

15 Is that what you're asking?

16 MR. RICHARDSON: Well, no, because I
17 just go by the assumption that any harmful joke would
18 be harmful.

19 I guess it wouldn't matter, I mean --
20 I guess what I'm trying to say is, that you assume that
21 a non-Christian or a Christian had written the articles
22 in the literature that you're referring to throughout
23 your pamphlet.

24 My question basically is: Would your
25 opinion be the same if it was a non-Christian that

1 wrote the articles, either a Jewish or a Muslim,
2 Odinist; like, would it have the same effect on society
3 because he is one of the minorities that we're talking
4 about?

5 THE CHAIRPERSON: Just a moment.

6 Would your opinion be the same if the
7 maker of these statements was--

8 MR. RICHARDSON: Was Jewish.

9 THE CHAIRPERSON: --himself or
10 herself a member of those groups?

11 DR. HENRY: Yes. My opinion would be
12 the same.

13 MR. RICHARDSON: It would be the
14 same?

15 DR. HENRY: Yes, it would be.

16 THE CHAIRPERSON: Well, perhaps I'm
17 speaking in the abstract and not in the context of this
18 particular material, but in the abstract, the usage of
19 - referring perhaps to the jokes that are made by
20 members of the actual groups publicly, we certainly
21 know of performers that do that; how is that to be
22 perceived from the perspective of a person in your
23 expertise?

24 MR. WARMAN: Sorry, I'm just
25 wondering if we can clarify that, in fact, the jokes

1 that we're referring to are on the Internet, so there
2 is no context as to - unless the person states I am "x"
3 "y" or "z", there's no context to who was actually
4 making the jokes.

5 THE CHAIRPERSON: There is no
6 context.

7 MR. RICHARDSON: There's no context
8 either way.

9 THE CHAIRPERSON: Well, I suppose in
10 terms of the question that was posed it was an abstract
11 question that was posed about the jokes just now.

12 Certainly there is no -- I don't know
13 if there is any evidence indicating who wrote these
14 jokes and who put them on the Internet.

15 I see your point, Mr. Warman, but
16 these are hypothetical questions, I guess.

17 I've lost track of the question;
18 do you recall it?

19 DR. HENRY: I'm as confused as you
20 are by now.

21 THE CHAIRPERSON: I will just let Mr.
22 Richardson continue then.

23 It was in the same vein I think.

24 MR. RICHARDSON: Now, I want to read
25 something to you and I want you to, in your opinion,

1 tell me if you would consider it a racist comment or
2 not.

3 "Judaism is a crime syndicate
4 masquerading as a religion."

5 THE CHAIRPERSON: You're reading from
6 something that's in front of me?

7 MR. RICHARDSON: Oh yes.

8 THE CHAIRPERSON: Where?

9 MR. RICHARDSON: That would be HR-1,
10 tab 20, page 3, halfway down. I didn't think we needed
11 to refer to it.

12 THE CHAIRPERSON: I prefer it, so I
13 can mark it off. So, HR-20--

14 MR. RICHARDSON: HR-1, tab 20, page
15 3.

16 THE CHAIRPERSON: HR-1, tab 20, page
17 3, and how far down?

18 MR. RICHARDSON: Halfway down, just
19 under 'Tripp'.

20 THE CHAIRPERSON: Right, it's a
21 single line statement.

22 DR. HENRY: Yes, and you're asking is
23 this a racist statement?

24 MR. RICHARDSON: Yes.

25 DR. HENRY: Yes, it is.

1 MR. RICHARDSON: It was taken from
2 the Chronicles of the Holy Grail, which is a movie made
3 in the UK done about 20 years ago.

4 I guess it wouldn't be all right, so
5 I guess that's not the question.

6 Can different people see this in
7 different ways? Obviously they weren't trying in the
8 movie to -- well, I'm assuming they're not trying to
9 offend the Jewish population, more or less just trying
10 to make a joke, and anybody of any different race or
11 religion would take that joke in different ways. Is
12 that correct?

13 DR. HENRY: Yes.

14 MR. RICHARDSON: In your opinion, is
15 it common for such statements, or any one of those to
16 make it into the movies or film, television even, the
17 news and any of those articles or any of those comments
18 just like this could be taken out of text?

19 Because if I said this -- if this was
20 on a racist web page obviously they're making racial
21 overtones.

22 So, if it was in a movie that has
23 nothing to do with anything racial, just a comedy, you
24 know, people are going to take that as, you know, as a
25 joke, but we find these everywhere in society today and

1 --

2 THE CHAIRPERSON: Maybe you can get
3 to the question. Is that your objection?

4 MR. WARMAN: No, but just that he's
5 testifying these are found throughout society today.

6 MR. RICHARDSON: I'm not testifying
7 to anything that nobody already knows.

8 MR. WARMAN: Objection. That's
9 testimony in and of itself.

10 THE CHAIRPERSON: Be careful how you
11 coin your phrase. But I think I get your point.

12 So, what's your question though? I
13 think we've all kind of gotten your point about how one
14 finds these types of statements in different
15 environments, aside from the fact that this statement
16 comes from a fairly major film from Britain.

17 So, your question then is...?

18 MR. RICHARDSON: Well, she sort of
19 answered. I guess the question was, you know, like,
20 that comment can be taken --

21 THE CHAIRPERSON: Is the word you're
22 looking for context?

23 MR. RICHARDSON: The context, yes,
24 like, they're saying one thing but they're not meaning
25 it as the way they say it, it's just meant as a joke.

1 So, I guess, my question would be,
2 you know, does this happen in everyday, like, does this
3 happen every day or is this like --

4 DR. HENRY: Okay, I think I can --

5 THE CHAIRPERSON: After all that?

6 DR. HENRY: I think I can answer it,
7 because I think you're right.

8 Racist comments, jokes, sentiments
9 appear in movies, they appear in literature, they
10 appear on television, they appear all over, but that
11 does not mean they're any the less racist.

12 Nor does it mean that even in small
13 ways racist messages are disseminated through these
14 kinds of comments in movies, films, television and so
15 on.

16 THE CHAIRPERSON: That last part,
17 doesn't mean a racist message is not necessarily
18 disseminated from --

19 DR. HENRY: No, what I mean to
20 communicate is that although these things happen all
21 the time in the movies and literature and television
22 and so on, their very presence -- their very prevalence
23 in society does not mean that they are not racist.

24 In other words, the racist message
25 that underlies such comments, jokes and so on is still

1 being disseminated.

2 MR. RICHARDSON: Now, would it be
3 fair to say that a comment like this that is found on a
4 racist website, the chances are that the majority --
5 the majority of the chances are that the person that
6 sees this would be there on his own accord, willingly
7 looking and reading this, but the gentleman that goes
8 and sees it in the movie who isn't expecting at all
9 would caught more off guard than he would be by going
10 to the racist site and seeing it?

11 DR. HENRY: I think so, yes.

12 MR. RICHARDSON: I just want to read.
13 Would that same statement about,
14 "Judaism being a crime syndicate masquerading as a
15 religion", is it more hurtful and harmful to the Jewish
16 population for people that see it in the movies or the
17 people that -- or would it be worse for people that go
18 and look at it on line and looked at it on the web
19 page, basically the people that are going on the page,
20 as I said before, are looking for that content, the
21 people in the movie are not.

22 So, is it more harmful to the
23 everyday average person, or is it more harmful to the
24 racist who is viewing the site?

25 DR. HENRY: I'm afraid I really

1 wouldn't be able to say.

2 MR. RICHARDSON: That's fair enough.
3 That's fair enough.

4 In your opinion, or your terms, can
5 you tell me what the word Holocaust means.

6 DR. HENRY: Annihil -- well...

7 MR. WARMAN: Objection. That
8 question's been asked and answered yesterday.

9 THE CHAIRPERSON: That's true, we did
10 go through it in the context of her examination on her
11 expertise.

12 MR. RICHARDSON: I'm not examining
13 her expertise, I actually just want the meaning of the
14 word.

15 THE CHAIRPERSON: For the purpose of
16 getting Mr. Richardson up to steam, let's -- I don't
17 want to get overly caught up in this, we had a long
18 discussion on the term yesterday.

19 MR. RICHARDSON: It actually relates
20 to other questions I have in the future.

21 THE CHAIRPERSON: That's right.

22 Let's hear -- I want to hear one
23 definition from the witness, and please use that, and
24 don't start -- well you weren't here yesterday and I'm
25 not going to allow -- no, no, that was permissible.

1 I'm not saying -- it's just that I don't want to go
2 back into what was said yesterday just because you
3 weren't here.

4 MR. RICHARDSON: I did take the time
5 last night to speak to Alex and I'm not trying to go
6 over --

7 THE CHAIRPERSON: Let me just say it
8 once more.

9 Let me hear, again -- if you can
10 recall your definition as you provided it yesterday?

11 DR. HENRY: I believe I defined it in
12 its technical dictionary usage as annihilation of a
13 people.

14 MR. RICHARDSON: Not a specific
15 people, it could be any people?

16 DR. HENRY: Correct.

17 MR. RICHARDSON: Thank you. Can you
18 tell me what your opinion of the word genocide means?

19 DR. HENRY: I think it means the
20 same.

21 MR. RICHARDSON: So, genocide and
22 Holocaust, in your opinion, are the same word.

23 Are the Jewish people the only ones
24 in the world that suffered Holocaust or genocide?

25 MR. WARMAN: Exact repetition.

1 THE CHAIRPERSON: Precisely the
2 exercise we did yesterday with Mr. Kulbashian.

3 MR. ALEXAN KULBASHIAN: The question
4 that I had posed to her was whether or not she knew of
5 any, in the sense of about her knowledge of Holocaust
6 as opposed to what he's getting at, which would be --

7 THE CHAIRPERSON: Look, I'm not going
8 to allow us to waste a lot of time on the point.

9 After the discussions yesterday, it
10 became clear to the Tribunal that this witness, when
11 referring to the word Holocaust, while stating that it
12 was annihilation of a people, said later on that she
13 associates the term more frequently - I'm paraphrasing
14 words - as it is used in society with the genocide of
15 World War II.

16 MR. RICHARDSON: I still don't think
17 I'm touching on what Alex touched on. I'm way on the
18 other side.

19 It's just a coincidence that he asked
20 the same two questions, but I'm not trying to decipher
21 between the word genocide and Holocaust, I also believe
22 they're the same word, I'm not going anywhere near
23 that.

24 THE CHAIRPERSON: No, no, you follow
25 my point, that she also testified that she and others

1 associate it with, specifically the common parlance,
2 with that specific genocide.

3 MR. ALEXAN KULBASHIAN: Just the
4 question he was asking if there were other genocides
5 that happened in the world, he wasn't talking about --

6 MR. RICHARDSON: I don't have to use
7 the word Holocaust, I can rephrase it.

8 THE CHAIRPERSON: He used the word
9 Holocaust, and that's how we got into this whole debate
10 yesterday, if you recall.

11 MR. RICHARDSON: We can say the same
12 question genocide. To me it doesn't matter either way.

13 THE CHAIRPERSON: All right. So,
14 I'll pose the question.

15 MR. WARMAN: I'm going to object to
16 it. The exact same question was asked yesterday.

17 She testified to it yesterday. Were
18 there other genocides, she named a number of things.
19 The question has been asked and answered.

20 THE CHAIRPERSON: That's true, she
21 did that as well.

22 So, let's take it for granted there
23 have been other genocides in the world.

24 She cited as example the Rwanda
25 genocide, she cited the Armenian genocide, so...

1 MR. RICHARDSON: In your opinion, why
2 is it for the Jewish --

3 THE CHAIRPERSON: We hear chairs but
4 we don't see anybody getting up.

5 Let me hear questions first before
6 the chairs go up, okay.

7 MR. WARMAN: I'm still sitting.

8 MR. RICHARDSON: Why is the term
9 Holocaust used for what happened with Nazi Germany and
10 not the Holocaust used with Rwanda or the Armenians,
11 and why is that genocide?

12 Why isn't the term genocide used for
13 what happened to the Jewish in Nazi Germany?

14 THE CHAIRPERSON: That's a different
15 question, Mr. Warman, than yesterday.

16 MR. WARMAN: Sounds rather familiar.

17 THE CHAIRPERSON: Why, why is
18 Holocaust not used. I don't remember hearing the
19 'why'. I'll allow the question.

20 So, why is Holocaust only --

21 MR. WARMAN: I'm sorry. In fact,
22 it's just coming back to me now, the term was that it
23 has entered into the vernacular as referring to the
24 World War II genocide by the Nazis of Jews, gypsies,
25 communists, et cetera and that --

1 THE CHAIRPERSON: I didn't hear that
2 as -- that maybe a fact, but I didn't hear the reasons
3 why.

4 Look, I think we'll advance quicker
5 if we don't --

6 MR. RICHARDSON: And I'm going
7 exactly where you're going.

8 THE CHAIRMAN: Why has the term
9 Holocaust been associated with the genocide of World
10 War II?

11 DR. HENRY: I think I prefer to
12 answer that more indirectly.

13 Many people, including myself, prefer
14 to use the term Holocaust to refer to World War II and
15 its destruction of many different kinds of people.

16 There are many other people, however,
17 who will refer to other genocides in this century and
18 in earlier century also as Holocausts. So, it is a
19 matter of which term you prefer.

20 Now, in my personal opinion, and
21 others like me, I prefer to use the term, or refer to a
22 Holocaust as the World War II situation because the
23 term has become imbued with symbolic significance that
24 relates it to the World War II episode in history.

25 MR. RICHARDSON: By giving what had

1 happened in Nazi Germany its own name, like, Rwanda was
2 a genocide, the Armenian people was a genocide, like,
3 by standing out and giving what had happened its own
4 name, is it fair to say that you're actually - I want
5 to make sure I use the right word - yeah,
6 discriminating --

7 DR. HENRY: Or making one more
8 important than the other?

9 MR. RICHARDSON: That's exactly what
10 I was trying to get. Thank you very much.

11 DR. HENRY: No, no. I mean, my
12 opinion -- in my view a genocide, the killing, the
13 annihilation of any group of people is a violation of
14 human rights and human dignity, so...

15 MR. RICHARDSON: Would you classify
16 that as well to the Palestinian people?

17 MR. WARMAN: Objection. I don't
18 think Dr. Henry was finished her answer.

19 THE CHAIRPERSON: She stopped.

20 MR. RICHARDSON: Oh, I'm sorry if I
21 interrupted.

22 THE CHAIRPERSON: Was there more to
23 your answer?

24 DR. HENRY: Well, no, that's pretty
25 well what I...

1 THE CHAIRPERSON: I had a sense of
2 that, Mr. Warman, otherwise I would have said something
3 myself.

4 Go ahead.

5 MR. RICHARDSON: Do you consider
6 what's happening to the Palestinian people today
7 genocide, in your opinion?

8 DR. HENRY: I think it's very
9 difficult to use a general term to apply to all
10 specific situations.

11 Genocide almost always refers to, if
12 not the total destruction of a people, the almost total
13 destruction of a people, and I'm really not -- I do not
14 know how many Palestinians have been killed and I do
15 not know how many Palestinians remain alive, so
16 therefore, just as an aside, judging by the funeral of
17 Yasser Arafat this morning, there are many, many
18 Palestinians still alive, so I have a difficulty in
19 applying the term genocide in that situation.

20 MR. RICHARDSON: So, if Prime
21 Minister Sharon passed away tomorrow, would it be fair
22 to say that there would as many, if not probably more,
23 people at his funeral?

24 DR. HENRY: I suspect so, yes.

25 MR. RICHARDSON: So, if that would be

1 under the same following at all, then the Jewish people
2 did not get wiped out, they did not come those to
3 getting wiped out, so it would not be a Holocaust?

4 MR. WARMAN: Objection. We're
5 dealing with two completely different historical
6 contexts, two extremely different periods in history as
7 well.

8 MR. RICHARDSON: Mr. Chair, she...

9 MR. WARMAN: Can I finish my
10 objection, please.

11 So, what is happening is
12 mischaracterizing the evidence and saying ergo, if "x"
13 then "y", then surely "z" equals "y" as well, and
14 that's clearly not the case in terms of what has
15 happened in history with the experiences of current
16 situation in the Middle East with the Palestinians and
17 the historical experience of the Jews during World War
18 II--

19 THE CHAIRPERSON: I hear you.

20 Let me just rephrase that question I
21 think of Mr. Richardson and tell me if this would
22 satisfy what he's getting at.

23 Your comment just before your answer
24 seems to say that you're looking at the fact that the
25 Palestinians are still numerous and they have not been

1 annihilated, and then the question seems to be coming
2 from Mr. Richardson and so the Jews have not been
3 annihilated, so what is the distinction to be drawn
4 then if the fact that there hasn't been an annihilation
5 between the incidents in World War II and the incidents
6 over the last 50 year or 60 years?

7 MR. RICHARDSON: Because she just
8 stated that --

9 THE CHAIRPERSON: Because of the fact
10 that there's people still alive, the fact that there's
11 people still alive.

12 MR. RICHARDSON: And so the same
13 would go. If we were going to go by her terms then the
14 Holocaust never happened, because the Jewish race was
15 never that close to extinction?

16 THE CHAIRPERSON: Now you're arguing.
17 Now you're arguing the point.

18 You've asked the question.

19 MR. RICHARDSON: Yes, exactly.

20 THE CHAIRPERSON: So, in that
21 context, the fact -- is there a distinction to be
22 drawn?

23 DR. HENRY: I think we're all on
24 very, very murky ground here and it's extremely
25 difficult, you know, to make answers to -- that make

1 any sense.

2 What I said earlier was that the term
3 genocide is normally applied to the almost destruction
4 of a people.

5 Neither one of these groups have been
6 totally annihilated because their descendants still
7 live and exist today.

8 That does not mean, however, that
9 when large substantial numbers of people have been
10 killed, that the term genocide or, as in the World War
11 II case, Holocaust doesn't apply.

12 I think we're nitpicking really about
13 numbers, and my position is that the killing of large
14 numbers of people, for no reason other than because
15 they are of "x" religion or of "y" ethnicity, is a
16 crime against humanity.

17 MR. RICHARDSON: Then that would
18 almost answer one of next questions down the road,
19 which you don't need to, so there is no set number of
20 what would be considered, I guess, like a mass
21 murderers -- like, mass amount of murders to a genocide
22 or a Holocaust, there is no, like, set number, it's not
23 1.5 or 3 or 7?

24 DR. HENRY: Not to my knowledge.

25 MR. RICHARDSON: Are you an expert on

1 the Holocaust?

2 DR. HENRY: Not especially. I know a
3 fair amount about it but -- it's one of the areas that
4 I've researched, studied and so on.

5 MR. RICHARDSON: In your -- in HR-1,
6 tab 64, page 20 -- I'll wait until everybody gets the
7 page.

8 Right under Vinland Voice, right at
9 the top there, right under section 3, basically you're
10 stating that it's relevant because the Canadian based
11 newsletter, the Vinland Voice, but you stated earlier
12 that -- or it's been stated earlier, not just with
13 yourself but by all the other witnesses, that the
14 Vinland Voice, most of the articles were in there were
15 from other people and not only just in North America
16 but all over the world.

17 So, would it be fair to say that the
18 Vinland Voice wasn't just a Canadian based newsletter,
19 but a world wide white supremacist newsletter based in
20 Canada?

21 DR. HENRY: Yes, I think I would
22 agree with you and I believe - and I think this is my
23 error - I should have said Canadian published, or
24 Canadian disseminated, something of that sort.

25 MR. RICHARDSON: That's fine. That's

1 fine. I was just getting to my next question.

2 You stated that earlier the
3 difference between the term racial or racist, sorry,
4 and racialist and how the North Americans have become
5 to use the term racist where Europeans use the term
6 racialist.

7 DR. HENRY: Some Europeans, I think,
8 have used that term, yes.

9 MR. RICHARDSON: Mostly in the UK, if
10 I'm correct. You would probably know more than I
11 would.

12 Is it possible that the article in
13 the Vinland Voice where they use the term racialist all
14 that time in that one paragraph was written by somebody
15 outside of North America?

16 DR. HENRY: Yes, I think that's
17 possible.

18 MR. RICHARDSON: Thank you. And that
19 would include the September 14th issue, the one that --
20 well, basically states, I think all racialists should
21 come together and whatnot, does that apply the same?

22 DR. HENRY: I think it's possible,
23 yes.

24 MR. RICHARDSON: Thank you. And
25 something that kind of made me wonder today, you -- in

1 the same tab at page 21, in the third paragraph down,
2 you state:

3 "The writer blames Israeli
4 government rather than the
5 Palestinians or Osama Bin
6 Laden."

7 Now, the article was written on or
8 around September 14th. What makes you think that he
9 would have any other reason -- well, not just blame the
10 Palestinians, not blame the Jews, not to blame anybody,
11 but why -- you say rather than the Palestinians, like,
12 he should have blamed the Palestinians instead of the
13 Jews.

14 Why was it stated like that?

15 THE CHAIRPERSON: I just want to read
16 the excerpt.

17 Sorry, to interrupt I just wanted to
18 catch it.

19 MR. RICHARDSON: No problem.

20 THE CHAIRPERSON: Could you bring my
21 attention to that excerpt again?

22 MR. RICHARDSON: Okay. It's the
23 third paragraph in page 21, tab 64, the third line down
24 at the end it says:

25 "The writer blames the Israeli

1 government rather than the
2 Palestinians..."

3 THE CHAIRPERSON:

4 "...Israeli government rather
5 than the Palestinians or Osama
6 Bin Laden."

7 Sorry, I didn't see it. Go ahead.

8 MR. RICHARDSON: Well, my question
9 is, what would make you, I guess basically, like,
10 believe that the Palestinians or Osama Bin Laden should
11 have been blamed and not Israel at the time when, like,
12 none of us really know who the author intended to
13 blame, I guess he blames absolutely everybody.

14 But you specifically said:

15 "The writer blames the Israeli
16 pal government rather than the
17 Palestinians..."

18 So, you're suggesting the
19 Palestinians should have been blamed for that?

20 MR. WARMAN: Objection. Mr.
21 Richardson is interjecting testimony within his
22 question saying, well, I guess the author really blames
23 everybody and then moves on to actually ask a question.

24 MR. RICHARDSON: Well, what I meant
25 is because the author does say:

1 "All Muslims, all Jews..."

2 MR. WARMAN: Which doesn't seem to be
3 everyone.

4 THE CHAIRPERSON: When you make
5 references like that, make reference to what the author
6 does says specifically. Let's be clear about that.

7 MR. RICHARDSON: Okay, all right.

8 So, the same question but instead of
9 everybody, all Muslims, all Jews, all non-whites.

10 THE CHAIRPERSON: I lost your
11 question now. Could you repeat it.

12 DR. HENRY: Yeah.

13 MR. RICHARDSON: I'm just trying to
14 figure out why she said that we should blame the
15 Palestinians or Osama Bin Laden and not the Jewish
16 government or Israelis or anybody else.

17 "The writer blames the Israeli
18 government rather than the
19 Palestinians."

20 I mean, that comment right there
21 really makes me look like there's a bias and I hope
22 that's not the case.

23 I can't think -- I need to know what
24 that means and why it was worded that way, is my
25 question.

1 DR. HENRY: Well, I must say I'm
2 afraid I can't help you because I don't know.

3 I don't really remember whether by
4 September 14th this, for example, it had become
5 speculated that the attack was developed by Osama Bin
6 Laden.

7 MR. RICHARDSON: Well --

8 DR. HENRY: And nor was there any
9 evidence to my memory, which may be very selective
10 because this is some years ago, that there was
11 speculation that the Israeli government was behind the
12 attacks in New York.

13 THE CHAIRPERSON: I think the
14 question being asked --

15 MR. RICHARDSON: There was no
16 speculation that the Palestinians did it either.

17 You clearly wrote that you're taking
18 the blame off the Israeli government and you put it
19 right on the Palestinians.

20 Why didn't the author of this article
21 not blame Osama Bin Laden and the Palestinians instead
22 of the Jews, is basically how I gotten -- and if I'm
23 wrong I want you to correct me.

24 THE CHAIRPERSON: With respect to
25 your specific comment in your report that you've noted

1 than the author selected out of all the people in the
2 world to blame the Israeli government and not, for
3 instance, the Palestinians
4 or Osama Bin Laden.

5 Why did he not say not, for instance,
6 the Red Brigade or...

7 DR. HENRY: Because I suspect that by
8 the time of September 14th there had been speculation
9 that these two communities might have had something to
10 do with the attack.

11 But, again, I'm on very shaky grounds
12 because I don't really know if that was the case.

13 MR. RICHARDSON: If you didn't know
14 that that was the case, would it be proper for you to
15 write it this way?

16 I mean, do you find your statement
17 still correct today?

18 DR. HENRY: Well, the statement is
19 not correct because insofar as the public has received
20 knowledge, Osama Bin Laden has already, if his own
21 evidence is to be believed--

22 MR. RICHARDSON: Exactly.

23 DR. HENRY: --has already said that
24 he was responsible, or his organization was responsible
25 for the attack in New York.

