

**CANADIAN  
HUMAN RIGHTS  
TRIBUNAL**



**TRIBUNAL CANADIEN  
DES DROITS  
DE LA PERSONNE**

**BETWEEN/ENTRE:**

RICHARD WARMAN

**Complainant**

**le plaignant**

**and/et**

CANADIAN HUMAN RIGHTS COMMISSION

**Commission**

**la Commission**

**and/et**

MARC LEMIRE

**Respondent**

**l'intimé**

**and/et**

ATTORNEY GENERAL OF CANADA;  
CANADIAN ASSOCIATION FOR FREE EXPRESSION;  
CANADIAN FREE SPEECH LEAGUE;  
CANADIAN JEWISH CONGRESS;  
FRIENDS OF SIMON WIESENTHAL CENTER  
FOR HOLOCAUST STUDIES;  
LEAGUE OF HUMAN RIGHTS OF B'NAI BRITH

**Interested Parties**

**les parties intéressées**

**BEFORE/DEVANT:**

ATHANASIOS D. HADJIS

CHAIRPERSON/  
PRÉSIDENT

LINE JOYAL

REGISTRY OFFICER/  
L'AGENTE DU GREFFE

**FILE NO./N<sup>o</sup> CAUSE:**

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

HEARING HELD IN THE PARIS ROOM OF NOVOTEL HOTEL  
3670 HURONTARIO STREET, MISSISSAUGA, ONTARIO  
ON MONDAY, FEBRUARY 19, 2007

CASE FOR HEARING

IN THE MATTER of the complaint filed by Richard Warman dated November 23rd, 2003 pursuant to section 13(1) of Canadian Human Rights Act against Marc Lemire. The complainant alleges that the respondent has engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour and national or ethnic origin in a matter related to the usage of telecommunication undertakings.

APPEARANCES/COMPARUTIONS

Giacomo Vigna	For the Canadian Human Rights Commission
Barbara Kulaszka	For the Respondent
Simon Fothergill Alicia Davies	For the Attorney General of Canada
Paul Fromm	For the Canadian Association for Free Expression
Douglas Christie	For the Canadian Free Speech League

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1 Toronto, Ontario

2 --- Upon resuming on Monday, February 19, 2007

3 at 9:37 a.m.

4 THE CHAIRPERSON: I know Mr. Christie  
5 is here today.

6 MR. CHRISTIE: Yes, I am. I  
7 appreciate you recognize me. Mr. Chairman, I'm Doug  
8 Christie. I appear for the Canadian Free Speech  
9 League, and we're, by your leave, about to intervene on  
10 the constitutional issue, so thank you very much.

11 THE CHAIRPERSON: I wanted to get  
12 that on the record.

13 MR. FOTHERGILL: Mr. Hadjis, I might  
14 also mention for the record to Alicia Davies, whom I  
15 introduced in her absence last time we were together is  
16 now with me.

17 THE CHAIRPERSON: Ms Kulaszka?

18 MS KULASZKA: Yes. I just wanted to  
19 raise the issue of the second expert report filed by  
20 Karen Mock, which I received last week on the 15th.  
21 And I don't know when you want me to deal with this,  
22 but basically I want to move to have this report struck  
23 out on the grounds that the Commission's attempting to  
24 split its case.

25 THE CHAIRPERSON: I read your letter.

1 I was on the road last week but somebody forwarded it  
2 to me a scanned version of the letter.

3 MR. VIGNA: Mr. Chair, I didn't  
4 receive the letter but I was made aware of it by my  
5 colleague yesterday, the contents of the letter. And  
6 I'll wait to hear from Ms Kulaszka and I'll respond. I  
7 have an idea what is being argued and I'll be  
8 responding afterwards.

9 THE CHAIRPERSON: So what we are  
10 referring to is your letter dated February 16th, 2007.  
11 Is that the letter, Ms Kulaszka?

12 MS KULASZKA: Yes.

13 THE CHAIRPERSON: It was addressed to  
14 the Commission and you've cc'd the Tribunal, correct?

15 MS KULASZKA: Do you want me to deal  
16 with it now?

17 THE CHAIRPERSON: She's the next  
18 witness, right?

19 MS KULASZKA: She's the next witness.

20 THE CHAIRPERSON: For today. We've  
21 suspended Mr. Fromm's testimony until a later time.  
22 So --

23 MR. VIGNA: Is there a problem with  
24 the witness being in the room? She's in the room right  
25 now.

1 MS KULASZKA: Perhaps she should  
2 leave the room.

3 THE CHAIRPERSON: Perhaps on this  
4 issue, it's not really something that she'll be  
5 utilizing for purposes of her testimony.

6 MR. VIGNA: So we'll be calling you  
7 back, Dr. Mock.

8 THE CHAIRPERSON: Put me in the  
9 picture a bit. You have to understand, I don't think  
10 I've seen any of these experts' reports. I don't know  
11 if they were filed with the Tribunal at some point, but  
12 I certainly haven't consulted them if they were.

13 MS KULASZKA: Initially Karen Mock  
14 filed an expert report in May of last year, and that  
15 was on the constitutional issue. It was called,  
16 "Combatting Hate on the Internet -- Protecting Canadian  
17 Values".

18 So this expert report dealt strictly,  
19 as far as I could see, with the constitutional issues.  
20 She mentioned Marc Lemire once. It was just in  
21 passing. It had nothing to do with the case, nothing  
22 to do with the FreedomSite. It was about hate on the  
23 Internet.

24 You gave leave to the respondent to  
25 file the expert report of Dr. Persinger, and in the

1 same room --

2 THE CHAIRPERSON: When did I do that?

3 MS KULASZKA: That was January 3rd,  
4 2007.

5 THE CHAIRPERSON: I'm relying on you  
6 a bit. What was Dr. Persinger's proposed testimony  
7 related to at the time?

8 MS KULASZKA: Strictly on the  
9 constitutional issues. And it's basically the effect  
10 of the hate laws on freedom of expression, and he  
11 challenged the findings of the Cohen Committee report  
12 of 1966.

13 THE CHAIRPERSON: I recall that in  
14 the summary you presented, yeah.

15 MS KULASZKA: So you gave leave to  
16 the other parties to file a further expert report.

17 THE CHAIRPERSON: To address Dr.  
18 Persinger?

19 MS KULASZKA: I could read it.

20 THE CHAIRPERSON: Yes.

21 MS KULASZKA: It says:

22 "Given the relative tardiness of  
23 the request to file Dr.  
24 Persinger's report, I will not  
25 allow Mr. Lemire to lead the

1 evidence of Dr. Persinger until  
2 the second set of hearing dates  
3 scheduled to commence on  
4 February 9th, 2007.  
5 Consequently, the other parties  
6 are authorized to file their  
7 expert reports in reply to Dr.  
8 Persinger's report as late as  
9 February 15th, 2007."

10 THE CHAIRPERSON: Right.

11 MS KULASZKA: It was the choice of  
12 the Commission not to call any expert witness regarding  
13 the FreedomSite. They didn't do so until I get Karen  
14 Mock's expert report last week.

15 In that report she deals with Marc  
16 Lemire and the FreedomSite. She talks about it. She  
17 compares it to websites in the United States. She  
18 begins to talk about chat rooms, blogs. In essence she  
19 is attempting to give expert evidence on the merits of  
20 the case.

21 The result is I get this several days  
22 ago, and if the Commission wanted to give this type of  
23 expert report they should have done so a year ago.  
24 That was the time to do it.

25 THE CHAIRPERSON: I could conceive of

1 the possibility of discussing chat rooms and logs in  
2 the context of the constitutional issue question. But  
3 from what I'm hearing from you, not having the document  
4 in front of me, which perhaps I should have -- but I'll  
5 wait a moment. Perhaps you can pull it out, Mr. Vigna.

6 Before we get there, you are  
7 suggesting here, Ms Kulaszka, that it's gone beyond  
8 that. It's not speaking in the abstract. It's  
9 speaking specifically of the issues that relate to the  
10 complaint itself. Is that what you're saying?

11 MS KULASZKA: Parts of the report  
12 seem to address Dr. Persinger, to rely to him. But  
13 then she goes into the Freedom site and it starts  
14 comparing it to websites in the United States, such as  
15 Stormfront.

16 THE CHAIRPERSON: In a way that deals  
17 with the complaint itself or still speaking in that  
18 abstract, sort of, what is the overall effect of  
19 section 13?

20 MS KULASZKA: Do you want to look at  
21 the expert report?

22 THE CHAIRPERSON: I could. I'm  
23 hearing what you are saying and, Mr. Vigna, before we  
24 go further I would like to hear from you on the  
25 situation.

1                   Ms Kulaszka, from what I hear from  
2                   you, makes a valid point. Dr. Mock's report was meant  
3                   to respond to Dr. Persinger's. And you made it quite  
4                   clear your case with regard to the complaint itself was  
5                   closed after Mr. Warman's testimony, right? With the  
6                   exception I think you had of a couple of minor points.

7                   MR. VIGNA: To respond to Ms  
8                   Kulaszka -- first of all, I will respond. If I  
9                   understand correctly, could you just specify which part  
10                  of the report is more of concern?

11                  MS KULASZKA: Page 7.

12                  MR. VIGNA: Would you like to have a  
13                  copy?

14                  THE CHAIRPERSON: Perhaps a copy.  
15                  And what I'm going to suggest before I even look at the  
16                  copy is, I'm proposing or perhaps wondering whether  
17                  some of this material may have entered in in the  
18                  process preparing her report. Perhaps it wasn't  
19                  something that you intended to direct the evidence on.  
20                  It's quite clear the direction was you were to respond  
21                  to Dr. Persinger's report. And what I'm thinking is  
22                  that maybe it's possible that while it was drafted in  
23                  her report that you avoid that in her evidence, if it's  
24                  really something that is meant to complete your case on  
25                  the merits.

