

<b>25166-3</b>		
<b>Quesnel Registry</b>		
<b>In the Supreme Court of British Columbia</b>		
<b>(BEFORE THE HONOURABLE MR. JUSTICE BUTLER AND JURY)</b>		
<b>Quesnel, B.C.</b>		
<b>October 30, 2015</b>		
<b>REGINA</b>		
v.		
<b>ROY ARTHUR TOPHAM</b>		
<b>PROCEEDINGS AT TRIAL (DAY 5)</b>		
<b>COPY</b>		
<b>Crown Counsel:</b>		<b>J. Johnston</b>
<b>Defence Counsel:</b>		<b>B. Johnson</b>

INDEX

WITNESSES FOR THE CROWN

LEONARD RUDNER 7  
EXAMINATION IN CHIEF RE QUALIFICATIONS ON VOIR DIRE BY MS. JOHNSTON: 7  
CROSS-EXAMINATION RE QUALIFICATIONS ON VOIR DIRE BY MR. JOHNSON: 17  
EXAMINATION IN CHIEF BY MS. JOHNSTON: 18

EXHIBITS

EXHIBIT 8: Curriculum Vitae and Expert Report of Leonard Rudner (was B for identification) 20

EXHIBIT B FOR IDENTIFICATION (ON VOIR DIRE): Curriculum Vitae and Expert Report of Leonard Rudner 8

RULINGS

Ruling re Qualification of Witness Rudner 18

Quesnel, B.C.  
October 30, 2015

THE CLERK: In the Supreme Court of British Columbia, the 30th -- 30th day of October 2015. Calling the matter of Roy Arthur Topham, 25166, dash 2.

MS. JOHNSTON: Thank you, My Lady, Johnston, first initial J., appearing on behalf of the Provincial Crown.

MR. JOHNSON: Barclay Johnson appearing on behalf of Mr. Topham.

MS. JOHNSTON: Thank you, My Lord, I apologize for the late start. I spoke with my witness this morning and he drew to my attention that one of his submissions is missing from the expert book that I had produced. I went back up to my office to see if I had simply missed it on my emails and, no, he had missed sending it to me.

I am going to -- I think it will be easier to follow this discussion if I just handed up a copy --

THE COURT: All right.

MS. JOHNSTON: of the report to Your Lordship. Your Lordship can see that the report itself is divided into a number of different sections and there is a section on each of the books.

THE COURT: Yes.

MS. JOHNSTON: On the index. There's also a general statement about the books. I had noticed he'd missed one of the books, but he had done such an extreme amount of work and did such a detailed report, I -- I hesitated to nag him for still more.

This morning he said, "Well, no, I did do it, why didn't you get it?" He missed sending it to me is the answer.

So Your Lordship will see that *The Biological Jew* is missing. My friend hasn't seen it. It is consistent in theme with what he got with Len Rudner's books at Tab G. My assistant is making a copy for Mr. -- Mr. Johnson right now so that he can -- he can look at it and we're going to get a clean copy emailed from Ontario so that we can make multiple copies, but -- I mean, this is obviously a Crown mistake and I am very sorry.

MR. JOHNSON: I'm not here to criticize my friend at all for this -- this issue. It's not her fault. I think it's the expert that perhaps should have ensured that this was -- this was done. Under the circumstances if I get the -- get this and it looks like it may require some study on my part, I will advise the court.

THE COURT: All right.

MR. JOHNSON: I may need a short time just to look it over.

THE COURT: Now, what we'll do then is we'll get started with what we have and then if we need to deal with that -- hopefully, you will get that this morning.

MR. JOHNSON: Hopefully, yeah.

MS. JOHNSTON: He'll get it in about five minutes.

Now, what is Your Lordship's wish? Is it Your Lordship's wish to do a voir dire outside of the presence of the jury?

THE COURT: I think I would like to do it outside of the presence of the jury. I want to -- I know that there has been discussion between the two of you with regards to the area of expertise and the area that -- that Mr. Rudner has been permitted -- or being called to give opinion evidence in, but I -- I think I'd like to hear that outside of the jury and -- and then authorize him to be an expert.

MS. JOHNSTON: Thank you. Is it -- is Your Lordship -- would Your Lordship like the jury to come in or ...

MR. JOHNSON: No.

THE COURT: I mean, I could -- we could tell them that we're -- what we're doing or we could simply let them wait and -- and come out. I'm expecting it won't take that long, is that ...

MS. JOHNSTON: I hope not. I hope not and I don't think so.

THE COURT: All right. What's -- what is the area of expertise that's proposed?

MS. JOHNSTON: My Lord, the Crown is seeking to qualify Mr. Rudner as an expert in Jewish history, Jewish religion, and there are some caveats to that, My Lord, which the expert will be very clear about, and also an expert in the identification of material, which may promote hatred.

I'm happy -- if my friend is concerned about that expression of expertise ...

MR. JOHNSON: Yeah, I -- it sounds fairly close to what the jury is supposed to be deciding in this case, My Lord.

MS. JOHNSTON: And I agree with that and I was going to have him as an expert in Anti-Semitism, but my friend had expressed some concerns about the term Anti-Semitism, so I -- I understand my friend's concern. He wants to make it very obvious to the jury that just because he is an expert in this area that doesn't mean that they should accept it, and I am happy to work with him to get around that problem.

I don't mind "Anti-Semitism," but I don't want to use a friend that if my friend -- I don't want to use a term that my friend is -- is critical of. I had originally thought Anti-Semitism because it doesn't -- it doesn't create such a bright line for the jury and I like that aspect of it.

THE COURT: In a way it seems -- it seems better not to deal with the problem that you've just highlighted, which --

MR. JOHNSON: Yeah. I mean, I -- he may be an expert in Anti-Semitism, but I'll have something to say about that, the choice of the word and how it is used so ...

THE COURT: Well, I -- and I think I've heard a bit about that, but -- but you -- you presented the -- the definition --

MR. JOHNSON: Yeah.

THE COURT: yesterday and --

MR. JOHNSON: Yeah, I did.

THE COURT: and it seems to me that that's a fair way of describing the area of expertise ...

MR. JOHNSON: It falls short of actual hatred. It doesn't have "hatred" in the definition. So I'm happy with that. Sure.

THE COURT: So -- and I guess that's what I meant.

MR. JOHNSON: Yeah.

THE COURT: As it seems to me that that's safer, if you will.

MS. JOHNSTON: Are we happier with "prejudice against the Jewish people"? Does my friend like that better?

MR. JOHNSON: Let's just use "Anti-Semitism."

MS. JOHNSTON: I'm happy with that.

THE COURT: All right. All right. Well ...

MS. JOHNSTON: Thank you, My Lord.

THE COURT: ... that being the case, it seems to me that what we should probably do is bring the jury in, you can lead the qualifications through Mr. Rudner and I'm content with those areas as well, that sounds to me something that is acceptable and I'm assuming obviously he has the qualifications to do that. Is there going to be any cross-examination on qualifications?

MR. JOHNSON: No.

THE COURT: No.

MS. JOHNSTON: Thank you. Now --

MR. JOHNSON: There will be cross-examination on credibility. But we'll ...

THE COURT: All right. Well, that -- that will be the cross-examination generally, but ...

MR. JOHNSON: -- we'll leave that to another point. Yeah. My Lord, I -- if we're finished with this portion, I wonder if I could raise something, I am aware of some cases -- and I'm sorry that I -- that -- I just thought of this today, I have an expert here that is supposed to be testifying on Monday and he actually showed up late last night. He's had quite a ...

THE COURT: I think that's what you anticipated.

MR. JOHNSON: ... quite a route. Yeah. And I'm -- there hasn't been an application by either of us to exclude witnesses in this case and I am wondering if -- and I certainly didn't want to just have Mr. Gilad [sic] sit in the back of this courtroom -- courtroom without notifying my friend or the bench, and I'm suggesting that the case law gives you a discretion to permit that so that he can look at the -- at the evidence and maybe comment on that in his -- in his evidence. He's not here as a -- as my expert, he's here as the court's expert so I leave it up to you, My Lord, whether it's appropriate or not. He's not in the courtroom right now. Somebody would have to see if he wishes to sit here. He may be sleeping. Thank you.

MS. JOHNSTON: I'm content for Mr. Atzmon to be in the courtroom during testimony that is not his.

THE COURT: All right. Well, it strikes me that the type of expert opinion evidence that is being offered here is a bit different from what we usually see in the courtroom and it strikes me as well that there are -- there may be some benefit in -- certainly for Mr. Atzmon when he

gives his evidence to have heard what Mr. Rudner says and that may actually make the process work a little more smoothly so I am -- I will exercise my discretion and permit that.

MR. JOHNSON: Thank you, My Lord. If I might have just one word with somebody who can see if they can rouse him.

MS. JOHNSTON: Thank you. And, My Lord, if I could just simply tell Mr. Rudner that I am changing his area of qualifications, just so he is expecting that?

THE COURT: All right.

MS. JOHNSTON: It will take only about a minute. Thank you, My Lord.

THE COURT: All right. Well, we won't stand down. I will just wait till you are both back.

MS. JOHNSTON: Thank you. Thank you.

MR. JOHNSON: Thank you, My Lord.

MS. JOHNSTON: Thank you, My Lord.

THE COURT: All right.

MS. JOHNSTON: Oh, one more thing. Is Your Lordship content for the books to be handed out to the jury in their entirety prior to Your Lordship qualifying him as an expert? Or we could just do -- or -- because I've got the bio in the expert CV.

THE COURT: Oh, all right. Yes, I'm sure -- I assume there is no objection to that.

MR. JOHNSON: No objection.

MS. JOHNSTON: All right. Thank you.

THE COURT: All right. We'll do that. What we'll do is -- I understand the jury has chosen a foreperson so we'll -- we'll deal with that and then I'll give them a brief instruction on expert witnesses and then we will move to the qualifications. All right.

(JURY IN)

THE COURT: Now, I apologize once again for our late start. I understand however that you have chosen a foreperson. Madam Registrar?

THE JURY FOREPERSON: Yes, we have.

THE CLERK: Members of the jury, have you selected a foreperson?

THE JURY FOREPERSON: Yes, we have.

THE CLERK: Could you please state your number?

THE JURY FOREPERSON: Zero-one-eight.

THE CLERK: Thank you.

THE COURT: Now, what we're about to embark upon today is the calling of an expert witness and I want to give you some instruction about expert witnesses generally, as well as with regard to this particular expert witness.

I understand we are also to have a second expert witness so these instructions apply equally to both.

Normally, witnesses may only testify about what they have seen or heard and may not testify about opinions, about their own opinions. In the case of expert witnesses, however, we permit them to testify about opinions and the witness who will be called this morning is a Mr. Rudner and, like other experts because of his special training, education, and experience, he will be permitted to give an opinion and the area that he will be qualified in to give opinions about is Jewish history, Jewish religion, and Anti-Semitism.

Now, although he will be permitted to give his opinion in those areas, it is up to you to decide the extent to which you will rely on it. In other words, he's like any other witness. Here is some things to consider as Mr. Rudner testifies. First of all, you should consider his qualifications and experience, you should consider the reasons for giving the opinion, the suitability of any methods he has used to arrive at the opinion, whether Mr. Rudner is impartial and, of course, all of the other evidence in this case, then it is up to you to decide how much or how little to rely on Mr. Rudner's opinion.

Now, in the course of giving his opinion, he may be asked to assume or rely on certain facts. Those facts may be the same or different from what you later find as facts based on the basis of all of the evidence in the case. But the closer the facts that the expert witness assumes or relies upon are to the facts as you find them to be, the more helpful his opinion may be to you. To the extent Mr. Rudner relies on facts that you do not find to be supported by the evidence, you may find his opinion less helpful. So that's an instruction that I will give to you and I will repeat that again before we get to our next expert once we get to that point in the trial. And having said that, I will turn to Ms. Johnston.

MS. JOHNSTON: Thank you, My Lord. The Crown calls Len Rudner to the stand, please?

LEONARD RUDNER

a witness called for the Crown, sworn.

THE CLERK: Please state your full name for the court, sir, and could you spell your last name?

A Yes. My full name is Leonard Rudner, R-u-d-n-e-r.

THE CLERK: Thank you.

MS. JOHNSTON: My Lord --

THE COURT: Mr. Rudner, you can be seated if you wish.

A Thank you so much.

MS. JOHNSTON: My Lord, at this time the Crown is seeking a voir dire from the court. The purpose of the voir dire is the Crown is seeking to qualify Mr. Rudner as an expert in the field of Jewish history, Jewish religion and anti-Semitism.

THE COURT: Just a moment. We're -- we'll get this organized. Sorry, could you repeat that? I think we had a bit of a racket.

MS. JOHNSTON: My Lord, the Crown is requesting from the court a voir dire. The purpose of the voir dire will be for the Crown to seek to qualify Mr. Rudner as an expert in the Jewish religion, Jewish history and anti-Semitism. Pardon me, My Lord.

EXAMINATION IN CHIEF RE QUALIFICATIONS ON VOIR DIRE BY MS. JOHNSTON:

Q Mr. Rudner, you're here this morning from Ontario?

A Yes, ma'am.

Q And you have been employed by the Crown to give - to look at some materials and give an opinion on it, is that correct?

A That is correct.

Q In anticipation of your testimony, you have sent to me in advance a copy of your CV and a copy of your biographical data; is that correct?

A That is correct.

Q All right. Now, I gave you a copy this morning and I believe you had an opportunity to look through it to see if it was a true copy of your expert report and your biographical data; is that correct?

A Yes.

Q Do you still have it with you?

A No, I do not.

Q I took it back from you, did I?

A You did.

Q I will give you a copy again.

MS. JOHNSTON: Permission to approach the witness, please?

THE COURT: Certainly.

MS. JOHNSTON: Thank you.

A Thank you.

Q So if you could have a look at that, I'm assuming you've seen it before and you would agree that that is in fact a printout of what you gave to Crown?

A Yes, it is.

Q Thank you.

A Yes, it is.

MS. JOHNSTON: My Lord, perhaps at this time we can mark this as an Exhibit for Identification? If it pleases the court, I have copies for the jury so that they can follow along with Mr. Rudner's qualifications?

THE COURT: Yes. Let's pass those out to the jury.

MS. JOHNSTON: Thank you. And My Lord, as I explained at the beginning, there's a binder. There's an index for the tabs, so if they put this in at Tab 2, they'll have all the subtabs, A, B, C, D and so forth, plus an index to follow along. Thank you.

THE COURT: Is - is that the exhibit to be filed?

MS. JOHNSTON: Yes.

THE COURT: Yes, all right.

MS. JOHNSTON: If that can be marked as - as -

THE COURT: That would -

MS. JOHNSTON: -- for identification once Your Lordship has qualified, then the Crown is going to seek that it be marked as a full exhibit.

THE CLERK: So it would be B then.

MS. JOHNSTON: Thank you.

THE COURT: Thank you.

EXHIBIT B FOR IDENTIFICATION (ON VOIR DIRE): Curriculum Vitae and Expert Report of Leonard Rudner

MS. JOHNSTON: And I'm assuming Your Lordship has no difficulty with Mr. Rudner following along on his copy as opposed to the marked exhibit copy, would that please the court?

THE COURT: That - that's fine.

MS. JOHNSTON: Thank you.

Q All right, sir. Now that we all have a copy of the same document in front of - in front of us, I'm going to ask you to turn to Tab A which I understand is your - your biography, is that correct?

A That is.

Q You are former director of Community Relations and Outreach and for the Centre of Israel and Jewish Affairs; is that correct?

A Centre for Israel and Jewish Affairs - Centre for Israel and Jewish Affairs or CIJA.

Q I see. Are you still employed in that capacity?

A No, I'm not. I left their employ in August.

Q Sir, what did you do for the Centre of Israel and Jewish Affairs?

A I was the director of community relations and outreach. My primary responsibility was to act as the primary relationship manager for the organization, so specifically to establish our relationships with different ethnic or cultural communities and also to strengthen those relationships which already existed with a primary focus on the domestic agenda of the organization in its role as a representative of the Jewish community.

Q When you say domestic agenda, what - what are you telling us there?

A Well, these would be the sorts of things, for example, as in - in Ontario there were a number of ethnic communities that would have their own social service agencies, for example Catholic Children's Aid, Jewish Family and Child, and so forth. The challenge that we were facing or that we felt we might be facing in Ontario was that in a time of budget pressure --

Q Crunch?

A - that there might be - the government might be seeking an opportunity to consolidate these organizations into a big box in order to save - save money on administrative costs. We - what we wanted to be able to do is create an alliance that would be able to demonstrate that there was a value in delivering services in a culturally sensitive way. And in so doing, we were able to make a very strong case by - through an alliance with the Japanese community, the Chinese community, the Italian community, and of course their own community.

Q Were you successful in making such alliances?

A We were certainly very successful. It remains a work in progress as to whether or not the work will succeed, but before I left CIJA we had already had the opportunity to make a presentation to the - to the Minister of - of Health and Long-Term Care. So the work was underway, but that was an example of the sort of thing that we would do. Another example, if - if it pleases the court, is that CIJA became - became involved in advocating for changes to the *Criminal Code* in order to - to provide protection to persons of the transgender community. Our goal was to ensure that they would have the same protection that other designated groups would have under the law.