1 MR. RICHARDSON: But as of September
2 14th, three days after the terrible incident in 9/11
3 people were leaning towards Osama Bin Laden, I'll
4 definitely give you that, but no one was ever leaning
5 towards the Palestinians, especially three days
6 afterwards, and most definitely not even now.

7 Osama Bin Laden has never ever had
8 proven links to the Palestinians and the Palestinians
9 were never ever the ones that were questioned further,
10 no one ever thought that it was them, not since day
11 one.

12 So, like, it still doesn't make any
13 sense why you would refer to it that way unless there
14 was some sort of bias.

15 MR. WARMAN: Objection. Mr.
16 Richardson is engaging in extensive testimony, he's
17 just said --

18 THE CHAIRPERSON: In part, yes, and
19 part argument.

20 MR. RICHARDSON: Just because --

21 THE CHAIRPERSON: I think you made
22 your point.

23 MR. RICHARDSON: And I really
24 apologize.

25 THE CHAIRPERSON: Mr. Richardson, I

1 think you have your point.

2 MR. RICHARDSON: Thank you.

3 THE CHAIRPERSON: We've heard the
4 answer from the witness?

5 MR. RICHARDSON: Just because
6 something popped in my head, just back to the jokes
7 just for one fast second, we don't even need to go to
8 the page.

9 When you read the jokes, I assume you
10 read them all?

11 DR. HENRY: Yes, I did.

12 MR. RICHARDSON: Or at least the
13 majority of them. Have you heard any of those jokes
14 before, other than from that page, like, any of the
15 jokes?

16 DR. HENRY: No.

17 MR. RICHARDSON: Do you think that a
18 lot of those joke are common?

19 DR. HENRY: They may be. I really
20 don't know.

21 MR. RICHARDSON: Do you think the
22 author of that web page created and wrote and made all
23 those jokes by himself?

24 DR. HENRY: No.

25 DR. RICHARDSON: These are all his

1 originals?

2 DR. HENRY: No.

3 MR. RICHARDSON: Would it be fair to
4 say that most of these jokes have probably been around
5 for a long --

6 MR. WARMAN: The witness has already
7 testified to the fact that she doesn't know the jokes,
8 hasn't seen them before, so any speculation on her part
9 is of little necessity.

10 THE CHAIRPERSON: Well, she said she
11 didn't see the jokes before she saw them, but she may
12 have some knowledge about how long -- what is to say
13 that she hasn't spoken to someone or inquired about the
14 nature of these jokes.

15 Yes, so you can ask your question.

16 MR. RICHARDSON: I forget my
17 question.

18 DR. HENRY: I think your question was
19 that, did I believe the jokes were written especially
20 by the one person for that, and I don't think that's
21 true. I think they're probably jokes that circulate
22 around that collected or she collected.

23 THE CHAIRPERSON: I have a question
24 also. Would you have any reason to know whether the
25 jokes have existed for a significant time, that they're

1 old jokes?

2 DR. HENRY: That I don't know.

3 MR. RICHARDSON: Fair enough.

4 From everything that I've seen, you
5 do have an extensive background - and no one's
6 definitely going to question anything you've done in
7 your past.

8 Did you ever research the culture of
9 racist or white supremacist skinheads throughout any of
10 your time, like, you're obviously an expert on hate and
11 hate messages.

12 In your research, did you research --

13 DR. HENRY: I have not personally
14 conducted research on skinheads.

15 MR. RICHARDSON: Well, not just
16 skinheads, like, I guess, white supremacists as a whole
17 or even racialists of any kind, even a black racialist,
18 like, just racialists in general,
19 like, why do they get their beliefs, what brings them
20 up to become that way, because you know, they're not
21 born that way.

22 I mean, does any of your expertise
23 state on any of your research -- I apologize.

24 THE CHAIRPERSON: I've got your
25 question I think.

1 Have you received any information to
2 be able to answer?

3 DR. HENRY: I have personally not
4 conducted research on the groups such as skinheads,
5 white supremacists and so on, but I have conducted
6 research on racists; that is, people who espouse racist
7 opinions and some of those people, in a large sample,
8 may very well have included people who also held white
9 supremist or skinhead views.

10 MR. RICHARDSON: So, I guess could I
11 ask kind of two questions, and you answered the first
12 one.

13 My second question would have been,
14 did you research in detail at all about why people
15 become racists or what gets them started, you
16 understand the form of my question?

17 DR. HENRY: Yes, I understand the
18 question.

19 No, I have been concerned, my
20 research primarily concerns itself with how racism is
21 expressed in a variety of institutions, situations, et
22 cetera.

23 I have not studied, for example, how
24 children at age three make racist comments. I have
25 not personally researched that, although I'm familiar

1 with most of that literature.

2 MR. RICHARDSON: Just from your
3 opinion then, can you give me an example, one or two
4 examples actually, of what might make a person become a
5 racist, not just the white supremacy, like it could be
6 a black racist, a Jewish racist, a white racist, it
7 doesn't really matter, just a racist in general.

8 What makes a person become racist, in
9 your opinion?

10 THE CHAIRPERSON: Based on your study
11 of the literature.

12 MR. RICHARDSON: Thank you.

13 THE CHAIRPERSON: I understand your
14 evidence being that you haven't done any individual
15 research on it.

16 DR. HENRY: Right. Some of the
17 factors I think that the literature reveals has been
18 depravation of a material or emotional kind, non-stable
19 family lives and networks, often poverty may be
20 associated with the development of that attitude and
21 the feeling that other people are taking things away
22 from me kind of thing.

23 Those are some of the factors that
24 the literature has identified.

25 However, it should also be said that

1 there are some known racists whose backgrounds don't
2 seem to include some of those very dimensions.

3 So, as with all human behaviour, you
4 can't really cite for every single person the same set
5 of causes.

6 MR. RICHARDSON: In your opinion,
7 just your opinion alone, do you think it's a crime or
8 should be a crime for someone to deny the Holocaust,
9 not to deny, just to say that they don't believe it
10 happened?

11 So, I guess, yeah, deny the
12 Holocaust?

13 DR. HENRY: I personally don't think
14 that is a crime for an individual to hold that position
15 as long as that individual does not make public efforts
16 to attract other people to that position or point of
17 view.

18 So, sitting in the privacy of your
19 own living room you can make such statements, but when
20 you appear on any kind of public platform with an
21 attempt to persuade others of your position, that is I
22 think where serious attention needs to be paid.

23 MR. RICHARDSON: All right. Now, I
24 wanted to form like a hypothetical question.

25 Hypothetically, just say someone had

1 written an article on the Vinland Voice, the newsletter
2 for white supremists and he stated that he was a
3 Holocaust denier - there's none there, I'm just using
4 hypothetically - and he was stating he wasn't -- in his
5 letter he's not stating that -- this is just his
6 opinion, my opinion is I do not believe the Holocaust
7 happened and that opinion was posted on a white
8 supremacist white website, visited by white supremists,
9 you know, if anybody else wants to go there, you know,
10 but people know what site they go on pretty much, would
11 that be portraying the same kind of hatred as well, or
12 would that be just stating his opinion?

13 DR. HENRY: No, I think because that
14 opinion is stated on a public website which, in theory,
15 is open to everyone, not only the people who espouse
16 the same views, so that is more than just holding a
17 private opinion, that is already posting that opinion
18 in a situation where anybody can read it and perhaps be
19 influenced or...

20 MR. RICHARDSON: Do you believe in
21 Canada that everybody should be allowed to have their
22 opinion?

23 DR. HENRY: Yes, absolutely.

24 MR. RICHARDSON: Do you think that if
25 we were in America today - and this is just your

1 opinion, I don't know if you have any knowledge of this
2 - that if we were living in the United States of
3 America and all this exact stuff happened but it
4 happened in the States, do you think we would be here
5 today?

6 MR. WARMAN: Objection. What is
7 happening here is not in the United States, we don't
8 live in the United States.

9 The Canadian Human Rights Act refers
10 to Canadian jurisdiction. The witness' opinion on
11 whether we were in Czechoslovakia or Australia or the
12 United States is irrelevant.

13 THE CHAIRPERSON: It's legal issue.
14 I don't know if this person is qualified to answer.

15 MR. RICHARDSON: Well, it's a freedom
16 of speech issue is where I was going with it, anyways.

17 THE CHAIRPERSON: Yes, but we are in
18 Canada.

19 MR. ALEXAN KULBASHIAN: Looking into
20 her CV, she has also spent some time in the U.S., and
21 we're not talking about Czechoslovakia or any other
22 country, as Mr. Warman stated.

23 THE CHAIRPERSON: That's true.

24 MR. ALEXAN KULBASHIAN: And that she
25 would have some knowledge and, yet he did state he was

1 asking a hypothetical question.

2 MS MAILLET: Perhaps if he could just
3 specify what the relevance of the question is with the
4 hypothetical about what would happen in the United
5 States.

6 I don't understand how that is
7 relevant to the proceedings here before you.

8 THE CHAIRPERSON: There is one thing
9 that comes to mind that may be relevant.

10 I saw some mention in documentation
11 that Mr. Warman brought in about how someone had
12 written at this point about how treatment in California
13 would be different than here.

14 There was some mention that the
15 server had been situated in the United States to avoid
16 prosecution in Canada. Was it Mr. Wilson who said
17 that, I believe.

18 MR. WARMAN: Yes. I can't remember
19 which of us introduced that evidence, but that was of
20 course from the websites themselves and not from me or
21 Mr. Wilson.

22 THE CHAIRPERSON: Yes, I meant in the
23 course of the material that was filed either by Mr.
24 Wilson or Mr. Warman. That is what I meant to say.

25 MR. RICHARDSON: And I think where

1 you're heading with that is the server was based in San
2 Diego, California.

3 THE CHAIRPERSON: California.

4 MR. RICHARDSON: So, it doesn't apply
5 to Canadian laws because the server itself was in
6 America.

7 THE CHAIRPERSON: This witness I
8 notice is very careful to only answer on questions she
9 feels confident enough to answer, so if the witness is
10 able to answer this question, I'll allow it.

11 So, the question was...?

12 MR. RICHARDSON: If we were Americans
13 and everything happened exactly the same way, in your
14 opinion, do you feel we would be here today?

15 DR. HENRY: Well, I'd have to say
16 that I really don't know.

17 I have not lived in the United States
18 for almost 40 years, so I would not at this point
19 hazard a guess as to what would happen in the United
20 States.

21 MR. RICHARDSON: All right, thank.

22 No one is doubting that you're an
23 expert on race relations.

24 In your research over the years, have
25 you looked at groups on the opposite spectre,

1 anti-racist people and their groups and their
2 affiliations, like, the Anti-Racist Action, for
3 example?

4 DR. HENRY: No, I haven't.

5 MR. RICHARDSON: Wouldn't -- it
6 doesn't matter.

7 THE CHAIRPERSON: The problem
8 sometimes when you prepare your questions in advance,
9 is when you get a 'no' it means you have to delete.
10 I see you' striking on your sheet.

11 MR. RICHARDSON: Yes.

12 The article that was written - I will
13 try to find it again - the article for September 14th,
14 2001, three days prior to -- or after September 11th,
15 obviously, the main article, the one that was blaming
16 the Jews, the Muslims for what had happened to
17 September 11th.

18 THE CHAIRPERSON: You're looking to
19 find the article itself?

20 MR. RICHARDSON: Yes.

21 THE CHAIRPERSON: Tab 20.

22 MR. RICHARDSON: Thank you very
23 much.

24 When you read this article over --

25 THE CHAIRPERSON: Let's give her a

1 chance to find it.

2 MR. RICHARDSON: Oh, sorry.

3 DR. HENRY: Okay, I think this is it.
4 Yes, September 14th, mm-hmm.

5 THE CHAIRPERSON: Mm-hmm.

6 We all have the page now.

7 MR. RICHARDSON: Okay, sorry, I
8 apologize.

9 Being someone who's an expert on hate
10 relations - and I'm just going to use hate relations
11 from now on because it's easier for me to spit out -
12 would you find this article confusing, someone who's, I
13 guess I'll get to the point, where someone who
14 obviously is trying to blame the Jewish or Israeli
15 people so much but he mixes in, you know, all Muslims,
16 Arabs, Jewish temples, Muslim Mossad temples.

17 Would you find this article, like, do
18 you find this article to make sense, would be my first
19 question? Does the author jump around, I mean?

20 THE CHAIRPERSON: In the sense of all
21 the groups that are being referred to, I think that's
22 what he means, is it consistent with your experience
23 about racial literature?

24 Am I correcting you correctly, is
25 that your question?

1 MR. RICHARDSON: Yes, that's my
2 question.

3 DR. HENRY: Yeah, I think it does
4 make sense. I don't -- I'm not sure about the word
5 confusing, but I think I made an attempt to understand
6 what the author was trying to say, and I believe this -
7 now I don't want to second guess the author here - but
8 he does think that a great many people are culpable
9 here and he says so.

10 Now, he says:

11 "We need to deport all Jews,
12 Muslims, Arabs and any other
13 known terrorist group...",
14 and so on.

15 "This is our country, our land
16 and we have to fight them...",
17 and so on.

18 I think the message to me is fairly
19 clear.

20 MR. RICHARDSON: Now, in your
21 documents you state that a lot of things are done and
22 said because of stress, amongst other things but
23 stress, anxiety and obviously post-9/11, especially
24 within the first couple of days a lot of people feel
25 stress and anxiety, and when I see this article - and

1 I'm just asking if you have the same opinion as me - I
2 see somebody that is just lashing out and lashing out
3 at everybody that he can think he can blame for this.

4 Would that be your opinion as well?

5 DR. HENRY: Yes, I agree, this is a
6 very distressed, angry person, yes.

7 MR. RICHARDSON: Have you done any
8 research on B'Nai Brith or JDL?

9 DR. HENRY: No.

10 MR. RICHARDSON: Do you know what
11 B'Nai Brith is?

12 DR. HENRY: Yes.

13 MR. RICHARDSON: Do you know what JDL
14 is?

15 DR. HENRY: Yes, I do.

16 THE CHAIRPERSON: JDL, is the Jewish
17 Defence League.

18 DR. HENRY: League.

19 MR. RICHARDSON: I believe it's an
20 American-based organization but it is here in Canada
21 now as well, and same with B'Nai Brith?

22 THE CHAIRPERSON: Is that your
23 understanding?

24 DR. HENRY: Yes, it is. Oh, I don't
25 know if --

1 THE CHAIRPERSON: With respect to
2 JDL?

3 DR. HENRY: I'm not aware that they
4 are in Canada. I don't know that.

5 THE CHAIRPERSON: You are aware that
6 they are in the United States?

7 DR. HENRY: Yes.

8 MR. RICHARDSON: Would you consider
9 them racist?

10 DR. HENRY: I don't want to evade the
11 question, but in all honesty, I would have to refresh
12 my memory as to exactly what the JDL's position is.

13 MR. RICHARDSON: Yeah. If you don't
14 remember, that's fine. That's fine.

15 THE CHAIRPERSON: On the B'Nai Brith,
16 do you consider them racist?

17 DR. HENRY: Well, B'Nai Brith is just
18 a community organization, it's Jewish community
19 organization. They do not engage in anything other
20 than public education and scholarships and lectures and
21 community meetings and things of this kind, at least
22 that's my understanding.

23 THE CHAIRPERSON: So, I surmise from
24 that that you do not consider the group to be racist?

25 DR. HENRY: I do not.

1 THE CHAIRPERSON: In answer to that
2 question?

3 DR. HENRY: Yes.

4 THE CHAIRPERSON: But your knowledge
5 of the JDL is insufficient?

6 DR. HENRY: The Jewish Defence
7 League, as my memory serves me, has a more militant
8 approach to the situation in the Middle East and
9 elsewhere, but it's been quite a while since I've read
10 any of their literature or heard any of their
11 proponents speak, so I really can't say at this point.

12 MR. RICHARDSON: That's fair enough.
13 That's fair enough.

14 Now, my next question was going to be
15 based on the JDL, but because you don't remember, and
16 that's so fair, I'll try to -- hypothetically speaking,
17 if you were to go on the JDL site today, do you believe
18 that there would be links to racist sites on there such
19 as the C.E.C.T.?

20 THE CHAIRPERSON: All the chairs are
21 going up.

22 MS MAILLET: She doesn't know about
23 the JDL.

24 MR. RICHARDSON: Well, yeah, but she
25 did indicate earlier she has been on the site.

1 THE CHAIRPERSON: But in asking a
2 hypothetical question.

3 MR. RICHARDSON: She has been on the
4 site in the past, so in her --

5 DR. HENRY: No, no, no. Excuse me.

6 THE CHAIRPERSON: No, I didn't hear
7 that.

8 MS MAILLET: No.

9 DR. HENRY: I didn't say I have been
10 on the JDL site. I have some knowledge--

11 MR. RICHARDSON: Oh, okay.

12 DR. HENRY: --of what they stand for,
13 but I haven't read or heard anything about them in
14 quite a long time.

15 MR. RICHARDSON: Okay.

16 THE CHAIRPERSON: I think it's going
17 fairly far afield, any answer that she would give to
18 that hypothetical question.

19 MR. RICHARDSON: Yeah, I guess so,
20 you're right. I'm sorry, I apologize. I'm not trying
21 to...

22 Do you believe that someone who had a
23 pro-Palestinian stance that they have an anti-Israeli
24 stance as well.

25 DR. HENRY: No, not necessarily.

1 MR. RICHARDSON: In your opinion, in
2 your research in the past would it be generally that
3 way?

4 DR. HENRY: I think many people
5 probably would agree with that statement, yes.

6 MR. RICHARDSON: In your opinion, can
7 you tell me why one that would be pro-Palestinian or
8 pro-Palestine would be anti-Israeli or anti-Semitic?

9 DR. HENRY: I gather that if you hold
10 a pro position one way or the other, you hold it so
11 strongly that the anti, the other side is almost
12 automatic.

13 In other words, there are people who
14 see this conflict as an either or situation and,
15 therefore, if you take a pro on one side you must take
16 an anti on the other.

17 I think there are many other people,
18 myself included, who take a more holistic view of that
19 contact, and any other conflict for that matter; that
20 is, you need to really examine both sides of the issue
21 to see what possible solutions to this kind of conflict
22 could be developed.

23 MR. RICHARDSON: Are you aware why
24 the conflict is on, like, how it started and why it's
25 still ongoing now today?

1 DR. HENRY: I have some knowledge of
2 the original history, yes.

3 MR. RICHARDSON: Which is...?

4 MR. WARMAN: Objection. Irrelevance
5 to the material in question in the complaint.

6 THE CHAIRPERSON: Where is it going?

7 MR. RICHARDSON: Well, I'm just
8 trying to decipher on different forms of racism,
9 different types of people that are racist, different
10 aspects of racism and this is just one of them.

11 I touched on it earlier, you know, I
12 was going to get on it with the B'Nai Brith and JDL but
13 she's not informed, so I left it at that.

14 And basically, like, I'm trying to
15 get to the point where one might have strong political
16 views and they might be--

17 THE CHAIRPERSON: Yes, okay.

18 MR. RICHARDSON: --they might be
19 racist towards another group, like, the Palestinians
20 whether it's the JDL, but it's not because of racism
21 or hatred, it's because of something that's happened to
22 them and the way they have been treated in the past
23 that has made them that way.

24 THE CHAIRPERSON: Certainly the
25 witness in her report dealt with Palestinian,

1 Israeli, Arab Jewish relations in terms of her
2 analysis, so I think we can start going in that
3 direction, but maybe not too far.

4 It's for context, I gather, it's for
5 your next series of questions.

6 So, what is your understanding of the
7 historical background to the creation of the Israeli
8 state; is that what your question is?

9 MR. RICHARDSON: That's exactly what
10 I want to know.

11 THE CHAIRPERSON: Well, can you be
12 more specific, that's...

13 DR. HENRY: No, I really -- I really
14 don't feel comfortable. I haven't, you know, reviewed
15 the historical circumstances in preparation for this
16 testimony, nor is the history of the conflict written
17 in detail in my report, so I really, in order to answer
18 that, I would have to go home and do some reading and
19 bring myself up to scratch.

20 THE CHAIRPERSON: Maybe you can be
21 more specific.

22 MR. RICHARDSON: Being an expert on
23 hate relations, especially, like, I mean, I don't
24 anybody that needs to research it, this is common
25 knowledge.

1 THE CHAIRPERSON: Well, maybe you
2 should move on to your next question and we'll see, if
3 it's common knowledge, then it will all be logical.

4 MR. RICHARDSON: All right.

5 In your opinion do you feel what's
6 happening to the Palestinians right now is being
7 genocide?

8 MR. WARMAN: Objection. That
9 question has already asked by Mr. Richardson.

10 MR. RICHARDSON: Did I ask that?

11 MS MAILLET: Yes.

12 MR. RICHARDSON: I don't think I
13 asked about the Palestinians right this current date,
14 right now.

15 MR. WARMAN: The specific question
16 has already been asked and answered. I can go back
17 through it in my notes and bring it up, if you wish.

18 MR. RICHARDSON: Did I --

19 THE CHAIRPERSON: Well, we have her
20 answer that she does not consider it to be genocide;
21 correct?

22 DR. HENRY: Correct.

23 MR. RICHARDSON: If I told you that
24 over 450,000 Palestinians have been killed over last 20
25 years, is that number high enough to be considered

1 genocide or are we still a mass murder?

2 MR. WARMAN: Objection. That is such
3 a loaded term. Is that genocide or is that just mass
4 murder and the term is 450,000 Palestinians killed, it
5 doesn't say killed by whom, by what, under what
6 circumstances. There's no context for it.

7 MR. RICHARDSON: Okay, I'll rephrase
8 that to 450,000 Palestinians killed by Israeli hands.

9 MR. WARMAN: That's testimony.

10 THE CHAIRPERSON: It doesn't mean
11 it's true, he'll have to prove it independently
12 unless this witness can confirm it.

13 He's putting it to the witness.
14 We're trying to deal with this issue of genocide, it
15 has a specific context.

16 I want everyone to understand. I
17 mean, I know that we're going all over the place, but I
18 know that at the core of this case is section 13 and
19 the complaint that is before us, rest assured, but we
20 are dealing with an area that reaches into all aspects
21 of global society, I'm mindful of that, and it's so
22 actual it's unbelievable we're watching on television
23 the changes that may be happening in Palestine today as
24 the witness points out.

25 But nonetheless, I'm mindful of what

1 we're talking about here is a specific human rights
2 complaint.

3 MR. RICHARDSON: Well, just because
4 earlier she stated that she couldn't put a number to
5 it.

6 THE CHAIRPERSON: No, you're putting
7 -- I understand your question. The respondent, Mr.
8 Richardson, is putting to you the fact that a large
9 number of Palestinians, he used a figure which he may
10 or may not be able to confirm, but 450,000 have died
11 and he used the term at the hands of Israelis.

12 Now, as we all know that may be in
13 the context of various wars that have taken place, or
14 we're all aware of the news.

15 So, in that context, does it change
16 your opinion on whether there is a genocide?

17 MR. RICHARDSON: Would that be
18 considered a genocide--

19 THE CHAIRPERSON: Would that be
20 considered genocide, is his question?

21 MR. RICHARDSON: --or would that be a
22 mass murder?

23 DR. HENRY: I suggested earlier that
24 I don't want to play a numbers game, you know, that
25 450,000 is genocide, six-million is Holocaust, I find

1 that it goes against my way of thinking, so there
2 really is very little I can say about that, other than
3 I believe that the annihilation of any community of
4 human beings on the grounds of race, religion,
5 nationality, personal opinions, views is an injustice
6 to the human species.

7 MR. RICHARDSON: So, wouldn't you
8 consider what's happening to the Palestinians an
9 injustice to the human species?

10 DR. HENRY: I think the whole
11 conflict is a hotly contested very, very difficult kind
12 of contestation between two groups in the world wide
13 society that is going to have to have some sort of
14 resolution.

15 MR. RICHARDSON: Okay. Have you
16 heard of a affirmative action in the States?

17 DR. HENRY: Yes, I have.

18 MR. RICHARDSON: Do you believe in
19 your opinion that affirmative action could make people
20 racist?

21 Do you believe that it could -- I'll
22 let you answer the first on.

23 DR. HENRY: I don't think affirmative
24 action as such makes people racist, but I do believe,
25 and there is I believe some research evidence that

1 supports it, that affirmative action reinforces the
2 racist ideas and sentiments that people already have.

3 MR. RICHARDSON: I was reading over
4 your documentation today on the way in the car and --

5 THE CHAIRPERSON: I hope you weren't
6 driving.

7 MR. RICHARDSON: No, no, no.

8 And in there somewhere you stated
9 basically that by singling out a specific race,
10 religion, creed, sex that can stem racism, it's a
11 stepping stone, by saying that Mr. Kulbashian because
12 he's Armenian, he can have special treatment or have
13 different jobs than just say Mrs. Monette because she's
14 something else, then that would make anybody that's not
15 an Armenian fingered out, like...