1 MR. VIGNA: What I can say,  
2 Mr. Chair, is our position has not changed. The report  
3 and the testimony of Dr. Mock is solely on the  
4 constitutional issue. We relied and continue to rely  
5 on the evidence of Mr. Warman and the exhibits themselves  
6 on the issue of the merits.

7 At page 7 of the report there is a  
8 brief mention of Marc Lemire and the FreedomSite and a  
9 comparative perspective with other websites as a  
10 general discussion. You mentioned the word earlier in  
11 the abstract.

12 What I would like to say also is Dr.  
13 Mock, we're going to call her in as an expert in the  
14 issue of racism and hate messages, et cetera, has  
15 familiarity basically with the main protagonists or  
16 websites in Canada which are also mentioned, for  
17 example, in a book called, "The Web of Hate: Inside  
18 Canada's Far Right Network", a book by Warren Kinsella.

19 Where at one point they say:

20 "Like pornographers who they  
21 more than occasionally defend,  
22 hate groups have flogged to the  
23 Internet's worldwide web and in  
24 Canada the architect of Internet  
25 hate is one young man, Marc

1 Lemire. Lemire does not look  
2 much like to be worried about."

3 And it goes on.

4 Basically, it's of general knowledge  
5 who are the main protagonists in the hate world.  
6 Obviously, you will to have decide based on the  
7 evidence and, as trior of this case, you will only to  
8 have rely on the evidence that relates to merit by  
9 using the evidence of Mr. Warman and the exhibits.

10 That part which is mentioned, I'll  
11 provide you with report --

12 THE CHAIRPERSON: All right. Maybe  
13 you can hand up the reports and I'll look at it.

14 MS KULASZKA: Page 7, starts, "The  
15 Simon Wiesenthal Centre".

16 MR. VIGNA: I'll give you a few  
17 minutes to look at it.

18 THE CHAIRPERSON: How far does your  
19 concern extend, Ms Kulaszka, from page 7 at that  
20 paragraph until what point?

21 MS KULASZKA: It goes over to the  
22 next page and ends, "...distinctly Canadian tone."

23 THE CHAIRPERSON: Yes, that's what  
24 concerns you in that paragraph?

25 MS KULASZKA: Yes. But she goes

1 further on. She compares the FreedomSite to  
2 Stormfront, which apparently is run by a man named Don  
3 Black. Later on she talks about Don Black. So she's  
4 mixing them all up and saying they are the same type of  
5 thing. That goes exactly to the merits of the case,  
6 exactly what Mr. Vigna read. That's exactly what you  
7 have to determine. That's the merits of the case. It  
8 has nothing to do with a rely to Dr. Persinger.

9 THE CHAIRPERSON: I'll just take a  
10 quick look. I'm not really being absorbing what's  
11 written here. I'm trying to get a sense of what's  
12 here.

13 The first part, because it relates to  
14 the Stormfront that's also in issue here. But --

15 MS KULASZKA: She refers to  
16 hate-based websites such as -- and she means  
17 Stormfront. She starts talking about Stormfront.

18 THE CHAIRPERSON: I understand.  
19 Whereas Mr. Warman, in his evidence, was encouraging me  
20 to look at the full context myself and make my own  
21 determination on that. And that is my role here, to  
22 look at the website material and draw any conclusions  
23 that I wish to make or I can make based on the statute.  
24 Right?

25 MR. VIGNA: What I'm saying,

1 Mr. Chair, that she's only testifying no the  
2 constitutional issue. If she does talk in a  
3 periffic(ph) manner of the Stormfront or the  
4 Freedomsite, it's for purposes of illustrating  
5 basically what she's testifying about which is the  
6 constitutional issue and, as a trior of fact, you can  
7 dissect what you need to consider for the purposes of  
8 the constitutional issue and what's for the merits. We  
9 only rely on the evidence so far that we put in  
10 evidence regarding the merits.

11 This paragraph or sentence regarding  
12 the Freedomsite is solely for illustration and --

13 THE CHAIRPERSON: But it illustrates  
14 her perspective, her view that this website is  
15 basically in breach of section 13. She's going the  
16 ultimate issue here.

17 MR. VIGNA: I encourage you not to  
18 take into account, that part.

19 THE CHAIRPERSON: That is what I'm  
20 suggesting. Perhaps a solution is here. If indeed --  
21 I mean, this report is very long, we're talking about  
22 one paragraph.

23 MR. VIGNA: The rest of is  
24 strictly --

25 THE CHAIRPERSON: Could we not strike

1           it from the record? Would it offend the report so  
2           much? It does really touch upon the core issue of the  
3           complaint itself. Is it absolutely necessary? Can she  
4           not simply talk in her evidence about her understanding  
5           of any website, whether it be this one or any other one  
6           in the abstract.

7                           The whole issue here, because we have  
8           the Stormfront today and we could have Stormfront 2  
9           tomorrow, we can have Freedomsite 3 tomorrow. Other  
10          websites. The issue for her is what do these  
11          websites -- what are the social consequences of these  
12          websites? Is it not -- is that not part of her  
13          discussion?

14                          MR. VIGNA: It is. But at the same  
15          time when she talks about Stormfront, Don Black and all  
16          that, it's important she be able to explain the whole  
17          context in terms of being able to provide the Tribunal  
18          some understanding in the whole explanation of the  
19          social consequence.

20                          But whatever she says about  
21          particular groups is not to be considered for the  
22          purposes of determination on the merits.

23                          THE CHAIRPERSON: She could have  
24          picked any other particular group. She went and picked  
25          the ones that are in this complaint.

1                   MR. VIGNA: I understand. But,  
2 MR. Chair, we can't bury our head in the sand. It's  
3 one of the main groups in Canada which is mentioned in  
4 the literature, even by Mr. Kinsella.

5                   Like I said, if there is a problem we  
6 can -- I can simply avoid asking her questions on that  
7 specific part.

8                   THE CHAIRPERSON: Yes, that's a  
9 possibility.

10                  MR. VIGNA: As far as the report, we  
11 can just leave it like that and you don't really have  
12 to consider it.

13                  THE CHAIRPERSON: Mr. Fothergill  
14 stood up.

15                  MR. FOTHERGILL: Thank you. I would  
16 like to address this issue because the Attorney General  
17 also relies on Dr. Mock's evidence on the  
18 constitutional issue.

19                  In my respectful submission, the  
20 Tribunal should consider accepting her evidence of the  
21 FreedomSite for the purposes of the constitutional  
22 issue alone. And I think that you, as Tribunal Chair,  
23 because of course we are not sitting here with a jury,  
24 are perfectly capable of doing that.

25                  It is, in my submission, artificial

1 to disregard the existence of the FreedomSite in a  
2 constitutional context. It's not just that she could  
3 have chosen any other site. The fact that we have a  
4 site like FreedomSite in Canada is germane to the  
5 constitutional issue in a Canadian context.

6 So it's not good enough from our  
7 perspective simply to refer to Stormfront and then say,  
8 hypothetically, we could have a Stormfront Canada. The  
9 fact that FreedomSite exists, is important.

10 Now, as I read the report, Dr. Mock  
11 does not express a view on whether FreedomSite  
12 contravenes section 13 or not. She characterizes it in  
13 a certain way, which of course we are free to disagree  
14 with. But we also know from other Tribunal rulings  
15 that you don't require expertise to determine the  
16 content of the website for the purposes of the merits  
17 of the complaint.

18 So I would invite you to disregard  
19 her characterization of the website for the purposes of  
20 determining whether the complaint is substantiated or  
21 not. But admit her evidence about the nature and the  
22 presence of the website as part of the constitutional  
23 landscape.

24 It's very important from a Canadian  
25 constitutional analysis to acknowledge the existence of

1 the website and its content. And I have to say at the  
2 end of the day, although we take no position on the  
3 merits of the complaint, whether the complaint should  
4 substantiated or not, we will say that the presence of  
5 a site like the Freedomsite is part of the  
6 justification for the prohibition that we have in law.

7 So it's a somewhat delicate  
8 distinction, but I think it's one you are perfectly  
9 capable of doing. And, as I said, I don't see Dr. Mock  
10 as ever expressing a view on whether the website  
11 convenience section 13 or not, and the proposal I would  
12 make is she be specifically prohibited from expressing  
13 an opinion vis-a-vis section 13, but she should be free  
14 to talk about the Freedomsite in the context of other  
15 websites on the Internet.

16 THE CHAIRPERSON: Ms Kulaszka?

17 MS KULASZKA: Well, she talks about a  
18 hate-based website, Stormfront, and then she says, "In  
19 Canada, Marc Lemire plays a comparable role," and she  
20 goes on.

21 If Mr. Fothergill is correct and it  
22 was so important to mention the Freedomsite she should  
23 have done so a year ago. In her first report, which  
24 was to the constitutional issue, why didn't she do it  
25 then? Then it would have given us a chance to come up

1 with an expert in response.

2 She filed her first report in May of  
3 2006. She should have done it then, instead five days  
4 before the --

5 THE CHAIRPERSON: Because --  
6 Mr. Fothergill's last point, I can certainly see myself  
7 being able to manage, Ms Kulaszka. I'll give you  
8 analogy again. I've done it with Mr. Kulbashian many  
9 times and I'll do it again this time.