Q The transgender - the changes - changes to the *Criminal Code* concerning the transgender community, was that done in association with other groups aside from the Centre for Israel and Jewish Affairs?

A Yes, it was. It was a - a very broad coalition including organizations such as the United Church of Canada, Amnesty International, and a variety of other organizations whose specific focus was on ensuring and protecting of the rights of members of the OGPT community in Canada.

Q Now, sir, I also see that you were the - you were employed with the Canadian Jewish Congress in a variety of roles from 2000 to 2011, is that correct?

A That is correct.

Q What is the mandate of the Canadian Jewish Congress?

A At - at the time, and the - the Congress was amalgamated into CIJA in 2011 so it no longer exists, but the Canadian Jewish Congress

was the primary advocacy organization for the Jewish community in Canada. It operated under the umbrella of Jewish Federations of Canada which in turn represented federated Jewish communities across Canada. This was - the internal community organizational structure, I suppose, is - is obscure to folks outside the community as it is perhaps to people within the community, but our primary role was to - was to deal with issues relating to Anti-Semitism, discrimination, whether direct or indirect, and essentially to - to work to ensure that membership in the Jewish community was no barrier to full participation in the systems of society.

Q Now, sir, as you know, we're seeking to qualify you as an expert of Anti-Semitism in this matter?

A Yes.

Q Now, you've described that Anti-Semitism was one of the things you deal with. Can you give us an example, like what - what is the source of your expertise, your - your knowledge of Anti-Semitism?

A Well, for - certainly for the 11 years that I worked for Canadian Jewish Congress, I occupied - fulfilled positions ranging from director - Director of Community Relations for Ontario to National Director of Community Relations, to Ontario Regional Director. And in all of these roles I was the primary contact person for - for members of the Jewish community who - who expressed concerns or had concerns regarding their differential treatment either in - in employment or in education or encounters in the public square, individuals who felt that the Jewish community had been - had been maligned either criminally or at the time through the - through s. 13 of the *Canadian Human Rights Act*. So these complaints either came to me directly or they came to me through my colleagues as I was seen as having subject matter expertise within the organization.

Q And you would evaluate the - the claims and decide what action if any to take?

A That is correct.

Q Now, I'm assuming, sir, that in the course of 11 years with the Canadian Jewish Congress there must have been occasions where a - a concern was brought forth that you yourself didn't see as valid?

A Absolutely. You know, as I was - as I was want to say from time to time, sometimes to the displeasure of members of my own community, just because something unfortunate or unpleasant happens to a member of the Jewish community does not necessarily mean it is motivated by Anti-Semitism. In my previous incarnation, I worked in - at human resources for - for one of the major Canadian banks, the Canadian Imperial Bank of Commerce, and in human resources in that capacity I saw on many occasions, you know, thing - customers were not treated properly, employees were not treated with respect and it had nothing to do with - with religion or with discrimination. In many cases it was simply bad management and bad customer service. So when it happens to you, you feel - you feel it keenly. One of the advantages or one of the services that I was able to provide through Canadian Jewish Congress was it wasn't happening to me, so I was able to, in many cases, help people to understand that they still had a problem, the problem still had a remedy, but the remedy might not be - but the problem might not have been the one that they thought they had and the remedy might not be the one that they were anticipating.

Q And it fell to you in some cases to deliver this news?

A In most cases, yes.

Q I see. Now, in addition to your internal work with the Jewish - Canadian Jewish Congress, you also did other things in terms of Anti-Semitism. You reported to other groups. You - you were on panels. You went to conferences, is that correct?

A That is correct.

Q Can you tell us about that?

A Probably the - some of the more interesting ones that I participated in involved attending as part of the delegation for the Canadian government to the - to the Organization for Security and Co-operation in Europe. In that part - on one occasion, I believe it was in 2007 or 2008, I attended a conference in - I attended conferences in Bucharest as part of the Canadian delegation and I had the opportunity to speak to the assembly on matters relating to Anti-Semitism and relating to the - to the proper role of legislation in dealing with - in dealing with hate speech. I as well, I believe in 2004, I attended --

Q I'm just going to pause you there. Bucharest is the capital of Romania, is that correct?

A It is.

Q Ah, good for me. Please continue?

A Well, I had to think about it for a moment. I'm glad the answer came to you more quickly. Also in 2004 I had the opportunity to attend a conference that specifically focussed on - on hate speech on the internet and this was put on by an organization with the acronym of INACH, the - and I - I must confess that the - it is in my CV, but escapes me at the moment, but this was an international conference that was held in Amsterdam.

Q And was it attended by people who were not Jewish or representing the Jewish community?

A It was attended by - by Jews and non-Jews, so none of these conferences that I've just mentioned were - were specifically Jewish.

They - the Organization for Security and Co-operation in Europe, for example, considers a wide range of - a wide range of issues, Anti-Semitism being just one of them.

Q Sir, have you ever been contacted by the national media to speak on issues of Anti-Semitism?

A Yes, I have, generally in - generally in response to - in response to situations which are - which are occurring on the streets. I have - I have - I have, as circumstances required it, been called for comment by the National Post, by the Globe and Mail, the Toronto Star, some smaller newspapers in - in smaller parts of - in smaller towns in Canada. I've also appeared on - on most of the major networks from time to time.

Q And having been contacted by the national media, can you tell me whether or not they actually published what you said?

A They have.

Q And by the major networks -

A CTV, CBC.

Q And have you spoken on those networks about issues of Anti-Semitism?

A Yes. Yes, I have. The one - the one that comes to mind actually most sharply was an occasion, I believe it was in 2002 or 2003, when a member of the - when a member of the Jewish community was murdered. It was believed at the time that the - that the motivation to the murder was - was hate. This drew a tremendous amount of attention not only - not only in Canada - or not only in Toronto I should say, but in Canada and around the world, right? So there was a fair amount of - there was a requirement for the Jewish community to have a spokesperson who would - would represent them to the media and to express concerns of the Jewish community on this matter and that role - that role on that occasion fell to me.

Q So nationally you were the - you were the spokesperson?

A That is correct.

Q Now, sir, I am also seeking to qualify you as an expert in Jewish history. What is your - in the course of your professional career, some understanding of the major events have - must have come up?

A Well - well, certainly in terms of - in terms of the work that I - the work that I have done, you know, key - key issue - or key areas of focus, of course, would include the Holocaust, would include historical manifestations of Anti-Semitism. In terms of, you know, more general Jewish history, of course the creation - the creation of the State of Israel. So these are - so these are elements, so to speak, that are - that are - that were floating in the environment when - when I was engaged in work on behalf of the Jewish community. I do not have a degree in - in these things, but I have lived experience both professionally and as a member - and as a - an active member of the Jewish

community.

Q Now, I see specifically in terms of the Holocaust that you were involved in Holocaust Education Week, is that correct?

A That is correct.

Q And that was - tell us a little bit about that?

A Okay. Well, I - my involvement in that particular case, the presentation that I - that I gave - I believe it was called, "Where Do We Go From Here?", and this was a consideration of the way that we can understand the lessons of the Holocaust and the way that the Holocaust is - is portrayed in popular media. So looking beyond - beyond historical - historical representations, such as the work of historians like Raul Hilberg, you know, what do we do, for example with - you know, with dramatic representations such as *Schindler's List* or - or *Life is Beautiful* or - you know, literature such as *Sophie's Choice*, does it have - does it have a role? Is Holocaust - is this fiction using the Holocaust as a - as a backdrop? Is it appropriate? You know, is it - is it useful? You know, how does it engage as to what are our responsibilities as theatregoers or as readers or as movie - or as movie - people who buy tickets to the movies? Do we approach the topic with any - with a responsibility that is greater or in any way different than it would be from - from buying a ticket to watch any other form of entertainment?

Q Are you familiar with some of the academic works on the Holocaust?

A Yes. Yes, I am. And again, this has been from my professional experience, I've certainly been - read - read the major sources of historical information on the Holocaust over my time working for the community. Beyond that, when I was - when I was growing up in our neighbourhood there were - there were people in our - in our neighbourhood who had on their arms the - the numbers indicating that they had been - they'd been interned at - at Auschwitz, right, and had survived. Being five years old, I was curious about what this meant. My - my father - my father gave me - I think it was William Shirer's *Rise and Fall of the Third Reich*.

Q At five?

A Yeah, at five, and said, you know, essentially if you have any questions, you know -

Q Here you go.

A - come back - come back and ask me. I think it may have taken me a couple of years to - to get through it, but since then I - I have certainly continued to - continued to read and I hope I have continued to expand my understanding of - of the Holocaust not only as a - as it applied to the - to the Jewish community, but what that genocide teaches us about other genocides that have occurred in history both before the Holocaust and since.

Q Now, sir, I have - I'm also seeking to qualify you as an expert in Jewish religion and you were very clear with me this morning that you are not a Talmud scholar?

A That is correct.

Q All right. And through all of your testimony, sir, I'm going to ask you to delineate for the court when we've gone past what you can do and we will take it back.

A Thank you.

Q Now, it would not be relevant with almost all witnesses, but in this case I'm seeking to qualify you as an expert in Jewish religion, so therefore it is relevant to ask you, are you a practicing member of the Jewish faith?

A Okay. Well, I - I am. And again, of course, the question of practice is - is one that is - is subject to levels of interpretation. The - the Jewish religion has 613 commandments. You know, a - a devout practicing member of the community will endeavour to fulfill as many of those as possible, although there are some for example which cannot be practiced without - in the absence of the temple and there are others that cannot be practiced outside of the Land of Israel, but, nevertheless, that so to speak is the goal. So, do I - so if you asked me how do I rate myself on - on that, could do better, okay? On - on the other hand, I was born - I was born and raised into an Orthodox family. I do - I do attend synagogue, although not as often as I should. I do keep kosher, though not as perfectly as I might. And I do try - and I do try and motivate my actions by my belief system which is - which has its foundation - my understanding of what Judaism is today.

Q Now, do you also do any - any academic study of the Jewish religion?

A Well, I mean the - the - I suppose the - the challenge is - the challenge has been that over the last - over the last 15 years there has been very little time for - for reviewing anything beyond my job, but I certainly - I have continued to - I have continued to read - to read and to try to expand my understanding of - of Hebrew scripture. This is important not only for my - my own wellbeing, but also given that a good chunk of my job has required me to be able to engage in interfaith conversations with other communities, you cannot engage in - you cannot ask people to explain their religion, right, unless you have an understanding of your own, right? So it - it kind of goes together.

Q Thank you. Now, sir, I certainly haven't gone through every single line of your curriculum vitae. It is available.

MS. JOHNSTON: My Lord, those are my questions for Mr. Rudner and obviously it's open to my friend for cross-examination.

THE COURT: Do you have any questions, Mr. Johnson?

MR. JOHNSON: Yeah, I just have a couple of questions, but I don't - I don't want to spend a lot of time here. We should move on to the rest of the witnesses' testimony here.

#### CROSS-EXAMINATION RE QUALIFICATIONS ON VOIR DIRE BY MR. JOHNSON:

Q I just wanted to get some clarification, sir, on an organization that you belong to, or used to belong to, and it's in your CV - CV, I believe, and it was the CIJA, which was the Canadian Jewish Congress, Ontario Regional Director?

A Okay. If - if I might correct, Mr. Johnson, okay, the - I was a member of Canadian Jewish Congress and in that - and in that organization I was Ontario Regional Director.

Q Okay. And you also belong to - let's see here. Okay, that's the same one. Was the C - is the CIJA a - an existing organization?

A Yes, it is.

Q Did it take over the function of the Canadian Jewish Congress?

A CIJA was an amalgamation of a number of organizations, Canadian Jewish Congress being one, the Canada-Israel Community being a second, and National Jewish Campus Life, which, as its name implies, focuses on - on campuses in Canada.

Q But it's true that the - I'll call it CIJA if you don't mind -

A Please.

Q -- as - which is an acronym for the Canadian Jewish Congress, CIJA is also a lobby group for the State of Israel, is it not?

A CIJA is an acronym for the Centre for Israel and Jewish Affairs. CIJA is an advocacy organization. Certainly one - one element of its work, right, is - is to advocate for - to the Canadian government for a positive position vis-a-vis the State of Israel.

Q Okay. And the State of Israel is a foreign country?

A The State of - the State of Israel is a - is a foreign country.

MR. JOHNSON: Thank you, no further questions.

THE COURT: All right. I am satisfied that Mr. Rudner is qualified to give opinion evidence in the areas indicated, that's in the field of Jewish history, Jewish religion and Anti-Semitism and I so qualify him as an expert witness -

A Thank you, My Lord.

THE COURT: -- and he may give opinion evidence in those areas.

A Thank you, My Lord.

MS. JOHNSTON: Thank you. My Lord, we got a late start and I do apologize to the court for that. That was largely due to me. What I suggest is we go a few more minutes. I am going to cover an identifiable group. That might make a logical break for the break after that.

MR. JOHNSON: My Lord, if I might have one moment?

THE COURT: Certainly.

MR. JOHNSON: Thank you, My Lord.

EXAMINATION IN CHIEF BY MS. JOHNSTON:

Q Now, sir, when you're engaged by the Crown as the expert in this matter - and to be clear, we are paying you for your expertise?

A Yes.

Q Ninety-five dollars an hour plus a --

A Something - something like that.

Q Plus a fully paid trip to Quesnel, British Columbia in October?

A Okay.

Q And one of the things I had asked you to look at, is to tell me whether or not Jewish people - Jewish people in Jewish religion, Jewish ethnic origin, are an identifiable group?

A Yeah.

Q So in the course of - of the work we asked you to do, you put your mind to that?

A Yes.

Q So can you - can you - can you address us on that subject?

A Yeah -- yes, of course. It's my opinion that Jews are an identifiable group, both as a religion and as - and as an ethnic group. In - for the research that I did for the - for this particular session, I know that for example a common thread in dictionary definitions, in the - in the Oxford Dictionary, ethnicity is defined as a - "the fact or state of belonging to a social group that has a common national or cultural tradition". In Merriam - in the Merriam-Webster Dictionary, ethnic is defined as, "being of or relating to races or large groups of people who have the same customs, religion" -

THE COURT: Mr. Rudner, I'm just going to stop you for a moment. You're going awfully fast.

A My apologies, My Lord.

THE COURT: I'd like you to - to slow it down a little bit so that - that we can understand it a bit better and - and also I think you're referring to part of the - the report.

MS. JOHNSTON: You are.

THE COURT: Maybe you could -

MS. JOHNSTON: Thank you, My Lord. I'll go through that more slowly.

Q Sir, you actually wrote something down on this and you made it part of your expert report, is that correct?

A Mm-hmm.

Q And that we find at Tab C of your expert report, and you've entitled it, "As an Identifiable Group"?

A That is correct.

Q All right. Now, sir, the documents are before the court. They are your expert report which we were - were pleased to give to defence counsel in advance.

A Mm-hmm.

Q I'm not expecting you to read it -

A Okay.

Q -- but my assumption is that you're going to follow along parallel - like what you say to the court parallels what you have on these - on these documents?

A That is correct.

THE COURT: Okay, just -

MS. JOHNSTON:

Q Now, you are -

THE COURT: Just a moment, please, Ms. Johnston? Mr. Johnson?

MR. JOHNSON: My Lord, I'm sorry for standing, but I'd just have - like to have a quick word with counsel.

THE COURT: Certainly.

MS. JOHNSTON: Absolutely. One moment please, My Lord?

Thank you, My Lord, we've - we've dealt with that issue.

THE COURT: All right. And just so we don't lose this, I gather there's no objection to having this now marked as an exhibit. Maybe we should do that?

MS. JOHNSTON: Thank you. Thank you, My Lord.

If we could please mark it as the next exhibit? I believe we're at Exhibit 8?

THE CLERK: That's correct.

EXHIBIT 8: Curriculum Vitae and Expert Report of Leonard Rudner (was B for identification)

MS. JOHNSTON: Thank you. And, My Lord, I'm wondering if it would be possible - Mr. Rudner has his own copy. I'm wondering if it would be possible to give the exhibit copy to my friend, Mr. Johnson, which would permit him to give his extra copy to Mr. Topham, to assist Mr. Topham in following along.

THE COURT: All right.

MS. JOHNSTON:

Q Now sir, going back to Tab C, of your expert report, and in the first paragraph you refer to a definition from Saskatchewan Provincial Court?

A Yes.

MS. JOHNSTON: Now, I want to pause here, My Lord. It's a convenient definition. I'm not meaning to imply that the court is binding on Your Lordship.

Q And what is the definition?

A The definition in - reads as follows, that:

The Jewish faith is one of the major religions of the world. It has its own unique beliefs, rituals, and places of worship. One of its primary religious compendiums has become the Old Testament, a part of the Christian Bible. The Christian religions, while originating in Judaism, are separate and distinct in their beliefs. The Jewish people have endured discrimination, hardship, and death from others because of their distinct, unique identity.