16 MS MAILLET: I object to the
17 question. If he could refer to the portion of her
18 report that he would like to bring her attention to--

19 THE CHAIRPERSON: I kind of lost
20 track also.

21 MS MAILLET: --he's paraphrasing
22 something in her report, but...

23 MR. WARMAN: Also, for the record,
24 it's Me Maillet not...

25 MS MAILLET: Mrs. Monette.

1 MR. RICHARDSON: What did I say? Oh,
2 Monette I've been calling you. Oh, I'm sorry, you
3 should have told me two weeks ago.

4 THE CHAIRPERSON: Your name can be
5 the same as a last name.

6 MS MAILLET: It is a surname, yes.

7 THE CHAIRPERSON: It is a surname.

8 MR. RICHARDSON: Maybe just, if you
9 don't remember what I'm talking about, instead of me
10 having to read your whole thing again...

11 I'll read it, no problem.

12 DR. HENRY: I have a vague memory,
13 but I'm not sure how you used it though in terms of the
14 comparison between these two individuals.

15 MR. RICHARDSON:

16 "Individual racism defined as
17 the attitude, belief, or opinion
18 that one's own racial group has
19 superior..."

20 THE CHAIRPERSON: Hold on. Slow
21 down, slow down. We would like to have the page
22 number.

23 MR. RICHARDSON: Page 4, tab 64.

24 THE CHAIRPERSON: Yes.

25 MR. RICHARDSON: It's actually all

1 throughout. I just opened this page and I'm going to
2 use this as an example.

3 THE CHAIRPERSON: Okay.

4 MR. RICHARDSON: She's basically
5 saying, this is what I've gotten from it, in my
6 opinion, you know, by singling out one race or one
7 thing will make everybody else feel anxiety toward
8 that, like, affirmative action was the point I used,
9 affirmative action was used to help blacks get jobs,
10 better education, whatnot, whatever they use it for.

11 Does that make -- in your opinion,
12 would that make other races feel that the blacks are
13 getting special treatment?

14 DR. HENRY: Well, that is a criticism
15 of affirmative action programs, that it unfairly
16 discriminates against the non-targeted groups.

17 MR. RICHARDSON: So, would it be fair
18 to say that in all aspects of society from previous
19 questions, in the news, in the media, in movies, over
20 the Internet, even with politicians and as far as the
21 federal government, that everybody has -- I guess the
22 point I'm trying to get is, in some way or another,
23 everybody is racist, you know, as far as, like, there's
24 no one safe from racism, there's no one that doesn't
25 use it, or very little - I won't say absolutely nobody

1 - but, like, everywhere we go in society race is being
2 pushed at us, sex is being pushed at us, religion is
3 being pushed at us and it's just peoples' opinions.

4 And, as a society, it's fair to say
5 that we're smart enough to be able to take what we want
6 and form our own opinions, so it really doesn't matter
7 what affirmative action is, as long as we don't let it
8 become that.

9 MS MAILLET: I'm sorry, I'm just not
10 sure where the question is in the --

11 THE CHAIRPERSON: I got the first
12 part which, looking a bit at your definition here of:

13 "attitude, belief, or opinion
14 that one's own racial group has
15 superior values...",

16 and looking further on to:

17 "form of prejudice, an
18 emotionally rigid attitude...
19 toward a group of people..."

20 To some extent can one say, if I take
21 that first part of his question, that to some extent
22 everyone has a level of racism in them?

23 DR. HENRY: Not necessarily because
24 not everybody is of the belief that his or her own
25 racial group is superior.

1 I think that the salient points in
2 that definition is the belief that one's own is better
3 than everybody else's.

4 MR. RICHARDSON: But it's not just
5 race, I mean the Catholics believe also...oh sorry.

6 THE CHAIRPERSON: I didn't understand
7 the question to be over. Is it over?

8 MR. RICHARDSON: Oh, sorry.

9 DR. HENRY: Well -- yeah, no,
10 essentially the belief that one's own group is
11 superior, that its norms, values, beliefs and so on are
12 superior to everyone else's and that but at the same
13 time that other peoples' 'whatevers' are inferior.

14 And while I would admit to Mr.
15 Richardson that there are many people who harbour some
16 degree of racist ideology, it doesn't mean that
17 everybody is of that view that, you know, I am better
18 than you because my religion is better than yours or my
19 family structure is better than yours, or anything of
20 that sort.

21 MR. RICHARDSON: Which is kind of
22 right to my point.

23 Everybody has to deal with racism
24 every day on one aspect or another -- I lost my
25 question.

1 THE CHAIRPERSON: Would you like us
2 to take our break at this time, Mr. Richardson, give
3 you some chance to organize perhaps your notes, because
4 it is 12:45 almost.

5 MR. RICHARDSON: Yeah, thank you.

6 THE CHAIRPERSON: it would be a good
7 time.

8 How are we doing? Well, we're
9 progressing on your cross-examination.

10 MR. RICHARDSON: I'm going to be
11 today, I'm going to take the afternoon. I'm not close
12 to done.

13 THE CHAIRPERSON: I can't say that
14 you're being slow in terms of making your questions.
15 So, you're estimating that it's going to take today?

16 MR. RICHARDSON: I will be done
17 today, whether or not there's an hour left in the day
18 or there's 10 minutes, I will be done today.

19 THE CHAIRPERSON: Well, no, we have
20 the entire day. I mean, I've even changed my flight
21 out to accommodate our going to 5:00 or 5:30, that's
22 what we've been doing the other days.

23 MR. RICHARDSON: Usually, believe it
24 or not, two days ago I had zero questions.

25 THE CHAIRPERSON: That's fine, that's

1 fine.

2 So, but you are available on Monday,
3 Dr. Henry?

4 DR. HENRY: If absolutely necessary,
5 but not on Tuesday.

6 THE CHAIRPERSON: That has been made
7 clear and I think that's fair.

8 I would then request that all parties
9 be prepared to complete with this witness by Monday
10 afternoon.

11 All right. So that would mean, Mr.
12 Kulbashian --

13 MR. ALEXAN KULBASHIAN: I haven't
14 even started.

15 THE CHAIRPERSON: I know, but we have
16 to work -- yes, you have your right to cross-examine,
17 but you also have to work with some of the parameters
18 of the case.

19 I mean, you know, try not to be
20 repetitive to the questions of Mr. Richardson and so
21 on, cooperate on that, so I would ask you to focus.

22 But in any event, we will see how
23 fast we can go.

24 Mr. Richardson, just because - you
25 see you made an interesting statement there, you said

1 it could be an hour, it could be three hours, I will be
2 the day - just because the day goes to 5:00 don't go to
3 5:00 if you don't have questions that take you to 5:00.

4 MR. RICHARDSON: I do not want to be
5 here as much as anybody else does not want to be here.

6 If we could finish this and be done
7 today I would be very a happy man. I am not stalling.

8 THE CHAIRPERSON: I must commend,
9 your questioning has been much improved with this
10 witness, style that is to say.

11 So, we will just take our break now,
12 we'll round it off. So an hour and fifteen, which
13 brings us to two o'clock.

14 Okay.

15 REGISTRY OFFICER: All rise.

16 ---Luncheon recess taken at 12:45 p.m.

17 ---On resuming at 2:00 p.m.

18 REGISTRY OFFICER: All rise.

19 Please be seated.

20 MR. RICHARDSON: I'm ready. It's the
21 shortest lunch we've had and actually everybody made it
22 on time. You give us two hours and we're all late and
23 can't get nothing done.

24 THE CHAIRPERSON: So, I'll keep them
25 short from now on.

1 MR. RICHARDSON: All right. Dr.
2 Henry, during the lunch I assume that you had a chance
3 to sit and discuss the case. Did --

4 MR. WARMAN: Objection. The clear
5 inference is that she's been alone here.

6 THE CHAIRPERSON: I'm mindful of the
7 fact that I did not advise Dr. Henry, but you may
8 perhaps be aware of this having previously testified,
9 when in the course of your cross-examination you are
10 not supposed to speak with counsel that had called you?

11 DR. HENRY: I'm aware of that.

12 THE CHAIRPERSON: You're aware of
13 that rule?

14 DR. HENRY: Yes.

15 MR. RICHARDSON: I wasn't even going
16 anywhere near that but, yeah, thanks for bringing that
17 up.

18 THE CHAIRPERSON: Okay.

19 So maybe you weren't going there. I
20 should advise you, in case -- it appears the
21 cross-examination will extend until next week, so the
22 same rule will apply.

23 DR. HENRY: (nodding)

24 THE CHAIRPERSON: So go ahead and ask
25 your question.

1 MR. RICHARDSON: I was just wondering
2 if she had an opportunity to see or review or go over
3 any of Mr. Wilson's testimony, I wasn't --

4 DR. HENRY: Anyway the answer is no.

5 MR. RICHARDSON: Okay. I didn't know
6 if she was going to be given transcripts or anything.
7 That's fine, sorry.

8 THE CHAIRPERSON: So, in effect, not
9 even during the break, but at no time you have not had
10 the opportunity to review the testimony of any of the
11 previous witnesses?

12 DR. HENRY: No.

13 THE CHAIRPERSON: Your testimony is
14 based, as I understand it, from your previous
15 testimony, on the material that you have referred to in
16 the course of your testimony?

17 DR. HENRY: Exactly, mm-hmm.

18 MR. RICHARDSON: Just add to a couple
19 of questions I'm not going to ask now because you
20 obviously can't answer them, so that just helps.

21 MR. ALEXAN KULBASHIAN: Maybe it
22 would just be better if next time Mr. Warman waited
23 until the question was finished before jumping up to
24 object.

25 THE CHAIRPERSON: It's an interesting

1 point. I just mentioned it -- let's just wait until
2 the question is in, unless of course Mr. Richardson
3 falls into that tendency occasionally to go into those
4 long questions with no end.

5 MR. RICHARDSON: Six questions in
6 one.

7 THE CHAIRPERSON: Try to keep them
8 shorter and then we'll be able to deal with them one at
9 a time.

10 MR. RICHARDSON: In HR-1, tab 2, page
11 1, and a couple of questions in reference to this.

12 In your report - and everything is
13 going to be off your report because I don't have any
14 testimony other than what I got today - so in this your
15 report you mentioned that the "F" word was mentioned
16 twice.

17 DR. HENRY: Yes, mm-hmm.

18 MR. RICHARDSON: Somewhere in there
19 you said that the double "F" had something to do with
20 the devil. I didn't understand what that meant. Can
21 you explain that to me?

22 DR. HENRY: I think what I meant was
23 that because the "F" word was used twice it seems to
24 represent some sort of bravado, of telling the world
25 that we don't really care what we do or say.

1 MR. RICHARDSON: But how does that
2 relate to the devil?

3 DR. HENRY: Well, because it's used
4 twice in one very short, you know, in two short --
5 three short paragraph statement.

6 THE CHAIRPERSON: Is there a
7 misunderstanding here? I heard the word 'bravado' and
8 you're using the word devil.

9 Did you say devil?

10 DR. HENRY: Sorry, no.

11 MR. WARMAN: If I may be of
12 assistance to the Tribunal. Within Dr. Henry's report
13 there is reference to "devil may care attitude".

14 THE CHAIRPERSON: Oh, that's where
15 it's coming from. Okay. So a "devil may care
16 attitude".

17 MR. RICHARDSON: Yeah, I was really
18 confused about that.

19 THE CHAIRPERSON: It's a saying, as I
20 understand it, Mr. Richardson, which suggests an
21 attitude that does not care about the consequences?

22 DR. HENRY: Yes.

23 MR. RICHARDSON: Oh, okay, okay, that
24 would make a little more sense.

25 I'm only assuming that the 19/02/02,

1 the date at the bottom, is the date the page was
2 printed out by Mr. Warman.

3 When it says we're "back", you said
4 this today, you assume that there was a break in the
5 pages and that's why they were "back".

6 Did you get a chance to review any of
7 the pages from the actual websites themselves or just
8 on the documentation was printed out.

9 DR. HENRY: Only the documentation
10 that was provided to me.

11 MR. RICHARDSON: So to answer the
12 question, you didn't get to see any of the old sites?

13 DR. HENRY: No.

14 MR. RICHARDSON: Or the ones prior to
15 this?

16 THE CHAIRPERSON: You never actually
17 witnessed the site electronically then?

18 DR. HENRY: No, I did not.

19 THE CHAIRPERSON: Only photocopies or
20 print-outs.

21 DR. HENRY: Only what was supplied to
22 me by the Commission, which was text material and the
23 CD Rom.

24 THE CHAIRPERSON: Oh. So, did you
25 look at the CD Rom itself?

1 DR. HENRY: Yes.

2 THE CHAIRPERSON: So, in that format
3 at least you were able to see the site.

4 So, for instance, if this site
5 contained any -- at tab 2, contained any colour in it,
6 you would have seen it on your screen?

7 DR. HENRY: I don't think so.

8 THE CHAIRPERSON: Well, let me ask --
9 I'll just clarify things.

10 DR. HENRY: You know, really I don't
11 know.

12 THE CHAIRPERSON: Was the CD a
13 scanned in image of the material you had printed off,
14 or was it actual copies of the websites?

15 MR. WARMAN: No, it is a full "pdf"
16 document that "mirrors" the website itself. So, I
17 don't want to give testimony, but there is colour on
18 the "pdf" format.

19 THE CHAIRPERSON: I'm just trying to
20 progress the discussion here.

21 So, for instance, if you had saved a
22 page of a website onto your computer, then you copied
23 it onto the CD?

24 MR. WARMAN: No, and again I don't
25 want to take the place of my colleague Me Maillet, but

1 my understanding of what happened was that the
2 Commission investigator used a program that would go in
3 and extract the entire website save it into a "pdf"
4 document and then that "pdf" document was what was
5 provided to Dr. Henry for review and that that would
6 include, you know, like individual links that you could
7 click on to go to the different parts of the website,
8 or if you kept scrolling down you would eventually see
9 the website in its entirety, you know, one page after
10 another.

11 THE CHAIRPERSON: If it was one page.
12 Clicking on something that sends you to an URL of
13 something--

14 MR. WARMAN: Completely different.

15 THE CHAIRPERSON: --would not emerge?

16 MR. WARMAN: Not in my review of the
17 --

18 THE CHAIRPERSON: Let me ask just one
19 general question.

20 What you're describing was that
21 exactly what was provided in the disclosure to the
22 respondents?

23 MR. WARMAN: That's my understanding.

24 MS MAILLET: That's correct. The
25 exact same CD. We had the investigator make numerous

1 -- not the investigator, actually our scanning people
2 make numerous copies of the actual CD that had been
3 downloaded as Mr. Warman describes by the investigator.

4 That was the exact same CD that was
5 provided to Dr. Henry.

6 THE CHAIRPERSON: So, for the
7 purposes of my knowledge, I know that the respondents
8 had in their possession the same CD that was provided
9 to the witness.

10 MS MAILLET: That's correct.

11 MR. RICHARDSON: I wasn't going to
12 argue anything --

13 THE CHAIRPERSON: No, no, I just want
14 to understand, I want to understand.

15 MR. ALEXAN KULBASHIAN: What I want
16 to understand is were they all just printed at the same
17 time and just loaded on, or...

18 MS MAILLET: My understanding of it
19 is we have a section of people that scan the documents
20 for purposes of disclosure and they also burned --

21 THE CHAIRPERSON: Burned copies of
22 the CD?

23 MS MAILLET: I don't really know the
24 proper lingo, but that they made copies of the CD for
25 purposes of providing them to the parties.

1 THE CHAIRPERSON: And when we say the
2 CD, it's the one that the witness viewed?

3 MS MAILLET: That's correct.

4 MR. ALEXAN KULBASHIAN: Mr. Warman
5 seems to have more insights.

6 MR. WARMAN: I just wanted to further
7 clarify that some of these documents were in fact --
8 the ones that were entered by me and indicated they
9 were printed off by me at home and submitted to the
10 Commission investigator, that is obviously the process
11 that was followed in those cases.

12 So, just to be clear, that some of
13 the documents in here are, in fact, hard copies that I
14 downloaded at home and then provided copies of to the
15 Commission.

16 THE CHAIRPERSON: Right, we had some
17 evidence from you, if I recall, that some of the
18 print-outs where the letters were cut off at the end
19 and you indicated that was in the printing process that
20 you utilized.

21 MR. WARMAN: Yes, yes.

22 MR. RICHARDSON: Everybody thinks
23 I've got all the wrong intentions.

24 THE CHAIRPERSON: No, it's not for
25 that purpose, Mr. Richardson, please don't think that.

1 It's because I want to understand exactly what the
2 witness viewed.

3 MR. RICHARDSON: When you viewed
4 through the pages of disclosure that were supplied to
5 you, did you have -- did they give you any
6 understanding of what you were looking for?

7 Like, I know in a broad sense you are
8 there to decipher what's racist and what's not and what
9 it means, but were you looking for anything specific
10 other than that, like, links to non-racial websites
11 maybe that can be used, like, for a racial purpose or
12 anything, like, were you told to look for any links
13 between the Tri-City site or the C.E.C.T. or the
14 Tri-City site and the Vinland Voice site?

15 THE CHAIRPERSON: Let's split up the
16 question because you've asked a lot of questions in
17 there.

18 MR. RICHARDSON: Okay, sorry.

19 THE CHAIRPERSON: What was your first
20 portion?

21 MR. RICHARDSON: I guess the first
22 portion would be, was she told what to look for or was
23 she just handed the documents and she just read them by
24 herself and that's where the report came from?

25 DR. HENRY: That's what happened,

1 yes.

2 THE CHAIRPERSON: The latter, yeah
3 the second option as opposed to the first one.

4 MR. RICHARDSON: That just took away
5 10 questions. I went through all my stuff today and
6 tried to make it a little shorter.

7 Okay. Do you know what the term
8 S.H.A.R.P.s means? S.H.A.R.P., I guess would be it.

9 DR. HENRY: I think it is in one of
10 the materials.

11 MR. RICHARDSON: Well, you don't have
12 -- if I told you it was Skinheads Against Racial
13 Prejudice.

14 DR. HENRY: Yes.

15 MR. RICHARDSON: Do you know anything
16 about S.H.A.R.P.s?

17 DR. HENRY: In detail, no.

18 MR. RICHARDSON: How about G.A.S.H.?

19 DR. HENRY: Pardon?

20 MR. RICHARDSON: The term G.A.S.H.?

21 DR. HENRY: No.

22 THE CHAIRPERSON: How do you spell
23 that word?

24 MR. RICHARDSON: G-A-S-H.

25 MR. ALEXAN KULBASHIAN: It's an

1 acronym.

2 MR. RICHARDSON: Yes, an acronym.

3 THE CHAIRPERSON: Yes, I understood
4 that.

5 MR. RICHARDSON: Do you want the
6 acronym?

7 THE CHAIRPERSON: Well, perhaps if
8 you have an idea it might help me.

9 MR. RICHARDSON: Gay American
10 Skinheads.

11 THE CHAIRPERSON: I'm sorry?

12 MR. RICHARDSON: Gay American
13 Skinheads.

14 THE CHAIRPERSON: Have you heard of
15 that organization, or group of people?

16 DR. HENRY: No, I have not.

17 MR. RICHARDSON: In your knowledge of
18 -- your racial knowledge, your background do you know
19 what the difference between laces, what the laces in
20 skinhead's boots mean?

21 DR. HENRY: The difference, sorry?

22 MR. RICHARDSON: In the colour of the
23 laces in their boots, red, white, blue.

24 DR. HENRY: No, I do not.

25 MR. RICHARDSON: I'm having a hard

1 time understanding. You're the expert witness and your
2 credentials go back more than 30 years on race
3 relations, but when it comes to the background and the
4 occult of skinhead movement or white supremacist
5 movement, subsections of the skinhead movement or white
6 supremacist movement, the S.H.A.R.P.s, G.A.S.H., even
7 stuff as far as wearing boots and stuff, I'm starting
8 to wonder exactly what your field of expertise is.

9 So, maybe I can you narrow down my
10 questions, because I have a whole bunch of questions I
11 thought I was going to ask you about stuff I figured,
12 but you really don't have any expertise in anything --

13 DR. HENRY: I am not an expert on the
14 culture, the mythology or the symbiology of the
15 skinhead movement.

16 There are other social scientists who
17 have made that a priority in their research and
18 experience. It has not been so of mine.

19 MR. RICHARDSON: Okay.

20 Have you heard of the Black Panthers?

21 DR. HENRY: Yes.

22 MR. RICHARDSON: Can you -- I want to
23 word this right. In your opinion, what kind of
24 organization are they?

25 DR. HENRY: I'm not sure the

1 organization even exists today. It was popular in the
2 60s in the United States.

3 MR. RICHARDSON: And how would you
4 refer to them? I don't want to lead the question, so
5 I'll just leave it like that.

6 A. Black Panthers was a movement of
7 primarily black Americans, although I believe they
8 spread to other areas as well, whose objective was to
9 advocate for equality for African Americans.

10 MR. RICHARDSON: So, just to
11 reiterate, you testified that you're not aware even if
12 the Black Panthers, if there still is Black Panthers?

13 DR. HENRY: I just threw that out. I
14 assumed that it was a pretty dead movement.

15 MR. RICHARDSON: I'm losing so many
16 questions here.

17 What about the NAACP. Is there
18 anything you can tell me about them?

19 DR. HENRY: The NAACP is, I think, a
20 more broadly based organization.

21 I think in its hey day it was much
22 larger than the Black Panthers I think everywhere, and
23 it's a very broad based community advocacy organization
24 whose objective is also the advocacy for equality for
25 African Americans.

1 MR. RICHARDSON: Is there a
2 difference, in your opinion, between the words equality
3 and supremacy?

4 DR. HENRY: Yes.

5 MR. RICHARDSON: Would you say that
6 the NAACP could lead whites to feel left out; i.e.,
7 through their scholarship funds, whatnot?

8 DR. HENRY: I'm not aware of the
9 criteria for the awarding of scholarships by the NAACP,
10 so I'm afraid I can't answer that.

11 MR. RICHARDSON: If I told you, and
12 this would be just my opinion of course, and I have
13 nothing to back up it up, that in order to apply for
14 the NAACP scholarship you have to be black; would that
15 seem reasonable?

16 DR. HENRY: I think that probably is
17 a reasonable assumption.

18 MR. RICHARDSON: So, I'm going to
19 re-ask the question again.

20 Would it be safe to assume that
21 whites will feel left out and that, you know, pushed to
22 the side because the blacks are getting special
23 treatment in this particular case?

24 Would that be one more example of
25 what you were stating earlier?

1 DR. HENRY: No, I don't -- I don't
2 think you've characterized the situation quite fairly.

3 The NAACP is an organization that was
4 founded on the principle of advocating for black
5 equality. It is made up primarily, although I think
6 not exclusively, of black people and it raises funds
7 through its own efforts in order to provide educational
8 equity for African American students.

9 So, the question of whites being left
10 out as such, I just don't think that enters in, and
11 especially when whites, while the majority population,
12 have access to so many more funding sources than do
13 African Americans.

14 MR. ALEXAN KULBASHIAN: I'm sorry,
15 her last testimony I assumed that she knew a lot about
16 the economics as well as a lot about the programs by
17 the federal government that would only aid whites as
18 opposed to --

19 THE CHAIRPERSON: What are you
20 saying?

21 MR. ALEXAN KULBASHIAN: Because she
22 did say that --

23 THE CHAIRPERSON: That sounds like
24 argument.

25 MR. ALEXAN KULBASHIAN: Okay.

1 THE CHAIRPERSON: It sounds like
2 you're raising some points, some contradiction you wish
3 to point out, but save it for when you make final
4 submissions.

5 MR. RICHARDSON: You said that, I
6 guess the best way I took that is that, well it can't
7 be singling out blacks, whites can't feel bad because
8 blacks have been so under privileged and whatnot.

9 If there was an organization just
10 like the NAACP that was founded by white people and
11 only gave scholarships to white people, do you think
12 they'd be criticized?

13 DR. HENRY: Not only do I think so, I
14 know so because--

15 MR. RICHARDSON: Exactly.

16 DR. HENRY: --there are many such
17 organizations of white organizations that specify that
18 their funding is only for white students, and until
19 very recently that happened with respect to the
20 allocation of scholarship funds at some major Canadian
21 universities.

22 MR. RICHARDSON: Would it be fair to
23 say what's fair for one should be fair for all?

24 DR. HENRY: I wouldn't generalize. I
25 think it depends on the specific circumstances of

1 whatever it is that --

2 MR. RICHARDSON: But if we start
3 treating people different and in deference, like, if we
4 start treating one better than the other in any way,
5 then we're a feeding into that promotion of hatred that
6 you were talking about earlier, anything like -- let me
7 ask you, is it quite possible at all to have a hundred
8 per cent diversity and everybody to live in a hundred
9 per cent harmony?

10 Would you think it's possible in the
11 realm of possibilities, since that's been a term that's
12 been used so much in here, that that is even possible?