10 In Mr. Kulbashian's case, they lead  
11 the evidence of another expert, days and days, and in  
12 the end I did not refer to her evidence at all. In one  
13 paragraph I excluded her evidence entirely, her expert  
14 evidence on all of this type of stuff.

15 So it's certainly possible for a  
16 Tribunal to, subsequent to argument, deal with these  
17 types of issues. I'm not concerned.

18 I am concerned about the fairness  
19 issue, though. Does -- is this paragraph addressing  
20 something raised for the first time by Dr. Persinger?

21 MR. FOTHERGILL: I would submit it  
22 does. It's the impact of speech of potential  
23 perpetrators. Dr. Persinger applied a kind of  
24 psychological analysis about the impact of laws and  
25 prohibitions on different groups, be they victims or

1 potential perpetrators. And here Dr. Mock is  
2 addressing the impact of hate on potential  
3 perpetrators. So it's directly in response to one of  
4 Dr. Persinger's main theses.

5 THE CHAIRPERSON: I don't have Dr.  
6 Persinger's report in front of me.

7 MS KULASZKA: I would disagree with  
8 that. He doesn't talk about websites. He's strictly  
9 dealing with the psychological affect of hate laws on  
10 free speech and she's talking about websites. I mean,  
11 she's just describing them, calling them hate websites.

12 In this paragraph she's not  
13 addressing anything about what Dr. Persinger is talking  
14 about. He's talking about psychological studies. He's  
15 strictly, very limited actually, in what he's talking  
16 about. He doesn't talk about various websites, nothing  
17 like that.

18 THE CHAIRPERSON: I don't want to  
19 waste a lot of time on this. I am concerned about this  
20 fact. I don't have Dr. Persinger's report in front of  
21 me. I haven't heard his evidence yet. So we are in a  
22 difficult situation because I've organized this case in  
23 a sort of haphazard back and forth way. It would have  
24 been easier dealing with this if I had the evidence of  
25 Dr. Persinger first.

1 MS KULASZKA: I am asking that she  
2 remove this paragraph and reprint her expert report  
3 and -- because if the expert report is filed then it's  
4 part of the report, and if we go onto a higher court,  
5 there it is.

6 THE CHAIRPERSON: If that would  
7 result, that's how it could be corrected.

8 Do you have anything to tell me about  
9 the fact that it's coming this late in time,  
10 essentially two days' before her testimony?

11 MR. VIGNA: Mr. Chair, I don't want  
12 to make an issue about this late time. The report was  
13 essentially in response to a report --

14 THE CHAIRPERSON: Late.

15 MR. VIGNA: -- allowed late so --  
16 there is nothing late about the report.

17 THE CHAIRPERSON: Unless it's a new  
18 point that is being raised.

19 MR. VIGNA: The new point is about  
20 one sentence, which I think, as a Tribunal member, not  
21 a jury member, you can easily distinguish like you've  
22 done with other evidence.

23 THE CHAIRPERSON: I'm proposing to do  
24 that, but if you avoid -- you can avoid dealing with it  
25 is, what I'm --

1 MR. VIGNA: I adopt the same  
2 submission as Mr. Fothergill, it's basic to explain it.  
3 To explain it in the abstract is kind've artificial.  
4 It's not necessarily the website itself in terms of its  
5 content that's being described here. The websites in  
6 Canada which deal with hate and --

7 THE CHAIRPERSON: Did she address  
8 this -- without referring to FreedomSite. That's not  
9 what triggers my concern here. I can certainly make  
10 the necessary distinctions. But this topic that she's  
11 raising here, was that dealt with in her first report?  
12 Is she repeating herself in some way?

13 MR. VIGNA: I don't think she deals  
14 with it as specifically as here. But in this report  
15 she mainly responds to the impact -- the section under  
16 which it is, the impact of hate, speech on potential  
17 perpetrators, and she gives on the explanation. Like I  
18 said, it's not to be considered for the merits.

19 THE CHAIRPERSON: This aspect of her  
20 report was provoked by Dr. Persinger's report?

21 MR. VIGNA: This report was basically  
22 in response to Dr. Persinger's report. She did put one  
23 line on the Canadian FreedomSite, but essentially if  
24 you look at the report it's 12 pages with footnotes, 14  
25 pages, and it's one sentence or two that's being

1 questioned.

2 THE CHAIRPERSON: I know. That's  
3 fine. If there's only one sentence or two, that's not  
4 related to Dr. Persinger's report we can't consider it.  
5 That's what it's boiling down to.

6 I know it was late, but for whatever  
7 reason I authorized the late report of Dr. Persinger  
8 and I also authorized a late reply by the Commission  
9 and any other participants who wished to reply. But it  
10 was to reply, not to have another kick at the can.

11 MR. VIGNA: And that's the purpose of  
12 the report, is to reply.

13 THE CHAIRPERSON: And I gather most  
14 of it is, except perhaps for this section.

15 MR. VIGNA: Correct. As far as that  
16 section is concerned, you don't have to consider it for  
17 the purposes of merits. You can totally in your  
18 final --

19 THE CHAIRPERSON: Even on the  
20 constitutional issue I think is what is being raised by  
21 Ms Kulaszka; that even on the constitutional issue it  
22 should have been something that was in the record -- or  
23 disclosed at a previous point. And now it takes her --  
24 she has no expert to respond to this.

25 MR. VIGNA: Mr. Chair, Dr. Persinger

1           hasn't been heard yet so in the event, if Dr. Persinger  
2           wants to say something, he still can be able to say  
3           something on that specific point.

4                       The only reason it's being said here  
5           is because it's in response to Dr. Persinger and in the  
6           context of the explanation of the report that was put  
7           in also. But in the ultimate analysis, you can  
8           basically dissect and distance yourself from whatever  
9           is said on the Freedomsite because your determination,  
10          whether it's on the constitution or the merits, has to  
11          be based on the merits, Mr. Warman, and the  
12          constitutional -- whatever you consider being  
13          procedural or fair --

14                      THE CHAIRPERSON: I'm fine on that  
15          point. It's just -- Ms Kulaszka, your witness has not  
16          testified yet, Dr. Persinger. Will he not be able to  
17          address these issues?

18                      MS KULASZKA: Dr. Persinger is a  
19          psychologist. He never mentions Marc Lemire or the  
20          Freedomsite, did not examine websites. He's strictly  
21          being called on the evidence of laws against hate,  
22          which is the motion, and what effect does it have on --  
23          on how people express themselves --

24                      THE CHAIRPERSON: Okay.

25                      MS KULASZKA: -- and whether the

1 Cohen Committee was correct in its findings. And of  
2 course, the Taylor decision was based on that.

3 THE CHAIRPERSON: Right so -- and the  
4 answer to that point that was raised by Dr. Persinger,  
5 Mr. Vigna, that --

6 MS KULASZKA: He doesn't even know  
7 Marc Lemire.

8 THE CHAIRPERSON: No, no. I mean,  
9 you are saying his evidence was there to address laws  
10 against --

11 MS KULASZKA: Yes, and -- and  
12 essentially --

13 THE CHAIRPERSON: -- the effect of  
14 speech laws -- of hate laws on speech.

15 MS KULASZKA: Absolutely.

16 THE CHAIRPERSON: Okay. And how does  
17 this paragraph address that, Mr. Vigna?

18 MR. FOTHERGILL: I think to be  
19 fair --

20 THE CHAIRPERSON: Yes.

21 MR. FOTHERGILL: -- to Dr.  
22 Persinger's report, he in fact has three dominant  
23 themes.

24 THE CHAIRPERSON: Okay.

25 MR. FOTHERGILL: And one of them is

1 the effects of punishment on complex behavior. The  
2 second is the impact of hate speech on those who  
3 receive it, and then thirdly, the current relevance of  
4 the Cohen report.

5 THE CHAIRPERSON: It's on the third  
6 point then?

7 MR. FOTHERGILL: No, it's not, in  
8 fact. It's more on the impact of hate speech on those  
9 who receive it. Because essentially, one of his theses  
10 is that -- is that the case to say that hate speech  
11 persuades people to become like-minded followers has  
12 not been made out.

13 THE CHAIRPERSON: Okay.

14 MR. FOTHERGILL: And so the response,  
15 as I understand, that Dr. Mock is offering to that is  
16 that if you look at the way websites operate, on the  
17 contrary, they can be used as very effective tools of  
18 recruitment and persuasion. And from the government's  
19 perspective, this is one of the reasons why we feel  
20 that prohibitions on hate speech are justified, to  
21 prevent that kind of recruitment and persuasion.

22 THE CHAIRPERSON: So that's the  
23 answer being provided, Ms Kulaszka. Sounds  
24 interesting. I'm hearing all this in the abstract  
25 again, of course, not having read the reports yet.

1 MS KULASZKA: I think they are making  
2 it up as they go along.

3 In her first report, this is what she  
4 stated on page 5, "Hate crimes have a severe impact on  
5 whole communities."

6 She goes on about the victims'  
7 families, what happens to people, they fragment  
8 communities. She's talking about the impact of hate  
9 speech on --

10 THE CHAIRPERSON: Right, and they're  
11 not --

12 MS KULASZKA: Now she's getting a  
13 second kick at the can, only she's including the  
14 FreedomSite in it.

15 THE CHAIRPERSON: But Dr. Persinger  
16 said something which Mr. Fothergill's just recited, and  
17 he says this is being addressed through this paragraph.