Q All right. Now -

A End quote.

Q End quote. Now, we'll talk about whether or not they've endured discrimination later, but in terms of the balance of it, a separate religion, do you agree with that statement?

A I do.

Q All right. And are you able to tell us - and I did not prep you for this question, so if you don't know, that's fine, but are you able to tell us what percentage of the Canadian population is - is - is Jewish in terms of being Jewish religion or ethnic origin?

A In terms of the last census that was - that was taken, I believe the number is approximately 375,000 out of the Canadian population of 32 - 33 million, so approximately one percent I guess.

Q Now, sir, are you defining people of Jewish religion or Jewish ethnic origin? Jewish religion - it's a religion?

A Mm-hmm.

Q But in terms of ethnic origin, sir, can you help us with that?

A Well, it's a little bit of - it's a little bit of both really. I mean the - if you take a look at some - some surveys that have been done in Canada and the United States, people identify as being Jewish for - either for religious reasons or by reason - or by way of ancestry. So there you get - you get to define yourself as being Jewish in a number of different ways, but I believe, and I think I reference this in my note on the topic, that there is a significant chunk of folks who identify themselves as being Jewish in the United States who do not see religion as being a necessary component of that and indeed do not even believe that a belief in God is necessary to identify yourself as being Jewish. So from this and from the dictionary definitions which I have included in this note - now, I would certainly consider Jews to be an identifiable group as a religion and as an ethnic community.

Q And I believe the study you're referring to is the second paragraph up from the bottom, the 2013 Pew research study of American Jews, is that correct?

A That is correct.

Q And then you're also referring as well in your report to a UJA - what does UJA stand for?

A UJA is United Jewish Appeal. There are a number of - of UJAs in Canada, I believe there are eight, in - in major Canadian cities and they function almost as United Ways. That is to say they - they raise - they raise money from the community and they use that money for funding - for - for funding operations such as Jewish Family and Child Services, addiction services, residential housing and so forth.

Q And it was your conclusion that that study also pointed to Jewish people as an ethnic - in addition to being, and perhaps overlapping with, a religious group?

A That is correct.

MS. JOHNSTON: My Lord, this is probably a convenient time for the break, but I could certainly go farther if it's Your Lordship's wish.

THE COURT: I'd like to - to go a little bit further.

MS. JOHNSTON: Thank you.

Q Now, sir, I have at D and E some common aspects of Jewish - Jewish symbols and common aspects of Jewish orthodox dress?

A Yes.

Q I'm going to skip these for right now, sir. The purpose that I had requested that you do this is so that when we go through Mr. Topham's website and look at some of the graphics, that we can identify some of the symbols. So I will pull that out a later time. At this time I'd like you to please jump to Tab F of your report and this, sir, speaks to your expertise in Jewish history. Now, I had asked you to define some of the terms that we saw in Mr. - Mr. Topham's writings, one of which is Zionism?

A Mm-hmm.

Q Tell me about Zionism. How are you defining - how can you define Zionism for us?

A Zionism is a - is a movement for Jewish national self-determination. I suppose it is as simple as that. It is the - it is the yearning of - of the - of the Jewish people to return to their homeland in - in Israel. It was Jewish prayer, certainly going back - going back hundreds of years, includes in it the longing for Jerusalem as the - as the centre of - of Jewish religious life.

Q Is that next year in Jerusalem?

A Yes.

Q Please continue?

A The - in terms of - in terms of Zionism as a political movement, it came into fruition towards the end of the - towards the end of the 19th century. The primary mover of Zionism was a gentleman by the name of Theodore Herzl. Herzl was, as I recall in terms of his profession, he was a journalist, and after - and after covering the trial of Alfred Dreyfus who was a - who was a Jewish officer within the French military who was essentially framed for treason and observing the Anti-Semitic eruptions in France that followed the trial and his conviction, Mr. Herzl came to the conclusion that the Jewish people would never truly be safe until they had their own homeland, okay? So - and I believe that the first Zionist convention was held in Basel, in Switzerland in 1897 and this is the movement which over the course of the next 50 years, led to the - led to the creation of the State of Israel.

Q Was Israel, the physical location of Israel, was that always the target of Zionism in terms of the location of the Jewish homeland?

A I believe some - some other - some other locations were - were toyed with, I believe. I think at one point there may have been a consideration of maybe establishing a homeland in - somewhere in Africa, although I - I - I'm simply relying on my - on my memory on that particular one, but certainly in terms of the - in terms of the - the religious yearning of the Jewish people to return, it is - it has always been to return to the land - to the Land of Israel, to the Middle East.

Q Now, you discussed this as starting in the later half of the 19th century with the Congress in 1897?

A Correct.

Q What was the country that is now the country of Israel?

A It was a - at - at various times it was under the control of the - it was under control of different - of different empires. So as I recall, up until the - up until the end of the First World War, the primary power in that - in the area was the - was the - was the Ottoman empire. The - following the - following the end of the First World War and the - and - and the various treaties that came - that came out of - that came out of the - the conclusion of that conflict, the great powers became involved in - in that part of the world, as they were in other parts of the world, and different spheres of ritual were - were carved out. So the - the British had - the British had control. Some other - some other countries in the Arab world, they were also - they were - they were already established or they were looking at extending their control into the area which - which came to be known as Palestine, right? But there was no - there - there was no - for example, there was no Palestinian state that was in existence before - before the establishment of the State of Israel. Israel came into being with the - with the end of the British Mandate which - which followed the end of the Second World War.



Q All right. So let's segue from that into the founding of the modern State of Israel.

A Okay.

Q Which we actually have on the second page on Tab F of your binder?

A Well, formerly - formerly the State of Israel was - was created by - by the passage of UN Resolution 181 and that took place in - on November 29th, 1947, okay? So this called for the partition of the British Mandate into - into two - into two states, the State of Palestine and - and the State of Israel. Israel declared its - declared its independence in May of 1948. Following that declaration, Israel was invaded by - by armies from - from neighbouring Arab - Arab states. Israel was able to achieve victory in that battle and I suppose one could say that two things happened at that point. One is the State of Israel was formally created and at - and the other thing that happened was really the - the creation of two very separate and very distinct narratives of - of what happened then. And as I think I - as I note in my materials, the difference of the narratives can really in a sense be summed up symbolically by observing that the date of creation of the State of Israel is known, in Israel, as Yom Ha'atzmaut, which is Independence Day, but for - for Palestinians and for those who support the Palestinian cause, the day is - is referred to as Nakba Day, that is to say the day of the catastrophe, right? I suppose the narratives began - began very - began their lives separate from each other and it's one of the tragedies of - of the last 70 years that the narratives have grown further apart rather than closer together.

Q All right. Now, sir, I'm just going to summarize some of the major things of what you've told us. I'm going to ask you to correct me if I get any of them wrong.

A Of course.

Q Zionism was a political movement for the reestablishment of the Jewish homeland?

A Correct.

Q It came out in the - it started in the late 19th century?

A Correct.

Q Ultimately a homeland was established?

A Correct.

Q It was established in the geographic area which had been called Palestine at the time. At the time of the changeover, the -- Palestine was under a British Mandate?

A Correct.

Q When the British left, it was turned over to the Israelis. The Jewish homeland was then what we now know as the country of Israel?

A Yes.

Q Which is the Jewish homeland?

A Correct.

Q All right, thank you.

So, Semitism, that is the next page. Now, I had asked that you define Semitism, then working to Anti-Semitism and I think as the paragraph indicates, that wasn't perhaps the best way to have gone about it. Define Anti-Semitism for us?

MR. JOHNSON: Excuse me, what tab are you on, please?

MS. JOHNSTON: I'm sorry. I'm on Tab F.

MR. JOHNSON: Thank you.

MS. JOHNSTON: I am -- the third page, so Semitism in the top left-hand corner.

MR. JOHNSON: Thank you.

A Anti - Anti-Semitism is - is hatred of Jews. That is the - that is the simplest and the shortest answer and the term was - the term was coined by - by a gentleman named Wilhelm Marr in the - in the early - in the early 1870s. So unlike other words which can sometimes be defined as their opposite - so, for example, if you define - if you define Semitism, then you will know what Anti-Semitism is. Anti-Semitism was created as a new - new legislation, that is to say was a - it was a word that was created for this particular effect. Wilhelm Marr did not want - wanted a word that would - would refer to hatred of Jews that was free of religious components. The term that referred to religious hatred of Jews in German was "Judenhass", which literally means Jew-hatred, okay? Anti-Semitism was a more scientific sounding word and that fit into the - I suppose that fit into the spirit of the times. It provided a certain scientific veneer to a - to a very simple and hateful term.

MS. JOHNSTON:

Q And how you've defined it in your paper specifically is, "A prejudice against, hatred of, or discrimination against Jews as an ethnic religious or racial group"?

A That is correct.

Q The next page at Tab F, sir, is your section on the Holocaust?

A Yes.

Q Sir, what is the Holocaust?

A So the Holocaust was the deliberate state-sponsored murder of - of Jews by the - by the Nazi government of - of Germany, generally covering the period from the rise of - from the rise of the Nazis in 1933 to the end of the - of Nazi rule in 1945. It refers more - it refers to a process in which essentially all the systems of society were bent towards the - towards the goal of - of elimination of - of Jews in Europe, that is to say that they were deprived - that legally they were deprived of their civil rights. They were deprived of their citizenship. They were robbed of their - they were robbed of their property. They were moved to ghettos where they were either worked - they were either worked until - to death or until they starved or until they died of disease. They were sent to concentration camps where, under poor - under poor conditions they - they - they suffered death - death through labour or they were sent to special purpose-built concentrate - extermination camps where - where they were murdered in a variety of ways, in gas chambers or through use of carbon - carbon monoxide or - or other means. This of course is not - this of course is not to forget that following the invasion of the Soviet Union in 1941, the Wehrmacht was followed into - into the Soviet Union by groups called the - the Einsatzkommandos or the Einsatzgruppen. There were four of these groups and their primary role, indeed the whole - their whole purpose for creation was to follow the - the armies into - into Russia, right, and murder Jews. It is estimated that, to use the words of - of one historian, that in this Holocaust by bullets, close to one and a half million Jews were murdered, and these are Jewish men, women and children.

Q One and a half million were?

A Were murdered, were murdered in this fashion. So this was not a - this was not mechanized - mechanized industrial murder as it was in the death camps, but rather this was murder - murder by bullets.

Q You're talking about moving into - into Russia?

A That is correct.

Q The Soviet Union, I'm sorry.

A That is correct.

Q And, sir, this - this change in the civil rights, this destruction of the Jewish people, under what political party, if any, did this happen?

A This happened - this happened under the - under the rule of the Nazis, the National Socialist German - German Workers' Party. The - the leader of that party was Adolf Hitler. Hitler was the - was the leader of Germany from 1933 until the end of the Second World War, or until

the end of the Second World War in Europe.

Q My understanding, sir, and please correct me, 1933 is when the National Socialists came to power in Germany?

A Correct.

Q And Mr. Hitler's reign of the country ended with his suicide in 1945?

A That is correct.

Q Now, sir, in the writings that we have looked at in - in Radical Press writings, there is criticism of the number given to the number of Jews murdered in the Holocaust. Do you have a number of the Jews that are murdered in the Holocaust?

A Raul Hilberg in his - wrote - still considered to be the seminal work on the Holocaust. It was published in the early 1960's. It was a three-volume study called *Destruction of the European Jews*. He estimated at that time that the numbers were - the numbers tended to fluctuate between five - between five million and six million. Six million has become the - the number that is most often used. There are a number of possible reasons for this. One is that Eichmann himself - Eichmann - Adolf Eichmann being one of the primary architects of the Holocaust, is reputed to - is reputed to have used that number.

Q All right. Now, Eichmann is one of the architects. He was a National Socialist, was he not?

A He was.

Q All right. Tell us just a little bit more about Eichmann so we can follow along with you?

A Eichmann was the - *The Destruction of European Jewry* was, in addition to being an act of monstrous evil, was an act of surpassing administrative challenge. It was necessary to - it was necessary to move the Jews from one place to another. It was necessary to determine how they would be held. It was - it was necessary to engage in what Irwin Cotler called thefticide, which is to say to strip them - to strip them efficiently of whatever property they had on behalf of the state. And it - and it was necessary certainly in terms of - in terms of moving the Jews from the ghettos or - or from their nation's states to the death camps, it was necessary to be able to make use of rail - rail systems - rail systems and other systems in order to efficiently move this human cargo to its - to its place of destruction. Eichmann was the - Eichmann was the - was - was a prime bureaucratic functionary of this - of this work.

Q And he was the one that used what number, if you could remind us?

A Eichmann was the - just one moment, allow me to consult. That note - that note is probably buried elsewhere - elsewhere in my - in the - in the book, but a number - but a number of - a number of numbers were - were used. Dieter Wisliceny who was a captain within - with the SS, I believe, and again I - this will be borne out when - when we find him in the notes. I believe that he - that he attested to the fact that Eichmann himself used - used the number of six million. Okay. And - and again, I - I should say that even - that even 50 odd years after - after Raul Hilberg wrote his book, generally speaking the numbers still tend to fluctuate between - between five - between I'd say 5.3 million and - and six million, although I think it's probably generally recognized now that six million may - may be slightly high.

Q Thank you. Sir, if we - I'll just refer you specifically to one note - one note from your expert report. In the *Ahenakew* case which we discussed [indiscernible] the Holocaust is described as:

... the systematic murder of Jews, and others, perpetrated by the German Nazi regime of Adolf Hitler prior to and during the Second World War.

A That is correct.

Q And you do make a footnote about whether or not that term included non-Jewish victims, but it's - overall, do you think that's a fair synopsis of the Holocaust?

A I - I do, and - and just to the point of - the point of terminology, the - the term "Holocaust", or - or the Hebrew term "Shoah", is - is used - is used by members of the Jewish community to refer specifically to the Jewish experience under the Nazis. This is not - this is not unusual. If we consider, for example, that the Roma people who were also subject to genocidal intentions from the Nazis, they - they died in many of the same places in Auschwitz and - and other locations. They, however, within their community have their term which they use to describe their experience and they refer to it, you'll forgive my pronunciation, they refer to it as the "porajmos", or "porajmos", which means, "the devouring", right? So to say that there was a unique name for - for the Jewish experience is certainly not to diminish - diminish the reality of what other - what other targeted communities experienced during those days.

Q Thank you. Now, sir, I asked you to define the Talmud for us, and that we see at the next page under Tab F. What is the Talmud?

A There is a - everyone who has - everyone who has watched Charlton Heston knows that Moses went up on - on the mountain and came down with - came down with the tablets, but the ten commandments in actual fact were more than ten. There were actually 613, but I suppose that might have been too difficult to carry. But there's another tradition which says, in actual fact, Moses came down from Mt. Sinai with two Torahs. There is a written Torah which, you know, we see - which we - which most of us recognize - and indeed in the - in the book that I swore an oath on, contains the - the five books of Moses. In addition to that, though, Rabbinic tradition is that there was an Oral Torah which God gave to Moses as well. And indeed, within Orthodox Judaism, these two Torahs are considered to be co-given. In terms of how they - how they connect to each other, the Talmud is not - the Talmud is not superior to - to the Torah. The Talmud can be thought of as being the regulations that go with the - that go with the legislation of the - of the - of the Torah. Unlike - unlike other faiths, there is no - there's no tradition in - in Judaism that says that the Torah is literally true, okay? It - the Torah is supposed to be interpreted and indeed every - every morning when - when members of the Jewish community go to prayer, one of the things that they - they recite as part of their - their morning prayers are the rules by - by which Torah is to be - is to be - is to be analyzed, or is to be understood, or is to be interpreted. So as a result of this, when for example you read in the - you read in the Torah, you know, the oft quoted expression of, "an eye for an eye" and "a tooth for a tooth", the literal interpretation of that is, well, quite - quite bad. If somebody takes your eye, you get to take theirs. But when, for example, you read the Talmud, what you see is that it was never intended to be interpreted that way and it has always been used as a - as a means of expressing monetary compensation for damages.

All that said, the Torah - I'm sorry, the - the Talmud is not written as a - it's not written as a rule - as a rule book in plain English. It's not like getting instructions on how to put together, you know, a gas - a gas barbecue. But it is presented in the form of analogies, illusions, stories, and sometimes you don't have a - an answer, so to speak, where at the end of a long section the answer to the question of what this means is "X". In some cases, there is no conclusion. In most cases, even where a - an opinion has been rejected, that isn't - that is included as well. So I mean I think the thing to understand about the - about the Talmud is that it is - in a sense it is - it is a conversation taking place between rabbis over the course of centuries. And when you - when you read it, it reads as if Rabbi "X" said this and Rabbi "Y" said that and Rabbi "Z" disagreed and so forth, and you would be forgiven if you believed that these guys are all in the same room at the same time, but in many cases, you know, they're separated by hundreds of years, right? But through the medium of the oral recitation of the law handed down from rabbi to teacher to student and so forth, right, someone living 200 years later would be able to, so to speak, engage in a conversation - on the conversation an argument, okay, with a rabbi who is - who is long dead. And indeed, when we study the Torah today - I'm sorry, when we study the Talmud today, we too have an opportunity to participate in that discussion.