13 DR. HENRY: In where? In Canada, in
14 the United States, in the world?

15 MR. RICHARDSON: Any country you
16 want, anywhere.

17 DR. HENRY: Any country? I think
18 that's a very provocative question, I really do, and
19 I'd be hard pressed to answer that.

20 All I can say is that it's probably
21 doubtful because it hasn't appeared, to my knowledge,
22 in human history before, that when there are
23 differences between people, there's almost inevitably
24 bound to be some degree of tension and conflict.

25 MR. RICHARDSON: I would agree on

1 that a hundred per cent.

2 Where I'm going with this is, you
3 know, especially in Canada we try so hard to be
4 politically correct and not to step on any minority
5 toes or any special rights toes or anything like that.

6 I'm trying to see how it all would be
7 possible, like, you're so politically correct on one
8 side then you're leaving someone out on the other side
9 out, so like that would bring me to the --

10 THE CHAIRPERSON: Are you making a
11 comment, Mr. Richardson?

12 MR. RICHARDSON: No, I'm getting to a
13 question. I agree with everything she said so far.

14 THE CHAIRPERSON: That's not really
15 relevant to a question.

16 I mean, you don't have to say you
17 agree with it or whatever, just move to the next
18 question. You can certainly testify that you agree
19 with her answer.

20 MR. RICHARDSON: What do you think
21 society would need to do to have a total tolerant
22 society?

23 DR. HENRY: That's also an extremely
24 provocative question.

25 I think we need to be realistic. I

1 think what needs to happen in society is that we learn,
2 all of us, learn to accommodate to each others'
3 differences.

4 MR. RICHARDSON: So, accommodate is a
5 great word. So by accommodating, by shutting down one
6 aspect of, or one -- just by shutting down one person's
7 views so that he doesn't harm another's, like, wouldn't
8 that right there just stop the whole process, like?

9 DR. HENRY: No, not necessarily,
10 because I think what has happened is that it is
11 precisely because we haven't really learned how to
12 accommodate to difference that we have legislation and
13 laws that tell us where the boundaries are, because we
14 as individuals have not been able to do that.

15 And so, as a case in point, we
16 therefore have human rights legislation in this country
17 and other countries that give us guidelines with
18 respect to the boundaries of how we treat each other in
19 social relations.

20 MR. RICHARDSON: And I really
21 apologize to the Commission and the Tribunal, do you
22 think the system we have now is fair and just?

23 DR. HENRY: I think any system that
24 is created by people, by human beings is fallible, and
25 any institution that is created by people is open to

1 criticism and to weaknesses.

2 And I think that goes for our
3 institutions of justice in all their dimensions, but,
4 nevertheless, there's a bottom line, we have to begin
5 somewhere.

6 That's not to say any system created
7 by human beings is perfect.

8 MR. RICHARDSON: Exactly. Would you
9 go as far as saying - and I understand this is just
10 your opinion - that as far as, like, the Commission and
11 the Tribunal go, maybe it's just for some and not as
12 just for others?

13 MS MAILLET: Mr. Chair, I object to
14 this line of questioning.

15 If we could perhaps stick to a line
16 of questioning that is more relevant to the material
17 that was before the expert, her expertise in racism, as
18 opposed to her opinions about how the Commission or the
19 Tribunal might function as an institution.

20 MR. RICHARDSON: I'm trying sticking
21 with her expertise but I've lost 30 questions already
22 because, no offence to Dr. Henry, her expertise is very
23 outdated to what we need to talk about in our case, the
24 culture and all that aspect, I lost a lot.

25 THE CHAIRPERSON: I'm not concerned

1 about that, what is the relevance of this question?

2 MR. RICHARDSON: I think what I'm
3 trying to get with the last bunch of questions is that
4 she works so hard to say how we're being judgmental --
5 you know, this is being judgmental towards blacks,
6 whites, Jews, Muslims, but there's lots of other
7 organizations that are very pro their cause.

8 The woman's movement nowadays, the
9 gay movement, like the Black Panthers, the JDL, the
10 ADL--

11 THE CHAIRPERSON: So, your claim is
12 that--

13 MR. RICHARDSON: Basically --

14 THE CHAIRPERSON: --that movements on
15 one sides are just at the other end of the spectrum of
16 the movements on the other side?

17 MR. RICHARDSON: Well, I think I'm
18 getting to the point that some minorities are treated
19 better than other -- no, I wouldn't say minorities
20 because --

21 THE CHAIRPERSON: I just want you to
22 link it to the case, though. I mean, that is a very
23 interesting debate, I must say, it's made for a very
24 interesting discussion between you and Dr. Henry. I
25 just wanted to be sure that it has some relevance to

1 the case.

2 MR. RICHARDSON: You might have me
3 there. I have been so caught up in talking with her
4 that maybe I'm just asking questions for my own needs.
5 I apologize.

6 THE CHAIRPERSON: No, I mean, you're
7 having a very --

8 MR. RICHARDSON: I'm actually
9 enjoying this.

10 DR. HENRY: Well, I can say, they are
11 very interesting questions, they really are.

12 THE CHAIRPERSON: I think the term
13 'provocative' was used by the witness is perhaps
14 appropriate, but I do need to know how it's relevant to
15 the issues in front of us.

16 MR. RICHARDSON: Well, I guess maybe
17 the point I was trying to make is if maybe we were
18 involved in the Black Panthers we wouldn't be here
19 right now, even if the exact same case was about just
20 to the opposite. I think that -- because we are the
21 majority.

22 THE CHAIRPERSON: I recall those
23 questions, they've been entered into evidence, so...

24 MR. RICHARDSON: That was the whole
25 point. I was just getting to the end of all this.

1 I'm not trying to say the system is
2 unfair, I was trying to get to the point that maybe
3 it's more fair for other groups than it is for others
4 because the whites have been in power for so long and
5 all this that maybe we're maybe not looking at it the
6 same way anymore.

7 THE CHAIRPERSON: I think you're
8 entering a bit into argument.

9 MR. RICHARDSON: Okay, that's fine.

10 THE CHAIRPERSON: You can certainly
11 ask questions in support of that argument to this
12 witness.

13 MR. RICHARDSON: Okay. We're still
14 back on tab 2, the first page there.

15 When it writes this sort of
16 disclaimer -- I'm not sure if your Internet
17 knowledge...

18 MR. ALEXAN KULBASHIAN: Tab 2, first
19 page?

20 THE CHAIRPERSON: Yes, which
21 disclaimer?

22 MR. RICHARDSON: Well, that's what
23 I'm assuming this is, a disclaimer, this is who we are,
24 you don't like us, don't come in.

25 So to me I call it a disclaimer.

1 If you were not interested in seeing
2 any of this and you come to this page would you go in
3 or would you leave?

4 You typed in www...

5 DR. HENRY: Right, okay. I'd have to
6 answer that in two ways.

7 If I were wearing my professional hat
8 I would enter, if I were wearing my personal just
9 having fun surfing hat, I would not.

10 MR. RICHARDSON: So would it be fair,
11 and safe to say that, like, even though it's not a
12 really good disclaimer, what they put down here as a
13 disclaimer, they're trying not to offend anybody ahead
14 of time, they're saying this is who we are and this is
15 what we talk about in here and if you don't like it
16 leave, you know, if you want to hear our opinion then
17 come in, so we're not -- basically the question is, do
18 you feel this is keeping them from soliciting to people
19 that aren't
20 interested?

21 DR. HENRY: No.

22 THE CHAIRPERSON: I kind of know,
23 but I'm not quite sure I know what the exact question
24 is. Could you collaborate on your 'no'?

25 DR. HENRY: I think what he was

1 asking was, would this make people go away -- no, would
2 this make people go into the site, even though they
3 weren't interested in it? That's the way I took that
4 question.

5 MR. RICHARDSON: Close enough, thank
6 you.

7 THE CHAIRPERSON: And your answer is?

8 DR. HENRY: And I said, no, I don't
9 think so.

10 MR. RICHARDSON: But you just stated
11 before that if you weren't wearing your professional
12 hat you wouldn't go in.

13 DR. HENRY: No, I personally
14 wouldn't, but I'm speaking personally myself not, you
15 know, other people.

16 THE CHAIRPERSON: So, you don't think
17 anyone who would go in who is not necessarily -- who
18 would not be interested in the site?

19 DR. HENRY: Who is either -- well, I
20 should qualify that, who is not interested in the site.

21 I think that probably people who
22 would be attracted by the obscenity and would want to
23 know what's in the site, simply because in big letters
24 it says:

25 "we don't give a fuck",

1 I can see that as a possibility.

2 THE CHAIRPERSON: I think I'd like to
3 ask another question.

4 if I use the analogy you made earlier
5 about the right of a person to hold his own opinion
6 inside his own room, so to speak, in this case if we
7 make the physical analogy and say the room has a door
8 on the front and on the door is a sign that says,
9 people who come through this door, we have nasty
10 thoughts, come in at your own risk.

11 DR. HENRY: Mm-hmm.

12 THE CHAIRPERSON: So, someone may
13 choose to walk through the door and someone may choose
14 to not walk through that physical door.

15 DR. HENRY: Mm-hmm.

16 THE CHAIRPERSON: Going back to that
17 original question, do you perceive that as remaining as
18 personal and, therefore, not problematic as the other
19 extreme case where someone is with a megaphone
20 screaming the same thoughts or over a television screen
21 on a public stage?

22 DR. HENRY: Yeah, it's a very good
23 question, and I'm afraid I would only be speculating if
24 I answered it because basically I really don't know.

25 MR. ALEXAN KULBASHIAN: Could she

1 speculate. So far she's really just been speculating a
2 lot.

3 THE CHAIRPERSON: Well, you were able
4 to answer the previous question. You're not able to --

5 DR. HENRY: Well, the more one thinks
6 of it and the more one reads this, the harder it
7 becomes to really see whether this is, as Mr.
8 Richardson seems to be suggesting, a genuine disclaimer
9 or whether, at the same time, it is also sending out,
10 again, a clear message.

11 I think I see this as sending out a
12 clear message and, therefore, the effect on the viewer
13 is some people will be attracted by it and others
14 won't.

15 My only commentary really on it was
16 that by using the "F" word twice, they really -- well,
17 they have a strong sense of bravado in doing that.

18 THE CHAIRPERSON: So, I just want to
19 be clear on that.

20 So, your sense is that by using
21 strong language it may actually not simply saying enter
22 at your own risk, but why don't you come in; is that...

23 DR. HENRY: I think certain people,
24 not necessarily people who share a racist ideology,
25 would be interested just because there's an obscenity

1 in the headline, so they might want to know what this
2 site is all about, when it sends out this strong
3 message.

4 There's offensive stuff in here and
5 we don't care that there's offensive stuff. I think
6 some people might just be driven by the curiosity value
7 of it.

8 MR. RICHARDSON: Over the year have
9 you researched any groups, example, the Ku Klux Klan,
10 the Black Panthers; any Canadian groups, the National
11 Alliance, the Northern Alliance, any, any groups at
12 all?

13 DR. HENRY: I think you have to be
14 more specific in regards to the word research.

15 I have read a great deal about them,
16 I have read some of their material in preparation for
17 this and similar cases that I have testified in.

18 I have personally not gone on the
19 street and interviewed members of these groups.

20 MR. RICHARDSON: Okay, thank you.

21 Do you believe that not every member
22 of a group, let's say -- we'll use Tri-City Skins
23 because it's the best example we can use.

24 Not every member of Tri-City Skins
25 shares every ideology with all the other members?

1 For example, Joe "A" might not like
2 black people so he joins the group, and Joe "B" doesn't
3 really care about black people but he don't like Jewish
4 people so he joined the group, and Joe "C" he doesn't
5 really care who he hates, he just likes to fight and
6 get drunk so he joined the group.

7 Would that be a fair assumption?

8 DR. HENRY: Yes, I think so.

9 MR. RICHARDSON: Now, when you went
10 over the literature, especially anything related to the
11 Tri-City Skins website, did you see anything linking
12 the Tri-City Skins to the C.E.C.T. or the Vinland
13 Voice?

14 DR. HENRY: I didn't pay attention to
15 the links, I only paid attention to the material that
16 was given to me.

17 MR. RICHARDSON: Even in the content,
18 anywhere on the site is what I'm asking.

19 DR. HENRY: Was there reference to
20 links?

21 MS MAILLET: She just answered that
22 that was not what she was looking for when she was
23 going through the material.

24 MR. RICHARDSON: No, but she answered
25 she didn't read the links, she said she read the body

1 of the material.

2 In the body of the material --

3 THE CHAIRPERSON: In her review of
4 the material did she see any reference to--

5 MR. RICHARDSON: To C.E.C.T. or
6 Vinland Voice.

7 THE CHAIRPERSON: --to C.E.C.T. or
8 Vinland Voice, to your recollection?

9 DR. HENRY: I don't really remember.
10 The only one I remember is the one that we read out
11 this morning Cross Fire.

12 MR. RICHARDSON: Thank you.

13 DR. HENRY: Cross Fire or Cross Star.

14 MR. RICHARDSON: It was Cross Star
15 the American group?

16 DR. HENRY: Cross Star.

17 MR. RICHARDSON: You read the
18 C.E.C.T. website or at least the information that was
19 given to you?

20 DR. HENRY: Mm-hmm.

21 MR. RICHARDSON: You read the
22 C.E.C.T. website, or at least the information that was
23 given to you, and you read the Tri-City Skins and you
24 read the Vinland Voice.

25 Would you say there was a difference

1 between the C.E.C.T and the Vinland Voice compared to
2 the Tri-City Skins?

3 DR. HENRY: I can't answer that
4 because I'm not aware of any difference.

5 MR. RICHARDSON: Would it be fair to
6 say that the C.E.C.T. site was more political, none of
7 the pictures and all the bad stuff, where the Tri-City
8 Skins was more militaristic and combative?

9 DR. HENRY: I did not make that
10 observation. I was looking -- I was following a
11 mandate of reviewing these materials in terms of the
12 way I do analysis of racism. I was not looking for
13 such differences between the two.

14 MR. RICHARDSON: And how about now,
15 do you see a difference now?

16 DR. HENRY: I haven't looked at the
17 material again recently, so I really don't know.

18 MR. RICHARDSON: Do you remember
19 seeing swastikas on the C.E.C.T. website?

20 DR. HENRY: I remember seeing
21 swastikas but I don't remember whose website it was.

22 MR. RICHARDSON: Do you remember
23 seeing pictures of Hitler on the C.E.C.T. website?

24 If you don't remember...

25 DR. HENRY: I don't think so, because

1 I didn't review any images of Hitler,
2 as far as I recall.

3 MR. RICHARDSON: Racist jokes?

4 DR. HENRY: I don't remember if there
5 were pictures of Hitler in the racist jokes.

6 MR. RICHARDSON: If I told you that
7 there were no racist jokes, no bad pictures, no
8 swastikas, only words and peoples' opinions, would you
9 agree with that, or would you have any reason not to
10 agree with that?

11 DR. HENRY: I can't agree with it at
12 the moment without reviewing the material again because
13 --

14 MR. RICHARDSON: I'll give you the
15 time to review, if you want, because I'd like an answer
16 to that, if possible.

17 DR. HENRY: I didn't look at it with
18 respect to, this is one website and this is the other
19 website. That's not the way I did my analysis.

20 MR. RICHARDSON: Do you agree that
21 there is differences in white supremacist organizations,
22 some are political, some are combative, some are both?

23 DR. HENRY: Yes.

24 MR. RICHARDSON: But you don't
25 remember any of the content in the Tri-City -- you

1 don't remember no content in the Tri-City page, none in
2 the C.E.C.T. page, none in the Vinland Voice page?

3 THE CHAIRPERSON: Mr. Richardson, I
4 think what you could do, because it's really something
5 that could be determined from the material that's been
6 provided to the Tribunal, why don't you just put it to
7 the witness, if there's a next question coming, say,
8 just say, on the hypothesis, assuming - since she never
9 turned her mind to it - assuming that the C.E.C.T. site
10 does not contain any images as you describe or any
11 jokes as you describe them, whereas the Tri-City Skins
12 site does, and then go to your question.

13 The witness has no specific
14 recollection.

15 MR. RICHARDSON: Yes. Assuming that
16 what I said was true and there is no swastikas, there
17 is no racial jokes or pictures or whatnot, would it be
18 fair to say that there is a dramatic difference between
19 the C.E.C.T. website and the Tri-City Skins website?

20 DR. HENRY: You're suggesting that
21 all of this material is in one website and not in the
22 other?

23 MR. RICHARDSON: That's what I'm
24 suggesting.

25 THE CHAIRPERSON: Well, no, no, let's

1 be fair I think, you say all the material.

2 I believe in the material that you
3 reviewed some was from the Vinland Voice and some was
4 from the Tri-City.

5 MR. ALEXAN KULBASHIAN: Just to
6 clarify I think he meant, like, the material as in the
7 swastikas and the pictures.

8 THE CHAIRPERSON: So...

9 Well, specifically can we look at the
10 actual --

11 MR. RICHARDSON: We have all the
12 sites, all three of them.

13 MR. ALEXAN KULBASHIAN: If she wants
14 to review them.

15 THE CHAIRPERSON: Let's put it in the
16 hypothetical again.

17 DR. HENRY: Let me just go back for a
18 moment.

19 I may have seen a picture of Adolf
20 Hitler, but what do you say about that, so I don't
21 include it in my analysis, you know, so...

22 THE CHAIRPERSON: I don't think
23 that's what's being said.

24 I think the question being put to you
25 is, if you were to be informed that there were two

1 websites, one that contained some of the language, and
2 I guess what you read on the Vinland Voice -- let's be
3 specific, it was a newsletter called the Vinland Voice,
4 and on the other hand there were the Tri-City website
5 pages that had been copied for you and they contained
6 the photographs that you looked at and racial jokes and
7 so on, by the mere fact that one is limited to prose,
8 to narratives and not to, has no illustrations, no
9 jokes and so on, would that indicate to you a
10 distinction should be drawn between one page and the
11 other?

12 DR. HENRY: I think that's, again,
13 difficult for me to say, because the one that does not
14 contain - I assume you know that this information is
15 correct - the one that does not contain the images and
16 the jokes and so on, that is from page 20 of my report,
17 that is Vinland Voice essentially.

18 MR. RICHARDSON: We're not talking
19 about Vinland Voice, we're talking about C.E.C.T, they
20 are two different websites.

21 THE CHAIRPERSON: But I think that's
22 the example.

23 MR. RICHARDSON: Oh, okay, I'm sorry,
24 I'm sorry, that's fine.

25 MS MAILLET: Mr. Chair, just so I'm

1 clear, a distinction in what way, in terms of whether
2 there's different material, because that seems obvious,
3 or whether one is hate and one isn't, or...

4 MR. RICHARDSON: No, one is political
5 and one is military.

6 THE CHAIRPERSON: Well, that's
7 perhaps where the question is going. But I mean the
8 point is, having seen -- you yourself have divided the
9 text into two -- you have got section 2 and section 3.

10 DR. HENRY: Mm-hmm.

11 THE CHAIRPERSON: Section 3 you have
12 described as analysis of website documents Canadian
13 Ethnic Cleansing Team, and you've referred to the
14 Vinland Voice; whereas the previous section dealt with
15 the Tri-City site.

16 DR. HENRY: Right.

17 THE CHAIRPERSON: The suggestion
18 that's being put to you by Mr. Richardson is that
19 there's a distinction between the two, there's a
20 difference, a dissimilarity between the two that is of
21 some significance.

22 Do you see any significance in the
23 different nature of the two groups of documents?

24 DR. HENRY: Okay, as you clarified,
25 obviously there is a difference in that one is more

1 graphic, one shows pictures, one tells jokes, the other
2 one perhaps only provides basic text.

3 To me that's an irrelevant
4 distinction. Both sites -- both sites generate a
5 message or disseminate a message of hate against Jews,
6 against blacks and a variety of people.

7 One is more graphic, one shows more
8 images and so on than the other.

9 The bottom line for me in terms of
10 the mandate given to me to review these materials, is:
11 Are they racist? Both are.

12 So, the fact that one is more graphic
13 than the other, doesn't mean very much to me, as it
14 were.

15 MR. RICHARDSON: Actually there is
16 quite a significance. Have you ever heard of the
17 Canadian Heritage Alliance?

18 DR. HENRY: Yes.

19 MR. RICHARDSON: Have you ever looked
20 at their site?

21 DR. HENRY: No.

22 MR. RICHARDSON: See, I would
23 consider that site myself to be with the C.E.C.T. site,
24 political in nature, in all their articles, and I'm
25 sure you have read some of them, C.E.C.T. other than

1 that one article, has always said that they do not
2 promote violence, they said that in their news articles
3 to Brian Caldwell, to the London Free Press, they state
4 that on their site; whereas, in the Tri-City site it
5 says, you know, we don't care who you are, we're going
6 to kick you in the head.

7 And that's the difference and there's
8 a really big difference when you're coming to the
9 character --

10 THE CHAIRPERSON: Mr. Richardson,
11 when you go long and I have two chairs up, so I will
12 interrupt you.

13 MR. RICHARDSON: I was going for
14 three.

15 MS PHILLIPS: I can't.

16 MS MAILLET: If we're going to try to
17 finish, especially by the end of day Monday, if Mr.
18 Richardson could refrain from giving testimony through
19 trying to question this witness, otherwise we'll never
20 finish.

21 THE CHAIRPERSON: And that's a bit
22 why I allowed the objection to occur earlier because
23 what you were doing there was, you were testifying.

24 MR. RICHARDSON: And I don't mean
25 to, but it's just out of lack of experience.

1 THE CHAIRPERSON: No, but that will
2 be your turn, that will be your turn.

3 I've put the proposition, I think,
4 that you're trying to make to this witness, she's given
5 us an answer.

6 MR. RICHARDSON: Okay, we've move on.
7 Thank you.

8 THE CHAIRPERSON: Nobody is trying to
9 rush you, but we don't also want to waste time
10 unnecessarily because that's something that will be
11 said by you in your own turn.

12 MR. RICHARDSON: In your research,
13 can you distinguish between military or combative
14 racist and political racist?

15 DR. HENRY: No.

16 MR. RICHARDSON: So, you believe that
17 they're all just the same?

18 DR. HENRY: I think that their intent
19 is basically the same. One may take or advocate
20 greater physical action.

21 MR. RICHARDSON: Do you believe they
22 all advocate violence?

23 DR. HENRY: Not necessarily.

24 MR. RICHARDSON: So, you've reviewed
25 all three sites and you can't give a decisive I answer

1 on one way or the other on any differences.
2 between the sites; is that what you're telling me?

3 THE CHAIRPERSON: That's not what she
4 said.

5 DR. HENRY: No, I didn't say that.

6 THE CHAIRPERSON: I will interrupt
7 because her comment was that the distinction is
8 irrelevant.

9 She did acknowledge there's a
10 distinction but she found the distinction irrelevant,
11 because it generates a message of hate against groups
12 under both circumstances.

13 That was her answer, as I understood
14 it.

15 MR. RICHARDSON: Would it still be
16 irrelevant if the message is to try to get our goals
17 peacefully or try to get them by beating people up on
18 the streets?

19 That's where I'm trying to
20 distinguish between the two sites?

21 THE CHAIRPERSON: So, that question
22 was not poised yet, so...

23 DR. HENRY: Sorry, what was the
24 question?

25 THE CHAIRPERSON: Before we looked at

1 two websites, now he's suggesting a movement that
2 promotes violence and one that espouses the same ideas
3 without violence, explicitly so; does that make a
4 difference?

5 DR. HENRY: Yes, I would have to
6 agree that that makes a difference.

7 MR. RICHARDSON: To your knowledge
8 were you supplied with all three, like, I guess full
9 versions of all three websites, the CD Roms. I don't
10 know what you were supplied, so that's just a basic
11 question.

12 DR. HENRY: I don't know. I only
13 know what I was supplied with and that's what I dealt
14 with.

15 THE CHAIRPERSON: Mr. Richardson, I
16 think that's why I asked those questions earlier.

17 My understanding is she was supplied
18 with the CD that you are also in possession of--

19 MR. RICHARDSON: Okay.

20 THE CHAIRPERSON: --in the
21 disclosure, not Exhibit --

22 MR. RICHARDSON: And that would be
23 Richard Warman's, the second CD; right or the first CD?

24 MS MAILLET: She was provided with
25 the entire disclosure of the Commission, as all the

1 parties were.

2 MR. RICHARDSON: Excellent.

3 MS MAILLET: And part of that
4 disclosure included the CD of the Tri-City Skins which
5 was not produced into evidence.

6 THE CHAIRPERSON: So, the witness was
7 provided with all of the Commission's disclosure?

8 MS MAILLET: I believe so. I believe
9 so.

10 But she was not specifically asked to
11 go through that disclosure, there were certain
12 documents on the websites that she was asked to review.
13 I didn't have her review every single piece of paper
14 that the Commission did.

15 THE CHAIRPERSON: Did you review
16 closely anything else other than the material that you
17 have referred to in your report?

18 DR. HENRY: No.

19 THE CHAIRPERSON: So, that narrows
20 down the documents that she's looked at.

21 MR. RICHARDSON: Do you recall seeing
22 anything - I'm not sure if they gave you the newspaper
23 articles as well, the interviews.