18 MS KULASZKA: She's put it under a  
19 heading called "Impact of Hate Speech on Potential  
20 Perpetrators".

21 THE CHAIRPERSON: Right.

22 MS KULASZKA: But in this paragraph,  
23 she's simply describing Marc Lemire's site, it's a  
24 hate -- hate site. She compares it to Stormfront. I  
25 don't see that this replies to Dr. Persinger. She's

1 not dealing with psychological studies the way he is.

2 He's dealing strictly with how  
3 peoples' emotions and their minds work and the dynamics  
4 of it. She is going back to websites.

5 THE CHAIRPERSON: Well, yes, but --

6 MS KULASZKA: She should have dealt  
7 with this in her first report. She's not strictly  
8 replying to Dr. Persinger. It should have been a very  
9 narrow reply that she made. Instead, she filed, I  
10 think, an even bigger report this time around. The  
11 first one was actually quite short. It was 11 pages.  
12 And now she's up 17 or so, 12, 13.

13 THE CHAIRPERSON: What are you  
14 reading in here?

15 MR. VIGNA: There's one point I want  
16 to make, Mr. Chair. Some of it is quoted directly from  
17 the website, when they -- for example, they talk about  
18 weight, racialists, nationalists, champions of freedom  
19 of speech, with links to the Heritage Front. And we  
20 see that in evidence so --

21 THE CHAIRPERSON: Footnote 23 is  
22 straight from the web page.

23 I don't see any rocket science in  
24 what's being said here, you know. I just took a closer  
25 look at it. I mean, what she's suggesting here at the

1 end of it is -- is something that Mr. Vigna could argue  
2 as well, by taking me to -- to excerpts from the web  
3 page, right?

4 MS KULASZKA: Yeah. She's throwing  
5 it in and basically trying to give an opinion on the  
6 ultimate issue.

7 THE CHAIRPERSON: And -- you know  
8 what? And that brings me exactly to the evidence of  
9 Dr. Francis Henry. That's what she tried to do in  
10 Kulbashian and I -- I simply put it side. We're  
11 wasting a lot of time here, I think, on what may be  
12 entirely moot. And my suggestion is, what's become --  
13 what's happened here, Mr. Vigna, it's become like a bit  
14 of a red flag or a red sheet in front of the case,  
15 because the name of -- of Mr. Lemire's was brought up  
16 in your -- and it seems so close to the discussion of  
17 the ultimate issue. She could certainly -- I'm sure  
18 from -- based on her first report, she was prepared to  
19 deal with the consequences of -- sorry, the use of the  
20 Internet as a tool for sending different types of  
21 messages, correct? Was that not part of her evidence?

22 MR. VIGNA: Yes, correct. Mr. Chair,  
23 what I can suggest is that we -- when I ask the  
24 questions, if there is a problem, Ms Kulaszka can  
25 simply raise an objection and then you can actually

1           decide within the concrete context of the question.

2                         THE CHAIRPERSON:   That's what I was  
3 going to suggest too, but what about this part of this  
4 paragraph? Does it trouble you if we just simply  
5 excise this paragraph, and allow you to introduce into  
6 evidence whatever is --

7                         MR. VIGNA:   Which -- from where --  
8 from where to when?

9                         MR. FOTHERGILL:   If it assists you, I  
10 think we would be prepared to proceed on that basis.

11                        THE CHAIRPERSON:   And then you --  
12 through her evidence, if anything's objectionable,  
13 we'll talk it out through an objection --

14                        MR. FOTHERGILL:   Yes.

15                        THE CHAIRPERSON:   -- and get to  
16 exactly what needs to be said, rather than perhaps  
17 allowing this -- as I called it, a bit of a provocative  
18 language.

19                        The mention -- the mention of this  
20 particular respondent, of course, there's nothing that  
21 prevents experts from going to the ultimate issue.  
22 It's not forbidden. It just gives -- it's of little  
23 probative value for Tribunals such as this that are --  
24 don't need that kind of expert evidence to make a  
25 determination on --

1                   MR. FOTHERGILL: Well, certainly, if  
2 I read the paragraphs said to cause difficulty, I  
3 think, from the Attorney General's perspective, the  
4 evidence that was lead in support of the complaint  
5 establishes the same facts.

6                   THE CHAIRPERSON: That's right.

7                   MR. FOTHERGILL: And based on the  
8 jurisprudence that says you don't require experts to  
9 interpret it for you, we would be content to rely on  
10 the facts that have been lead in response to the  
11 complaint.

12                  THE CHAIRPERSON: That's what I  
13 was -- in seeing what was referred to here, this type  
14 of material we saw on the website already, it refers to  
15 different groups and so on. And so at that point the  
16 argument will become, is that free speech or -- and is  
17 it protected? Anyway, we're going to get into the  
18 whole debate there after. No one is -- no one is  
19 hiding what the -- what the content is on the website.  
20 We have the content of the website already in evidence.

21                  MS KULASZKA: Well, certainly, in  
22 this paragraph, what this is about is a comparison with  
23 Stormfront, and that comparison was never made in  
24 evidence. The -- certainly, photocopies of --

25                  THE CHAIRPERSON: Okay.

1 MS KULASZKA: -- Freedomsite were put  
2 in, but there was no comparison made with Stormfront.

3 THE CHAIRPERSON: So if that type of  
4 question begins, you can make an objection at that  
5 point and I think that might be the best way to deal  
6 with it. Can we proceed in that manner, Mr. Vigna?

7 MR. VIGNA: Yes.

8 THE CHAIRPERSON: Oh, Mr. Christie.

9 MR. CHRISTIE: Just so I understand,  
10 the ruling then would be that that paragraph pertaining  
11 to the comparison between the Freedomsite and  
12 Mr. Black's web page would be excised, is --

13 THE CHAIRPERSON: That's what I'm  
14 proposing, and allowing thereafter, the Commission and  
15 the -- the Attorney General to perhaps question some of  
16 these areas carefully and -- and subject to any  
17 objections to be made by the other side if -- if it  
18 enters into areas that are --

19 MR. VIGNA: Just for precision, and  
20 if we take out from "in Canada" which -- page 7 there.  
21 So the last word on next page, 20, would that be  
22 satisfactory for the respondent?

23 THE CHAIRPERSON: That's where the  
24 Freedomsite is -- you know what, Ms Kulaszka, 23 --  
25 footnote 23 is a direct citation from the Stormfront

1 website.

2 MS KULASZKA: Yes, so if it starts  
3 from "in Canada" over to the next page, and "in a  
4 tone", that's fine.

5 THE CHAIRPERSON: I heard "in Canada"  
6 until the end of that paragraph.

7 MS KULASZKA: Correct.

8 MR. VIGNA: Where it says "Canadian  
9 tone", footnote 25.

10 MS KULASZKA: Correct.

11 THE CHAIRPERSON: Is that okay?

12 MS KULASZKA: That -- that's  
13 acceptable to the respondent, yes.

14 THE CHAIRPERSON: Do we have a deal?

15 MR. VIGNA: We have a deal,  
16 Mr. Chair, but can we just erase it by black pen?

17 THE CHAIRPERSON: Yes, for now. I'm  
18 not going to look at it again for now.

19 MS KULASZKA: Because I don't want to  
20 send out to reprint the whole thing.

21 THE CHAIRPERSON: Well, what can be  
22 done is -- in the official -- I just wrote on this one.  
23 That's okay. In the official one, we could  
24 certainly --

25 MS KULASZKA: Do you want to reprint

1           it or do you want to --

2                         THE CHAIRPERSON: To reprint, or I  
3           could just put a black marker over -- over that in the  
4           footnote and then --

5                         MR. VIGNA: I can bring a reprinted  
6           version tomorrow maybe.

7                         THE CHAIRPERSON: All right.

8                         MR. VIGNA: Is that -- is that  
9           agreeable?

10                        MS KULASZKA: Yes.

11                        THE CHAIRPERSON: That's agreeable.

12                        MR. VIGNA: Okay. I have another  
13           preliminary matter regarding disclosure. I've been  
14           made aware that there's a recent addition to the  
15           website, I believe, as of past few days, where --

16                        THE CHAIRPERSON: Which website?

17                        MR. VIGNA: The Freedom site. And  
18           where Dr. Mock is mentioned again. It -- and I would  
19           like to have simply that page -- and not to catch  
20           anybody by surprise, and there is no surprise  
21           whatsoever because I have mentioned it in the  
22           conference calls, and throughout the whole process,  
23           that I will be questioning her on how she felt about  
24           the fact that she was put -- put on the website, and  
25           mentioned in a certain manner, which you will see, in

1 terms of the website.

2 And it's been put in evidence in the  
3 green binder, the contents of the website. But there's  
4 a recent addition that -- there's a photo and  
5 basically, a re-mention of Dr. Mock and the -- the  
6 other experts that are going to come here this week.  
7 So I would like to get a copy of that page, or else  
8 I'll go get it myself. But I will be asking questions  
9 on that, and I think it's relevant, and it's no  
10 surprise to her whatsoever.

11 THE CHAIRPERSON: What I would --  
12 before we get into the details on that -- okay, you are  
13 putting the other side on notice, that you're asking  
14 for this bulletin and -- but I do wish that if anyone  
15 has any control over these things on either side, or  
16 any -- any of the sides, any of the -- in any of the  
17 tables in this room, to not do things that -- that  
18 could influence or affect the evidence of the  
19 witnesses. It's not helpful.