And if I could get poetic just - just for a second, whereas this might not be the place for it, that if we believe that God - that God is a being who transcends concepts of past, present and future, and truly is a transtemporal being who is an all-at-once, then in a way, by studying Talmud, we have the opportunity to partner with God, right, in that conversation and by having - and by having arguments with people who are long gone, okay? We are participating in a transtemporal conversation and in our poor way mimicking - mimicking the - the

work of God.

Q Now, sir, to get prosaic actually, that -

A Sorry.

Q No, I'm apologizing for my next question, I understand that physically the Talmud is a large physical -

A Yes, it is - it is a - it is multi - it is multi-volumed - thousands of pages, so large as a matter of fact that - that those who follow the - the practice of *Daf Yomi*, which is reading one page of the Talmud every day and studying it thoroughly, if you began today and you stuck to that pattern religiously, if you pardon the pun, it would take you approximately seven-and-a-half years to - to finish - to finish reading it.

Q Is this about an Encyclopedia Britannica in terms of size, document?

A It's two - it's two shell - it's two shelves' worth, I'd say.

Q And you were -

THE COURT: Sorry, I missed that. It's two -

A It's - it's -

THE COURT: It's two shelves?

A On a standard bookshelf, it's - it's two shelves, yes.

MS. JOHNSTON:

Q And you were very clear with me that you - you - you are not wishing to qualify yourself as a scholar of the Talmud?

A Certainly not.

Q So if I could summarize some of your major points, in the Jewish religion the Torah is the written record given by God to Moses for the Jewish people?

A Correct.

Q And the Talmud is ultimately the written down version of the oral commandments given by God to Moses?

A That - that - that is correct. And the decision was - the decision was made to - to bring - to create a written form of it after periods of - of persecution where the method of oral transmission from one generation to another was at risk. So the Talmud as - as it exists today, is not only of the written form of the - of the oral - of the Oral Torah, but - which is the *Mishnah*, but it is also the commentary, the discussions, the arguments of generations of rabbis upon the topic and that - that compilation is called the *Gemara*. So when you put Mishnah and Gemara together, you have Talmud.

Q And that is how the term is referred to today?

A Correct.

THE COURT: I see it's 11:30. Would this be a --

MS. JOHNSTON: Thank you.

THE COURT: -- a good time for -

MS. JOHNSTON: Yes, it would.

THE COURT: -- for a break?

MS. JOHNSTON: Thank you.

THE COURT: All right. We'll excuse the jury for the morning recess.

(JURY OUT)

THE COURT: We'll take the morning recess.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR MORNING RECESS)

(PROCEEDINGS RECONVENED)

THE CLERK: We're back on record.

LEONARD RUDNER, recalled.

MS. JOHNSTON: My Lord, Mr. Rudner has some difficulties with his back. I am wondering if it would please the court if he would sometimes stand, sometimes sit in the course of his testimony.

THE COURT: Yes, that is absolutely fine.

MS. JOHNSTON: Thank you.

A Thank you, My Lord.

THE COURT: We managed to get the chair up there, did we?

A With -- with the help of your colleague, My Lord.

THE COURT: Good. Good. Just in terms of timing, Ms. Johnston, it makes sense for Mr. Johnson benefit's and mine?

MS. JOHNSTON: I -- I'm certainly hoping I finish this afternoon, that is certainly my hope. It's going -- admittedly, it is going a bit slower than I thought it would to this point, which makes me a bit nervous, but I -- I hope to finish this afternoon.

THE COURT: So -- so then we're looking at cross-examination on Monday likely is what -- what you're saying?

MS. JOHNSTON: I think so, unfortunately.

THE COURT: Okay.

MS. JOHNSTON: And I'm sorry --

THE COURT: And I guess I was sensing that and I just wanted to make sure that's what -- where we're going.

MS. JOHNSTON: I haven't abandoned hope, but it is rather thin at this point, My Lord.

MR. JOHNSON: And I guess that brings up the point whether we should start the cross with maybe 15 or 20 minutes and then have him -- I mean, it's up my friend, I -- I can ...

THE COURT: Well, I -- I'd certainly prefer not to do that.

MR. JOHNSON: Yeah.

THE COURT: I think it's -- it's normally fairer for everybody not to do that, but -- unless we can get substantially into it.

MR. JOHNSON: I just wanted one other thing for point of clarification. I understood, maybe incorrectly, to hear my friend say that this will be the last witness?

MS. JOHNSTON: Yes. My friend and I have discussed some admissions and there is no difficulty if we just have it -- physically produced

a copy. So once those are filed then I'm going to not call Corporal Burns and Mr. Salt [phonetic].  
THE COURT: Well, you'll -- you'll have time over the weekend obviously to -- to get those admissions.  
MR. JOHNSON: We'll work that out.  
THE COURT: And get them finalized. Very well.  
MR. JOHNSON: Thank you, My Lord.  
THE COURT: We will bring in the jury.

(JURY IN)

THE COURT: Ms. Johnston?  
MS. JOHNSTON: Thank you, My Lord.

EXAMINATION IN CHIEF BY MS. JOHNSTON, CONTINUING:

Q Mr. Rudner, we are now at Tab G of your expert report which has a general statement, essentially informing the court that you have in fact read books, is that correct?

A That is correct.

Q And a general statement of - a general statement of your - your opinion of them, so perhaps you could tell us, just generally - a general summary of your opinion on the books?

A Well - well, generally, I - I found that the books that I reviewed, *The Protocols of the Elders of Zion*, *Germany Must Perish!*, *Germany - Israel Must Perish!*, *The Biological Jew*, *The Jewish Religion: Its Influence Today*, and *The Controversy of Zion*, I found them all, with the exception of *Germany Must Perish!*, to present similar themes, the inimical nature of Judaism and - and Jewish people to the non-Jewish world, participation in a - in an ongoing centuries long conspiracy, the purpose of the conspiracy to do significant harm to the non-Jewish world, to control the world through - through the media, through systems of international finance and to - to be, in a sense, the hidden hand behind world events ranging from financial collapses to - you know, to wars, to revolutions. Although these themes are not found precisely in all of the works, together they - they represent I suppose an indictment, right, of - of the Jews, right, as being - as being the hidden - the hidden hand and the evil hand behind all of the events taking place in the world not only today, but historically.

Q Now, sir, with a general statement of overview, we're going to discuss specifically some of the books starting at Tab H.

MS. JOHNSTON: And My Lord, I don't think it will be necessary to distribute the binders. That is my - that is my expectation. If it becomes necessary, I will. We have obviously looked at the books in other portions of this testimony. At this point Mr. Rudner is - is going to say that he's - he's read them and - and discussed the themes generally, so that's my expectation, My Lord.

Q So, sir, we're at Tab H?

A Yeah.

Q And you have a discussion of *Germany Must Perish!* So let me just ask you this, sir, prior to your involvement in this case, had you ever heard of *Germany Must Perish!*, before?

A I may have heard of it, but I certainly never read it.

Q All right. So what is *Germany Must Perish!*?

A This is a book that was written in 1941 by a gentleman named Theodore Kaufman. I think the title pretty well tips the hand. Mr. Kaufman believes that - that the German people are almost - almost at - at a - at a blood level, responsible for - for murder. They are warmongers. They are motivated by a war soul, to use the term that Mr. - Mr. Kaufman uses, that while - while he acknowledges that perhaps for purposes for argument perhaps 20 percent of all the people living in Germany are innocent of the crimes of the German State, that ultimately the only cure for the disease of Germanism is an utter destruction of the German people which he proposes through - through a mass sterilization, which in the course of two generations will entirely eliminate the German disease from - you know, from the world body, the only exception to this being individuals - Germans who have relatives living in victorious nations, since this was written during the Second World War, who were prepared to assume financial responsibility for their actions, although I'm not quite certain what that means.

Q Now, sir, as part of the work that you did, you also looked at the book reviews that were present in the original - original document that was sent to you, is that correct?

A Well, I try - well, there were four reviews which appear - excerpts of which appeared on the back cover as presented on the Radical Press website. I was able to find one of them for *Time* magazine, but not for the - but I was not able to find the other three through open sources.

Q Okay. And what did you find about the *Time* magazine excerpt?

A Well, the - and just let me find - one moment, counsellor. The - I believe that the - that the sense that the excerpt from *Time* magazine indicated that this was a - that the thesis advanced by Mr. Kaufman was sensational, as in a sensational idea. The back cover ended the sentence with an exclamation point which did not appear in the - in the original *Time* review, which I believe was called *A Modest Proposal*. It came clear from reading the review in *Time* magazine that the use of the word *sensational* was not, so to speak, wow, what a great idea, but whoa, this is quite an idea, isn't it? So it was a sense that it was not that Mr. Kaufman was being seen - was being treated as serious, but rather somewhat of an eccentric. So certainly, that review did not appear to be a positive endorsement of Mr. Kaufman's thesis.

Q Thank you.

MS. JOHNSTON: And if the witness could please be shown Exhibit 1? I won't request that it be distributed at this time, My Lord, if that pleases the court.

THE COURT: I guess the one difficulty I have with this, is I don't have a clear recollection of what those reviews may have said and -

MS. JOHNSTON: That's what - that's what -

THE COURT: - and that's what you're - you're going to -

MS. JOHNSTON: Yes.

THE COURT: - turn to --

MS. JOHNSTON: Yes. And if it becomes necessary to distribute, I certainly will.

Q So, sir, you can see at Tab 1, Binder 1 -

A Yes.

Q - the very first page it says, "Page 1 of 49" on the corner?

A Correct.

Q And it has the - what appears to be the book cover of *Germany Must Perish!*?

A Correct.

Q Then on the second page, page 2 of 49 -

A Yes.

Q - we have what appears to be excerpts from four reviews?

A Yes.

Q That's the four reviews you were referring to?

A That is correct.

Q The only one you could find was the *Time* magazine one with a sensational idea?

A That is correct.

Q And that's the one you've just been commenting on?

A That is correct.

Q All right. Now, sir, one of the issues we're looking at in this trial is the issue of hatred which has been defined as promoting vilification and detestation. Now, you're not - you've not been qualified as an expert in hatred against Jewish - against German people, but do you have an opinion as to whether or not this book would promote detestation and vilification against the German people?

A In my - in my opinion it would. The - the language which is - the language which runs through the book is, in my opinion, extreme. You know, for example, we are told that - and I quote:

Germans are an execrable [that is to say extremely bad or unrepentant] people. They think and dream of nothing but chicanery. They brandish arms that are like barbed clubs; from their mouths instead of ordinary human speech, issue the rumbling of artillery and the clash of steel ...

Okay? And that, I think - it perhaps might be one of the mildest - the mildest of the phrases that are peppered through the book.

Q Sir, I'm going to ask you now to go to Tab I of your book of materials and this is *Israel Must Perish!*, which I think might more appropriately be described as an excerpt from a book as opposed to a book itself, *Germany Must - Israel Must Perish!*, being an excerpt. Did you - did you have the opportunity to review *Israel Must Perish!*, in your preparation for this trial?

A Yes, I did.

Q And, again, was that anything you have heard of prior to your involvement with this investigation and this trial?

A No, it is not.

Q What can you tell us about *Israel Must Perish!*?

A Well, the - this is essentially a reprise of *Germany Must Perish!*, as Mr. Topham makes clear on page 3 of - noted in the - in the materials that you provided, he has changed this text on the - of the 1941 book *Germany Must Perish!*, and, as throughout the text quote, changed all other words *German* and *Nazi* to *Jew* and *Zion* as - et cetera. So in - so as I think I note, rather than recapitulate my - my entire report, I am content to say that just as *Germany Must Perish!*, reconstituted my opinion, hatred against Germans, so too *Israel Must Perish!*, constitutes hatred against Jews for the same reason. And I say Jews - Jews not - I say Jews because in the book there is no consistent use in my opinion of Jews and Zionists. Indeed, the terms - the terms go back and forth. For example, and again if it - if it pleases the court, on - in one section we find that:

This dynamic volume outlines a comprehensive plan for the extinction of the Jewish nation and the total eradication from the earth of all of her people.

Q All right. I'm just going to pause there. What you've done is you've read that from your report?

A Correct.

Q Your report is footnoted as to where that quotation came from, is that correct?

A That is correct.

Q I see. And what you just read, the dynamic volume, we're actually talking one, two, three, four, five, six paragraph down, first document on Tab I, and that's a quote from *Israel Must Perish!*?

A That - that is correct. And there are - there are other quotes - there are other quotes that follow and -

Q And I see that His Lordship is flipping and I think it's because we can't see the quote for Tab 3.

THE COURT: The - the footnote, I can't see a footnote.

MS. JOHNSTON:

Q The footnote for - for Tab 3, does that refer to the page in the book or is there a footnote that we're missing?

A No. No, because of the number of - because all of the footnotes or all the references came from the original material.

Q Mm-hmm?

A The numbers in the brackets refer to the Book of Evidence, right? So -

Q So what you're telling us is that's from page 3 of the Book of Evidence?

A That is correct.

Q So if you could please - which I believe is still in front of you, you have Exhibit 1, Binder 1?

A Mm-hmm.

Q Tab 2; bottom of page 3 of 104?

A Sorry, one - just one moment, please? Yes.

Q And you can see -

MS. JOHNSTON: Permission to approach, please?

Q You can see the quote that you're referring to is on that page?

A Yes. Yes, there it is.

Q All right. And I'm just going to take that out and show -

MS. JOHNSTON: My Lord, I - I - I had certainly hoped that it would become unnecessary to distribute the binders and that would be easier. I don't think it's proving to be easier. I think it might be prudent to -

THE COURT: All right.

MS. JOHNSTON: - hand out the binders to the jury.

THE COURT: I actually think it would be better to do that.

MS. JOHNSTON: Thank you. Thank you, My Lord.

Q Our attempts at less paperwork have failed, Mr. Rudner. If you could pause, please, we're going to distribute the binders to the members of the jury.

So, sir, we're looking at Binder Number 1?

A Mm-hmm, yes.

Q Tab 2?

A Yes.

Q Page 3; of 104 in the bottom left-hand corner?

A Correct.

Q Partway through the page you see a part in bold that says, "Israel". Counting down two paragraphs:

This dynamic volume outlines a comprehensive plan for the extinction of the Jewish nation and the total eradication from the earth of all her people.

A That is correct.

Q Which corresponds exactly to number three on your binder, your expert report, Tab I, and we can see where the "3" is as the - as the reference for how it relates that to the original exhibit, is that correct?

A That is correct.

Q And the - the highlighting is yours and you actually tell us that. You spell that out for us in the preceding paragraph where you say:

I note the following (emphasis mine unless otherwise noted).

A Correct.

Q All right. So, with that not insignificant break, if you could please continue telling us about how - about *Israel Must Perish!*?

A Yes. Continuing, we also find - we also find reference to the need, at least in - expressed in this book, as follows, that a Jewish - that ultimately it is important to end the Jewish Zionism forever by exterminating completely those people who spread its doctrine. That - that appears on page 4 of the - of the Book of Evidence.

Q All right.

A I should say page 4 of 104 and in Tab 2, and continuing on that page we see the reference:

... to make certain that the vicious fangs of the Jewish serpent shall never strike again. And since the venom of those fangs derives its fatal poison not from within the body, but from the war-soul of the Jews ...

And again, what we see here throughout is the charges which Mr. Kaufman weighed - weighed against the German people have been transposed and have been redirected towards - towards Jews and Zionists.

Q And those quotes are the ones that you've selected to illustrate the point?

A That is - that is correct.

Q All right. All right. And then you have a few more quotes as you fill over onto the next page down and you've - actually have direct quotes right through almost to the bottom of the next page in this section, is that correct?

A That is correct.

Q All right. And now you're discussing here the linkage between Zionism and Jews. As you read *Israel Must Perish!*, as its written, is there a distinction between Zionists and Jews?

A Yeah, if there - if there is, it is a - it is a very thin one - thin one, in my opinion. The terms are used so interchangeably in my opinion that one - one - that one pretty well bleeds in - into the other. You know, and indeed - you know, in terms of expressing - in - in terms of some of the more serious charges, the ones which conform most closely to, you know, traditional anti - Anti-Semitic tropes about world domination. You know, we see, for example, that the Jews are accused of - of hatred towards - towards everything that is not Jewish, specifically everything that is not Jewish must be hated. We are told that:

The Jew has decided that his race has been elected by God to order the modern world. Anyone who resists him will be an arrogant usurper, who ought to be crushed.

And - and again:

... make no mistake about it; world-domination is not a mirage to the Jew; it never was, and so long as Israel exists ... it never will be.

Okay. And --

Q Now, sir, as you've described it to us, Zionism is a movement that started in the late 19th century, is that correct?

A That is correct.

Q It didn't exist prior to that?

A Okay. It certainly did not exist as a formal - formal movement, although the year - as I said before, the yearning for Zion - Zion for a return to Israel has always been - has always been present.