24 Are you aware of anywhere on the
25 C.E.C.T. site or C.E.C.T. site, where they stated at

1 all that they do not condone violence?

2 DR. HENRY: All I can say is that I
3 was given what I've analyzed here.

4 MR. RICHARDSON: Okay. And in the
5 papers that you were given, did you see anything that
6 said that we do not promote, C.E.C.T. did not promote
7 violence?

8 DR. HENRY: Not that I can recall.

9 MR. RICHARDSON: Well --

10 THE CHAIRPERSON: Well, no, because
11 look, she cannot recall.

12 MR. RICHARDSON: I don't understand
13 why she didn't get the whole page to review.

14 THE CHAIRPERSON: I think what we've
15 been told is that she was given the entire page but
16 that she focused on those that are mentioned in the
17 report.

18 If that raises issues, those are
19 things that you can argue later on and ask for whether
20 the C.E.C.T. site does specify non-violence as you're
21 suggesting in your question. Again, it's something
22 that can be determined by the Tribunal in looking at
23 the documents that are before it, if it appears there.

24 If there are some documents that are
25 not yet before the Tribunal which serve to assist you

1 in making your point, you should undertake to produce
2 them in due course.

3 MR. RICHARDSON: Oh no, they're here,
4 they're here, they're here. Actually Mr. Warman gave
5 them.

6 THE CHAIRPERSON: When you say here,
7 remember, I don't have copy of that disclosure that
8 occurred between the parties, all I have is all these
9 HR and R documents on the file.

10 MR. RICHARDSON: Now, you mentioned
11 something about muds and mutts earlier. Do you
12 remember that?

13 DR. HENRY: About...?

14 MR. RICHARDSON: Muds and mutts. You
15 said what a mud was, which was a mixing of two breeds,
16 which we'd call in dog terms --

17 DR. HENRY: Mutt as in dog, yeah,
18 mm-hmm.

19 MR. RICHARDSON: A mutt?

20 DR. HENRY: Yes.

21 MR. RICHARDSON: But in human terms
22 it was called a mud?

23 DR. HENRY: Mongrel.

24 THE CHAIRPERSON: Where was that?

25 MR. RICHARDSON: Maybe you said mutt

1 and I thought you said mud, sorry.

2 THE CHAIRPERSON: Show me where in
3 the --

4 MR. RICHARDSON: This was in her
5 testimony today.

6 THE CHAIRPERSON: It was based on the
7 report. I saw the word somewhere too.

8 DR. HENRY: Yes, it's on page 19 of
9 my report.

10 THE CHAIRPERSON: I see the word
11 mutts.

12 DR. HENRY: The third paragraph down,
13 the third letter:

14 "The purity of all races and in
15 200 years we will all be a bunch
16 of mutts."

17 THE CHAIRPERSON: I'm not sure I
18 heard the word muds.

19 MR. RICHARDSON: Maybe it sounds, you
20 know...

21 DR. HENRY: And the other reference
22 was to mongrelization which...

23 MR. RICHARDSON: No, that's fine, I
24 wasn't referring to that anyways.

25 I can't remember exactly what you

1 said, but pretty much right in front of us here:

2 "Watered down and in 200 years
3 it will be a bunch of mutts."

4 What do you get when you get two
5 purebred dogs of different breeds that breed together?

6 That's what the term mutt come from;
7 right, that's what I'm assuming?

8 DR. HENRY: I believe so. It comes
9 from the dog world, I think, yes.

10 MR. RICHARDSON: Do you think that
11 white racialists are the only ones that believe in not
12 intermixing, inter-racial marriages?

13 Do you have to be racist to believe
14 in that?

15 DR. HENRY: I don't think the belief
16 in intermingling is the total monopoly of white people,
17 no.

18 MR. RICHARDSON: Thank you. In your
19 research have you found it - and this is actually more
20 of a curiosity question but it is relevant to the case
21 - is there any race, religions, cultures that actually
22 frown upon race mixing, just for lack of a better term?

23 THE CHAIRPERSON: Inter-racial
24 marriages?

25 MR. RICHARDSON: Okay, that's better.

1 DR. HENRY: Oh, I think there are
2 probably quite a number.

3 MR. RICHARDSON: Okay. I'd like to
4 go to R-2, tab 3, page 16.

5 Okay, excellent and no. 3 actually
6 happens to be Dean Steacy's report which is the
7 original -- the original thing against us.

8 THE CHAIRPERSON: Investigation
9 report.

10 MR. RICHARDSON: The original
11 investigation.

12 THE CHAIRPERSON: The original
13 investigation report. Where?

14 MR. RICHARDSON: It would be page 16
15 on appendix III.

16 DR. HENRY: Appendix III.

17 MR. RICHARDSON: Yes, and it would be
18 page 16.

19 DR. HENRY: Page 16.

20 MR. VAHE KULBASHIAN: It's the wrong
21 --

22 MR. ALEXAN KULBASHIAN: Page 16, 16
23 at the bottom circled. It's like photocopied pages.

24 THE CHAIRPERSON: It looks like a web
25 page to me.

1 Oh, is that what it is, this thing?

2 MR. VAHE KULBASHIAN Yeah, that's the
3 copy of Mr. Dean Steacy's report.

4 MR. ALEXAN KULBASHIAN: Part of it.

5 THE CHAIRPERSON: Let me back up one
6 moment, please.

7 MR. RICHARDSON: Did you --

8 THE CHAIRPERSON: One moment, please.

9 DR. HENRY: I'm not sure I have this
10 yet actually.

11 THE CHAIRPERSON: I think you're
12 mistaken in the reference to the page, because the
13 report of the investigator is found --

14 MR. ALEXAN KULBASHIAN: Appendix III.

15 THE CHAIRPERSON: Appendix III but
16 page 8.

17 MR. ALEXAN KULBASHIAN: You can see
18 there's an appendix there.

19 THE CHAIRPERSON: Oh, this is
20 appendix, the appendix reference at the top, these are
21 appendices to the Human Rights Commission
22 investigator's report.

23 MR. ALEXAN KULBASHIAN: That's right.

24 MS MAILLET: I was just wondering if
25 that had been produced as evidence.

1 MR. RICHARDSON: The whole book has
2 been produced. I will produce it right now.

3 THE CHAIRPERSON: We are producing it
4 along the way, Mr. Richardson, as each document gets
5 identified.

6 I have it ticked off though here on
7 my -- was it?

8 MR. ALEXAN KULBASHIAN: I believe
9 there were questioning --

10 MS MAILLET: I think it was referred
11 to at one point and we talked about it being
12 incomplete, but it has never been produced as evidence,
13 but I could be wrong. I don't believe it has.

14 THE CHAIRPERSON: Right, that's what
15 I recall.

16 Well, but you say it's incomplete,
17 but I can see that --

18 MR. ALEXAN KULBASHIAN: It was
19 complete, I'm not sure what --

20 THE CHAIRPERSON: Right. We see
21 there's pages "x" of 12 and we don't have 12 pages
22 here.

23 MR. ALEXAN KULBASHIAN: However that
24 would be the entire investigator's report that was
25 supplied to us.

1 THE CHAIRPERSON: How could it
2 possibly be?

3 MR. ALEXAN KULBASHIAN: Well --

4 THE CHAIRPERSON: It's the initial 12
5 pages.

6 MR. ALEXAN KULBASHIAN: If it says
7 "x" of 12, it might be the investigator taking out
8 pages of documents that he had refer to his
9 investigation.

10 THE CHAIRPERSON: Please look at it,
11 Mr. Kulbashian, before you make comments.

12 MR. WARMAN: If I may be of
13 assistance.

14 THE CHAIRPERSON: Yes.

15 MR. WARMAN: This document was put
16 before me on cross-examination by Mr. Kulbashian. My
17 testimony was that what it is in fact is a mixing of
18 two separate documents.

19 The first one is the complaint form
20 --

21 THE CHAIRPERSON: I can see the
22 complaint form which you --

23 MR. WARMAN: Which you see on page 1.

24 THE CHAIRMAN: Page 8?

25 MR. WARMAN: Yes, excuse me.

1 THE CHAIRPERSON: One of 12, is that
2 what you're saying?

3 MR. WARMAN: Yes. And then after
4 that it goes into an incomplete version of what is
5 perhaps a draft, perhaps a final version, something
6 related to the investigator's report.

7 THE CHAIRPERSON: It looks like a
8 typical investigator's report, summary of complaint,
9 and then it continues, but I'm missing page numbers
10 here.

11 MR. WARMAN: But my point is that
12 they are two different documents, and certainly both
13 documents are incomplete.

14 MS MAILLET: These are part of the
15 documents that were photocopied by --

16 THE CHAIRPERSON: What is odd is I'm
17 following the numbering of the paragraphs and the one
18 that has the handwritten pen at the bottom has
19 paragraph 10 on it as the last paragraph, the following
20 page has paragraph 11, and yet at the very top it's
21 gone from page 2, page 3 of 12 and became page 6 of 12.

22 MR. WARMAN: Perhaps that's the
23 danger in taking two separate documents and mixing them
24 together.

25 THE CHAIRPERSON: I see. So, that

1 there may be the sequence in terms of the paragraphs,
2 but there is certainly not sequence in terms of pages.

3 MR. VAHE KULBASHIAN: My recollection
4 is that we received twice.

5 THE CHAIRPERSON: Yes, so by mistake
6 you seem to have mixed them up.

7 MR. VAHE KULBASHIAN: I don't know
8 because we received twice the same documents.

9 I don't know whether they were
10 changed. They send us one during his evidence and then
11 they sent another one.

12 MR. RICHARDSON: It's still a 12-page
13 documents, so we're not missing any of it.

14 THE CHAIRPERSON: Let me reorganize
15 the question.

16 It appears to me that you wanted to
17 refer, Mr. Richardson, to something that was an
18 appendix to the investigator's report, this sort of
19 gray coloured photocopy that begins at handwritten 14
20 at the bottom right?

21 MR. RICHARDSON: No, 16, just page
22 16.

23 THE CHAIRPERSON: I know that, but
24 it's a whole document.

25 MR. ALEXAN KULBASHIAN: I saw 14, 15,

1 16, yes.

2 THE CHAIRPERSON: It's one document,
3 right? It's one newspaper article from Brian Caldwell;
4 is that not what you wanted?

5 MR. RICHARDSON: Okay, okay, okay.

6 MR. ALEXAN KULBASHIAN: From the 14th
7 to the 17th page.

8 THE CHAIRPERSON: So, why don't we
9 just take this particular document and look at that as
10 opposed to trying to integrate it into the
11 investigator's report.

12 This looks like it's an appendix to
13 the investigator's report.

14 Any objection to that?

15 MR. WARMAN: Yes.

16 THE CHAIRPERSON: It's not? It is?

17 MR. WARMAN: Sorry, no, I'm saying if
18 you're putting forth the idea that we enter part of a
19 document separate from the whole context, yes, I will
20 object to that because there's -- I mean, essentially
21 what we have here is a compilation of two separate
22 documents, one of which hasn't been entered into
23 evidence.

24 THE CHAIRPERSON: I'm not going to
25 that document. There was an appendix on one of those

1 documents which I gather Mr. Richardson wants to ask a
2 question about, it's an article from the Kitchener
3 Waterloo Record, and I gather -- from what I'm seeing
4 here I gather it had been appended to the
5 investigator's report, you must have the investigator's
6 report somewhere there; don't you?

7 MR. WARMAN: The investigator's
8 report is not in evidence.

9 THE CHAIRPERSON: Not in evidence, I
10 understand.

11 But he wants to ask a question, I'm
12 gathering, on this exhibit that was attached to the
13 investigator's report.

14 MS MAILLET: I don't recall this
15 being attached to the investigator's report.

16 THE CHAIRPERSON: Oh, it's not the
17 case.

18 MS MAILLET: I don't have it in front
19 of me, I don't have the investigator's report here. It
20 seems odd he would attach --

21 THE CHAIRPERSON: On its face of it,
22 it looks to me like this is an excerpt from the website
23 of the Kitchener Waterloo Record.

24 At the top it says KW 10/03/23
25 "html", KW, looks like Kitchener Waterloo and he just

1 wants to ask a question about this article, is what I'm
2 gathering, so it has nothing to do with the
3 investigator's report; right?

4 MR. VAHE KULBASHIAN: I can bring the
5 original tomorrow.

6 THE CHAIRPERSON: That's fine. We'll
7 print that out later.

8 MR. RICHARDSON: This has nothing to
9 do with the investigator's report.

10 It is page 1 of 4, 2 of 4, 3 of 4,
11 and this whole book was submitted by Mr. Kulbashian, so
12 that anything can be used.

13 THE CHAIRPERSON: I must say the book
14 is a bit messy.

15 MR. ALEXAN KULBASHIAN: We're not
16 lawyers.

17 THE CHAIRPERSON: But that's why it
18 takes up some time and then we sit there saying, why is
19 time being wasted. We're wasting time right now.

20 Look, what we have here, I'm going to
21 pull it out, it's a four-page document, it appears to
22 be an article from the Kitchener Waterloo Record.

23 MR. RICHARDSON: It's even got --

24 THE CHAIRPERSON: I seem to have some
25 suggestion from the respondents that this was somehow

1 attached to the investigator's report.

2 But whether it was or whether it
3 wasn't, Mr. Richardson wants to ask a question to the
4 witness with regards to page 3 of this article from the
5 Kitchener Waterloo Record.

6 MS MAILLET: Perhaps, sir, I think it
7 would be easier at tab 45 of HR-1 that same article has
8 been produced as an exhibit.

9 MR. VAHE KULBASHIAN: Thank you.

10 MS MAILLET: I believe it's the same
11 on the face of it, it appears.

12 THE CHAIRPERSON: Racist charged with
13 making...

14 DR. HENRY: What tab is it again?

15 MR. WARMAN: 45.

16 MS MAILLET: 45.

17 THE CHAIRPERSON: It looks good. I'm
18 looking at the date that appears on the website of the
19 document that we're looking at in R-2 and it's the same
20 date.

21 MR. RICHARDSON: So, am I to take it
22 this has been entered already into evidence?

23 THE CHAIRPERSON: Yes, 45 has been.

24 MR. RICHARDSON: So, I don't need to
25 do anything. That is perfect. Put away the other one.

1 THE CHAIRPERSON: So, that page 14 of
2 R-2, appendix III has not been produced because we
3 already have it, it's not the exact same document, but
4 the text is the same, it's the text of the same article
5 that was found on a website, another website www.cect.

6 Okay, Mr. Richardson, we lost a
7 little time there. Go to your question right away.

8 MR. RICHARDSON: Yes, we did.

9 Okay. At the second page in tab 45,
10 the section at the back.

11 THE CHAIRPERSON: Okay.

12 MR. RICHARDSON: Can you read to me,
13 starting from the second paragraph where it says:

14 "But..."

15 And I'll tell you when to stop.

16 DR. HENRY:

17 "But in an interview
18 yesterday..."

19 Is that it?

20 MR. RICHARDSON: Yes, please
21 continue.

22 DR. HENRY:

23 "...another man claiming to be a
24 leader of the Canadian Ethnic
25 Cleansing Team said police are

1 over reacting."

2 And it goes on:

3 "Alex Krause, 20 of Toronto said
4 he and Richardson are actually
5 the only formal members of the
6 Canadian Ethnic Cleansing Team
7 which they created as an
8 information network for white
9 supremacists around the
10 country."

11 MR. RICHARDSON: Keep going.

12 DR. HENRY:

13 "As the only other formal member
14 of the group, he said, he has
15 never considered murder or any
16 violence against Muslims or Jews
17 in retaliation for the terrorist
18 attacks by suspected Islamic
19 extremists. We don't take any
20 action on a physical level, said
21 Krause, we weren't planning on
22 doing anything."

23 MR. RICHARDSON: Thank you. That's
24 good.

25 Did you see this article when you did

1 your research?

2 DR. HENRY: No.

3 MR. RICHARDSON: Would this article
4 at all have made you want to look into other articles
5 and -- see, I guess the problem I'm getting at now is,
6 I won't -- you were only given specific things to look
7 at, and so you didn't really get to see the whole
8 picture.

9 So now that you're getting to see
10 parts of little pieces of the actual big story, do you
11 think it is at all possible that C.E.C.T. was a
12 non-violent group, a political group basically?

13 DR. HENRY: I can only surmise that
14 Mr. Krause, whoever he is, I have no knowledge of Mr.
15 Krause, says that it's not a physical group that they
16 don't take physical action, and if that's a true, fine.

17 But the point is, to me the relevant
18 point -- I mean, I'm, glad to hear that there is no
19 violence planned on the part of this particular group
20 but, on the other hand, I look at statements such as
21 the bottom of page 1, but half of it is rubbed out on
22 my copy.

23 THE CHAIRPERSON: It continues to the
24 next page.

25 DR. HENRY: Oh.

1 "My ultimate goal is a totally
2 white country. Most of the
3 problems in society stem from
4 immigration. I will be not be
5 happy until every non-white
6 person is gone from this
7 country."

8 That's the comment that has salience
9 to me because what it says is that this is a racist
10 individual who is expressing racism against people who
11 are not white, and who wants them out of his country.

12 MR. RICHARDSON: Is there a
13 difference where the C.E.C.T. -- or the Tri-City
14 website says that, you know, they will use violence to
15 get to their means.

16 I want to know if you seen anywhere
17 in any of the information you have seen on this
18 C.E.C.T. website if you seen any promotion of violence,
19 any promotion of using violence to get to their means,
20 in your recollection?

21 DR. HENRY: I'm happy to hear, and I
22 accept your word and the word of Mr. Krause, who is
23 quoted here, that violence is not part of the strategy.

24 But that does not change my opinion
25 with respect to the racist ideology that is contained

1 in the documentation that has been provided to me and
2 which is even identified in this very article.

3 THE CHAIRPERSON: I have her answer
4 on this.

5 MR. RICHARDSON: That's pretty much
6 the answer I wanted. Thank you.

7 THE CHAIRPERSON: No, what I'm trying
8 to say is, don't repeat the question, I have her
9 answer.

10 MR. RICHARDSON: Over the years, have
11 you ever seen the difference between a political
12 non-violent racist group, so, yes, they're racist and,
13 yes, they have their views, but they want to get to
14 their views like the Canadian Heritage Alliance, they
15 still have their views and they still want an all white
16 country, which you say is, like, the example in the
17 article but they're not willing to use violence and
18 kill people to get it.

19 Would you recognize a difference
20 between that and maybe a militant group like the
21 Tri-City Skins, that you still can have the beliefs and
22 not be violent about them?

23 DR. HENRY: Yes, I recognize that
24 difference.

25 MR. RICHARDSON: Thank you.

1 It was mentioned today that, I think
2 it was a Vinland Voice article it had a link to the
3 C.E.C.T.

4 You stated that -- or had a link to
5 the Tri-City site, I guess the C.E.C.T. site had a link
6 on there and wouldn't it be common for most racist
7 sites, because they are such a huge minority of the way
8 that everyday people think, that even the groups that
9 don't see eye to eye and don't have the same views will
10 still tend to work with each other on common grounds
11 just for the fact that, I mean, there's strength in
12 numbers.

13 Would that be fair to say?

14 DR. HENRY: Yes.

15 MR. RICHARDSON: Now, back to the
16 links. If I was to tell you that the JDL website had
17 probably the best link section for the white supremacist
18 movement in the world, would you argue that?

19 DR. HENRY: I have no knowledge of it
20 because I have never been into the site, so I cannot
21 speak from personal experience.

22 MR. RICHARDSON: Would you think it
23 was weird that a group named the Jewish Defence League
24 would have a full listing of every racist site all
25 around the world?

1 DR. HENRY: Do I think -- would I
2 think that's weird, is that the question?

3 MR. RICHARDSON: Yeah, would it seem
4 abnormal to you that a group of one particular minority
5 would give you links to basically all the white
6 supremacist sites around the world?

7 THE CHAIRPERSON: All right, we have
8 one chair.

9 MS MAILLET: Yes, Mr. Chair, she's
10 already indicated she's never been on the JDL website,
11 so if he can just refrain from giving her hypotheticals
12 about what might be on it, she can't answer what could
13 be on it.

14 THE CHAIRPERSON: He could put it in
15 hypothetical form. She has no knowledge of the
16 website.

17 MR. ALEXAN KULBASHIAN: The last
18 question that I heard was, would you consider it weird
19 or abnormal if a Jewish racist site would have --

20 THE CHAIRPERSON: He never said the
21 Jewish racist site.

22 MR. KULBASHIAN: If the JDL, Jewish
23 site would have links to other racist sites on it.

24 So, it was not hypothetical, it was
25 just more like, would you consider it odd if, more like

1 situation?

2 THE CHAIRPERSON: Do you have any
3 comment to make on that?

4 DR. HENRY: I'm loathe to comment on
5 things that I have no real first-hand knowledge of.

6 THE CHAIRPERSON: She has no
7 knowledge of it. Move on.

8 MR. RICHARDSON: Do you know what the
9 word B'Nai Brith stands for?

10 DR. HENRY: I think I knew that at
11 one time, but honestly I can't remember it now.

12 MR. RICHARDSON: Do you know what the
13 word Torah means?

14 DR. HENRY: It's part of the Jewish
15 scriptures.

16 MR. RICHARDSON: Have you read any of
17 the Jewish scriptures?

18 DR. HENRY: Yes, many years ago.

19 MR. RICHARDSON: Was it in Hebrew
20 when you read it, or was it in English copy?

21 DR. HENRY: No, it would have been in
22 English.

23 MR. RICHARDSON: It was translated.
24 You do know that the translation isn't quite correct,
25 somebody probably told you that?

1 THE CHAIRPERSON: It is a leading
2 question.

3 MR. RICHARDSON: She would know.

4 THE CHAIRPERSON: I'm responding
5 because I have Mr. Warman standing up and I assume --

6 MR. WARMAN: It's not leading, it's
7 testifying, it's giving evidence, he's saying the Torah
8 is incorrect; right?

9 MR. RICHARDSON: Okay, I will
10 rephrase it.

11 THE CHAIRPERSON: I was going to say
12 leading and adding in.

13 MR. RICHARDSON: Leading and adding,
14 I'm doing it all.

15 THE CHAIRPERSON: Leading is fine,
16 adding is wrong.

17 MR. RICHARDSON: Was there any
18 disclaimer, like, when you got the English version -
19 like I have also read it - and I don't want to give
20 evidence.

21 Is it your belief that the English
22 version is a little off than the Hebrew version, not a
23 hundred per cent translated?

24 DR. HENRY: Mr. Richardson, I last
25 looked at or read parts of this particular scripture so

1 many years ago, I don't want to even tell you.

2 MR. RICHARDSON: Okay.

3 DR. HENRY: So I have no idea whether
4 at that time I thought it was a good, bad or
5 indifferent translation.

6 MR. RICHARDSON: All right.

7 THE CHAIRPERSON: And I'd like to
8 know what the relevance is of that?

9 MR. RICHARDSON: Well the actual, for
10 anybody that's read the book --

11 THE CHAIRPERSON: No, no, don't
12 testify. Are you going to testify now?

13 MR. RICHARDSON: I was going to --
14 thank you.

15 THE CHAIRPERSON: Don't.

16 MR. RICHARDSON: I was trying to show
17 that -- I can't testify.

18 THE CHAIRPERSON: That's right, so
19 don't. You can testify in your turn.

20 The witness says she has no
21 recollection of what --

22 MR. RICHARDSON: No, that's fine.

23 THE CHAIRPERSON: She never read it
24 in Hebrew to begin with, so...

25 MR. RICHARDSON: She read it in

1 English, I still have English questions to do with the
2 Torah.

3 THE CHAIRPERSON: The question, what
4 relevance does the Torah have to this case?

5 MR. RICHARDSON: Well, it's a book
6 solely on the purpose of Jewish supremacy and, like,
7 their whole Bible is based on this, and some of the
8 things they say, for example, that you can do anything
9 to the gentile, you know, as long as you don't get
10 caught.

11 MR. WARMAN: Member Hadjis, are you
12 going to permit this, really? There is a certain level
13 of decorum that really should be maintained, and this
14 kind of screed against Judaism and their holy
15 scriptures is really beyond the Tribunal.

16 I'm sorry, but I find it a little
17 unsettling.

18 MR. ALEXAN KULBASHIAN: Is Mr. Warman
19 disputing what he's saying or is he disputing --

20 THE CHAIRPERSON: I'm talking.

21 MR. ALEXAN KULBASHIAN: Sorry.

22 THE CHAIRPERSON: So what I want to
23 know is --

24 MR. RICHARDSON: I'm making no
25 attacks against the Jews, by the way.

1 THE CHAIRPERSON: No, but if your
2 tact here -- let me give you a little bit of a picture
3 here.

4 If the argument here that you are
5 trying to put forth is that other religions or other--

6 MR. RICHARDSON: Races or groups.

7 THE CHAIRPERSON: No, I didn't say
8 that, I'll be talking, just listen to me.

9 If you're saying that other groups
10 may have opinions, minority groups that in some way may
11 be negative in a simplistic way, say, somewhat negative
12 to other groups themselves, and that somehow has some
13 bearing on the complaint that's been filed against you,
14 I think I urge you to go back and read second 13,
15 because the group that is -- the allegation that has
16 been made in section 13 pertains to these specific web
17 pages and they pertain to those specific groups listed
18 in the complaint and that's how section 13 is worded.