20 Ms Kulaszka? I did mention earlier,  
21 you recall when I -- the gentleman distributed some  
22 leaflets and I --

23 My -- my primary concern is I don't  
24 want any of the evidence of any of the witnesses to be  
25 affected somehow. That is within my jurisdiction here

1 as the person administering the hearing so if anyone  
2 has --

3 MS KULASZKA: I'm not sure what he's  
4 talking about anyway.

5 THE CHAIRPERSON: I'm not sure at  
6 all. Oh, okay. Well, what I -- at a break. Let's get  
7 on with the evidence, please.

8 MR. VIGNA: It's a photo. It says  
9 "Internet Defence Team", and underneath is the  
10 witnesses for this week, and it sort of invites people  
11 to come to the hearing.

12 THE CHAIRPERSON: Okay.

13 MR. VIGNA: And there's a re-hashing  
14 of what was said, which was problematic, about Dr.  
15 Mock. It's a refreshing -- it's a refresh of the same  
16 posting, but put in a more updated context.

17 Now since there's been an issue as  
18 soon as we mention the word "FreedomSite", I want to  
19 make the parties aware that I will be raising it.

20 THE CHAIRPERSON: Well, okay. Fine.  
21 Do you want to call the witness now? Ms Kulaszka?

22 MS KULASZKA: I just wanted to ask  
23 you -- so Dr. Mock, did I get a copy of --

24 MR. VIGNA: There's no binder.  
25 There's a -- the report, the constitutional report, tab

1           7. There's a report and there's a -- I produced a  
2 loose initial report. There's two attachments that I  
3 think you got also, right, hate speech, two pieces of  
4 literature?

5                           MR. FROMM: I want to thank Ms.  
6 Joyal. It was very difficult to find the -- the  
7 Schnell vs. Micka transcripts, but the Tribunal gave me  
8 access to -- to it, and I found the decision by Member  
9 Sinclair in the -- in the Schnell vs. Micka and  
10 Machiavelli & Associates Emprize Inc., and it's -- it's  
11 from the transcript of the 31st of July, 2001.

12                           And both Mr. Micka and I raised the  
13 fact that for the second day in a row, Mr. Schnell, the  
14 complainant, wasn't there. And I offered to provide  
15 your colleague with this after the break, but the --  
16 Member Sinclair expressed concern about that, and then  
17 he -- his ruling was at page 966:

18   "Unless the complainant has a  
19 good excuse, he should be in  
20 attendance and should be here on  
21 time".

22                           And I'll provide you with a copy of  
23 that.

24                           THE CHAIRPERSON: Yes.

25                           MR. FROMM: But that -- but that was

1 member --

2 THE CHAIRPERSON: I looked at it  
3 quickly. I think I will be fair to the other side.  
4 Will Mr. Warman be attending today?

5 MR. FROMM: And -- this is the third  
6 day in a row he's not been here.

7 MR. VIGNA: No, Mr. Chair. There's  
8 no reason for him to attend today. It was very clear  
9 when he left that he was leaving. Nobody raised an  
10 issue until he left, and Mr. Fromm, who is raising it  
11 repeatedly, was here when it was decided he would  
12 leave.

13 Now, I would submit to you that by  
14 not raising it at an appropriate time, he kind of  
15 waived the right to raise it. And secondly, I don't  
16 see the reason why he should be here when we're dealing  
17 with the constitutional issue which -- Mr. Warman is  
18 not here for that purpose.

19 MR. FROMM: Well, actually, what  
20 Mr. Warman said when he announced that -- on the  
21 Wednesday, just at the noon -- beginning of the noon  
22 break, he said, "I'll not be here this afternoon and on  
23 a day-to-day basis after that."

24 The Thursday came, the Friday came,  
25 and he was not here. Here as you see -- and now, and

1           once again, he's not here.

2                           I did not object at the very -- at  
3           that very second because he said "on a day-to-day  
4           basis". And it appears that no -- day has yet met --  
5           met his satisfaction. One of the reasons -- as you  
6           know, we have quite a discussion as to venue. And one  
7           of the reasons for Toronto -- or I guess, Mississauga  
8           is a bit of a compromise but -- was that it was very  
9           important for the -- he said, the inexpensiveness of  
10          accommodations for him.

11                          I know Mr. Lemire, and certainly  
12          myself, would have preferred something more in  
13          suburbia, like Oakville or Burlington or Hamilton. And  
14          this was a point that I know weighed fairly heavily on  
15          your considerations, and in -- I know, in the -- in the  
16          run-up, you were seriously looking at a place in  
17          downtown Toronto that would most accommodate him. And  
18          it was only because I think, the Tribunal staff was  
19          unable to find suitable accommodations because of  
20          conventions or whatever, that we've ended up even here.  
21          He -- he imposed quite a series of concerns and  
22          considerations on the Tribunal, and then he's not here.

23                          THE CHAIRPERSON: I am a little  
24          concerned with that, Mr. Vigna. In a way, I'm almost  
25          tempted to say I've been misled by Mr. Warman.

1 MR. VIGNA: Mr. Chair, I --

2 THE CHAIRPERSON: He made it quite  
3 clear -- when we were setting down a venue, here were  
4 some of his conditions; that it be in the central part  
5 of the city, to enable him to reside during the course  
6 of the hearing, in some accomodation that would -- I  
7 gathered at friends or something, not at a paid  
8 accomodation; that he have access to the facility by  
9 public transit.

10 When we were looking for locations,  
11 when we couldn't find one downtown, do you know how  
12 much time we spent at the office looking to see how  
13 close we would be to public transit? I mentioned it on  
14 the telephone calls. This location is somewhere near  
15 the GO bus location, and last week's was -- was  
16 available through the subway system. These are all  
17 issues that we took into account to accommodate  
18 Mr. Warman, and he's not here.

19 MR. VIGNA: Mr. Chair, I just want to  
20 be practical and concrete here.

21 THE CHAIRPERSON: Yes.

22 MR. VIGNA: What's the prejudice that  
23 Mr. Fromm, as an intervenor, is arguing, other than  
24 disturbing Mr. Warman to be here, just to observe.  
25 Because he's not testifying. He's not even going to be

1 asking any questions, if he'd be here? What is the  
2 real -- let's be real here. What's the real purpose of  
3 Mr. Fromm to demand the presence of Mr. Warman  
4 repeatedly?

5 When this whole issue was asked --  
6 discussed about the location and all that, it was to  
7 try to accommodate all parties, not just one.  
8 Mr. Warman --

9 THE CHAIRPERSON: No, no, but the  
10 move this way, to downtown Toronto and so on, that was  
11 clear -- in my ruling, it was to deal with Mr. Warman's  
12 concerns.

13 MR. VIGNA: But he was here -- we  
14 can't forget he was here for almost two weeks, minus  
15 two days.

16 THE CHAIRPERSON: As a witness for  
17 the Commission.

18 MR. VIGNA: Yes. He was almost here  
19 for two weeks. It's not as if he was here for a day or  
20 two. We -- you know, the expenses that are -- have  
21 been incurred for him to be here all this time.

22 So now, Mr. Fromm, other than, you  
23 know, disturbing Mr. Warman to be here for a useless  
24 purpose, what is the purpose? What is the prejudice?  
25 Let's be real here. Let's -- the respondent lives

1           about -- you know, 15, 20 minutes from here. We're as  
2           close as we can possibly get. If Mr. Fromm can explain  
3           to me the prejudice or the importance --

4                         THE CHAIRPERSON: I don't want to --  
5           I don't want to waste any more time. Mr. Fromm, there  
6           is one thing I want you to note, though. If you look  
7           closely at that decision, I had asked you -- I told you  
8           last time that my -- sort of, it wasn't really a  
9           ruling, but my acceptance of what had transpired last  
10          week was -- was going to stick, but I would be open to  
11          hear -- to see the material from that -- from that case  
12          that you referred to. And I took a quick look at it.

13                         Excerpts were provided to me again by  
14          e-mail. And what I do notice is that the chairperson  
15          at the time, although she did say what you've indicated  
16          there, if you look closer to the next day -- and I'll  
17          give you some time to review the material because it  
18          was just given to you this morning, I understand --  
19          what he was really driving at is that it was in the  
20          complainant's self -- best interest to show up.

21                         This case was going to proceed  
22          without the complainant's presence, it would be perhaps  
23          to his detriment. There was a fair bit of coaxing and  
24          convincing that goes on afterwards, on the part of the  
25          chairperson, to sort of ensure that a fair process

1 takes place.

2 Mr. Warman has decided to not be  
3 here. Any number of objections that he could have made  
4 over the last three days, he has not been able to make  
5 because he's chosen not to be here. And -- and  
6 certainly, you were -- you are aware of the fact that  
7 he was making numerous objections prior to that point.

8 So I mean, this is really where --  
9 what the Tribunal was, I think, trying to convey in  
10 that hearing, that if you don't show up, you won't  
11 be -- you can't complain afterwards about something  
12 that you wanted to occur did occur.

13 I'm mindful of your concerns about  
14 that, but honestly, I'm not at this point -- and I'll  
15 give you the opportunity perhaps to review the material  
16 more closely -- but I don't see where I had -- I have  
17 any authority right now to compel him to show up in any  
18 event. I'm upset at the fact that -- that he has -- I  
19 used the word before -- I feel somehow that I got a  
20 misinterpretation from his part, on his intentions.

21 Certainly, my ruling on venue was  
22 based on the assumption that he would be here. I did  
23 not understand that he would not be here. And -- and  
24 the decision on location was based in a large part  
25 on -- on his concerns. But we -- we need to proceed

1 through this file.