Q And, sir, in your opinion, does this book promote the detestation or vilification of the Jewish people?

A I - I believe - I believe it does. I mean it holds up - it holds up the Jewish people as being, again, the un - the unseen hand behind world events, perpetually, eternally filled with hatred.

Q All right. I'm just going to pause you here; when you say "unseen hand", you're describing it to us. You're not saying that's a direct quote from the book?

A No, I - no, I'm describing this - the description is of a world - of a world Jewish conspiracy which has, as its goal, world - well, world domination, indeed as - I'm sorry, as the - as the material indicates, and this is on page 7 of the - of page 104:

...to reiterate, the Jewish idea of world-dominion and enslavement of its peoples is no political belief: it is a ...

Q And I'm just going to pause. We're at the second paragraph from the bottom, what you've done in bold for us?

A Yes.

Q Please continue?

THE COURT: Sorry, just a second, the second paragraph from the bottom of -

MS. JOHNSTON: Second paragraph from the bottom on the second page on Tab I.

THE COURT: The second page, all right.

MS. JOHNSTON: Thank you.

A Okay. Sorry, so:

... to reiterate, the Jewish idea of world-dominion and enslavement of its peoples is no political belief: it is a fierce and burning gospel of hate and intolerance, of murder and destruction and the unloosing of a sadistic blood lust.

Q Now, sir, you've studied Anti-Semitism separate and apart from your involvement in this case?

A That is correct.

Q Can you tell me whether or not the theme of Jewish world domination is a theme that you have seen before?  
A I have seen it many times.

Q Can you tell me whether or not it's a common aspect of group Anti-Semitism, and by that I mean not directed at an individual, but directed as at Jews as a - as a group?  
A Yes. The - the notion of a world Jewish conspiracy, you know, control of events from behind the scenes, manipulation of world events on the world stage is - is common. And indeed, if my recollection is correct, figures prominently in - in the hallmarks of hate as identified in - in the case of *Warman v. Kouba*.

Q Now, sir, we also asked you to look at another book and we find your discussion of this at Tab J, *The Protocols of the Elders of Zion*. Were you familiar with the protocols prior to your involvement with this investigation?  
A Yes, I was.

Q What are *The Protocols of the Elders of Zion*?  
A The - *The Protocols of the Elders of Zion* are an Anti-Semitic forgery produced - produced by persons unknown based on - based on - in part on plagiarized sections of - of other works that in actual fact had nothing to do with Jews. And what it lays out, or what it alleges to lay out, is the blue - the blueprint for world Jewish domination, the blueprint for control of - control of nations through the media, through factotums or functionaries in government, through weakening - through weakening the - the soul or the vigor of the target nation, through moral degeneracy, pornography, prostitution, okay? And this is a - this supposedly is a - is a plan that has been in effect for - for hundreds of years and is main - and has been maintained over the course of time through a leadership of - a leadership of the Jewish people who meet on a regular basis, I believe, I believe behind a tombstone in a - in a cemetery in Prague. I'm not sure how often they meet, but this is the point where the elders provide updates, progress reports on how their - their plans for world domination are going, right, and then they're sent off to continue their tasks. Norman Cohn, who is the - probably one of the foremost scholars of the protocols, deemed - deemed it to be a warrant for genocide, right? And nothing I have read in the protocols or of the protocols suggests that there is any exaggeration in that description.

Q The protocols, themselves, being a warrant for genocide?  
A That is correct.

Q All right. So I just want to make sure we understand this because of course it's your evidence that the protocols themselves aren't what they purport to be. So when you say warrant for genocide, what you mean is if the protocols actually were what they say they are, the protocols would be a warrant for genocide?  
A No, no. What I'm saying is that because - because of what the protocols say about the Jews -  
Q I see.  
A - that -

Q So referring back, assuming that - knowing that it's - it's not an accurate document --  
A Then - then if - then if you - I mean you - you've asked - you've asked me a number of times this morning whether I consider a particular material to be - to be of a type or of a sort that would create detestation or vilification in Jews, or for Jews. The - the protocols are so vicious that if you believe this forgery to be true, then genocide - genocide becomes, right, a reasonable way of dealing with the problem. That is why it is a warrant for genocide.

Q Sir, do you have an approximate time when the protocols first surfaced?  
A The - a version of the protocols seems to be associated with a gentleman named Serge Nilus, who was a Russian writer, and we are looking probably at the beginning of the 20th century, I think around 19 - I think perhaps around 1905. Certainly that is when it was published in Russia.

Q Okay. So 1905, just to tie us back to some of the other things you've told to us during - during the morning, that is after the first Zionist meeting in Basel which was in the 1890s?  
A Correct.

Q Now, just because we have been tying this back to the original document, your expert report contains a number of footnotes, but that's to other academic works. You haven't had any direct quotes from the protocols in this section?  
A That is - that is correct.

Q Thank you. So now we're at K, sir.  
MS. JOHNSTON: And My Lord, as I recall correctly, Your Lordship's wishing to go to quarter to one, is that correct?  
THE COURT: I actually thought we were going to break at 12:30 and start at quarter to two -  
MS. JOHNSTON: Thank you.  
THE COURT: -- but --  
MS. JOHNSTON: Thank you. That's - that's - I'm glad I clarified, My Lord. I will stop at 12:30.  
THE COURT: All right.  
MS. JOHNSTON: Thank you.

Q *The Jewish Religion: Its Influence Today*, prior to this case, had you heard of the book or had you read it?  
A I think I had heard of it and certainly I've heard of Elizabeth Dilling, but I had not read it.  
Q I see. Who - you've heard of Elizabeth Dilling. Who is Elizabeth Dilling?  
A As indicated, she was a - she was an American anti-Communist who - who was an - as well, during the years leading up to World War II, an - an anti-war campaigner. She wrote a number of books, four political books, and one of her claims was that Marxism and Jewry were synonymous. This book in particular, *The Jewish Religion: Its Influence Today*, was originally self-published in 1964 as *The Plot Against Christianity*. That title was changed after Ms. Dilling's death in 1966.

Q Now, sir, we've obviously in the course of this trial looked at some of the writings from radicalpress.com?  
A Yes.

Q And there have been more than one reference to Marxism or Communism. You are familiar with Anti-Semitism over and above your experience with Radical Press?  
A Mm-hmm.

Q Is this a connection you've seen before, the connection between the Jewish people and Communism?  
A Yeah, it's a common - it's a common connection in anti-Semitic literature. As is sometimes the case, there is - there is a grain of truth in it, but the grain - the grain of truth is quite often magnified beyond - beyond reality. The - the notion - the notion is that Communism is a - is a Jewish invention, or it is a Jewish plot, or it is a Jewish tool to - to achieve its ends. The - the proof of this, in fact I use that term in - in quotation marks, is the number of Jews who were - who were Communists. And certainly there - there is no doubt that Jews were present in the - in the Bolshevik movement and were present in the - in the government, in the revolutionary government that followed the fall of the Czarist government in 1917. What - what is not, however - what needs to be remembered, though, is that a movement is not a Jewish movement simply because there are Jews in it. This is somewhat reminiscent of what - of how the Nazis - the Nazis during the Second World War repudiated the physics of Albert Einstein, referring to it as Jewish physics. Just because a Jew believes in something doesn't mean that belief is a Jewish belief. Just because a Jew is a member of an organization, or a political movement, doesn't make it a Jewish - a Jewish organization, or a Jewish movement. This is true generally, but it is certainly true vis-a-vis the Communist movement. You know,

were Jew - were Jews - were Jews present in the leadership? Yes, they were, and it could be argued that there are a number of reasons why this was the case, the least of which was the Jews, as a persecuted minority, tended to be very active in terms of what we would today call social justice movements. Anything that looked as if it would increase - increase rights for individuals tends to get the - the support of those who feel they can benefit from an increase of those rights. Of course Communism, whatever hopes people had for Communism, those hopes were obviously dashed and indeed by - whatever the membership and the leadership of the party was, by 1940 I believe it was, Joseph Stalin had pretty well completed his purge of Jews from the Communist party and there were no Jews left in the leadership positions, at least none - none of - none of which I am aware.

Q Thank you. So, sir, in terms of *The Jewish Religion: Its Influence Today*, what can you tell us about this book?

A Well, I mean it's a - again, it's - it's kind of like anti - Anti-Semitism or anti-Semitic conspiracy theories. We got - we discover that the Jews were - the Jews and the Communists were responsible for World War II, and indeed also responsible for World War I, that the - no corner of the earth has been too remote to manipulate for Jewry, that Jewish bankers control world events, revolutions and wars, and indeed they control all the media in - in the United States. What I suppose is - I don't know if I would call it unique, but I suppose what is - what is noteworthy is that Ms. Dilling spends a fair amount of time referring to the Talmud, which we have discussed earlier, as being I suppose the - the eve - the evil book that drives the Jewish conspiracy. Indeed, she describes the - Talmudism as a "conglomeration of all the demonology of ancient times".

Q Now, sir, because I want - I want it to be obvious when we - when we leave you here how this document works - that was badly phrased on my part, I apologize. But you can see that you have among the charges directed against Jews are - and then you have a couple - a few points with - with - you put in point form. So if you look down at the - at the notation -

A Yes?

Q - we've got Radical Press and then we've got 1095. So let's just do the first one because I - I just want to demonstrate how - how we're reading these.

A Yes.

Q So if you look then at *The Jewish Religion: Its Influence Today*, which is at Tab 5 - I see how you've done it. You've done it with the number at the very top as opposed to the number at the bottom?

A Yes, this was a - I - I apologize to the court for this. The - I was using the - I was using the URL -

Q Mm-hmm?

A - as - as the footnotes, and it was only after I was done that I realized that because the - because in some cases many pages are - are on the same link, that it was not as precise as it would have been if I would have identified particular pages.

Q All right. So we're looking at the top right-hand corner and you see - can see 1094 at the top, is that correct? And I'm just - as an example, sir -

THE COURT: Maybe you could take us --

MS. JOHNSTON: Yes, I will.

THE COURT: -- through a specific -

MS. JOHNSTON: Yes, I will.

THE COURT: -- footnote, just so that we can explain that clearly.

MS. JOHNSTON: Thank you.

Q If you look, for example, sir, at 5G, so Tab 5G?

A Yes.

Q And at the top right-hand corner, you can see at the very top you've got the cite, and it equals 1094?

A Yes, I see that.

Q So what we do is we find those quotes within this section. You've referenced where you got them from and then we can find the exact quote?

A Yes, I - I - I regret not being more precise.

Q Well, we will - that is my fault for not having noticed that earlier, sir, not yours. I am to review the evidence that goes before the court. We will fix it. We will simply provide better footnotes for all of the quotes that you've included here.

A Okay.

MS. JOHNSTON: My Lord, that's probably an excellent place to break. I see it's 12:30.

THE COURT: All right. We'll excuse the jury for the lunch recess.

(JURY OUT)

THE COURT: All right. So we'll try to get started at 1:45 or shortly thereafter.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR NOON RECESS)

(PROCEEDINGS RECONVENED)

THE COURT: And were counsel able to work out the -

MR. JOHNSON: Admissions?

THE COURT: No, not the admissions, but the missing part of - of the report?

MS. JOHNSTON: Oh, yes, we - yes, we have, My Lord. Yes.

THE COURT: We have worked that out?

MS. JOHNSTON: Yes.

THE COURT: All right.

MS. JOHNSTON: Yes, I have copies and I'll distribute them in due course when we get to that book.

MR. JOHNSON: My Lord, as well, I thought I would bring up - Mr. Atzmon is here. He had a very long flight. I'm going to have him go over his opinion. He's sent that to me by email, but I'm going to date it and create a signature line and have it filed on Monday morning.

THE COURT: All right.

MR. JOHNSON: Okay. That's okay?

THE COURT: And you'll provide it to your friend -

MR. JOHNSON: Yes, I will.

THE COURT: - as soon as you can?

MS. JOHNSTON: I'm very content, thank you. My friend has been very prompt in giving me things.



THE COURT: All right. Let's bring in the jury.

(JURY IN)

LEONARD RUDNER  
recalled, reminded.

THE CLERK: Just to remind you, sir, you're still under oath from this morning.

A Yes, ma'am. Thank you.

THE CLERK: Thank you.

MS. JOHNSTON: My Lord, just before we start, I thought I might inform the court that we are aware it is too hot in this courtroom. We're replacing a boiler in this building. We have made phone calls and I'm hoping that the situation gets rectified some time this afternoon.

THE COURT: All right.

EXAMINATION IN CHIEF BY MS. JOHNSTON, Continuing:

Q Mr. Rudner, just before we broke for the lunch we were talking about *The Jewish Religion: Its Influence Today* which we find in your - in your authorities at Tab K?

A Yes.

Q And we had discussed the first page. I'm going to provide the court, before the end of this trial, with better footnotes. And I'd like to flip over to the second page, sir, and discuss some of the concepts you lay out on the second page. You talk in the first point about hatred towards non-Jews?

A Yes.

Q And you're talking about what it says in *The Jewish Religion: Its Influence Today*?

A Yeah. There is in - in Judaism, the - the overwhelming belief is that all human beings are created in the image of God. Indeed, the Torah and the Talmud make it clear that there are - that entry - entry to heaven, if we can put it that way, or to the world to come, is open to all - to all righteous persons, both Jew and non-Jew. To be a righteous Jew is to fulfill the - the commandments or the - the 613 commandments. To be a righteous Gentile, one need only fulfill the seven Noahide commandments which are - which essentially, I suppose one could say, are the basic foundation of - of civilized behaviour. It's a - to believe in God I believe is one of them, but - not to believe in the Jewish God, but simply to - to believe in - to believe in God as an example.

Q I'm just going to pause you here because Gentile is - is a word that we saw a lot in radicalpress.com?

A It's a -

Q What does it mean?

A Non-Jew.

Q Non-Jew, and - and not - not more sophisticated than that, non-Jew?

A No.

Q Please continue?

A The - so the notion that it is somehow permissible to lie or steal or cheat or otherwise injure non-Jews has absolutely no basis in - in Torah or in Talmud. What - what is true is that we recognize that, you know, the - so to speak, being members of the Jewish community, we are brothers and sisters to each other, right? And just as - for example, if my brother was to ask me for a loan, I would give it to him without question. If a friend was going to ask me for a loan, I would give it to him, but - but I would probably want to be sure that I was going to get my money back. If a complete stranger came to me and asked for a loan, I probably would not give him the loan. This is not to say that we - this is not to say that we treat people who are not family in an inferior way. It is to say that we treat members of our family in a special way because they are members of our family. But there is no - there is not truth to the notion that - that Gentiles, non-Jews, can be treated in a - in a treacherous or a - or a malicious fashion.

Q And, sir, in the first paragraph on the second page of your writings on the Jewish - *The Jewish Religion: Its Influence Today*, you discuss what Ms. Dilling credits to Jews about their hatreds of non-Jews, is that correct?

A That is correct.

Q And - and contain - and contains a quote from Ms. Dilling's work?

A Yes. I'm just [indiscernible] to find it:

The basic Talmudic doctrine includes more than a "super-race" complex. It is an "only" race concept. The non-Jew ... ranks as an animal, has no property rights and [has] no legal rights under any code whatever. If lies, bribes or kicks are necessary to get non-Jews under control — that is legitimate. There is only one "sin," and that is anything which will frighten non-Jews and thus make it harder for the Jewish "humans" to get them under control. "Milk the Gentile," is the Talmudic rule, but don't get caught in such a way as to jeopardize Jewish interests. Summarized, Talmudism is the quintessence of distilled hatred and discrimination — without cause, against non-Jews.

Q And to super summarize your point, you're saying that isn't accurate?

A Okay. With - there is no shred of truth in that.

Q Thank you. Now, the next point you talk about, you - you are discussing in your paper about what Elizabeth Dilling says about Communism being a Talmudic creation. And you've already spoken to us a bit before the lunch break about the Anti-Semitism Communist themes?

A Yes.

Q So here you're talking specifically, I would imagine, to Ms. Dilling's book?

A Well - well, yes. And - and again, you know, it's difficult - it's difficult of course to - to be able to determine what it is that Ms. Dilling was speaking of when she said that it is a Talmudic creation. I can - I must only assume that her belief was that because Karl Marx was - was a Jew, therefore everything that Karl Marx created was Jewish in some way. As I stated before lunch, simply because a member - a member of the Jewish community creates something does not make that creation, you know, Jewish, any more for example than the creation of the - the creation of the assembly line in Detroit made the assembly line a Christian creation.

Q In the final paragraph you talk about a quote that we've actually looked at this - this trial:

No one with a grain of common decency could have anything but the utmost denunciation for murdering children in [the] orgies of blood and obscenity. But the Jewish Talmud permits this ...

And what I've just done, sir, is I've read your quote from Ms. Dilling's work -

A Yes.

Q - which we've looked at independently. And you - if you could comment on that quote for us?