19 Section 13 talks about documentation
20 that leads to -- that is likely to expose a person or
21 persons to hatred or contempt by reason of the fact
22 that that person or those persons are identifiable on
23 the basis of a prohibited ground of discrimination.

24 Now, that another group is doing the
25 same thing in B.C. or another group is doing that, I

1 don't see how that can be relevant to what's at issue
2 before us, two wrongs don't make a right, if I can say
3 that, I'm not saying that what's before me is a wrong
4 but--

5 MR. RICHARDSON: I understand.

6 THE CHAIRPERSON: --but on the
7 hypothesis that's being put forth in the Human Rights
8 complaint before me that there was a wrong that took
9 place that meets the test of section 13, it's not my
10 concern and it shouldn't be my concern that there may
11 be other wrongs going out there.

12 MR. RICHARDSON: That's where I was
13 going.

14 THE CHAIRPERSON: Well, I think you
15 have to be mindful of that. I mean, this is why we
16 have dozens and hundreds of case across this country,
17 there are many wrongs going on in all sorts of
18 directions.

19 Just to give you an idea, I did a
20 case last year -- or two or three years ago with Mr.
21 Levac in nearby Mississauga that involved a complaint
22 filed by one visible minority woman who was of East
23 Indian origin from the Caribbean against a man who was
24 also from the Caribbean who was also a minority of
25 African origin, and the complaint was that racial

1 epithets were being exchanged.

2 One can imagine all kinds of
3 permutations of discrimination occurring.

4 And by the way the finding in that
5 case was that the harassment claim was unfounded, so
6 just to give you the example.

7 So, things can happen in all sorts of
8 directions, there is no monopoly - I think the witness
9 might agree with me - there is no monopoly on prejudice
10 to one group or another, it's certainly possible for
11 many people from many groups to be prejudiced, but we
12 have to focus on the complaint that's before us here.

13 All right.

14 MR. RICHARDSON: Yes, I apologize.

15 THE CHAIRPERSON: Anyone else -- I
16 mean, that's a commentary I have made, anybody wants to
17 add something from the two respondents or
18 complainant/Commission feel free to do so, but I think
19 it's important that we maintain that focus.

20 MR. RICHARDSON: I will drop that
21 whole line of questioning.

22 THE CHAIRPERSON: I'm not asking you
23 to drop it, just maintain the focus.

24 THE CHAIRPERSON: Let's take a break.

25 REGISTRY OFFICER: All rise.

1 ---Recess taken at 3:30 p.m.

2 ---On resuming at 3:45 p.m.

3 REGISTRY OFFICER: Order.

4 All rise.

5 Please be seated.

6 MR. RICHARDSON: Dr. Henry, what got
7 you into the study of race relations, what inspired you
8 to -- do you understand the question?

9 DR. HENRY: Mm-hmm.

10 MR. RICHARDSON: What got you
11 started?

12 DR. HENRY: I was raised in the
13 United States and I went to -- all my university
14 schooling was in the United States and I was very much
15 affected by the inequality directed towards various
16 minority communities and specifically African Americans
17 at the time and that spurred my interest in studying
18 issues of race and racism.

19 MR. RICHARDSON: So, it be kind of,
20 like, my assumption it would be kind of the opposite we
21 would get someone going to the white supremacist
22 movement, something that happened, like, to trigger
23 them off that sent him into that path,
24 close to that.

25 DR. HENRY: Well, that I can't really

1 comment on, but I mean -- I mean, I answered your
2 question in terms of what got me motivated and that was
3 the inequality of a great many people that I grew up
4 with and saw around me.

5 MR. RICHARDSON: I just wanted to
6 know, I didn't know if it was something -- I figured it
7 was something that easy, I don't know if something
8 traumatically happened or vice versa.

9 But if you could turn to HR-1, the
10 big black book, and tab 20.

11 Now, in here there is an article
12 that:

13 "You have made me a bomb".

14 Was that one of the articles you had
15 a chance to read?

16 Oh, I'm so sorry, page 6, I
17 apologize.

18 THE CHAIRPERSON: Okay, page 6.

19 "You made me a human bomb"

20 MR. RICHARDSON:

21 "You made me a human bomb."

22 Think how efficient I would be if I was a lawyer.

23 DR. HENRY: No, I don't recall this.

24 No.

25 MR. RICHARDSON: I know it's going to

1 be asking an awful lot, would you mind reading the
2 article for us.

3 THE CHAIRPERSON: All of it?

4 MR. RICHARDSON: I could read it, if
5 it would make it faster.

6 THE CHAIRPERSON: Do we need to read
7 all of it?

8 MR. RICHARDSON: There's no one
9 specific point, the whole article itself is the actual
10 whole point and, like, I couldn't just take out a part
11 and say, you know, read this.

12 We can either read it all or read
13 nothing.

14 THE CHAIRPERSON: I'm afraid I wish
15 you had suggested that before the break, Mr.
16 Richardson.

17 Let's look at it the other way. Why
18 don't you -- if there's something that you wish to
19 draw, or there's a real conclusion that you wish to
20 make based on this article, why don't you just put it
21 to the witness and we'll all read the article later.

22 MR. ALEXAN KULBASHIAN: She says she
23 hasn't read it.

24 THE CHAIRPERSON: She has not read
25 it, no.

1 MR. ALEXAN KULBASHIAN: No.

2 So, like, it's kind of hard to put a
3 conclusion towards the article when she says she hasn't
4 read it.

5 If she'd read it, that would make it
6 easier.

7 THE CHAIRPERSON: Can I hear the
8 question that's going to come after the reading of the
9 article?

10 MR. RICHARDSON: There is actually
11 going to be a couple.

12 It's a really sad story if you read
13 it, actually, and I guess it was posted on the Vinland
14 Voice website, yes, it was issue 5 dated September
15 14th.

16 THE CHAIRPERSON: Looking at it very
17 quickly, I think it's an article that's written by a
18 Palestinian.

19 MR. RICHARDSON: Yeah, a Palestinian
20 boy and he's basically saying what made him a human
21 bomber and why.

22 THE CHAIRPERSON:

23 "Because of the occupation,
24 blood-stained hills --" a
25 summary "-- blood-stained hills,

1 Apache helicopters, fire
2 bombings into my dwellings, you
3 leave my people without hope..."
4 I'm just picking phrases that I see.

5 MR. RICHARDSON: I recommend
6 everybody read this tonight, it's not a racist article
7 at all, but it really is good and sad.

8 THE CHAIRPERSON: Let's leave your
9 comment to yourself.

10 "You kill unarmed Palestinian
11 fathers on their way to buy some
12 food supplies, you tell the
13 world that you want peace."

14 This is an excerpt that we have put
15 into the record previous.

16 MR. RICHARDSON: Yes, sir.

17 THE CHAIRPERSON:

18 "You tell the world that you
19 want peace but yet at every
20 corner, at every instance you
21 are as far from peace as the
22 earth is from a different
23 universe speeding in an opposite
24 direction."

25 Okay now...

1 MR. RICHARDSON: I was actually
2 hoping that she had read the article. I just assumed
3 that she would have, but that's fine.

4 THE CHAIRPERSON: Can you read it in
5 two minutes?

6 DR. HENRY: I just skimmed it as you
7 did.

8 THE CHAIRPERSON: As I did.

9 MR. RICHARDSON: She doesn't really
10 need -- she got the point.

11 THE CHAIRPERSON: So, ask your
12 question.

13 MR. RICHARDSON: Now, assuming that
14 it come from a Palestinian boy, we have no proof either
15 way, my first question is (a) would you not find it
16 weird that a pro-white website would be aiding and
17 abiding by posting this sort of article from a
18 non-white person on their website?

19 DR. HENRY: No.

20 MR. RICHARDSON: Can you tell us why?

21 DR. HENRY: Well, because it's a
22 letter or a communication from a Palestinian: and
23 there is prior material which makes it clear that there
24 is a very strong anti-Semitic ideology in other
25 materials on this website, so any article that comes

1 from the other side, as it were, is related to the
2 general ideological stance of the website as a whole.

3 MR. RICHARDSON: What, and I'm not
4 expecting you to be an expert on religion, but
5 generally Palestinian, what religion would you say they
6 were?

7 DR. HENRY: I think they are mixed.
8 Palestinians are, I think, a variety of different
9 religions.

10 MR. RICHARDSON: The majority would
11 be Muslim, would that be fair to say?

12 DR. HENRY: I suppose the majority
13 would be. I think there are also Christian
14 Palestinians.

15 MR. RICHARDSON: And maybe even
16 Jewish, you don't know, but you're right, it could be
17 anybody.

18 In the same newspaper article on the
19 first page, do you remember we just came from reading a
20 story about a Palestinian boy, it says, you know, on
21 the third paragraph down on the Editor's Voice:

22 "And, yes, I hold all Muslims
23 personally responsible..."

24 So, in one article --

25 THE CHAIRPERSON: Where?

1 DR. HENRY: Where is that?
2 THE CHAIRPERSON: Where did you just
3 read from?
4 Oh, page 1 of the same tab.
5 MR. RICHARDSON: It's all the same
6 article.
7 DR. HENRY: Mm-hmm, mm-hmm.
8 MR. ALEXAN KULBASHIAN: Same
9 document.
10 THE CHAIRPERSON: Same newsletter.
11 MR. RICHARDSON: Same newsletter.
12 DR. HENRY: Okay.
13 "I hold all Muslims personally
14 responsible."
15 MR. RICHARDSON: We read the article
16 enough times throughout.
17 DR. HENRY: Mm-hmm.
18 MR. RICHARDSON: So, in the same text
19 Muslims and Jews and Arabs are being ridiculed and put
20 down and yet, you know, they still found, like, this
21 article interesting.
22 So, my second question would be: Do
23 you think you would find this kind of article on the
24 Tri-City Skins web page just from what you have seen
25 from the Tri-City Skins web page?

1 DR. HENRY: I'm just reviewing the
2 materials that I read on that site which I've written
3 about at some length in this report.

4 I think probably not.

5 MR. RICHARDSON: So, I'm just trying
6 to still back up the point -- I'm testifying again.

7 THE CHAIRPERSON: So don't testify.

8 MR. RICHARDSON: And I stopped.

9 THE CHAIRPERSON: Let me explain to
10 you how it works just so you understand, how it can
11 really work well for any party, any counsel who's
12 making questions.

13 You ask questions and you get nice
14 little answers that form little puzzle pieces, if you
15 will, and then when it comes to the time you are going
16 to argue or maybe put your evidence, you take all those
17 little pieces and just you make a logical sequence.

18 You'll say, well look here's my
19 proposition and in support of this I have this
20 statement and that statement and this statement and
21 that statement, and you make your proposition that way,
22 you see.

23 Don't do it now, just collect all
24 those pieces now to make your conclusion or proposition
25 or prove your case.

1 MR. RICHARDSON: Do you consider this
2 article racist?

3 THE CHAIRPERSON: Now, let's be
4 specific, not the newsletter?

5 MR. RICHARDSON: Back --

6 THE CHAIRPERSON: Back to page 6.

7 MR. RICHARDSON: Back to the bottom,
8 I apologize.

9 THE CHAIRPERSON: Yes.

10 DR. HENRY: I don't think so. I
11 think this is the lament of a very, very sad human
12 being who has suffered a great deal.

13 MR. RICHARDSON: Do you think that --
14 this would only be your opinion, that this kind of
15 article would make it into a normal web page, like,
16 normal through -- normal media channel?

17 DR. HENRY: You mean, such as like a
18 newspaper?

19 MR. RICHARDSON: Yeah, like CNN, The
20 Spectator, The Toronto Sun?

21 DR. HENRY: Well, first of all, it's
22 too long, so probably it wouldn't make it into any of
23 these things.

24 MR. RICHARDSON: Movie of the week.

25 DR. HENRY: But I suppose what you're

1 really getting at is a tale of such sadness, would that
2 be publicized by the media or television.

3 I think that depends. I can see a
4 documentary, for example, where Palestinian
5 children and young adults and so on are interviewed and
6 will tell a story similar to this.

7 I think in an ordinary news report,
8 probably not. I suspect there would be Internet sites
9 though, other than this one, where such material could
10 be found.

11 MR. RICHARDSON: Have you ever seen
12 or read stories like this one, and I mean specifically
13 like this one, specifically, a Palestinian in the news
14 media.

15 Do you hear stories like this?

16 DR. HENRY: I'd really have to think.
17 The news media that we get is -- I mean, there is so
18 much of it that it's really -- it's very difficult and
19 I must say, I don't do a lot of television, so it
20 certainly wouldn't have come from television.

21 The newspapers that I read would not
22 have published this in detail, no.

23 So I guess, you know, my long winded
24 answer to your question is probably not.

25 MR. RICHARDSON: Okay, thank you.

1 So, would it be fair and safe to say
2 that a venue like the Vinland Voice would be one of the
3 only ways to get a story like this out?

4 DR. HENRY: Well, I don't think I'd
5 go that far. I can see there are probably other
6 Internet sites that are not under contestation here
7 that may contain this information. I would assume
8 there are Palestinian websites that I certainly don't
9 know about, but there are websites on everything from
10 everybody today, so I would assume that you could find
11 it on the Internet elsewhere.

12 MR. RICHARDSON: My last question
13 about this article, do you think an article in this
14 nature would show political motivation on the editors
15 of the Vinland Voice?

16 DR. HENRY: Well, yes, because I
17 think it is published there because it supports their
18 ideology of anti-Semitism because what this person --
19 this young underground man is complaining about his sad
20 life as a result of living with Israelis.

21 MR. RICHARDSON: Do you think the
22 author of this article is anti-Semitic?

23 DR. HENRY: Well, he's certainly
24 anti-Israel because he's blaming Israel for all the
25 damage that has been done to his life.

1 MR. WARMAN: Member Hadjis, just a
2 correction, that the witness has stated that she has
3 only briefly skimmed the article in terms of the
4 weight.

5 MR. ALEXAN KULBASHIAN: Maybe she
6 should read it all.

7 THE CHAIRPERSON: Look, you know
8 what, in order to avoid further delay, I will ask the
9 witness, Mr. Richardson, I'm going to ask the witness
10 something which I'm sure would be forthcoming from the
11 other side, all right, and that's in the excerpt that I
12 started reading and didn't finish and have her read
13 that portion, the last paragraph of this text the
14 bottom right corner.

15 DR. HENRY: Mm-hmm.

16 THE CHAIRPERSON: Have you had a
17 chance to read it all?

18 DR. HENRY: I'll read it right now.

19 MR. ALEXAN KULBASHIAN: Out loud or
20 to herself?

21 THE CHAIRPERSON: No, to herself.

22 MR. ALEXAN KULBASHIAN: Would it be
23 like page 8 you mean?

24 THE CHAIRPERSON: 7. Oh.

25 MR. ALEXAN KULBASHIAN: Because

1 there's two excerpts.

2 THE CHAIRPERSON: Okay. So, the
3 bottom of page 7 and the top of page 8, those are the
4 two excerpts that were cited in the evidence of the
5 complainant/Commission.

6 DR. HENRY: The top of page 8.

7 THE CHAIRPERSON: Yes.

8 DR. HENRY: All right.

9 THE CHAIRPERSON: So having viewed
10 that, does your previous -- do your previous answers to
11 Mr. Richardson change in terms, and this one that's
12 just being put to you, whether this article can be
13 considered to be, what was the word you used, Mr.
14 Richardson?

15 MR. RICHARDSON: Anti-Semitic?

16 THE CHAIRPERSON: Anti-Semitic?

17 DR. HENRY: Yes, definitely.

18 THE CHAIRPERSON: Now, you say it's
19 anti-Semitic?

20 DR. HENRY: Yes, it's anti-Israeli
21 and it's certainly anti-Semitic because it goes beyond
22 now, it goes beyond the state of Israel, it talks about
23 'you people...', where is it -- that "you", you know,
24 the total you,

25 "...speak with a forked tongues

1 of your war mongers."

2 Well, the last one, the Koran calls
3 you dogs and monkeys but that's an insult to dogs and
4 monkeys who are creatures of God, you are creatures of
5 darkness.

6 So, it is anti-Semitic, it is
7 anti-Israeli and it is basically fascist because it
8 says:

9 "The price is simple, get out,
10 get out of my land, leave my
11 people alone, this land is not
12 yours", et cetera, "you stole
13 it. Even if we have to kill
14 every one of you".

15 We're again here dealing with much
16 more powerful rhetoric than the first paragraphs
17 wherein the personal sorrow is displayed.

18 MR. RICHARDSON: Dr. Henry, you
19 stated earlier that sometimes even the best people say
20 the worst things, not in so many words, but you said
21 that.

22 Now, hypothetically if somebody come
23 into your country and they took a large piece of your
24 land and then they kicked you out of a large piece of
25 your land and then when you tried to get back in your

1 land they started killing you, do you think that you
2 would be so passive about your outlook in life?

3 DR. HENRY: Well, I can't answer that
4 because it's really too hypothetical to imagine.

5 MR. RICHARDSON: Well, people are
6 living this every day, this is what I'm getting at,
7 this is this boy's story, this is what is actually
8 happening.

9 DR. HENRY: Well, North American
10 Indians lived this saga every day of their historic and
11 their contemporary life too.

12 We kicked them out and we're still
13 kicking them.

14 So, you know, there are many
15 examples, unfortunately there are many examples in
16 human history where people kill, annihilate and kick
17 each other out.

18 MR. RICHARDSON: So, you would
19 actually consider this boy to be making a racist
20 comment instead of making a patriotic comment, maybe
21 you know, enough is enough, I'm tired, I'm not going to
22 take this any more, they have done this to my people.

23 You know, maybe, like is it possible
24 at all that this gentleman isn't racist or an
25 anti-Semite, just a guy that's down on his luck--

1 DR. HENRY: And is just fed up, yeah.

2 MR. RICHARDSON: --and seeing his
3 people killed and can't take it any more, people say
4 and do things, suicide bombers --

5 THE CHAIRPERSON: Mr. Richardson, I
6 think I got your question.

7 DR. HENRY: I suppose that that
8 scenario, as you paint it, is a possibility, but it's
9 very difficult to second guess what's in the mind of
10 somebody who's written these pages.

11 MR. RICHARDSON: Okay. I didn't hear
12 what you said a little earlier, you said that we are
13 still kicking them out.

14 Were you referring to North American
15 Indians?

16 DR. HENRY: Yes.

17 MR. RICHARDSON: We're not killing
18 them every day, that's the difference between the two.

19 DR. HENRY: Oh, but we did. Read
20 your history.

21 THE CHAIRPERSON: Let's not have a
22 debate about history.

23 MR. RICHARDSON: Okay.

24 THE CHAIRPERSON: Certainly the
25 plight of Native Canadians is well documented.

1 MR. RICHARDSON: Yes, yes, well
2 certainly, well certainly.

3 Okay, I got your answer, I'll leave
4 it at that. That's good.

5 Now, in modern days we've got rap
6 music, I don't know if you've ever seen a rap video.

7 DR. HENRY: I'm familiar with some
8 rap, yes.

9 MR. RICHARDSON: They talk about
10 their hos and there's a lot of discrimination against
11 white women, women in general, but white women, any
12 woman, doesn't really matter what colour they are, and
13 they are bringing a bad stereotype on themselves, but
14 not only that, the whole discrimination against women.

15 Would you consider that racist as
16 well?

17 DR. HENRY: I consider some rap
18 material that I have heard to be racist, yes.

19 MR. RICHARDSON: And some is not
20 racist, but some is violent?

21 DR. HENRY: Yes.

22 MR. RICHARDSON: Each one has its
23 only little category.

24 Why do you think - this would only be
25 your opinion of course - why do you think it is that

1 this type of activity can continuously go on and
2 nothing gets done about it, or the fact that -- he's
3 just getting comfortable -- okay, or the fact that --
4 another example is that, you know, the Palestinian
5 people are still getting killed and that is all about
6 race, I mean there is no denying that, that whole war.

7 Why is it that this particular stuff
8 still happens in society?

9 THE CHAIRPERSON: Objection. I see
10 Mr. Warman, because you didn't say it, for the record
11 I'm just noting the fact that Mr. Warman stood up.

12 MR. WARMAN: Just waiting my turn.

13 THE CHAIRPERSON: Yes.

14 MR. WARMAN: Really the question of
15 rap music is not covered under section 13.1 barring
16 its broadcast over the Internet. The question of the
17 Israeli Palestinian conflict is not at issue under
18 section 13.1 of the Canadian Human Rights Act and I'm
19 just curious about the relevance to this complaint.

20 Dr. Henry has already testified that
21 racism permeates society, that there is no shortage of
22 racism, but I'm just wondering what the specific
23 relevance of that question is to this complaint.

24 MR. RICHARDSON: I'm continuing and
25 finishing actually, that was the last part of it,

1 building up my case about the whole thing that Dr.
2 Henry said earlier, that even good people say bad
3 things.

4 THE CHAIRPERSON: I think it was part
5 of -- you heard what I mentioned earlier in my
6 discussion before the break, right?

7 MR. RICHARDSON: Yes.

8 THE CHAIRPERSON: Nothing prevents
9 anyone from being racist, it's not the exclusive domain
10 of white males, anyone can hold prejudicial or racist
11 views, I think it's a given, it's implicit in the Act
12 certainly.

13 MR. RICHARDSON: Most definitely.
14 It's just some is more, you know, this was hidden
15 behind a web page for stuff for people that want to go
16 look for it and they want to go see it whereas and a
17 lot of this stuff is right out in the open in today's
18 media and nobody seems to be caring or doing anything
19 about it, because they are a minority, is my opinion.

20 THE CHAIRPERSON: Now you're getting
21 into argument, you're pleading your case.

22 I do want to tell you one thing since
23 you brought that point up, and it's the last thing I
24 forgot to mention in my little speech before the break,
25 is that nothing prevents a person who identifies

1 discrimination occurring in any direction from any
2 group from filing a complaint with the Human Rights
3 Commission.

4 I cited you the example before of a
5 situation where one visible minority filed a racial
6 complaint against another visible minority.

7 I recall another case I did one point
8 that the point was made by a Hindu witness that
9 confusion should not be made between people from India
10 and people from Pakistan because often people are
11 painted with broad strokes in our society, but he made
12 the point that we're two different cultures and have
13 two different points of view and that discrimination
14 may occur in a workplace between people from one group
15 or another. That's just one example.

16 Whites can discriminate against
17 whites, for instance, on the basis of language,
18 or religion.

19 What I'm trying to tell you, if your
20 point is that people from one group only seem to be
21 filing complaints against -- of discrimination on the
22 basis of section 13, nothing prevents a person from
23 another group from filing a complaint, but that's not
24 what's in front of me.

25 MR. RICHARDSON: The other point I

1 was trying to get at, like, relevant, to mix with this,
2 I mean, this is open stream media, and the way this
3 was, like, was brought out was sort of like behind
4 closed doors; whereas the rap music is done every day,
5 people get to see it and there is that difference.

6 THE CHAIRPERSON: That goes really to
7 argument.

8 I think the point is taken that, I
9 have heard the answer, that in rap music one can find
10 statements that can be racial in nature and sometimes
11 and/or sexist I think you can also make the point.

12 MR. RICHARDSON: Yes, very sexist.
13 Sorry.

14 THE CHAIRPERSON: Well, I'm trying to
15 focus you here because it doesn't serve any purpose for
16 us to go in all directions.

17 I think if your point is that there
18 is discrimination happening in all directions in
19 society and that not enough is being done to correct
20 it, that may be a very interesting point.

21 MR. RICHARDSON: That wasn't my
22 point.

23 THE CHAIRPERSON: But, in any event,
24 it's something that can be brought before the Human
25 Rights Commission and they can act accordingly if they

1 choose to do so.

2 MR. RICHARDSON: Okay. And for my
3 very last, I'm almost done here.

4 Can you turn to page 23, please,
5 Ma'am, tab 23 of HR-1, sorry.

6 DR. HENRY: Page 1.

7 MR. RICHARDSON: Yes, please.

8 This is actually an article you have
9 commented on, this is why I'm bringing this particular
10 one up.

11 Were you talking about the second
12 article, so it's start with:

13 "Friday, the 21st September,
14 ethnic birth rate climbs."

15 DR. HENRY: Yes.

16 MR. RICHARDSON: And I believe it's
17 two pages. Yes, it is.

18 THE CHAIRPERSON: Would you like her
19 to look at it?

20 MR. RICHARDSON: Actually, yes. Do
21 you remember this article?

22 DR. HENRY: Yes.

23 MR. RICHARDSON: Can you explain the
24 basis of this article?

25 DR. HENRY: Well, as I indicated in

1 my report, there is no commentary on it, it's just
2 cited as is and what it shows is that the ethnic birth
3 rate in the United Kingdom is growing.