2 MR. FROMM: Well, can I take such  
3 answers down and --

4 THE CHAIRPERSON: Yes, take a --

5 MR. FROMM: -- and re-visit it after  
6 the break?

7 THE CHAIRPERSON: Please, yes.

8 Please look at the second page -- at the second day.  
9 You'll notice that there's a bit of a subtlety there in  
10 what's said by the -- by the Tribunal. Can we proceed  
11 now?

12 MR. VIGNA: Dr. Mock is our next  
13 witness. Can you come to the front, please?

14 In my letter of February 17, which  
15 all parties have, which was the letter that I sent  
16 filing the report, I mentioned the areas of expertise  
17 that we were calling Dr. Mock as.

18 SWORN: DR. KAREN MOCK

19 EXAMINATION-IN-CHIEF BY MR. VIGNA

20 MR. VIGNA: So, Mr. Chair, we're  
21 going to call Dr. Mock as an expert in race relations  
22 and multiculturalism in Canada, applied psychology  
23 including --

24 THE CHAIRPERSON: You'll have to slow  
25 down for me. Expert in race relations?

1 MR. VIGNA: And multiculturalism in  
2 Canada.

3 THE CHAIRPERSON: Hold on. Yes?

4 MR. VIGNA: Applied psychology,  
5 including the psychology of race relations.

6 THE CHAIRPERSON: Applied psychology?

7 MR. VIGNA: Yes.

8 THE CHAIRPERSON: Yes.

9 MR. VIGNA: The psychological impact  
10 of hate propaganda on its victims.

11 THE CHAIRPERSON: Yes?

12 MR. VIGNA: And the phenomenon of  
13 hate propaganda on the Internet.

14 THE CHAIRPERSON: All right.

15 MR. VIGNA: I'll be starting with --  
16 on the resume. It's on tab 7 for -- of the  
17 constitutional binder, Volume 1.

18 THE CHAIRPERSON: All right. And the  
19 other document that you'll be referring to is this  
20 February, 2007 document?

21 MR. VIGNA: It's -- I'll be producing  
22 it later on.

23 THE CHAIRPERSON: Later on? Okay.  
24 So you'll be using tab 7, so we can now produce -- have  
25 we produced these binders?

1 MR. VIGNA: No. For purpose of  
2 identification, I would like to produce binder 1 and 2.

3 THE CHAIRPERSON: Well, no, they will  
4 be entered into evidence, and from that moment on, we  
5 will proceed on the same basis as we've done earlier.

6 MS KULASZKA: I don't have her CV at  
7 tab 7. I've got "Combatting Hate on the Internet."  
8 --- Discussion off the record

9 THE REGISTRAR: Commission Book of  
10 Documents on Constitutional Issue, Volume 1, will be  
11 filed as Commission Exhibit HR-7.

12 EXHIBIT NO. HR-7: Commission  
13 Book of Documents, Volume I

14 THE REGISTRAR: And the Commission  
15 Book of Documents on Constitutional Issue, Volume 2,  
16 will be filed as Commission Exhibit HR-8.

17 EXHIBIT NO. HR-8: Commission  
18 Book of Documents Volume 2

19 THE CHAIRPERSON: Okay, so we're  
20 looking right now in Volume 1, Mr. Vigna?

21 MR. VIGNA: Volume 1, close to end,  
22 there's an 18-page resume. And then there's a one-page  
23 summary of her resume at the end.

24 MR. FROMM: I don't think I received  
25 that.

1 MR. FOTHERGILL: I think there's  
2 another copy attached to Mr. Vigna's correspondence of  
3 February 15th, 2007, which I -- I believe was  
4 distributed to the parties this last week.

5 THE CHAIRPERSON: So that's what  
6 we're looking at?

7 MR. FOTHERGILL: The CV is contained  
8 in that stack of documents as well, at least in my set.

9 THE CHAIRPERSON: So could the  
10 evidence then, if it's possible, refer to that for the  
11 purposes of the CV, and then we'll get around to the --  
12 perhaps Mr. Vigna can get around to distributing copies  
13 later on?

14 MR. VIGNA: You have a copy, though,  
15 Mr. Fromm, in --

16 MR. FROMM: Yes, I do have a copy. I  
17 just don't have the binder but that's --

18 MR. VIGNA: Dr. Mock, can you just  
19 look at your resume, the 18-page resume that you  
20 provided us. And look at it globally and then tell us  
21 if you can recognize it, because the first thing we'll  
22 have to do is produce it in evidence. So flip through  
23 the resume and just tell us if that is your resume,  
24 where it starts with education, all the way to page 18.

25 DR. MOCK: Yes, I have it here.

1 MR. VIGNA: That's your resume?

2 DR. MOCK: Yes, it is. My

3 curriculum --

4 MR. VIGNA: And then there's the

5 one --

6 DR. MOCK: My curriculum vitae.

7 MR. VIGNA: Okay. As well as the

8 one-page summary at the end?

9 DR. MOCK: Yes, biographical notes.

10 MR. VIGNA: Mr. Chair, I'd like to

11 file it as the first exhibit for Dr. Mock on the

12 qualification of --

13 THE CHAIRPERSON: Just the -- just

14 the curriculum vitae?

15 MR. VIGNA: Yes, well we'll --

16 THE CHAIRPERSON: Or the entire tab?

17 MR. VIGNA: We'll go step by step.

18 THE CHAIRPERSON: Okay. So this

19 portion, in my binder at least, follows the -- a little

20 blue sheet, is produced.

21 MR. VIGNA: So Dr. Mock, we'll go

22 through your resume for the purpose of qualification in

23 the areas I mentioned earlier.

24 And I would like you to -- I'd like

25 you to take us through your resume, from the beginning

1 to end, and mostly since the resume speaks for itself,  
2 highlight the key areas of your resume that deals with  
3 the areas of expertise that I've mentioned at the  
4 beginning of your introduction.

5 So start with education, where you  
6 studied and what you studied, et cetera.

7 DR. MOCK: Yes. Well, you'll notice  
8 that it's in reverse order, but my doctorate, just  
9 over 30 years ago, was in the field of applied  
10 psychology, which is the -- the application in practice  
11 of theories.

12 In particular, my specialty was in  
13 the area of educational psychology, which includes:  
14 Learning theory; how is it that people learn, how is it  
15 that their attitudes develop, what is the impact of  
16 information, and, therefore, what kinds of practical  
17 issues and strategies need to be used to ensure that  
18 young children, adults, teenagers, even from early  
19 childhood right up to post-secondary, are able to learn  
20 effectively.

21 My Master's degree was in the same  
22 field, and my Bachelor -- an Honour Bachelor degree in  
23 psychology. Actually, the Honours degree emphasized  
24 behavioristic theory, the issues around the impact of  
25 rewards and punishment, and partial reward and partial

1 punishment on behavior. The M.A. and Ph.D. was in the  
2 area of cognitive developmental psychology, and the  
3 emphasis at the Ph.D. level was, in particular, on the  
4 impact of media, children's television, how is it that  
5 learning takes place via media and so on. So that's  
6 the areas of education.

7 I also have professional  
8 certification as a teacher, and in fact, a major part  
9 of my professional career has been in teacher  
10 education, with an emphasis on development,  
11 developmental psychology, and as a sub-specialty, in  
12 particular, the impact of culture, diversity, race,  
13 ethnicity, on learning and on development, and also  
14 multiculturalism and race relations.

15 My -- I have -- I was registered as a  
16 psychologist, a registered educational psychologist, by  
17 the Ontario Board of Examiners in psychology, as a  
18 professional psychologist in 1978.

19 My additional training included a  
20 post-doc in neuropsychology at Hospital For Sick  
21 Children, and as you see, also additional certificates  
22 in primary education, junior education.

23 I'm also trained as a mediator in  
24 understanding conflict resolution in a race relations  
25 context, and have provided both seminars, and also

1 attended seminars, on race and ethnic relations in the  
2 justice system, and as well, certification through the  
3 International Seminars on Hate and Bias Crime, as part  
4 of the International Training Cadre on Hate and Bias  
5 Crime.

6 MR. VIGNA: You'll find all this on  
7 the first page, under "additional training"?

8 DR. MOCK: Pardon?

9 MR. VIGNA: What you just mentioned  
10 is under "additional training" on the first page?

11 DR. MOCK: Yes, that's right. Part  
12 of my education and certification.

13 MR. VIGNA: International Seminar on  
14 Hate, Bias Crime, Durham Police College, as well the  
15 second inscription there, can you just mention to us a  
16 little bit more about the first three inscriptions on  
17 "additional training", which deal with hate crime?

18 DR. MOCK: In the -- in the mid-90's,  
19 after the various hate crimes units in the province of  
20 Ontario and across Canada, had been set up, they were  
21 part of what we would call the International Training  
22 Cadre on Hate and Bias Crime. And they conducted a  
23 training seminar. People came up from the United  
24 States, from the Attorney General's Department, and you  
25 know, Chicago -- various -- various people, as part of

1           this training team, and from the Toronto Police Service  
2           as well, and Durham Police College, and they mounted a  
3           training seminar on hate and bias crime that took place  
4           at the Durham College.

5                           The -- the symposium on legal  
6           remedies for hate crime, when I was national director  
7           of the League for Human Right of B'nai Brith, I  
8           participated in a several-day symposium, which included  
9           training sessions on hate and bias crime from  
10          international experts, some from Germany, some from the  
11          United States. There was somebody there from  
12          Australia, as I recall.

13                           And so that, you know, I -- I not  
14          only attended as a participant, but also was, you know,  
15          part of the development of the materials, and the  
16          learnings that came from that, as part of my additional  
17          training in this field.