A It's - the only word to sum it up is vile. The notion that - the notion that the Jews, you know, kidnap - kidnap Christian children, right, and murder them and use - and use their blood is one - is one of the more -- most ancient, right, of Anti-Semitic canards. They - there is no justification for it. There is no truth to it. It is a lie, pure and simple.

Q Now, sir, I want to direct you to some other points of the Jewish religion today that were canvassed in cross-examination and I just - I just want to get your - your input on those portions. They don't specifically refer in your written text.

A Of course.

Q So, sir - and just give me a moment to find it in my notes. And you still have Binder 1 in front of you, I believe?

A Yes, I do.

Q Binder 1, Exhibit 1?

A Yes, I do.

MS. JOHNSTON: I'm sorry, My Lord, I have rather a number of tabs at this point.

Q All right. So, we are at 5N, Tab 5N in Binder 1?

A That would be *The Jewish Religion*, Chapter 5?

Q Yes?

A Yes. I have it, thank you.

Q All right. Now, if you flip, sir, to page 5 of 16 which you'll see in the bottom left-hand corner?

A Yes.

Q You can see a heading partway down the - down the page that says, "Bestiality"?

A Yes.

Q A heading that says, "Babies"?

A Yes.

Q And then flipping over the next page in its entirety, 6 of 16?

A Yes.

Q 7 of 16?

A Yes.

Q At 8 of 16, skipping polygamy, but picking up with, "The Jewish Talmud and Legally Murdering Your Neighbor"?

A Yes.

Q And that section ends at the top of page 9 of 16 above the next heading which says, "Ten 'Innocent' Murderers"?

A Okay.

Q Now, I understand, sir, that yesterday I drew your attention to these passages. I asked if you would please look at them overnight and be prepared to comment on them as part of this trial today?

A Yes.

Q Did you have an opportunity to look through these sections specifically?

A I - I did, although I was unable to - to review all of them, so - so I - I can offer a partial - a partial review, keeping in mind as I said before, I certainly do not present myself as being an expert on - on Talmudic exposition.

Q Thank you. So if you could give us the assistance that you can with telling us about these paragraphs and what accuracy, if any, they have?

A Okay. Yes, certainly. Okay. So - so beginning with bestiality which appears on page 5 of 16, the quote - and I - again, I - I must go back to something which - which I said earlier, and that is the Talmud is not written in - in - in plain English, okay? It is presented as - as analogies, as aphorisms, as hypotheticals, as examples. Indeed, I suppose one of the ways of looking at the Talmud is to say that when a question arises, the - the way that the rabbis would engage in it would be in a series of extended hypotheticals; well, what about this and what about that? Well, what if this happened and what if that happened? So, for example, regarding the - regarding the section on bestiality - and again the quote - the quote that Ms. Dillings extracts from the Talmud is accurate as far as I am able to ascertain, but it is not saying, for example, that bestiality is permitted, but rather this is a discussion that has nothing to - that has to do with the status of the woman, right? So specific, what is being - what - what I believe is being said here is that let us say hypothetically that an act of bestiality occurred and a - and the woman was involved. Would this change the status of the woman? Would this in any way devalue her or degrade her? So what this particular section is saying is that ultimately that if a woman is injured or if she is outraged or wounded, then she would still be considered to be acceptable. That is - and so - so much so that - that the fact that she had been degraded in this fashion would not even interfere with her ability to be married to the high priest. So contrary to what Ms. Dilling says, this is not a - this does not demonstrate a support of bestiality, but rather is an attempt to describe what - what the effect of it might be, right, on a woman.

Q All right. And you described injured or wounded in some fashion?

A And those - well, those are terms that were - those were terms that I - that I found in the - in the footnotes to the - to this particular section of the Talmud, so these - these are the explanations.

Q I see. So are we talking about the victimization of - of the woman who would then be able to marry the high priest?

A That - that is my understanding, yes.

Q I see. So your understanding of the section, the woman who - who can afterwards marry the high priest has been a victim of something?

A That - that is correct.

Q I see.

A It is to her - it is to her status. It is not considered to be a - a vindication or - or approval - or approval of - of bestiality.

Q Yes. And of course we have qualified you as an expert in the Jewish religion, although you have obviously put some limits on your expertise. For this entirety of the section - perhaps I'll leave the question for the end. For the entirety of the section, is this part of current Jewish religious practice in any way?

A I am - I am unaware - I am unaware of any stream of - of Judaism which holds that bestiality, pederasty, incest, copulating with harlots and dogs, that any of these things are considered to be accept - acceptable behaviour. Indeed - although individual members of - of the Jewish community may engage in acts that are contrary to the dictates of Torah, just as for example members of the - people who are members of the Roman Catholic Church may choose to make use of birth control, okay? This is to say that people will do - people will do certain things, but it's very different than saying that Catholicism endorses the use of birth control or that Judaism endorses any of these things, okay? The one point that I would like to stress, and I will probably have the opportunity to do it on other points, is that one of the sign posts, I think, of - of Anti-Semitism expression is when the individual Jew loses his or her identity and becomes inseparable from the corporate entity, that there is no such thing anymore as an individual Jew, there is only "we're all Jewry" or they're only "the Jew" or "Jews", right? Clearly that is not the case and when you begin speaking of - when you lose the ability to speak of individuals in terms of their virtues and their vices and you can only corporatize it to the point where you are speaking of an entire group, right, then you are indeed already well down a very slippery slope.

Q Thank you. Sir, are you - are you - in saying that, can you tell me whether or not you see Elizabeth Dilling doing that when she rights *The Jewish Religion: Its Influence Today*?

A Yeah, absolutely. I - I do not see in - in her writing any attempt to differentiate between the behaviour of an individual, individual Jews, right, and again the - the corporate entity. So it appears that, you know - that if some - putting aside her - her misinterpretation, wilful or otherwise of - of the Talmud, that she sees this as being marching orders that are given to every Jew. Certainly - certainly it reads - it reads that way. I don't see any differentiation.

Q Thank you. And sir, we didn't specifically discuss this with *The Protocols of the Learned Elders of Zion*, but do you see the same subsuming of the individual into the corporate entity in that work as well?

A I do, and again I - and again I see the - what you have is the - the - and the Nazis, I suppose, in terms of their terminology, made this most clear and most manifest, and that is the - the enemy of Nazi Germany was world Jewry, whatever world Jewry may be, right. Whether it exists or not, and it does not, world Jewry became the phrase by which ultimately every Jew - every Jew was guilty. It explains I think why, when the mobile killing units crossed - crossed into Russia in 1941, right, that they could murder old women, old men and children, and do so believing that they were dealing with - that they were eliminating the racial enemy of - of the German people.

Q Now, sir, I have not specifically drawn your attention to or asked you for an expert opinion on every single word in Radical Press. However, just to build on that, and I have not prepped you for this question, at another point in Radical Press we read, "International Jewry"?

A Yes.

Q Is that - have you seen that before in - in your work?

A Yeah, inter - international Jewry is a - is yet another - it's another phrase that ultimately corporatizes - corporatizes the Jewish people. I mean if we consider that today there are approximately 13 million Jews in the world, 375,000 more or less in Canada, you know, the old - the old joke about, you know, two Jews and three opinions, is - you know, is - is very much on point. I mean this is the diversity of - this is diversity of humanity. This is diversity of opinion, of belief, right? So to say that all Jews, we're all - anybody believes one thing, is ultimately to dehumanize them and turn them into - turn them into ants, okay? Judaism is not driven by a hive mentality.

Q Sir, I was in the process of directing you to some passages that were specifically covered yesterday, which is why I specifically drew your attention to them today -

A Yes.

Q - and just continuing on that process, sir, we've got the next heading, "Babies", and we're at page 5 of 16 at Tab 5N. Can you - can you tell us anything about this?

A Well - well, again - again, my - my read of the material is that this - and not surprisingly, this is not an endorsement of pederasty. Rather, the focus is really on the blamelessness of - of the child, so the discussion - so when we talk about a discussion about a child having sex with a mother, this is not an endorsement, right, of - of this sort of behaviour; far from it. Rather, we are again going back to the question of who is acceptable to marry a member of the priesthood, right? And these are - these are hypotheticals. And again, you know, it's a - it is perhaps useful to remember, right, that the Talmud really created an opportunity for free-wheeling discussions where there was - you know, we often say as a - as a cheap phrase these days, there's no such thing as a bad question, okay? Well, in actual fact, you know, the rabbis as they discuss these things, they actually did believe it. So if you read portions of the Talmud and I - certainly I've begun to do so in my own time, but again I don't claim expertise, the conversation wanders all over the place and it is very much as you would imagine it would be if you were having a conversation with a friend and all of a sudden he says, you know, that reminds me of something, what about so and so and so? And you go off on a tangent and then 20 minutes later you said yeah, but wait a minute, we were talking about this. And then you come back, right, and then you go off on another tangent. So these are - these are exchanges of hypotheticals, what if this happened, what if that happened. Whether it is likely to happen or not is - is almost irrelevant to - to the spirit of the conversation.

Q Now, sir, continuing through, and you might not have a - I'm not trying to push you to have specific comments if you in fact have none. I think you stated your theme, but looking through the sections I've driven you - I've - I've directed - thank you - directed you to, I have directed you to page 6 of 16. We've got headings, incest - "Incest", sorry, it's a long day - Incest - "Incest with Lot", "Harlots and Dogs", "Permissible Adultery and Intercourse with the Dead". Do you have any specific comments you'd like to give to us in - in - to aid us in - in seeing what Ms. Dilling was doing and - and seeing how we should interpret it in the course of - of the deliberations in this proceeding?

A Well, all - all - I suppose all I can say is that I am - that based on my - you know, my - my lifetime of experience in the Jewish community, 62 years and counting, my participation in - in Orthodox Judaism, you know, when I attend services, I - I have never - I have never heard anything about adultery - adultery with dead bodies. Indeed, where the question of adultery comes up - and adultery is actually one of the - it is one of the huge sins in Judaism. I mean there is - there is a sense to - to save a human life many things are permitted, right, but one of the things that you - you are actually, according to Orthodox Judaism, you are to permit yourself to be killed rather than commit adultery. So keeping that in mind, I cannot square that - that thing which I know with the notion that somehow necrophilia is permissible or that adultery of any sort is - is permissible. Beyond - beyond that, the - the only other section which I did have an opportunity to review and where I perhaps can provide anything useful to the court, is the section which talks about murdering a neighbour.

Q And that's at the bottom of page 8 of 16 of the tab we've been discussing?

A That - that is correct. And - And again here - here - and this is something that - that's a danger - it's a dangerous business, I suppose, to combine - combine, you know, the - the little I know of Talmud with what - what I know even less of, which is legal proceedings, but - but to offer - to offer an analogy which may - which may be useful - well, for a couple of things. First of all, this - this section is characterized as how it is somehow permissible to kill - to kill non-Jews. Well, there is nothing in this particular section of the Talmud that makes any indication for example that the neighbour who is being killed here, right, is a non-Jew, okay? So that - that is not - that is not specified at all. Beyond that, this is really in my view - this is really an exploration of intent. This is not a question of whether murder is - murder is good or murder is bad. I mean the Torah makes it clear murder - murder is not good. There - you know, there are circumstances where if someone - if - we are told if someone comes to kill you, right, then you are - you are permitted to defend yourself, but beyond that these are hypothetical - it's a hypothetical discussion of intent. So, for example, one of the points is if you tie up a person when it's dark and the sun comes out and they die of thirst, okay, are you - are you guilty of murder? Well, there's one rabbi who says yes, you are, because you should have known that this was going to happen. But there's another rabbi who says no, you're not because that's not the same as tying somebody up in the sun when the sun is already up. So I mean this is - but to have these sorts of discussions, it's - it is in - in a sense it is exploring legal definitions, as I understand it, rather than endorsing any particular sort of behaviour. And certainly we are again enjoying, right, to treat - to remember, you know, that non-Jews, like Jews, are created in - in the image of God. They have - if they are righteous, they too have a share in the world to come.

Q Thank you. Now, sir, based on a mistake made by me, we're missing *The Biological Jew* from this - from this expert report. I have a copy of it now, sir. I'm going to ask you to just look at it. I'm going to ask you if it's - if it's accurate in your report. If it is, I'm going to request that the court allow me to ask as an additional exhibit on these proceedings. So if - I'll go around and hand you a copy. And sir, I've given it Tab N, so it can fit in at the end of the binder we already have.

A Yes, this is the material which I've provided you.

Q Thank you.

MS. JOHNSTON: My Lord, the Crown is requesting that we add this in to Exhibit 7.

THE COURT: No objection to that, Mr. Johnson?

MR. JOHNSON: That's fine.

THE COURT: All right.

MS. JOHNSTON: Thank you, I appreciate that.

THE COURT: That will be added in then to Exhibit 7.

MS. JOHNSTON: Thank you, My Lord. If the copy that was just authenticated by Mr. Rudner could be the official copy? That copy is for Your Lordship's personal use. I've given a copy to my friend and I have copies I can hand up to the members of the jury. And I do apologize for this oversight, My Lord.

Q Sir, Tab 4 of Binder 1 is the only book that we haven't discussed as part of your evidence on Binder 1, so I'm going to skip ahead, sir, please, to that - to that tab because we've just done 5 and now we're going to go back and do 4.

A So is - that is Tab 4?

Q Yes, so we're Tab 4, Binder 1. I think you will find, sir, that that is *The Biological Jew* by Eustace Mullins?

A Yes.

Q And I'd like to discuss it at this time before proceeding further. So, sir, *The Biological Jew* by Eustace Mullins, prior to your involvement with the Topham case, was this a book you had heard of?

A I had heard - well, first of all, Eustace Mullins was very familiar to me through earlier work with Canadian Jewish Congress. I had read it in - I had read excerpts of it probably in 2000 - the range of 2000 to 2002, so - but I - but I - I was familiar with Mr. Mullins by reputation and I have reviewed it for the court.

Q Now, sir, as we look at your report, you actually - you actually start with a quote which you get from radicalpress.com, is that right?

A That is correct.

Q And again I see how you've done the - done the footnotes. I plan to have enhanced footnotes for the court prior to the end of the trial, but what would you like to tell us about *The Biological Jew*? I see that you - you listed as having been written in 19 - 1968?

A Yes.

Q And you've read it?

A I have.

Q Tell me about this book.

A It is - it is probably one of the more Anti-Semitic books I have - I have ever read; period. The - in this - in the book the Jew, and by that we mean all Jews, right, are presented not even as human beings, but rather as parasites. Indeed, there's a quote that I - that I provide to begin - to begin this section makes clear, you know, the Jew is a parasite who sucks the blood and the vitality from the - you know, from the host environment, right, ultimately weakens that environment and make - and makes it its own. This is eminently consistent with Mr. Mullins' writings - writings elsewhere.

Q I don't know that there's much more to be said about that, sir. I'm going to take you to *The Controversy of Zion*, which is a book that is Binder 2 of these proceedings?

MS. JOHNSTON: If Binder 2 could please be given to the witness and if Binder 1 could please be collected, My Lord?

THE COURT: Ms. Johnston, Madam Registrar tells me that we don't have the extra section, Tab N, to be added to Exhibit 7.

MS. JOHNSTON: Oh, I'm so sorry. The witness had it, I believe. If not, I have an extra copy.

A I gave - I gave it back to you, ma'am.

MS. JOHNSTON: Ah. And that would be why I thought I had an extra copy, My Lord. I think - I think in abundance of caution I better have the witness look at it again. I apologize for that.

A Thank you.

Q Sir, I neglected to hand a copy to the clerk, so if you could tell me if that's [inaudible/coughing] or not?

A Yes, it is.

Q Thank you.

THE COURT: Now we'll add it to Exhibit 7.

THE CLERK: At the end?

THE COURT: Yes.

MS. JOHNSTON: Tab 7.

THE COURT: It's Exhibit 7.

MS. JOHNSTON: Thank you. And I believe from the binder it's tab -

THE COURT: Oh, actually, it's Exhibit 8, I think, what I - that's what we've marked it as this morning or is it -

THE CLERK: This - Exhibit 8? Okay, so it goes in there.

THE COURT: Yes.

MS. JOHNSTON:

Q Sir, *The Controversy of Zion* we find at Tab L, your discussion about *The Controversy of Zion* at Tab L of your - of your expert report?

A Yes, ma'am.

Q And start with the same question I started with - with all of the other books, were you aware of it prior to this investigation?

A No, I was not.

Q It is a rather lengthy document, sir?

A Yes, it is.

Q Did you have - did you - did you - and it's fine if you didn't, but did you - did you read every single word or did you - did you look at it in the course of - of preparing for this matter?

A I did - I - I confess I did not read every word, but I think I - I certainly read the - the majority of the words and feel comfortable in being able to identify the themes.

Q Thank you. Can you tell us what the themes are of *The Controversy of Zion*?

MR. JOHNSON: My Lord, I'm going to rise and object to this line of questioning. If we could excuse the jury?

THE COURT: All right. I'll ask the jury to be excused.

THE CLERK: And I can finish handling the exhibit.

THE COURT: Certainly. We'll finish that first and - we were probably moving a little too fast there.

(JURY OUT)

MS. JOHNSTON: You will have to step out.