4 Now, that's -- and then it gives age
5 distributions and ethnic distributions and so on.

6 So, I mean, there is no commentary on
7 it, it is just sitting there.

8 And I speculated that it's sort of a
9 heads up, that if -- to Canadians that if you don't
10 sort of watch out, these kinds of rates of growth and
11 so on will occur in this country as well.

12 MR. RICHARDSON: Do you -- you
13 obviously read the article, so you know that these
14 facts are bases in the U.K.

15 DR. HENRY: Yes.

16 THE CHAIRPERSON: Sorry?

17 MR. RICHARDSON: The United Kingdom.

18 THE CHAIRPERSON: I didn't hear your
19 question.

20 MR. RICHARDSON: I said, she read the
21 article so she knows this article is based in the U. K.

22 THE CHAIRPERSON: Based on the United
23 Kingdom?

24 DR. HENRY: Yeah.

25 MR. RICHARDSON: And just lack of

1 question, would it be fair to say that this is an
2 actual newspaper article that came out of the British,
3 United Kingdom paper?

4 DR. HENRY: I can't say because it
5 doesn't give its source or its reference.

6 MR. RICHARDSON: Do you see anything
7 in the article that would lead you to believe that a
8 racist wrote it, any racist slang or anything like
9 that?

10 DR. HENRY: No, I don't think so.

11 What it is, is it seems to be a --
12 no, let me start again. It seems to be a news item on
13 a report based on some national statistics that are
14 being collected in the United Kingdom.

15 It's just - in other words, it's a
16 descriptive article, that's it.

17 MR. RICHARDSON: Would you find this
18 article and the Palestinian boy article, these kind of
19 articles to be concurrent with what the Vinland Voice
20 was putting out, from your recollection?

21 I don't know you didn't get to see
22 the whole site, so...

23 DR. HENRY: But as I mentioned in my
24 report, when I read this I had to think carefully of
25 why is it in here, and the only conclusion that I can

1 come to is that it's in here because it's a warning to
2 Canadian readers s that unless you take some kind of
3 action or steps or whatever, your minority group birth
4 rates are going to climb just as they did in the United
5 Kingdom.

6 MR. RICHARDSON: And my very last
7 question, once again, just like the old question, in
8 your opinion, do you find this would be the kind of
9 article that you would see on the Tri-City Skins
10 website?

11 DR. HENRY: I don't recall seeing any
12 article such as that.

13 MR. RICHARDSON: I'm sorry, I meant
14 -- I wasn't asking if you did see it, I'm asking, in
15 your opinion, is this the kind of article you would
16 see.

17 DR. HENRY: No, I think they tend to
18 deal in more blatant kind of material.

19 MR. RICHARDSON: Thank you.

20 DR. HENRY: Or at least if they
21 printed an article like this, they would make a
22 commentary perhaps on it.

23 MR. RICHARDSON: Right, I'm done.
24 Thank you very much, Dr. Henry, I really, really
25 enjoyed our conversation.

1 THE CHAIRPERSON: Perhaps you can
2 continue it outside in the hallway.

3 Are you prepared to begin?

4 MR. ALEXAN KULBASHIAN: I'm prepared?

5 THE CHAIRPERSON: we have at least 45
6 minutes. Your departure time would have to be 5:00
7 again?

8 MR. ALEXAN KULBASHIAN: Because I
9 don't have anybody to pick him up.

10 THE CHAIRPERSON: I know you work
11 from your lap top, Mr. Kulbashian, so if you wanted to
12 remain seated, I have no objection.

13 MR. ALEXAN KULBASHIAN: It's just I
14 kind of feel crowded around here all of a sudden,
15 that's fine.

16 THE CHAIRPERSON: Go ahead.

17 MR. ALEXAN KULBASHIAN: Okay. So,
18 everybody ready?

19 No preliminary issues?

20 THE CHAIRPERSON: Yes.

21 MR. ALEXAN KULBASHIAN: Okay.

22 CROSS-EXAMINATION BY MR. ALEXAN KULBASHIAN:

23 MR. ALEXAN KULBASHIAN: Now, hello,
24 Dr. Henry.

25 DR. HENRY: Mm-hmm.

1 MR. ALEXAN KULBASHIAN: Just, are you
2 here to testify in a neutral capacity as an expert
3 witness?

4 DR. HENRY: I'm not sure I understand
5 the meaning of that question.

6 MR. ALEXAN KULBASHIAN: As an expert
7 witness, do you believe you have to be neutral on what
8 you testify to as in basically you wouldn't be
9 testifying from the angle of the prosecution in a case,
10 I'm not talking about this specific case, but as an
11 expert witness, do you believe an expert witness should
12 be testifying with the views of prosecution in mind, or
13 in completely neutral basis?

14 DR. HENRY: When you define it that
15 way, then on a neutral basis.

16 MR. ALEXAN KULBASHIAN: Okay. Would
17 you consider your field a field of science or a field
18 of opinion?

19 DR. HENRY: Science.

20 MR. ALEXAN KULBASHIAN: Would you
21 consider yourself to have given a lot of opinion on
22 what articles meant on why they were there?

23 DR. HENRY: Informed opinion.

24 MR. ALEXAN KULBASHIAN: How would you
25 define science then?

1 DR. HENRY: I don't understand the
2 relevance of that.

3 I'm a social scientist. Social
4 science is distinct from physical or hard science.

5 We do not deal with experimentation,
6 we are unable to control our subjects because they are
7 human beings, so social sciences obviously have a, what
8 has been called, softer approach to scientific
9 methodology.

10 MR. ALEXAN KULBASHIAN: And would you
11 consider your testimony to be based on fact as opposed
12 to perception?

13 DR. HENRY: My testimony is based on
14 research of my own and other peoples, on long
15 experience in reading, writing and researching on the
16 subject matter.

17 MR. ALEXAN KULBASHIAN: Would that
18 still qualify as perception as opposed to facts?

19 DR. HENRY: No, it is the information
20 that is based on facts, insofar as we understand them.

21 MR. ALEXAN KULBASHIAN: And so in a
22 situation where you would interpret an uncommented upon
23 article to be posted on a specific site, that wouldn't
24 be a perception of what you believed that would be
25 there for, as opposed to what it really is there for.

1 THE CHAIRPERSON: Sorry, I lost you.

2 MR. ALEXAN KULBASHIAN: I lost myself
3 there for a second there too.

4 That situation where you would be
5 commenting on, I guess, the availability of an article
6 on a specific site and where you state that you
7 believed that it would be there for a specific reason,
8 would that be your perception of why it would be there,
9 your opinion of why it would be there, or the real fact
10 as to why it would be there?

11 THE CHAIRPERSON: Do you understand
12 the question? I understand it.

13 I think the reference is made to some
14 of your answers from Mr. Richardson earlier where you
15 were explaining that I think it was sort of like a
16 contextual approach that one article was on a
17 newsletter that may on its face say one thing but the
18 context which it was in suggested something else.

19 Is that right, Mr. Kulbashian, is
20 that how you're putting it to her?

21 MR. ALEXAN KULBASHIAN: Yes.

22 THE CHAIRPERSON: And your question
23 is, is that conclusion or that answer based on opinion,
24 is that what you said?

25 MR. ALEXAN KULBASHIAN: Opinion or

1 perception or facts.

2 THE CHAIRPERSON: The word he used
3 was perception.

4 MR. ALEXAN KULBASHIAN: Perception,
5 opinion or fact, is what I said.

6 THE CHAIRPERSON: Perception, opinion
7 or fact.

8 DR. HENRY: I don't accept any of
9 those terms. It was based on my understanding, my
10 informed understanding of what a particular article,
11 event, discussion, whatever we're talking about is
12 based on and the context within which it occurs.

13 MR. ALEXAN KULBASHIAN: Do you
14 believe that you reviewed all the pages on the sites
15 that were given to you?

16 DR. HENRY: I reviewed -- no, I
17 didn't review all the pages, I reviewed the ones that
18 were brought specifically to my attention to review.

19 MR. ALEXAN KULBASHIAN: And doesn't
20 context refer to the general picture as opposed to the
21 specific picture?

22 DR. HENRY: I suppose so.

23 MR. ALEXAN KULBASHIAN: So, would
24 that still mean that you would maybe not be equipped
25 with all that you need to form an actual full analysis

1 on why an article would be somewhere, as opposed to if
2 you had the whole picture as opposed to just a specific
3 picture that you were directed to?

4 DR. HENRY: No, I don't agree with
5 that.

6 MR. ALEXAN KULBASHIAN: So, would you
7 believe that if somebody gave you an article that, for
8 example, like the Palestinian one that we referred to
9 earlier on and a couple of articles that would have,
10 let's say, the birth rate or another article that would
11 talk about race-related crimes out of a site that might
12 have a thousand articles, that you have been given a
13 good picture of what the site says or does?

14 DR. HENRY: My mandate was to examine
15 certain materials to see if they contained elements of
16 racism and hate, and I read the articles and analyzed
17 the materials I should say that were presented to me in
18 that light.

19 I think you should realize that it is
20 virtually impossible to take time and energy out to
21 read thousands of pages of documentation.

22 What was provided to me was
23 sufficient evidence that the material contained
24 anti-Semitic, anti-black and other racist kind of
25 ideology.

1 MR. ALEXAN KULBASHIAN: In reading
2 the last article that you briefly I guess went over, I
3 guess the Palestinian article, would you consider that
4 one line at the very end made a difference in how you
5 perceived the article?

6 DR. HENRY: I think it was not only
7 the one line, it was the last two paragraphs.

8 MR. ALEXAN KULBASHIAN: When you read
9 the last two paragraphs after skimming through the
10 whole article, did it change your perception on the
11 article?

12 DR. HENRY: It changed my
13 understanding I think of the fact that the question
14 that was put to me, as I remembered, was this writer a
15 racist and at first my answer reflected the beginning
16 part of that article, which is a very sad kind of
17 statement of fear and terror and so on, until I read
18 the last two paragraphs where the writer becomes far
19 more racist and makes certain strong assertions.

20 MR. ALEXAN KULBASHIAN: Okay. Can
21 you turn to tab 20, page 6, in HR-1.

22 THE CHAIRPERSON: What is page 6.
23 That's the article.

24 DR. HENRY: Mm-hmm.

25 MR. ALEXAN KULBASHIAN: Can you count

1 the number of paragraphs in that article?

2 DR. HENRY: I make it what, about 12,
3 13, something like that.

4 MR. ALEXAN KULBASHIAN: So, would you
5 believe that if somebody, say, gave you only the last
6 two paragraphs you would have a different opinion of
7 what the theme of the article was, as opposed to maybe
8 the first two, or the middle two or first and last,
9 would that change your opinion what the article was
10 about or what kind of -- whether or not, I guess, it
11 transmitted racism?

12 DR. HENRY: Yes, it would.

13 MR. ALEXAN KULBASHIAN: So, would you
14 believe that getting three -- reviewing three, four
15 pages from a site, would give you a general picture of
16 what the site is about or what kind of theme it
17 encompassed?

18 DR. HENRY: When those three, four,
19 five or however many articles contain racist
20 ideological statements, then yes.

21 MR. ALEXAN KULBASHIAN: When you went
22 through the Vinland Voice articles, how many articles
23 did you find that contained racist ideological
24 statements that you commented on.

25 DR. HENRY: As many as I have listed

1 in my report, about five or six.

2 MR. ALEXAN KULBASHIAN: And of the
3 five or six articles that you cited in your report, how
4 many of those did you infer or did you suggest were
5 placed for reason of racism.

6 THE CHAIRPERSON: Sorry, for...?

7 MR. ALEXAN KULBASHIAN: How many of
8 those articles did you suggest were placed because of
9 the racist theme of the site?

10 DR. HENRY: I would suspect all of
11 them.

12 MR. ALEXAN KULBASHIAN: So, how many
13 of those would you suggest are not racist on their own,
14 however the theme of the site would indicate they were
15 placed there for racist reasons?

16 DR. HENRY: I'm afraid I don't follow
17 that question.

18 MR. ALEXAN KULBASHIAN: Okay. Well,
19 going back to the context issue, how many of the
20 articles -- if you could go to your, I guess, your
21 report.

22 THE CHAIRPERSON: Well, the articles
23 were the ones that were in a series of tabs; weren't
24 they?

25 MR. ALEXAN KULBASHIAN: Yes, it was

1 Page 20 of tab 64. I'm just looking at her --

2 THE CHAIRPERSON: Tab 20.

3 MR. ALEXAN KULBASHIAN: No, no, I'm
4 looking at her report.

5 THE CHAIRPERSON: Oh, okay.

6 MR. ALEXAN KULBASHIAN: If you look
7 at your report, it's tab 64 page 20.

8 DR. HENRY: Yes.

9 MR. ALEXAN KULBASHIAN: Okay. If you
10 could just briefly read through on your own, because
11 we've already heard it, how many of those articles you
12 claimed were actually racist, you know, like on their
13 own without taking the context into, you know...

14 THE CHAIRPERSON: Sorry, I think I
15 understand your question, Mr. Kulbashian, but I just
16 want to be sure and so the witness understands.

17 The distinction you are drawing is
18 between articles that, from their own language--

19 MR. ALEXAN KULBASHIAN: Are racist.

20 THE CHAIRPERSON: --have been
21 considered to be racist by this witness as opposed to,
22 I will give the example given just before of the United
23 Kingdom statistics where she said that it was the
24 context and the implicit message through the context
25 that was of importance because on their face they were

1 simply statistics.

2 So, I guess that's the distinction
3 you're drawing?

4 MR. ALEXAN KULBASHIAN: That's right.

5 THE CHAIRPERSON: So, how many fall
6 into one category and how many fall into the other?

7 DR. HENRY: Well, I analyzed all the
8 ones that I was given and that is what, one, August
9 30th, September 14th, two; September 28th is three.

10 MR. ALEXAN KULBASHIAN: And how many
11 articles -- since we're looking at a newsletter, how
12 many articles did you review, because this newsletter
13 is broken down into multiple articles; am I right?

14 Can you just, like, briefly look over
15 and say roughly about how many articles you had a
16 chance to review?

17 THE CHAIRPERSON: Does she need to
18 consult the actual exhibit?

19 MR. ALEXAN KULBASHIAN: No, because
20 she has her, I guess, report and the report would have,
21 like you know, articles, I can see they are separated
22 into paragraphs or into that effect.

23 DR. HENRY: Do you mean for the whole
24 report?

25 MR. ALEXAN KULBASHIAN: No, just for

1 that report on the Vinland Voice which would be two and
2 a half pages I believe.

3 THE CHAIRPERSON: I think Mr.
4 Kulbashian is referring, for instance, if you look at
5 page 20 of your report--

6 MR. ALEXAN KULBASHIAN: Look at page
7 20, if you could read through --

8 THE CHAIRPERSON: You can see through
9 each article, you refer to each item, the next article,
10 the next item and so on.

11 MR. ALEXAN KULBASHIAN: How many
12 articles would you say you roughly commented on?

13 DR. HENRY: Really, I don't know.

14 MR. ALEXAN KULBASHIAN: Could you
15 check, just like briefly read through and find out.

16 DR. HENRY: Well, there are three on
17 the first page.

18 THE CHAIRPERSON: Well, let's look at
19 it this way.

20 DR. HENRY: There are at least 10 or
21 12.

22 THE CHAIRPERSON: The one for Aryan
23 Unity is that one that was --

24 MR. ALEXAN KULBASHIAN: Well, we're
25 looking at the number of articles in total before we

1 get into that, that would be easier.

2 Let me get the number of articles
3 roughly.

4 MS MAILLET: Mr. Chair, perhaps if
5 Mr. Kulbashian could indicate what it is that he's
6 looking for instead of having us go through an exercise
7 of counting articles or paragraphs, perhaps there is a
8 proposition he'd like to put to the witness.

9 THE CHAIRPERSON: Is your
10 proposition, Mr. Kulbashian, that the majority of the
11 articles were of that, if I can use the term, neutral

12 MR. ALEXAN KULBASHIAN: My
13 proposition would be, if I propose to you that the
14 majority of articles in and amongst themselves did not
15 have any racist language and the possibility of one or
16 two articles in Vinland Voice had racist language,
17 would you have made an inference on why articles are
18 posted and created a racist theme by just referring to
19 those two articles out of all, I guess, the 10, 12 you
20 said you reviewed?

21 MS MAILLET: Sorry, just so I'm clear
22 on the question, is it were the majority of articles
23 neutral; is that the question?

24 MR. ALEXAN KULBASHIAN: That's right.

25 THE CHAIRPERSON: I thought the

1 question just changed in the proposition.

2 MS MAILLET: I think there were two
3 questions in there.

4 MR. ALEXAN KULBASHIAN: I'm going to
5 count briefly, so you can ignore this game.

6 Okay. If you -- there's about 18
7 articles, from what I can see here, that you had
8 commented on.

9 Can you point out which articles you
10 considered had racist speech in them?

11 THE CHAIRPERSON: You are referring
12 to pages 21?

13 MR. ALEXAN KULBASHIAN: Yeah, 20,
14 21--

15 THE CHAIRPERSON: 22 and 23--

16 MR. ALEXAN KULBASHIAN: 21, 22 and
17 top of 23.

18 THE CHAIRPERSON: --of the report?

19 DR. HENRY: Well, some of them have
20 racist implications.

21 For example, the very first one, that
22 is WA-007:

23 "Although no commentary is
24 offered it is obvious that these
25 reprints are to criticize Canada

1 for its defence of Israel and
2 its arrest of suspected
3 terrorists."

4 MR. ALEXAN KULBASHIAN: My question
5 was, in and of itself how many articles - I'm not
6 talking about implications or, you know, a perception
7 that someone would get - how many articles in and of
8 themselves had racist speech in them?

9 THE CHAIRPERSON: For instance, I
10 guess in your previous answer it's implicit that this
11 first reference that you have made does not contain
12 racial language, per se, in it or...

13 DR. HENRY: Yes, exactly.

14 MR. ALEXAN KULBASHIAN: Okay. Can
15 you read the number of article that actually have?

16 DR. HENRY: The second one certainly
17 does because it identifies the biological belief in the
18 superiority of whites or Aryans.

19 The third one, again, is one by
20 implication.

21 MR. ALEXAN KULBASHIAN: Not by
22 implication, I mean by actual language.

23 THE CHAIRPERSON: She's defining
24 which one, Mr. Kulbashian.

25 DR. HENRY: Well, I mean, we may as

1 well go through all of them then.

2 MR. ALEXAN KULBASHIAN: Sure, if you
3 want, sure.

4 DR. HENRY: The third one on the ARA
5 is, again, one which is there for its implication.

6 The next one talks about anti-racist
7 activities at the Wolper Pub.

8 MR. ALEXAN KULBASHIAN: Would that be
9 a news article or an actual--

10 DR. HENRY: It is basically -- it's a
11 news item that was reprinted and basically it's a
12 descriptive piece.

13 The next one, September 14th, starts
14 right off with:

15 "And as always the Jews are
16 mixed up in it...",
17 and talks about dirty Jews.

18 So, that is certainly one where the
19 language is explicit.

20 THE CHAIRPERSON: The next one would
21 appear to be the one from Paul Fromm.

22 MR. ALEXAN KULBASHIAN: I'd actually
23 like her to make the comments.

24 THE CHAIRPERSON: I'm saying the next
25 letter is from Paul Fromm. It's two paragraphs, that's

1 why I didn't think we had...

2 MR. ALEXAN KULBASHIAN: Right.

3 You're right, it is two paragraphs.

4 THE CHAIRPERSON: That's what I was
5 doing.

6 MR. ALEXAN KULBASHIAN: Okay, thanks.

7 I got confused too, I was looking at
8 that paragraph.

9 DR. HENRY: There is the notion still
10 in the first one that people should not be allowed in
11 and people should be deported if not killed, which I
12 consider very strong language.

13 THE CHAIRPERSON: Would that be
14 racial language or...

15 DR. HENRY: I think so, particularly
16 when it is combined with the notion of dirty Jews and
17 Jews all mixed up in it.

18 The letter from Paul Fromm, again --

19 THE CHAIRPERSON: Well, okay, just to
20 back up then, the comments you made were related to the
21 same letter; were they not?

22 DR. HENRY: Yes.

23 THE CHAIRPERSON: Yes.

24 DR. HENRY: Yes, yes.

25 THE CHAIRPERSON: So, you were going

1 paragraph by paragraph, but those last two paragraphs
2 pertain to one letter?

3 DR. HENRY: To one letter.

4 The next one then is the letter by
5 Fromm and followed by the letter from Duke, which
6 doesn't contain any hyperbolic language but it does
7 quote this, "To cease letting this Israeli
8 tail wag the dog."

9 MR. ALEXAN KULBASHIAN: Would that be
10 racist or just political; do you think?

11 DR. HENRY: It's overtly political
12 but with racist implications.

13 MR. ALEXAN KULBASHIAN: Okay.

14 THE CHAIRPERSON: That would be one
15 by implication?

16 DR. HENRY: Yes.

17 MR. ALEXAN KULBASHIAN: Yes.

18 DR. HENRY: The one on the nuclear
19 device certainly talks about destroying half the
20 world's Jews and everybody else who goes with them, so
21 I would consider that one that has obvious racist
22 language.

23 The comment made about September
24 11th, the comment made about the B'Nai Brith piece
25 that, you know, obviously the Jews are passing the buck

1 and well, fuck them all, I consider that again an overt
2 racist piece.

3 Okay, the next paragraph is just a
4 very quick summary of the many, many more messages that
5 are contained in that particular one.

6 So moving on to September 28th, I
7 think the use of the terms in that Pledge of Allegiance
8 is racist.

9 The one following that is the ethnic
10 populations in the U.K. which we have already
11 discussed.

12 THE CHAIRPERSON: Which is by
13 implication?

14 DR. HENRY: Which is by implication.

15 I think the letter by Damien contains
16 some overt racist material.

17 I think that's the last one.

18 MR. ALEXAN KULBASHIAN: Just give me
19 a sec. So far you have pointed out seven articles,
20 okay.

21 THE CHAIRPERSON: Of overt nature.

22 MR. ALEXAN KULBASHIAN: Of over
23 nature. If you could turn back to page 20.

24 THE CHAIRPERSON: Tab...?

25 MR. ALEXAN KULBASHIAN: Tab 64, page

1 20, it's just going back to the same.

2 Okay, if you could state why you
3 believe that the WAU article there would be racist?

4 DR. HENRY: Because Women for Aryan
5 Unity, the organizations, is a racist organization
6 because its aim is to promote, unite, educate and
7 protect our white race.

8 It talks about the white race and its
9 protection, it talks about raising Aryan children to be
10 strong and to fight for our cause.

11 It's a white supremacist organization
12 with a very strong belief, biological belief in the
13 superiority of the white, or in this case Aryan race.

14 MR. ALEXAN KULBASHIAN: You testified
15 earlier that you've heard of the B'Nai Brith; am I
16 right?

17 DR. HENRY: Yes.

18 MR. ALEXAN KULBASHIAN: Would you
19 happen to know what their, I guess, manifesto is?

20 DR. HENRY: Not off hand, no.

21 MR. ALEXAN KULBASHIAN: Would you
22 happen to know if, say, their goal would be to unite
23 and educate the Jewish children?

24 DR. HENRY: Possibly, yes.

25 MR. ALEXAN KULBASHIAN: Would you

1 consider their manifesto to have produced Jewish
2 mothers who believe in raising Jewish children to fight
3 for their cause?

4 DR. HENRY: I really don't know
5 because I haven't seen or read their statement or their
6 manifesto.

7 MR. ALEXAN KULBASHIAN: When you
8 drive down the street sometimes -- you're from Toronto;
9 am I right?

10 DR. HENRY: Yes.

11 MR. ALEXAN KULBASHIAN: When you
12 drive down the street around the Bathurst area, have
13 you ever noticed donate, pledge to Israel, you know,
14 this is our land, posted those signs that are up there?

15 DR. HENRY: Yes, I have.

16 MR. ALEXAN KULBASHIAN: Would you
17 consider that to be consistent with this kind of
18 ideology of, I guess, uniting to help their country,
19 help fight for their cause in a way?

20 DR. HENRY: You mean the idea of
21 raising funds--

22 MR. ALEXAN KULBASHIAN: That's right.

23 DR. HENRY: --to help the community,
24 the cause and so on?

25 MR. ALEXAN KULBASHIAN: And Israel

1 and their country, so it would be like, would you say
2 that that would be Israel would be their cause
3 rebuilding or...

4 DR. HENRY: I believe, yes, one could
5 say that.

6 MR. ALEXAN KULBASHIAN: You also
7 testified that you knew at one point what B'Nai Brith
8 meant.

9 If I gave you an explanation, would
10 it refresh your memory?

11 DR. HENRY: I don't know. Try it.

12 MR. ALEXAN KULBASHIAN: Okay. Would
13 it have meant, would it mean, the chosen people?

14 DR. HENRY: That is a possibility,
15 yes.

16 MR. ALEXAN KULBASHIAN: And a group
17 with exactly the same, I guess, manifesto as this group
18 over here with the name like the chosen people, would
19 that be a racist group?