18                           MR. VIGNA: Okay. Can you tell us  
19          about your employment history, starting from 2001, on  
20          page 1, and then going on?

21                           DR. MOCK: Yes. Again, I've  
22          presented in the -- most reason to the -- to the most  
23          distant.

24                           I was appointed by the federal  
25          government in 2001 to be executive director of the

1 Canadian Race Relations Foundation. This is an  
2 arms-length agency, and it -- it was created actually  
3 as -- further to the Japanese Redress Agreement, as an  
4 institution, as an -- as an agency that would document  
5 the history of racism in this country, be a resource  
6 and a facilitator, in order to document the causes and  
7 manifestations of racism. The idea was to ensure that  
8 what happened, or attempt to ensure through education,  
9 through research, through documentation.

10 The reason I was -- I was appointed  
11 to that position was because of my background, as both  
12 a scholar and a practitioner in this field, and the  
13 idea being that we were to promote and assist to  
14 protect the -- the human rights of all Canadians. I  
15 also served there as the principal trainer for the  
16 Education and Training Centre at the Canadian Race  
17 Relations Foundation.

18 MR. VIGNA: And you were the  
19 executive director of the organization?

20 DR. MOCK: Yes, the executive  
21 director and CEO.

22 MR. VIGNA: This was -- this was in  
23 Toronto or --

24 DR. MOCK: Yes. Yes, the office of  
25 the foundation is in Toronto.

1                   MR. VIGNA: Just out of curiosity  
2 this foundation, is it linked somehow with Heritage  
3 Canada, or is it totally independent of Heritage  
4 Canada?

5                   DR. MOCK: It's called one of the  
6 portfolio agencies. You know, the way the museum might  
7 be? But it's different from all their portfolio  
8 agencies, in that it's the only one that doesn't  
9 receive funding from the government on an -- on an  
10 ongoing basis. There's no core funding. It was  
11 created with a one-time endowment that can't be  
12 touched, part -- half of it coming from the Japanese  
13 foundation, half from the government.

14                   And that money needs to be invested  
15 so that the -- that it survives, only from the interest  
16 from that initial endowment, and raising funds; private  
17 donations, regular fundraising, that kind of thing. So  
18 it is -- it is independent, arms-length, and doesn't  
19 receive ongoing funding from the government.

20                   MR. VIGNA: Okay. From 1989 to 2001,  
21 it says you were national director of the League for  
22 Human Rights of B'nai Brith of Canada. Can you just  
23 explain to us a bit what this organization does, and  
24 what was your role as the national director from '89 to  
25 2001?

1 DR. MOCK: Yes, the -- B'nai Brith  
2 Canada is a social service organization. It's a  
3 non-profit private membership organization, a Jewish  
4 organization. And one of its agencies, one of the  
5 organizations under that umbrella, is the League For  
6 Human Rights.

7 It was created as -- as an  
8 organization to combat racism and bigotry in this  
9 country, and its focus is domestic, is the protection  
10 and promotion of human rights for all Canadians; to  
11 expose human rights violations; to expose  
12 anti-Semitism, certainly; to create inter-cultural  
13 dialogue programs, inter-faith programs; also to  
14 participate in joint community action; a real focus  
15 also on educational programs; and it conducts research.  
16 It's also a front-line organization that assists  
17 victims of anti-Semitism and other forms of racism and  
18 discrimination.

19 And my job, as national director of  
20 the League For Human Rights, was to oversee the  
21 programming.

22 I also -- there was a -- we created  
23 something called the Education and Training Centre  
24 because again, doing programs on multicultural  
25 anti-racist education, raising public awareness,

1 mounting public education campaigns on the importance  
2 and value of diversity and the fundamental values of  
3 multiculturalism and human rights in this country.

4 Through that, I was involved in  
5 developing and implementing training programs for the  
6 police, working with the judiciary to raise awareness,  
7 to provide resources. And in general, it was -- I  
8 would have to describe it, if I may, as a very  
9 productive 12 years of association with that  
10 organization.

11 MR. VIGNA: And this organization  
12 deals with human rights? It says "of B'nai Brith  
13 Canada" but it -- from what you were explaining, you  
14 were saying it's an inter-faith organization. Can you  
15 elaborate? As we understand, it's for all types of  
16 faiths?

17 DR. MOCK: The organization itself is  
18 not inter-faith in that sense. B'nai Brith is a Jewish  
19 membership organization, much the same as let's say,  
20 Knights of Columbus is a Catholic organization, or you  
21 might have the social justice arm of the Archdiocese,  
22 you know, so -- so the members of B'nai Brith, it's --  
23 it's a Jewish membership organization.

24 The League For Human Rights isn't  
25 exactly a membership organization, but it's an agency

1           that is supported by fundraising of B'nai Brith and --  
2           B'nai Brith Canada. So the inter-faith aspect of it,  
3           and the multicultural aspect, is that it strives to  
4           educate and counter bigotry and racism or --

5                         For example, I assisted to develop  
6           the Black/Jewish dialogue program, where Blacks and  
7           Jews would work together to counter anti-black racism  
8           or anti-Semitism. I assisted to create the  
9           Muslim/Jewish dialogue at the height of the Gulf War so  
10          that Jews, under the auspices of the League For Human  
11          Rights of B'nai Brith, would speak out against  
12          Islamophobia, and protect the rights of Muslims who  
13          might be harassed by -- by people. And similarly,  
14          Muslims and Arab-Canadians would come to understand  
15          anti-Semitism, and learn to label that, and work  
16          together.

17                        So these are examples of the  
18          inter-faith and inter-cultural -- multicultural  
19          programming that we -- and coalition building --  
20          coalition building, so that like-minded individuals who  
21          want to support the multiculturalism policies, and work  
22          on human rights issues for each other, would have a  
23          vehicle for getting to know each other, learning of  
24          each other's issues, and working together.

25                        MR. VIGNA: I would like you to go

1 through the other aspects of your employment history,  
2 and perhaps focus more on the ones that deal with your  
3 areas of expertise for which you've been called as a  
4 witness today. And I'll let you go through, from the  
5 next one on.

6 DR. MOCK: Well, as you can see,  
7 again looking I guess from the bottom up, my career has  
8 been a progression of -- going from specializing in how  
9 is it that young children, adults, others learn, how is  
10 it that they develop their attitudes, to moving and  
11 applying that knowledge to the understanding and  
12 implementation of techniques to ensure that people do  
13 develop positive attitudes towards human rights, and  
14 those skills.

15 So just prior to working for the  
16 League For Human Rights of B'nai Brith, I spent several  
17 years as a consultant and trainer. I had my own  
18 consulting company. This was in the days of the hiring  
19 freezes in various universities, so after a series of  
20 contractually-limited appointments, myself and a  
21 colleague, Vandra Masemann, who was a cultural  
22 anthropologist, we formed our own firm where we were  
23 able to train others in the area -- and conduct  
24 research.

25 We would put out tenders or you

1 know -- and answer requests for proposal, and were able  
2 to be funded to do this type of work, in research and  
3 training for education, business, criminal justice  
4 system. You'll see there then, the series of  
5 contractually-limited or sessional appointments.

6 I'm just moving down a little bit  
7 because, I guess I would want to look at it in  
8 chronological order.

9 I began my professional career as a  
10 professor in 1975 at the University of Toronto as an  
11 assistant -- a ranked professor at the category of  
12 assistant professor, teaching child development,  
13 adolescent development, and teaching supervision, and  
14 then early childhood education.

15 It's through those programs, and at  
16 that time, that I developed the first courses in Canada  
17 in multicultural teacher education, continued to  
18 consult on a part-time basis, worked for the North York  
19 Board of Education on -- on how to develop  
20 culturally-sensitive assessments, so that there  
21 wouldn't be bias, in even the way psychologists do  
22 their work, always with the view of helping people  
23 understand how to remain completely impartial, but to  
24 ensure that there isn't bias in favour of people from  
25 one culture or another, in terms of their -- of their

1 work.

2 So in other words, I -- the  
3 understanding of the systemic bias, or systemic  
4 discrimination that can exist in communications and  
5 materials and so on.

6 So my entire career, basically, has  
7 been on the application of psychological principles,  
8 psychological theories, educational theories, to the  
9 actual practice of attitudes and opinion change,  
10 development of positive self-esteem in young people so  
11 that they can become more productive citizens. And  
12 also how to integrate effectively immigrants, people of  
13 a variety of racial backgrounds, and the whole  
14 diversity of Canadian society to become fully  
15 participating, functioning members of Canadian society,  
16 with all the rights and freedoms of -- of all other  
17 Canadians. And that's basically what I have devoted my  
18 entire professional career to.

19 MR. VIGNA: '78 to 82', you mentioned  
20 "Developed first course in Canada on multicultural and  
21 anti-racist teacher education". Can you just briefly  
22 tell us a bit about that?

23 DR. MOCK: That's right. When I was  
24 first hired by Ryerson, after working with the  
25 University of Toronto for several years, they asked as

1           one of the courses I would teach, would I teach one  
2           called -- that they had, called "The Child and the  
3           Environment".

4                           And I looked at the curriculum and it  
5           spoke about child care in Russia, child care in China,  
6           and child care in Israel, to show international areas  
7           how the -- kind of child care impacts on children's  
8           development, and what they learn.