(WITNESS STOOD DOWN)

THE COURT: Mr. Johnson.

MR. JOHNSON: My Lord, this witness has already said that he has not read the text that my friend is going to be questioning him about and proceeded to look at some themes that he might have picked out by skimming it and I'm afraid that's not good enough, My Lord. This witness, if he is going to make comments about this particular book, should come here with an opinion based on having read the entire work. I am not here to -- to have him sample what he thinks is an opinion based on snippets here and there. That is not what an expert does. In my view, this entire line of questioning on this particular text is just going way beyond what is expected of an expert to assist the court in coming to a conclusion about the matters in question in this -- in this action. Those are my submissions.

THE COURT: Well, in the situation we have in this case, what -- what you are really saying is there is a fact upon which the witness has made assumption, that is, that he can apply --

MR. JOHNSON: Yeah, you can't --

THE COURT: what he has read to the whole book, and it seems to me that is a very proper area for cross-examination and the Crown should be prepared to perhaps go --

MR. JOHNSON: Well, I'm all one --

THE COURT: go into that in a little more detail, but it strikes me that that's -- that's a matter for cross-examination.

MR. JOHNSON: Well, I'm all -- I'm all in favour, My Lord, of having a witness look at things and -- and form opinions based on hearsay, based on opinions made by other people, but if you're doing this based upon assumptions of what he thinks is in that book, that is entirely a different matter and that is what he -- that's what he is preparing to do. That is going to prejudice the jury, My Lord, and if I -- if I carry that through in cross-examination, we're going to be here for a while because I will go through the whole book.

THE COURT: Well -- and -- well, maybe you'll have to do that.

MR. JOHNSON: And I think it's just not fair.

THE COURT: But I think the Crown should do a better job of having the witness tell us why he thinks he can safely say what the things are in the book because he did say that, and rather than just saying "I read some of it," I mean, that seems to me it's a valid point and it's also a valid point for cross-examination.

MR. JOHNSON: Okay.

THE COURT: All right. Bring the jury back.

(JURY IN)

LEONARD RUDNER, recalled.

THE COURT: Ms. Johnston?

EXAMINATION IN CHIEF BY MS. JOHNSTON, Continuing:

Q Mr. Rudner, we're looking at Tab L of your book, *The Controversy of Zion*. You have told us that you did not read all of it. So as you go through your expert opinion, sir, what I wish to do is - is have you acknowledge the limits of it -

A Mm-hmm.

Q - and simply confine your synopsis to the portions that you've read?

A Of course.

Q Acknowledging that if there's portions that you haven't read that may say something completely different, you can't comment on that, but on the portions that you've actually read, this is what you're able to say?

A Yes.

Q All right. So tell us about Douglas Reed. I understand you start with that in your - in your report?

A Yeah. Well, again, according - according to my research, Mr. Reed was a - was a British journalist, a playwright, a novelist of some - of some authority. He seemed to be very - very popular in - certainly in the United Kingdom in the - in the 1930's specifically. He wrote a book called *Insanity Fair* in 19 -

THE COURT: Sorry, I missed --

A I'm sorry, the -

THE COURT: -- in - *Insanity Fair*?

A *Insanity Fair* in 1938, which was - which was deemed important in terms of highlighting the - the rising threat of - of Hitler and Nazi Germany. It is not clear based on my research what happened, but certainly it is the judgment of some who have - some who have considered his - his lifetime's work, that he became - that ultimately whatever *ris* capacity - whatever knowledge he had of the situation in Europe before the beginning of the Second World War, that was eclipsed by growing - by growing - by growing Anti-Semitism and it appears that it is for his Anti-Semitism that he is remembered, if he's remembered at all.

MS. JOHNSTON:

Q You looked at - you looked at *The Controversy of Zion*?

A I did.

Q And tell us - tell us - tell us about the part - tell us what you can say about the part that you actually looked at?

A Well, based - again, based on the parts that I read - and the quote - these are quotations that are supported by the PDF version -

Q Mm-hmm?

A - of the book. And I should explain to the court that for one reason or another I found it difficult to follow along on the website of the Radical Press, so I found the - I found the PDF *The Controversy of Zion* elsewhere and I used that as my - I used that as my source. But the thesis of the book as noted - as noted is that Judaism is responsible for the creation of the master race and that the implication of this belief is that the master race becomes God itself, okay? So - so we are not - Jews are not only out to - you know, out - out - out to present themselves as a master race, but indeed no - not even the master race in service of God, but rather the master race becoming godlike itself. It goes on to say that the name "Judah" is identified with the doctrine of self-segregation from mankind, racial hatred, murder in the name of religion and revenge. What I think is pertinent to - pertinent to our discussion today, and again we spoke of the - of the sense not only of a conspiracy, but a conspiracy that really spans centuries if not millennia, is - and this is - this is cited in - in my notes:

... the achievement of the itinerant priests who mastered the tribe of Judah, so long ago, was to turn one small, captive people away from the rising idea of a God of all men, to reinstate a bloodthirsty tribal deity and racial law, and to send the followers of this creed on their way through the centuries with a destructive mission.

It manifests itself more - in more recent times as what appears to be responsibility for - for the rise - for police apparatuses in the - in the Soviet Union and - and indeed, the notion is that Jews have taken the whole notion of them being persecuted and appear to use - and appear

to use this as a shield for their activities and indeed, as Mr. Reed says, "To any who accept this book as The Law, the mere existence of others is in fact persecution".

Q And that's what the book discusses?

A These are - these - these are the themes and as noted in my - in - in what I provided to the court, it is support - it is supported with citations from the text.

Q Thank you. And tying it back to what we're investigating in this trial, the promotion of hatred against an identifiable group, people in Jewish - from the Jew ethnic origin?

A I - I find it difficult - I find it difficult to imagine that if you - that you can present the - the concept of a - of a corporate conspiracy that spans thousands of years directed at the destruction of everyone who is not of the - not of the Jewish people and see that as being anything else than - than attempting to - to instill hostility, hostility and hatred and contempt towards members of the Jewish community.

Q Now, sir, we've now gone through Binders 1 and Binders 2, and I'm not going to be asking you this at every single junction of - of your testimony, but having wrapped up half of the binders that are before the court, what are the effects on a vilified group of work such as we've just looked at in Binders 1 and 2?

A Well, certainly - certainly it increase - it increases a sense of victimization with - within the community. To the extent that these views are - to the extent that these views become - become commonplace, they can have - they can have an effect on the - on the safety and security of the - of the community within - within the larger environment. To be told - to be told over and over again that you are unworthy, that you are treacherous, that you are malicious, that you are murderous, that you engage in - that you engage in the entire range of activities that we've discussed today, is to diminish your humanity, okay? It cannot - it cannot help but - it cannot help but have the potential for - for serious effect against the - against the targeted community. And certainly if we were talking about wilful - wilful promotion of hatred, okay, certainly this material has the capacity, right, to - to promote hatred, right, with - with - with possible - with possible consequences if - if individuals are moved by this to take action based on their beliefs.

Q Now, sir, we've looked at a number of books, *Germany Must Perish!*, *Israel Must Perish!*, the excerpts, *Protocols of the Learned Elders of Zion*, *The Biological Jew*, *The Jewish Religion: Its Influence Today*, and *The Controversy of Zion*?

A Yes.

Q So taking out *Germany Must Perish!*, which, as we've discussed has a different target group than Jewish people, you've given a general statement about the potential effects?

A Yes.

Q If you take out of the remaining one, two, three, four, five - it's Friday afternoon, five books, if you take out any four of them, can you still apply that comment you just gave to the one that's left?

A Yes.

Q Thank you. All right. Now, we're going to move into Binders 3 and 4 and I'm going to ask that I be given -

MS. JOHNSTON: My Lord, I'm - I'm going to ask that I be given the jump drive. I may or may not be specifically bringing it up on the screen, but I want to be prepared to go if that's what in fact I do. Now, I realize we're finishing early today, My Lord. I'm happy to have a break. I'm happy to not have a break. I'm in the court's hands about that.

THE COURT: Why don't we take, say, a ten-minute break, maybe not as long as usual.

MS. JOHNSTON: Thank you. Yes, ten minutes, thank you.

THE COURT: You can get it set up and then we'll - we'll start. And as I said, we will end at 3:30 today.

(WITNESS STOOD DOWN)

(JURY OUT)

THE COURT: We'll take the afternoon recess.

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

(PROCEEDINGS RECONVENED)

THE CLERK: We're back on the record, My Lord.

THE COURT: All right. Let's bring in the jury.

(JURY IN)

LEONARD RUDNER, recalled.

THE COURT: Ms. Johnston?

MS. JOHNSTON: Thank you, My Lord. We're finished for this afternoon with Binders 1 and Binders 2, but I would ask that Binder 3 be distributed to the jury so they can follow along with the next portion of the testimony.

EXAMINATION IN CHIEF BY MS. JOHNSTON, Continuing:

Q Mr. Rudner, as part of the work that you've done in preparation for this trial, I had asked you to look at the writings of Mr. Topham, in what is now exhibits Binder 3 and Binder 4, is that correct?

A That is correct.

Q As we go through Tab M of your exhibits - of your expert report, you have specific writings on specific readings that you did. And just to use the first one as an example, Tab M, we see Binder 3 at the top and an editor's note to how many have died and a bracket 3?

A Yes.

Q If you look at page 3 of Binder 3, Exhibit 3, and you can see a handwritten "3" in the corner?

THE COURT: This is page 3 of Tab 1?

MS. JOHNSTON: Yes, thank you, My Lord. Thank you.

Q Tab 1 --

A Pardon me?

Q - page 3?

A Pardon me?

Q And I will notice - I will note, Mr. Rudner, that if you look at the page numbers -

A Yes.

Q - they continue 1 through whatever, even if it's also broken up with tabs.

A Very good, thank you.

Q So it's not like Tab 2 has another page 3. There's only one page 3.

A Very good. Thank you, ma'am.

Q Okay. So back where I was, we're at M of your binder, we're at page 3 of - of Exhibit 3, and you can see *How Many Jews?* by Douglas Reed and then you have editor's note to how many - editor's note to how many died?

A Yes.

Q And that - are you - are you - it actually says, "How Many Jews?", but how many died, is that - is this the same article?

A Yes, it is.

Q All right. So your instructions were - I had directed you to please look at the writings by Mr. Topham personally?

A Mm-hmm.

Q There's a couple of exceptions to that as we'll see -

A Yes.

Q - but you just read the editor's note and are just commenting on the editor's note?

A That is correct.

Q Okay. So to further clarify, when you have a comment about it, you've actually read it?

A Yes.

Q But you have not read everything in Binders 3 and 4?

A No, I have not.

Q However, you've read in the entirety what you're specifically commenting on?

A That is correct.

Q Okay, so with that lengthy introduction, we have page 3, *How many Jews?*, by Douglas Reed. You're commenting on the editor's note and what would you like to tell us about it?

A Well, I mean there is, as I think I - this was actually the note to which I - to which I made some reference this morning that I simply could not find when - when the question first came up. There is legitimate historical discussion about how - how many Jews were murdered during the Holocaust. As indicated - as indicated earlier, you know, the number has tended to fluctuate between 5.3 million and - and six million. In the footnotes to this particular entry, I indicate some of the sources of that. To be clear, to engage in a discussion about, for example, whether the number is, you know, 5.5 million or 5.7 million is not - is not problematic. I mean history is - history evolves. On the other hand, when one significantly under - undercuts, if you will, the notion that genocide was a - was a significant portion of the Nazi agenda, so for example to say that, you know, that - you know, no Jews were - were murdered as an example, okay, that would be - that would be - that would be an example of Holocaust denial. In this particular case, there is a denial of the reality and the extent of the principle mechanisms and a gross minimalization of the scope of the murders, right? That - that - that is certainly problematic from - from my point - from my point of view. And given the undercutting, it would - it would constitute a form of Holocaust minimalization, though not Holocaust denial.

Q And when we get Holocaust minimization or Holocaust denial, does this result in an anti - Anti-Semitic effect?

A Well, it does, and the - the reason for that is - and I reflect back that, you know, Theodor Adorno, who was a German sociologist who dealt with such matters at the end of the Second World War, was once asked to define Anti-Semitism and he said Anti-Semitism is a rumour about the Jews, okay, that the Jews are up to something. And you can see that that somehow plays into the notion of a - of a - of a wider conspiracy. But if the Holocaust did not happen and yet we are told over and over again that it did happen, right, then clearly the Holocaust in the minds of folks who resent - hold this view is a lie, okay? And if it is a lie, well, what can you - what sort of terrible people would lie about the murder of millions of people? And why are they doing it? What's in it for them, right? So the whole notion of - so behind the notion of Holocaust denial, right, is the notion that there is manipulation, that there is - that there is lying, and that there is - there is mischief afoot, right? And again to quote Mr. Adorno, okay, it's a rumour about the Jews. The Jews are up to something.

Q And therefore they've made up the Holocaust?

A Yes.

Q Flipping to the next page, sir, we have Queen Elizabeth II and the Star of David at page 25. Now, sir, I had asked you as part of your expert report to comment on some of the symbols because what I was hoping to do is I was - I wanted - I wanted to be able to give the jury some explanation of what the symbols are.

A Mm-hmm.

Q It's impossible to read a graphic if you have no idea what's being depicted.

A Yes.

Q So this actually ties back, the Star of David - I had asked you to please skip the tab as we were going through because I didn't want to read it out of context, but if I could ask you to flip back, please, to Tab D of your expert report, you have listed the top Jewish symbols?

A Yes.

Q And the first symbol that you list is the Star of David?

A Yeah.

Q Now, when you look at the middle of page - if you look at page 25 at the top, you see Queen Elizabeth the First surrounded by a star?

A Yes.

Q Is that the Star of David?

A That is the Star of David.

Q All right. We're going to toggle back and forth if you could tell us about the Star of David and then we're going to segue into talking about this particular graphic?

A Okay. Well, the Star of David is not a uniquely Jew - not a uniquely Jewish symbol, certainly not looking at it through the prism of history. On the other hand, it certainly is in the modern day associated with - with the State of Israel. It is - and it is associated with - with the Jewish people. As I indicate in my - in my notes which I prepared, there is an indication of the symbol having been connected to the Jewish community going as far back to 100 - 100 of the common era and a tombstone in Italy which may date as early as the 3rd century before the Christian era. So within the context - so with - but within our current 21st century context, the Star of David is certainly associated with - with Israel and - and with the Jewish people. As to why the - Her Majesty finds - finds herself in - in the middle of this, that is a little bit of a supposition on my part, but I - but I do note, and I believe this is on page 25 of Tab 3 -

Q Yeah, I - Tab 1.

A Tab 1, I'm sorry, that we see for example Mr. Topham saying that - just one moment, please? On paragraph 6:

To be even more specific the "Crown" is the representative in England of the Rothschild banking cartel that owns and controls the

independent state known as the "City of London" and whose public representative is Regina or what Canadians think of as the "Queen of England".

So from that I suppose I can only assume that in some way Her Majesty's face in the middle of the Star of David suggests that the Crown is somehow controlled by that shadowy enterprise represented by the Star of David.

Q Now, sir, you should see the screen right in front of you. Do you see the Queen of Elizabeth surrounded by the Star of David symbol?

A Yes, I do.

Q Yes. That's what you've just told us about?

A That is correct.

Q And this is going to warm up in a second and we'll have another larger image as well. Sir, the Star of David, that's on the flag of Israel, is it not?

A That is correct.

Q Thank you. Turning to the next page we have the editor's note "Re Tyee Article No. 65?"

A Yes.

Q And, I'm just going to scroll down. You can see I have "65" at the top. Maybe you can't see on your screen. I can see it on my screen. You can see on the screen in front of you, sir, there's a "65"?

A Yes.

Q That's the sheet we're discussing and you have talked about the editor's note which is coming into view now?

A Yes.

Q What would you like to tell us about it?

A Well, this - this particular piece features recurrent themes of Jews as engaging in - in machinations of - of one form or another. Zionism is characterized as being a deadly nefarious ideology. The Jews control the media, in this case the Tyee blog, and there's a reference to Zionists as purveyors of, "malignant and odious effusions of hate and calumny", end of quote.

Q *Canadians as Outlaws*, next page of your report, page 75 of the binder - 74?

A Yes.

Q *Canadians as Outlaws* by Arthur Topham, this is the article that we're discussing, is that correct?

A Yes.

Q All right. What - what can you tell us about this article?

A Well, again the themes which we've discussed throughout - throughout my time on the stand appear again. These are themes of treachery, treason, otherness, that is the Jews being as something other than I suppose what regular Canadians might be, and hostility to the Christian religion are expressed. So there's talk about foreign Zionist Jew lobby groups, such as B'nai Brith, Canadian Jewish Congress, The Centre for Israel and Jewish Affairs or CIJA. There is comment to the effect that Jews have emasculated the U.S. justice system through introduction of nullified laws and the same is happening here in Canada. The media, which is supposedly free or independent, is totally controlled by the same self-serving Zionist Jew consortium and the propaganda force behind this plot seeks to subvert the Canadian justice system.