20 DR. HENRY: Not necessarily, no.

21 MR. ALEXAN KULBASHIAN: And do you --
22 can you tell any specific differences between B'Nai
23 Brith, a name, the chosen people, the group, which
24 would indicate some kind of superiority as well as --
25 first of all, would you consider --

1 DR. HENRY: Well, let me -- let's
2 just cut to the chase here.

3 A group that calls itself Women for
4 Aryan Unity has some very, very strong historical and
5 symbolic connotations.

6 The use of the term Aryan, for
7 example, symbolizes, just by using that term, it
8 reverts back to the Nazi period where Hitler, of
9 course, identified anybody who, in his view, was not
10 like him as non-Aryan and who promoted the Aryan race
11 and the Aryan cause.

12 So, anyone, any organization that in
13 its title uses that to identify itself, certainly at
14 the very least is suspect with respect to its belief in
15 racism.

16 MR. ALEXAN KULBASHIAN: Would you
17 believe --

18 DR. HENRY: On the other hand --

19 MR. ALEXAN KULBASHIAN: Sorry.

20 DR. HENRY: Just let me finish.

21 B'Nai Brith, and I accept that it may very well mean
22 the chosen people, refers back to the very origin of
23 Semitic people, of Hebrew people who considered
24 themselves in their scriptures to be people chosen by
25 God.

1 That both groups are organized or
2 mobilized to defend themselves, to advocate for their
3 own well-being and unity and so on, I would accept.

4 What I don't accept and what I see as
5 biological white supremacist racism is this notion of
6 working to protect the white race. Protect them from
7 what? White people can protect themselves, we can all
8 protect ourselves, why is there a need?

9 The need for protection comes from
10 the threat of intermixing, intermingling or being
11 dominated by people, who are according to this view, of
12 a different race.

13 MR. ALEXAN KULBASHIAN: Have you ever
14 heard of the school called CHAT?

15 DR. HENRY: Pardon?

16 MR. ALEXAN KULBASHIAN: CHAT, it's a
17 Jewish primary school.

18 THE CHAIRPERSON: How do you spell
19 that?

20 MR. ALEXAN KULBASHIAN: C-H -- wait,
21 I think it's C-H-A-T, I think it's an acronym.

22 Have you ever heard of--

23 DR. HENRY: No.

24 MR. ALEXAN KULBASHIAN: So, if B'Nai
25 Brith ran a Jewish primary school which would obviously

1 mean it would be immersed in Jews, would that be an
2 attempt to protect their race in the same sense as in
3 the WAU article here?

4 DR. HENRY: I doubt it. I think it's
5 simply a means of maintaining their heritage.

6 MR. ALEXAN KULBASHIAN: Could this be
7 a means of maintaining their heritage?

8 DR. HENRY: But the heritage is a
9 racial designation here, it's not a cultural
10 designation.

11 MR. ALEXAN KULBASHIAN: So, do you
12 know what --

13 DR. HENRY: I mean, if this were
14 Women for Martian Unity, I would accept it because it's
15 not a racial designation. It's a group of people who
16 want to support themselves because they all originated
17 on Mars.

18 But when you identify yourself with a
19 racial designator that harks back to the Hitlerian Nazi
20 philosophy, then one has to conclude that behind it is
21 a white supremacist belief.

22 MR. ALEXAN KULBASHIAN: So, do you
23 believe that the Aryan philosophy is racist because
24 Hitler used it, or because in and of itself it is
25 racist?

1 DR. HENRY: Both.

2 MR. ALEXAN KULBASHIAN: Do you
3 believe that somebody who drives a Volkswagen is a
4 Nazi?

5 DR. HENRY: No.

6 MR. ALEXAN KULBASHIAN: Okay. So,
7 coming back to the historical issue, where you're
8 talking about this being a historical type, historical
9 type racism, I'm not sure exactly how you defined it.

10 DR. HENRY: Symbolic in the sense of
11 using that terminology?

12 MR. ALEXAN KULBASHIAN: Do you
13 believe that the chosen people ideology would be
14 historic?

15 DR. HENRY: Yes, it is, because I
16 believe - I'm not really up on this - but I believe it
17 comes from scripture.

18 MR. ALEXAN KULBASHIAN: Would you
19 believe it to be biological, since it would single out
20 Jews?

21 DR. HENRY: Not necessarily, Jews are
22 not a racial group, Jews are an ethnic religious
23 cultural group.

24 Jews after all are white, they are
25 members of the Aryan race.

1 MR. ALEXAN KULBASHIAN: How do you
2 define the Aryan race?

3 DR. HENRY: Well, I think --

4 MR. ALEXAN KULBASHIAN: I'm not
5 talking about Hitler's method, in technical terms since
6 you have done anthropology, am I right, sociology
7 anthropology, how would you define --

8 DR. HENRY: Yes, but I also said
9 yesterday that these racial classifications no longer
10 apply and they are in disrepute and no reputable
11 physical or social scientist uses such terminology to
12 classify people.

13 The only reason for the existence of
14 these terms is because of the racism that they have
15 evolved.

16 MR. ALEXAN KULBASHIAN: Is it safe to
17 say that Aryan, that the real definition of Aryan
18 technically is indo-European?

19 DR. HENRY: I don't accept that. I
20 don't accept these classifications.

21 MR. ALEXAN KULBASHIAN: I'm talking
22 about the real definition.

23 DR. HENRY: 200 years ago a
24 Caucasian, Aryan, indo-European, a number of these
25 terms were used in classifications as early as 17

1 something with a German geneticist, I believe he was
2 who invented racial classifications.

3 These terms are today meaningless, we
4 live in a modern, globalizing transnational world, so
5 that racial designations of this kind other, than the
6 racism which stems as a result of them, are in and of
7 themselves are meaningless and irrelevant.

8 MR. ALEXAN KULBASHIAN: Is it
9 possible that the people who are part of this group are
10 traditionalists, so they prefer to use old terminology
11 instead of new terminology?

12 DR. HENRY: I suppose that's
13 possible.

14 MR. ALEXAN KULBASHIAN: Now, coming
15 back to the fact that you said that the chosen people
16 would be in Jewish scriptures, would that be, I guess,
17 similar to the Ku Klux Klan stating that in our Bible
18 it says that whites are superior?

19 DR. HENRY: I'm not familiar with the
20 Ku Klux Klan's Bible.

21 MR. ALEXAN KULBASHIAN: Okay. Have
22 you ever read -- I hear you testified at Ku Klux Klan
23 Human Rights trial.

24 DR. HENRY: Many years ago, yes.

25 MR. ALEXAN KULBASHIAN: Was there --

1 I guess, did you brush by any religious bigotry that
2 they might hold?

3 DR. HENRY: I don't really remember,
4 it was a very long time ago, but I would assume so,
5 yes.

6 MR. ALEXAN KULBASHIAN: Okay. Have
7 you ever heard of religious bigotry?

8 DR. HENRY: Yes.

9 MR. ALEXAN KULBASHIAN: Would you
10 classify this as religious bigotry, calling themselves
11 the chosen people through their scriptures or referring
12 to their scriptures to call themselves the chosen
13 people?

14 DR. HENRY: I think that's very
15 difficult for me to answer.

16 I think the bottom line is not the
17 attempt to keep people in tact, but it is the attempt
18 to submit others to prison, torture, annihilation.

19 MR. ALEXAN KULBASHIAN: Is that --

20 DR. HENRY: And whether they call
21 themselves the chosen people or whatever, to my
22 knowledge, attempt to keep some of their culture, their
23 heritage, their religion in tact, but they don't
24 necessarily try to impose that on other people by
25 killing them, by slaughtering them, by waging war

1 against them, and so on, with the exception, of course,
2 of the Middle East which is contested historically and
3 geographically and which presents a far more complex
4 picture.

5 MR. ALEXAN KULBASHIAN: Did you get
6 any kind of indication of killing, slaughtering,
7 jailing, torturing anybody from this WAU article.

8 DR. HENRY: No, but I think that,
9 again, I have to revert to the fact that it is a white
10 supremacist organization, and white supremacy and the
11 ideology of white supremacy and its belief in the
12 superiority of one group over the other, Aryans over
13 everybody else, smacks of racism, and racism in its
14 ultimate form will lead to all kinds of terrible human
15 behaviour.

16 MR. ALEXAN KULBASHIAN: Well, that's
17 kind of a grim outlook, but just looking at this
18 article, in and of itself, now as you stated that there
19 is a historical racism going off with the Aryan
20 concept, which also parallel to that there would be a
21 historical racism going on from the chosen people
22 concept on B'Nai Brith.

23 DR. HENRY: Yes.

24 MR. ALEXAN KULBASHIAN: You said
25 there's biological in this article and you also admit

1 there would be biological in the sense that it would be
2 talking about Jews, the B'Nai Brith.

3 Now, there's also -- you might -- I
4 don't see religious, I don't think you even comment on
5 religious bigotry on this one, would you consider
6 chosen people by referring to scriptures to be
7 religious bigotry. It's a very valid point.

8 THE CHAIRPERSON: You are going this
9 one and that one --

10 MR. ALEXAN KULBASHIAN: I'm drawing
11 parallels, maybe I should be a little more clear about
12 it.

13 MS MAILLET: I'm going to object to
14 the line of questioning again, what Mr.
15 Richardson, got into about what bad things B'Nai Brith
16 may be allegedly doing, what the respondents are
17 saying.

18 Again, if he could just focus -- my
19 objection is that this Chair asked the respondents to
20 focus the questions on the complaint before them,
21 regardless of what other wrongs are going on.

22 THE CHAIRPERSON: However, before I
23 hear Mr. Kulbashian there is one distinction here.

24 The witness is being questioned on
25 her assessment that certain terms, that certain

1 articles used in certain groups who are referred to as
2 racial and by then submitting other groups which may
3 have some parallels and yet not calling them racial,
4 perhaps compare, contrast, contradict, I think it's a
5 fair -- at least so far the area explored has been
6 fair.

7 MR. ALEXAN KULBASHIAN: I can pretty
8 much I guess give you a general idea.

9 Pretty much what he said. I'm not
10 trying to tell -- I don't care what other groups do, my
11 issue is that section 13 right here in front of me it's
12 where she stated that this article would be racist
13 because of historical, biological racism and how she
14 would drawing exactly, as I said, drawing a parallel to
15 another group where she considered not to be racist
16 even though a lot of the same attributes exist in both
17 groups and I'm trying to draw a parallel.

18 THE CHAIRPERSON: Except I do now
19 want to draw your attention to something which is
20 important.

21 MR. ALEXAN KULBASHIAN: All right.

22 THE CHAIRPERSON: Because although
23 this witness has been called to testify on the racial
24 and non-racial nature of the material, the statute
25 doesn't speak of racism as such, the statute speaks of

1 material that is:

2 "Likely to expose a person or
3 persons to hatred or contempt by
4 reason of the fact that the
5 person belongs to a designated
6 group."

7 Which may or may not be the same
8 definition as we've engaged in here.

9 MR. ALEXAN KULBASHIAN: I understand,
10 but it's like taking a bunch of circumstantial and I
11 guess --

12 THE CHAIRPERSON: Don't go to the
13 very merits of the big case.

14 MR. ALEXAN KULBASHIAN: I won't.

15 THE CHAIRPERSON: That's what you're
16 trying to do. I just cited you what the statute said.

17 MR. ALEXAN KULBASHIAN: I understand,
18 I'm trying not to waste time.

19 THE CHAIRPERSON: The fair game here
20 is that this witness has dealt extensively with what is
21 and is not racist or racial in nature, and you're
22 testing that. I think that's fair course to follow.

23 I will allow you to follow.

24 MR. ALEXAN KULBASHIAN: I will just
25 let you know that I'm not going to extend, I'm not

1 going to buy for time, I'm going strictly according to
2 what she said so far, I'm not going to try to add in
3 too much other things, I'm just trying to assess --

4 THE CHAIRPERSON: Slow down.

5 MR. ALEXAN KULBASHIAN: Sorry about
6 that.

7 THE CHAIRPERSON: Well, we have about
8 10 minutes, so...

9 MR. ALEXAN KULBASHIAN: Maybe I'll
10 just wrap up this --

11 THE CHAIRPERSON: Do you have an area
12 we can stop soon.

13 MR. ALEXAN KULBASHIAN: I will let
14 you know. Just go to an area I can stop, it shouldn't
15 be two more minutes, we'll continue this tomorrow.

16 THE CHAIRPERSON: No.

17 THE CHAIRPERSON: Monday.

18 MR. VAHE KULBASHIAN: That's right.

19 THE CHAIRPERSON: Okay.

20 MR. ALEXAN KULBASHIAN: So basically
21 so far, regardless of all the parallels between the two
22 ideas of a group with possibly even more, basically
23 would you consider the term, in and of itself, a group,
24 ignoring scriptures, ignoring history, a group of --
25 ethnic group, sorry, group made up of people of same

1 ethnicity calling themselves the chosen people to be an
2 indication of supremacist group?

3 I'm not going back to history, like,
4 scriptures and would you, so...

5 DR. HENRY: No, I'll answer that
6 quite simply, that I have problems with that term, the
7 chosen people, because according to the way in which I
8 perceive the world, people are equal to each other and
9 no one is chosen over anybody else.

10 MR. ALEXAN KULBASHIAN: I understand.

11 DR. HENRY: Neither as individuals
12 nor as groups, so I certainly have difficulty with that
13 term.

14 MR. ALEXAN KULBASHIAN: No, I
15 understand, and again it's not bashing any other group,
16 it's just dealing with the section 13.

17 And so would you, aside from the --
18 now, coming back, aside from the definition of Aryan,
19 would you consider this group to have any implicit in
20 the title of the group, the name of the group, any
21 implicit superiority complex, I would say?

22 THE CHAIRPERSON: The WAU group?

23 MR. ALEXAN KULBASHIAN: The WAU, the
24 title of the group, if since going back, stating that
25 the chosen people is more historical and Aryan could be

1 historical reference to indo-European, other than that,
2 would you consider the title itself to have any, like I
3 guess, implicit sense of superiority?

4 DR. HENRY: Yes, I do.

5 MR. ALEXAN KULBASHIAN: And so would
6 it be the women or the unity part?

7 DR. HENRY: The Aryan Unity part.

8 MR. ALEXAN KULBASHIAN: So...

9 DR. HENRY: And specifically the use
10 of the term Aryan.

11 MR. ALEXAN KULBASHIAN: And outside
12 of any other context where it says Women of Aryan
13 Unity, since -- if you didn't know what the group did,
14 do you think that it's possible that that would be more
15 of a traditionalist way of putting the term as opposed
16 to --

17 DR. HENRY: No, if I knew nothing --

18 MR. WARMAN: Objection. Asked and
19 answered.

20 THE CHAIRPERSON: It has been
21 answered.

22 MR. ALEXAN KULBASHIAN: It might
23 have.

24 THE CHAIRPERSON: I think it was made
25 clear that the witness says historical context cannot

1 be removed.

2 MR. ALEXAN KULBASHIAN: All right.

3 THE CHAIRPERSON: All right.

4 MR. ALEXAN KULBASHIAN: So, I guess I
5 won't use that question.

6 Is it possible at all that by the
7 decree of that group that -- well, not is it possible,
8 do you believe that by decree of that group, the group
9 is aiming to exclude others from the country, from
10 maiming, killing, torturing or anything like that, any
11 other people who would be considered non-Aryan?

12 DR. HENRY: No, I have no evidence
13 that the group espouses, you know, a violent ideology.

14 MR. ALEXAN KULBASHIAN: Would you
15 consider the group to be maybe more of a separatist
16 type group as opposed to a retaliatory type group or
17 militant type group?

18 DR. HENRY: By separatist, I assume
19 you mean in the sense of retaining their own values,
20 their own culture--

21 MR. ALEXAN KULBASHIAN: That's right.

22 DR. HENRY: --and their own racial
23 superiority? Yes, I agree.

24 MR. ALEXAN KULBASHIAN: Not --
25 without racial superiority. So...

1 THE CHAIRPERSON: I'm sorry, what was
2 the answer there?

3 MR. ALEXAN KULBASHIAN: Well, she
4 added the words racial superiority.

5 DR. HENRY: I agreed with his
6 assessment that it's a separatist probably more than a
7 militant or -- I forget the other term.

8 MR. ALEXAN KULBASHIAN: Militant or I
9 guess retaliatory type?

10 DR. HENRY: Retaliatory.

11 MR. ALEXAN KULBASHIAN: Shall we stop
12 it there now?

13 THE CHAIRPERSON: Yes, I was saying
14 --

15 MR. ALEXAN KULBASHIAN: Okay, I'll
16 just wrap up this idea.

17 Basically, aside from the word Aryan,
18 is there any indication this group could be racist if
19 they used the word white instead of Aryan?

20 DR. HENRY: No, that would flag me
21 the same way.

22 THE CHAIRPERSON: White Unity Group
23 would flag you the same way?

24 DR. HENRY: Yes, yes.

25 MR. ALEXAN KULBASHIAN: So, would

1 that be because of the difference between white and
2 Jewish, or would that be --

3 DR. HENRY: No, because white as
4 Aryan, although Aryan has more connotations, refers to
5 white supremacy.

6 MR. ALEXAN KULBASHIAN: Was the first
7 time that we, I guess, the world saw the concept of the
8 word Aryan during World War II, or was it before that?

9 DR. HENRY: The word has been around
10 before that.

11 MR. ALEXAN KULBASHIAN: And is it
12 possible at all that anybody could in any way use that
13 word outside of the World War II context.

14 DR. HENRY: I can't imagine in what
15 context unless one is doing extensive history of going
16 very well back in history.

17 MR. ALEXAN KULBASHIAN: In any
18 context?

19 DR. HENRY: And of using and probably
20 back to the 17th and 18th century where racial
21 classifications like this were commonplace.

22 MR. ALEXAN KULBASHIAN: So, would
23 there be the same kind of -- would you say using the
24 word Aryan here be the same idea as using word Semitic
25 which would be an older racial classification rather

1 than using the word Jews or, you know?

2 DR. HENRY: In theory that's
3 possible, but in practice not.

4 MR. ALEXAN KULBASHIAN: So, again,
5 that would be your opinion and inference from what you
6 read as opposed to any kind of fact?

7 DR. HENRY: I can't really make that
8 distinction.

9 MR. ALEXAN KULBASHIAN: Okay. So,
10 you can't make a difference between theory and fact?

11 DR. HENRY: In the way that you pose
12 the question, I'm unable to make that distinction.

13 MR. ALEXAN KULBASHIAN: Okay, I'm
14 done for today. Thank you.

15 THE CHAIRPERSON: Okay. So, we will
16 resume Monday morning at 9:30.

17 Do you think at this rate you will be
18 able to finish by the end of the day?

19 I'm going to even say that you will
20 have to finish by the end of the day, I mean, we have
21 to find a way. The witness is not available Tuesday
22 and, you know, we've already taken a fair bit of time,
23 I think you're progressing quite well, so...

24 MR. ALEXAN KULBASHIAN: The problem
25 is the more resistance that I get, the chances are the

1 slower I progress.

2 I haven't actually progressed very
3 much because that was supposed to be a key brief issue
4 to brush upon, but if I get some, like, conflicting
5 answers or, like, evasive answers, then I have no
6 choice but to continue my questioning on a specific
7 topic, because I have quite a few topics to go through,
8 and it would be entirely and directly related to
9 everything she said, as opposed instead of bringing in
10 outside issues in order to build my case.

11 And I'm not the one who opened this
12 case against myself, it would be the Commission, so I
13 believe I have the full right to save myself any kind
14 of embarrassment later on to defend my case in the
15 fullest --

16 THE CHAIRPERSON: No, I am pushing
17 you only to the extent that I do want to -- it seemed
18 to me that you were progressing actually quite quickly.
19 I didn't have a sense that you were progressing slowly.

20 MR. ALEXAN KULBASHIAN: It's just, I
21 mean, I was pretty much rotating on one topic and
22 issues there because I had to pretty much argue it out
23 and, like, reword, et cetera, otherwise I would just
24 brush through.

25 THE CHAIRPERSON: So, the only way to

1 avoid delays is for you to try to work the language out
2 in advance.

3 MR. ALEXAN KULBASHIAN: However, it's
4 not the language because I don't think I got much in
5 the way of any kind of objection on the most of the
6 language that I used, I was pretty straightforward.

7 However, if I get some sort of
8 evasive answer, then I have no choice but to keep at
9 it.

10 THE CHAIRMAN: Okay. Take it as it
11 comes.

12 Thank you.

13 MR. RICHARDSON: Just so I know now,
14 God forbid if we go past Monday, what are we going to
15 do?

16 THE CHAIRPERSON: I don't know. I
17 really don't want that to happen.

18 MR. ALEXAN KULBASHIAN: I don't want
19 that to happen, I have school. I have school, like...

20 THE CHAIRPERSON: One of the reasons
21 that we've had time issues is, again, to accommodate
22 your schedules.

23 I mean, we've rescheduled the case
24 several times and it was always -- well, not always,
25 but quite often, the last round was at least to

1 accommodate schedules.

2 MR. ALEXAN KULBASHIAN: That would be
3 last round, now the issue is we were done from
4 Wednesday afternoon with Det. Wilson.

5 THE CHAIRPERSON: Well, it fell on
6 Remembrance Day, which it wasn't scheduled to fall.

7 MR. ALEXAN KULBASHIAN: Well, we had
8 to cut the day short on Wednesday, so to be fair...

9 THE CHAIRPERSON: Yes, but a
10 statutory holiday is a statutory holiday.

11 MR. ALEXAN KULBASHIAN: No, I mean,
12 Wednesday night, Wednesday was not a statutory holiday.

13 THE CHAIRPERSON: No, we're not going
14 --

15 MR. VAHE KULBASHIAN: To tell you, to
16 be honest, I'm worried about school.

17 MR. ALEXAN KULBASHIAN: I'm worried
18 about my school too, but my problem this is an issue of
19 my reputation ultimately when this case is finished.

20 THE CHAIRPERSON: Both issues are
21 very important, that's why I'm saying, try to advance
22 it as quickly as possible.

23 I mean -- well, look, this is what
24 I'm driving at, okay, Mr. Kulbashian, just one point
25 that's all.

1 I noticed that when Mr. Richardson,
2 when he would ask a question which would lead to a
3 'no', an unexpected 'no' he simply struck out the
4 remaining questions, knowing well that any further
5 questioning on the point would be fruitless. So, and
6 what it did is it cut his questioning short.

7 I ask you to use the same discretion
8 in your questioning, because that's where we get into
9 waste of time.

10 If the person says no to (a) and (b),
11 (c) and (d) in your questioning is meant to follow up
12 on (a), what's the point?

13 MR. ALEXAN KULBASHIAN: However, the
14 problem is I just got to -- basically I proved to
15 myself that my persistence did finally get me a more --
16 less evasive answer near the very end, so...

17 THE CHAIRPERSON: Not evasive, they
18 were clear nos that were given.

19 MR. ALEXAN KULBASHIAN: I don't think
20 I really got clearly nos in this case.

21 THE CHAIRPERSON: No, I'm not saying
22 this time, in future.

23 All right, thank you.

24 How about the possibility of sitting
25 at 9:00?

1 ---Discussion off the record

2 THE CHAIRPERSON: Let's try to do it
3 at 9:30 sharp.

4 MR. ALEXAN KULBASHIAN: Just to be
5 fair, like, the issue is so far -- I'm not trying to
6 stall for time or anything like that, but so far, I
7 mean just in a way two, two and a half days will not be
8 enough, like, from what I seen, because my
9 co-respondent did almost take a full day and it could
10 take more considering that I'm actually going through
11 steps as opposed to trying bring in other ideas and
12 trying to challenge what she had said.

13 So, like, I'm not going to be trying
14 to extend anything, I promise you that. I have
15 everything written down, I'm not deviating from what
16 I've written down, I have clear ideas, I'm not trying
17 to jump around or anything like that, so...

18 THE CHAIRPERSON: Do your best.

19 MR. ALEXAN KULBASHIAN: I will.

20 THE CHAIRPERSON: And the only
21 problem is then we have to continue and it falls into
22 your school schedule, that may be the sacrifice you'll
23 have to make, we can't do anything about that.

24 MR. ALEXAN KULBASHIAN: As long as I
25 get a subpoena, then I should be --

1 THE CHAIRPERSON: Well, you've got
2 that, I mean, you can't keep skipping exams.

3 Okay. So, see you on Monday.

4 REGISTRY OFFICER: All rise.

5 --- Whereupon the hearing adjourned at 5:05 p.m.,
6 to Monday, November 15th at 9:30 a.m.

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I HEREBY CERTIFY THAT the
foregoing is a true and accurate
transcript of the proceedings to
the best of my skill and
ability.

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Beverley Dillabough, C.S.R.

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