Q Sir, you have a - a note about the Noahide laws at the bottom. What - what would you like to tell us about that?

A Well, I mean the Noahide - I mean, again, the Noahide laws are not - there's - there's nothing mysterious or - or mischievous about them. As - as I noted in my comments earlier, Jews are obligated to attempt to fulfil to the best of their ability the 613 commandments which are prescribed in the Torah. Non-Jews are not under this obligation. They in fact have seven commandments which - which they - which, if they follow them, they are considered to be righteous Gentiles.

The seven commandments - and at this point I now regret having them in such small print, but I hope that you will bear with me as I carefully lean forward, so do not deny God, and this is not to say do not deny the Jewish God, but whatever God you believe in, do not deny that God. Do not blaspheme God. Do not murder. Do not engage in - in incestuous, adulterous or homosexual relations. Do not steal. Do not eat of a live animal. In other words, don't - if the animal's alive, don't eat it, and establish courts in a legal system to ensure obedience to the law.

Q Sir, what is the effect on a Jewish person of Jewish religion or Jewish ethnic origin in reading an article such as the one we're discussing?

A Well, I mean again it's - it's kind of like - I mean if it wasn't so - if it wasn't so insulting, if it didn't have such a potential for - you know, for - for harming the - the position and the integration of Jews into - into civil society, one could - one would - would almost be tempted to say it's kind of like it's just the same old, same old. There is nothing really new here, but - but again, from a - from a Jewish perspective, I mean these are - these are lies that have been told to us and about us since - since time immemorial. You cannot help but feel worn down and victimized by - by - by these sorts of statements.

Q And, sir, it might be assumed, but I'm going to ask it anyway, these sorts of statements predate the founding of Zionism as a political movement in the 19th century?

A The - the notions of Jewish conspiracy theories, yes.

Q Now, sir, I'm going to flip to the editorial comment on 86. And, sir, I - I'm going to suggest to you that - that - you're free to refer us to other portions of your testimony if it - for example, you say as noted elsewhere?

A Yeah.

Q There's a discussion here about usurping of the term "Anti-Semitism". That I don't think we've discussed before. We've already discussed *The Six Million Lie* and we've already discussed the term "Anti-Semitism". What can you tell us about the usurpation of the term "Anti-Semitism"?

A Well, it's rather difficult to usurp something that's been kind of like - been - been given to you whether you want it or not. The Jews - the Jewish people did not take a perfectly good word like *Anti-Semitism* and say yes, now we want to make it all about us. This was a word that was coined - that was created specifically to talk about hatred of Jews, okay? There was no usurpation because the word was designed and targeted to - to - to our community, so usurpation simply does not apply here. It's a - it's a non-starter, in my opinion.

Q Now, I'm going to just direct the - direct our attention - and I typed in 124, not 134, which is why the wrong page is coming up. Give me a second. But we've already discussed this book and you simply note having - having seen it, but we've already discussed it at other portions of your testimony?

A Yeah.

Q So what that, sir, I think I'm just going to flip - I am going to flip. I'm going to flip to page 141. And we're discussing here the radical - the Radical Press response to Ezra Levant and Bernie Farber's *Holocaust Deception*?

A Yes.

Q You should be able to see it on your screen as well. Now, just -- sir, to be very clear, you personally know Mr. Farber, do you not?

A I do.

Q He's a friend and colleague of yours, is he not?

A He is. I've worked with - from the time I volunteered for Canadian Jewish Congress in 1995 to the present day, I have worked with



Bernie Farber, for him, and he remains a friend.

Q All right, sir, what would you like to tell us about this article?

A Well - well - well, again, I mean I - I return to the - what appears to be obvious, you know, that Mr. Topham appears to believe that the Holocaust is a gigantic lie that has been perpetuated by Zionists Jews. The - it is difficult for me not to draw from this that Mr. Topham does not believe that the Holocaust occurred, okay? Mr. Topham does not believe that the Jews - the Jews were murdered as part of a deliberate program initiated by the government of Adolf Hitler. This - this - this corresponds closely with - with Holocaust denial and, as I have said before, right, it is a form of Anti-Semitism.

Q Now, in the bottom paragraph you talk about the connection between Jews rather than Zionists and Martin Luther?

A Well, yes. The - well, again, I mean it's - we are - we're in a bit of a - we're in a bit of a - not a time war, but we're - we've got a bit of a temporal distortion here. It's rather difficult to talk about - to talk about Zionists in the time of Martin Luther, but we do know, you know, that it is - that in terms of the - the deception which appears to be part and parcel what it is to be Jewish, at least in the minds of some, you know, Mr. Topham makes reference to Martin Luther who tried to work with the Jews until he realized that their behaviour was, "nothing but lies", and I believe that's in - in uppercase in the original text:

... designed to perpetuate their own tribe's agenda. Almost 500 years have passed and the world is still dealing with this age old dilemma of deception.

I certainly feel comfortable in observing that 500 years ago Zionism - Zionism was a - did - did not exist. It's also, I think, interesting to - interesting to note, just apropos, to the - to the reference to Martin Luther, that Luther indeed during the early - during an early stage of his ministry I suppose we could call it, did indeed attempt to reach out to - to the Jews. However, his - his - in doing so, he was motivated by the hope, right, that by creating a friendly environment for - for the Jews, that they would realize what he thought was the error of their ways and they would come to accept Christ as the Messiah. When they chose not to do that, Martin Luther - Martin Luther changed his position on the Jews and became quite vicious in his characterization of - of Jews and Judaism.

Q Page 212, sir, the next writing in your binder -

A Yes.

Q - *Dear Free Speech Supporters?*

A Yes.

Q What can you tell us about this?

A Well, the creation of s. 13 predate - predates my - my time as a - as - certainly as a professional working - working within the Jewish community, but my - my understanding of the time was that indeed s. 13, which - which focused on - on preventing the promotion of hatred on the internet was indeed created as a result of - of advocacy by a number of - by a number of communities, but certainly the Jewish community and Canadian Jewish Congress, and I believe B'nai Brith, were - were chief among those who - those who pushed for this.

What I will however say, though, is I think the characterization of those advocacy organizations as, "Zionist Jew Lobbies", right, is inaccurate and the inaccuracy is - plays out by what appears to be Mr. Topham's belief that this was done:

...in order to censor or silence any deserved criticism of ...the rogue State of Israel and its racist, [pardon me] supremacist ideology known as Zionism.

I certainly cannot speak for all of the human rights complaints that were filed under s. 13, but based on the ones that Canadian Jewish Congress filed and those which I - which - which I played a role in - in drafting, the focus of those complaints was on Anti-Semitism, that is - that is hatred directed against members of the Jewish community, not as members of the Jewish community as - as Zionists, right?

Q Now, sir, that went so fast I might have missed it. You were involved in the actual drafting of what?

A Of - of - I'm at least - I pause for a moment. I would say perhaps three or four occasions in my duties for Canadian Jewish Congress I assisted in the drafting of complaints to the Canadian Human Rights Commission alleging violations of s. 13.

Q Thank you. Now, sir, the next note you have is on page 221 and you refer to it as repetition of themes that we have already discussed at some length. So unless you have anything further you'd like to add about this, I'm - I'm content to move on to the next article?

A No. Nothing more to add on this.

Q Thank you -- 226 then. Now, Mr. Rudner, those of us who've been in this courtroom all week are familiar with my skillness in operating a computer. You, sir, are at the foothills of discovery. So what we have here is in your Facebook. This is the - the editor's note on 226 which I'm going to find for you.

A Mm-hmm.

Q There we go.

A Okay.

Q What can you tell us about this editor's note?

A Well, I will say that I'm - I'm not familiar with the - with the blog site Mr. Topham refers to, "Justice for Germans", okay? However, I do note that, you know, Facebook is - is clearly referred to as, "Jew-controlled social media". And again, I - I have to go back to something which I said before and that is just because - you know, just because someone is Jewish and owns something does not mean that the operation or - the operation of that particular enterprise is motivated by Jewish concerns. My sense is that the gentleman who owns Facebook, who is indeed a member of the Jewish community, is motivated by - by other things such as increasing - increasing share - share value, maximizing profit and - and other things that a businessman would be involved in, but to characterize it as a Jew-controlled social media appears, at least in my mind, to bring it back into the orbit of that conspiracy that we have been talking about for - for most of the day, that Facebook is now clearly operating as a part of this mischief, okay, that - that the Jews are up to.

Q And you've included a couple of other quotes in your written report which presumably support the theme you've just stated?

A Well - well, yes. And - and again, the one - the one that I - that I'm certainly drawn to as I - as I reread is, you know, the - the notion that - and I quote [as read in]:

Some things never appear to change and the Jews' psychopathic preoccupation with controlling the thoughts and ideas and opinions of the world's population is one of them.

Q *Eighty Years of Infamy* at 246, you read this article?

A I did.

Q And there's going to be some circle in here, so feel free, please, to just simply tell us - we've discussed this already, what is it that you can tell us about this? This is another Holocaust minimization, Holocaust denial article, is it not?

A Well, there - there is that, but I mean there's - there's something that which I think is new and different here and that is according to this particular - this particular version of history, it appears that the - the Jews - world Jewry was responsible for - for the Second World War by declaring war on Germany first and so therefore everything which followed, that was simply Germany acting in self-defence against world

Jewry. I - I mean I - I know I've said it before, but - and you'll forgive me, but I - but I really have to say it again, okay? There is no such thing as world Jewry. It does not - it does not exist. There is no - there is no Jewish hive, right, no Jewish Queen that controls the actions of the workers and sends Jews out across the globe and across centuries in order - in order to engage malicious and malevolent acts. It is plain and simply - it is hateful, right - right, to - to reduce a - to reduce a community to this level and it is hateful to essentially make this - make the Jewish community somehow responsible, right, for - for - for the Holocaust. Unless of course, I suppose, you don't believe that there was a Holocaust, okay, but that is something we've already covered.

Q Yes. The missing word - now, in this case, sir, the author of this article, which we're going to find at page 257 -

A That's the John Kaminski article.

Q Yes. Now, this is one of the few articles, I asked you to look at, that is not written by Arthur Topham. And just before we talk about the article, I'm just going to ask you to look at this image which is going to sort of - you have the hard copy in front of you. It's not going to all be on the screen at the same time, but what is this?

A That is a - that is menorah. It is - it is the - well, probably the oldest symbol associated with - associated with Judaism. The menorah was, according to - according to Hebrew Scripture, its design was - was dictated to - to Moses by God. It was created and it appeared in the portable - in the portable place of worship that followed the Jewish people through the wilderness and when the temple was built in Jerusalem it was installed - it was installed there.

Q Is this a famous image, sir?

A As I said, this is the - this image is - this is the oldest - the oldest image I think associated with Judaism and it has, to the best of my knowledge, no association anywhere else.

Q And you have written about the menorah at Tab D of your expert report under the section, "Jewish symbols", have you not?

A I have.

Q And essentially, you've told us again what you say there?

A Yes.

Q Thank you. So continuing on then, sir, with the article by Mr. Kaminski, what can you tell us about that?

A Well, Mr. Kaminski presents what is really a laundry list of current and historical evils ranging from falsified operations such as 9-11, two world wars, economic woes, poisoned vaccines, and lays the blame for all of these at the feet of the Jews. Mr. Kaminski is clear in his views that troubles past and present come from the fact that, and I quote:

The Jewish takeover of the world started 400 years ago when Cromwell let the Jews back into England to start a worldwide war machine that has never stopped killing since.

End of quote. And of course, Mr. Kaminski also - also reprises a number of the claims made regarding the Talmud in - in this particular article.

Q That brings us to the end of Binder 3.

Binder 4.

MS. JOHNSTON: My Lord, I will be bringing it up on the screen. It maybe - I'm - I assume the jury would appreciate having a hard copy in their hand, but I will be bringing it up on the screen.

THE COURT: Well, I - we only have a few minutes left. Maybe if we don't hand out Binder 4 -

MS. JOHNSTON: We'll get farther along. We can do that.

THE COURT: Well - well, go as far as we can and -

MS. JOHNSTON: Thank you, My Lord.

THE COURT: I think we'll just do it that way for the last --

MS. JOHNSTON: Thank you.

THE COURT: -- couple of minutes.

MS. JOHNSTON: Thank you.

Q So, sir, we're going to go to Binder 4. You have the original exhibit in front of you. I'm going to be bringing up the articles on the screen so the jury can see where they are and follow along.

A And that's the preface on page 265?

Q Yes. And we're at 265 and I believe you've been - have you been given a copy of the actual exhibit, sir?

A Yes, I have. Thank you.

Q Thank you, 265, let me focus it or let me get it to the proper place. So we have the top, sir, we've got a - an article from Mr. - Mr. White, or allegedly from Mr. White?

A Mm-hmm.

Q I'm sorry, my - I'm sorry, I do that occasionally. I'll get you back.

THE COURT: Looks like it's from Mr. Erickson-White.

MS. JOHNSTON: Yes, thank you. And the screen's split because it's late Friday afternoon and it does not like me. One second, please? I apologize for this.

Q We are on page 265 -

A Mm-hmm.

Q - which is in Binder - Binder Number 4?

MS. JOHNSTON: One moment, please, My Lord? I just want to make sure I'm at the right place because when I scroll I don't often see it.

THE COURT: Is it 267?

MS. JOHNSTON:

Q I think, sir, we have 267. Could you look at page 267? I think that is the preface that you're discussing.

A Okay.

Q And I'm going to bring it up for you. If you could look at it and just make sure that we have the correct - correct article? So it says 265, but if you look at page 267, we have something that is called a "preface" by Arthur Topham. Is that what you're referring to in the - in the -

A I'm - I'm just trying to be - I'm just trying to be absolutely certain. The - I'm not - I'm not one - I'm not 100 percent certain to be -

Q That's fine. What --

A -- to be honest with you.

Q - we're going to do then, is we're simply going to skip this one altogether.

A Thank you.

Q We can circle back to it at a later date and we're going to go to the next one in this binder which is 287. And there's an editor's note which comes up immediately, so what - what can you tell us about this editor's note?

A Well, like again we see recurring themes of - of Jewish criminal activity via the - the so-called Rothschild criminal cartel acting through B'nai

Brith Canada which is described as an "extremely powerful and secretive Jews only masonic order". I only - I only mention this because for reasons which are not entirely clear to me, the masons appear to be featured regularly in - in conspiracy theories. Perhaps it was their secret handshakes, perhaps it was their - their - their choice of aprons, whatever - whatever it might be. They are seen as being secretive and therefore - therefore suspicious. I actually had to do a little bit of research to determine why B'nai Brith would be considered to be a - a masonic organization and about the only thing I could really discover is that some number of the original founders of - of B'nai Brith were also members of the masons and they seemed to really, really like the secret handshakes and the code words, right, and - you know, the badges and the aprons and all this kind of good stuff. So in the early years of the - of B'nai Brith, these trappings were part - part of the organization. Slowly, however, they did kind of like drift away. And so certainly B'nai Brith, as it exists today, while their grass roots components are called lodges, there is certainly nothing secretive about them. To the best of my knowledge there is nothing masonic about them. And indeed, according to some conversations I've had with folks who are in charge of membership of B'nai Brith International in the United States, certainly there is no reason why someone who is not Jewish cannot be - cannot be a friend of B'nai Brith. Now, I did ask, you know - well, but strictly speaking, according to the rules, can you be a - you know, do you have to be Jewish to be a member of - a member of a B'nai Brith lodge, and what I was told was that yeah, there is a question there that you're supposed to answer yes or no, but nobody really checks and they - they went on to say that there are an awful lot of really tall black guys, right, who are playing basketball for the lodges, right, and they don't really - and that doesn't seem to really bother anybody terribly much. So, not Jew only; not masonic; not secret.

In terms of - but I suppose, you know, this is really an example of how something which is not unusual in other parts of the world or in - in other parts of the universe, if you will, but somehow made to seem nefarious. I mean let us assume just for the moment, ma'am, that B'nai Brith was a Jewish only organization. That would - would that make them any more nefarious than the Knights of Columbus where - where, according to my research, in order to be a member of the Knights of Columbus you not only need to be a member of the Catholic faith, but you need to be a practicing member of the Catholic faith. To the best of my knowledge, no one has ever called Knights of Columbus nefarious, right - secret, right, or - or - or, for that matter, exclusive.

Q Thank you.

MS. JOHNSTON: My Lord, I do note the time.

THE COURT: I see the time. I think we're going to break for the day and for the weekend. So we'll adjourn till ten o'clock Monday morning.

(WITNESS STOOD DOWN)

(JURY OUT)

THE COURT: All right.

MS. JOHNSTON: We're on time to finish the Crown's examination in chief Monday morning.

THE COURT: We'll adjourn for the weekend.

(PROCEEDINGS ADJOURNED TO NOVEMBER 2, 2015, AT 10 A.M., FOR CONTINUATION)

Transcribers:

A. Paisley: Pages 1-7; 34, 35, 64 and 65

N. Bomback: Pages 7 - 33; 36 - 63; 66 - End.