9                           Well, I felt that while that was very  
10          interesting and should be part of a course, what I  
11          asked is could I include that in a course that also  
12          included, what is the experience of children and their  
13          families here in Canada, and how does that impact --  
14          you know, are there different cultural child-rearing  
15          practices, how is it that you can assist parents and  
16          children to adapt more effectively to Canadian society,  
17          without violating their own human rights, and honouring  
18          their own backgrounds, so that every child has the  
19          opportunity to develop self-esteem.

20                           And they agreed that I could develop  
21          that curriculum. We called it, "Education in a  
22          Multicultural Society". And based on my research, it  
23          was about how does racism, for example, impact on a  
24          child's development, what does racism look like, how do  
25          teachers, especially at the early childhood level,

1 start to recognize when communications -- when  
2 materials, which they may think are equal, really  
3 aren't, because in fact, they may be presenting bias,  
4 or they may be presenting things that impact very  
5 negatively on a child's self-esteem. Which that means  
6 is that they wouldn't even be putting into practice the  
7 very theories of pedagogy and psychology that they  
8 thought that they were trying to teach.

9           So, to make a long story short, I was  
10 able to write on -- on this, and people began to see  
11 that what -- you know, the way I described it, that  
12 what people learn, what children learn, what  
13 adolescents learn, isn't so much a matter of, you know,  
14 what the instructor or the teacher or the person in the  
15 media thinks that they are learning, because of what  
16 they've put out, but that that varies with their  
17 developmental stage, with what else they already know,  
18 it's the cognitive developmental approach to learning.

19           But it also brings in the humanistic  
20 side, what we want is for every child to have, in fact,  
21 the equal opportunity to develop their full potential  
22 and their creativity. And so that's -- that's why this  
23 course, which helped people recognize bias in materials  
24 or helped them. And how do you access materials that,  
25 in fact, do promote equality and equal rights for all.

1                   MR. VIGNA: This initial impact, is  
2                   that when you speak of "applied psychology", is -- in  
3                   what you're just describing, the word "applied" is --  
4                   how do we have to understand it, when you use it?

5                   DR. MOCK: It -- it means that it --  
6                   it isn't strictly experimental or theoretical. I mean,  
7                   while I had my undergraduate training in that area,  
8                   such that, you know, I learned in a -- in a very  
9                   rigorous way how to conduct quality research,  
10                  well-controlled research, and so on.

11                  So my early training was in  
12                  experimental psychology, but then I was always very  
13                  much concerned with, well, how is it then that you can  
14                  put theory into practice? And that's a -- that's a  
15                  huge challenge.

16                  At the Ontario Institute for Studies  
17                  in Education, they had a department called Applied  
18                  Psychology, where it's very rigorous and it's grounding  
19                  for research, but the educational component, not the --  
20                  not the school psychology component, that would be  
21                  counselling, assessment that sort of thing. No.

22                  My -- the Educational Psychology  
23                  Division of the Applied Psychology Department, was in  
24                  particular, on the application and implication for  
25                  learning theory in child development, to how children

1 learn, and therefore, how you should teach.

2 MR. VIGNA: And in that same vein,  
3 can you look at 1971 to 1974, and explain to us what  
4 was your job as a graduate assistant, part-time, of the  
5 Department of Applied Psychology at OISE. I don't know  
6 what OISE is.

7 DR. MOCK: The Ontario Institute for  
8 Studies in Education, which is the graduate faculty in  
9 education of the University of Toronto.

10 And again, this was in actually my --  
11 you know, you get a teaching assistantship, in order to  
12 try to help fund your way to go to graduate school, and  
13 the professor that I worked with was doing cognitive  
14 developmental research in children's television. How  
15 is it that -- you know, when these programs that were  
16 first developed, Sesame Street and the Electric  
17 Company, to help children learn using media. How is it  
18 that you do get children, in particular, to attend to  
19 the features that you want them to attend to?

20 And I did a very well-controlled  
21 double-blind study, at the same time that I was  
22 teaching part-time. That's what you do when you're a  
23 graduate assistant. So I taught also in the area of  
24 the impact of media in children's television, on  
25 learning, but in this case, it was the program from the

1 television workshop that was trying to -- and again,  
2 here's the key of applied psychology, it's not going to  
3 be a -- it's not going to be research that sits on a  
4 shelf somewhere, but they're going to implement it.  
5 And this was, how do you get children who are very poor  
6 readers and want to avoid reading, to focus on the  
7 print in these programs that are trying to teach  
8 reading.

9                   So my research in cognitive -- built  
10 on what we call Piagetian theory, which is cognitive  
11 developmental research, and my professor, the one that  
12 I worked with, had done some early work on eye  
13 movements, to see where is it that children focus when  
14 they are trying to solve a problem, and how does  
15 learning best occur.

16                   And through my work, where I was able  
17 to vary the variables, like: Is it a cartoon on -- or  
18 is a live person; is the voiceover at the same time as  
19 the print comes up, or is it delayed or is it after;  
20 where on the screen is the print position?

21                   So I did a double-blind study, where  
22 I didn't know if these kids were good readers or poor  
23 readers. Someone else did all of that. And I was able  
24 to measure their eye movements, and study the different  
25 variables in a very controlled fashion, and it helped

1           shape the way -- the Children's Television Workshop  
2           company in New York designed their program called the  
3           Electric Company, so that it could facilitate  
4           children's effective learning from the television. So  
5           it was an interesting time.

6                       MR. VIGNA: Just a -- partly on this  
7           same topic, how important is television as a means of  
8           communication on -- development tool -- psychology of  
9           children in particular, and adults, and people in  
10          general?

11                      DR. MOCK: The research has shown  
12          that the media have been found to be very important,  
13          that children are spending -- I mean, in those days, we  
14          felt that there needed to be courses on media literacy,  
15          for example, and there was study on how is it that  
16          children learn and -- and it built on also social  
17          psychological research that if material looks credible,  
18          the young people will believe it.

19                      The amount of time was increasing  
20          slowly but surely, that children were spending in front  
21          of the television, and -- and it was found to be a  
22          hugely important factor in the way children were  
23          learning.

24                      THE CHAIRPERSON: Just a moment.

25                      MR. CHRISTIE: Begging your pardon,

1 Mr. Chairman. Interesting as this is, I'm wondering if  
2 we'll be having a break at about 11 or -- would that be  
3 possible?

4 THE CHAIRPERSON: We've been having  
5 breaks whenever it was appropriate until now. We  
6 haven't filed a --

7 MR. VIGNA: Do you want a break?  
8 Would you like to have a break? I guess I didn't think  
9 about it too much.

10 THE CHAIRPERSON: In the interest of  
11 the court reporter principally, I will -- I mean --  
12 yes, I forgot, we spent lot of time at the beginning on  
13 to deal with preliminary issues. Okay, so 15 minutes,  
14 if we can.

15 --- Recessed at 11:16 a.m.

16 --- Resumed at 11:32 a.m.

17 MR. VIGNA: We're going to continue  
18 on page 3.

19 THE CHAIRPERSON: Page 3, yes.

20 MR. VIGNA: Dr. Mock, we're going to  
21 continue on page 3.

22 You mention then, from 1969 to 1971,  
23 you were a full-time research officer at the Department  
24 of Applied Psychology, and you mentioned earlier, OISE,  
25 Ontario Institute of --

1 DR. MOCK: For Studies in Education.

2 MR. VIGNA: In Education? Tell us a  
3 bit more about what you did there, and also, I see you  
4 mention there the word you mentioned earlier, Piagetian  
5 theory?

6 DR. MOCK: Uh-huh.

7 MR. VIGNA: What it also means also,  
8 in simple language.

9 DR. MOCK: That's the course, I have  
10 to teach you the course.

11 THE CHAIRPERSON: Based on Piaget?

12 DR. MOCK: Of course.

13 THE CHAIRPERSON: We all did some  
14 college level sociology.

15 DR. MOCK: Well, again, this was  
16 the -- the stage where my education was a little bit  
17 interrupted because I would do my courses, then I would  
18 work, back and forth. So this was the two-year period  
19 where I was in research full-time, an assistant to --  
20 or research officer rather, to a professor whose area  
21 was in particular, Piagetian theory.

22 Piaget, Jean Piaget, is a cognitive  
23 developmental psychologist, and the -- he contributed  
24 significantly to the understanding of how it is that  
25 children learn, and at different stages of their

1 development, and why certain material needs to be  
2 presented in certain ways at younger ages, or may not  
3 have the same impact at an earlier age that it might  
4 have at a -- at a later age.

5 So it's a stage-based theory of how  
6 it is that -- that learning takes place, how is it that  
7 concepts are learned and understood.

8 MR. VIGNA: Okay, and you did this at  
9 the -- were you teaching? You were just doing research  
10 for the -- for the -- I don't know if it's the  
11 university or in a college.

12 DR. MOCK: It's university, and it's  
13 a graduate faculty. And I was a full-time research  
14 officer, so I was doing this research and writing, and  
15 so on, full-time.

16 MR. VIGNA: It's in Toronto?

17 DR. MOCK: Yes.

18 MR. VIGNA: Which university is this?  
19 I never heard of it.

20 DR. MOCK: It's affiliated with the  
21 University of Toronto.

22 MR. VIGNA: Okay.

23 DR. MOCK: It eventually merged with  
24 the Faculty of Education and it's the -- at the time,  
25 it was -- it was affiliated through the Graduate

1 Division of the University of Toronto, but a completely  
2 independent institution. Now it's called OISE/FEUT,  
3 Faculty of Education of the University of Toronto.

4 MR. VIGNA: Okay. Tell us a bit  
5 about -- from 1967 to '68, I notice in your -- you have  
6 "Social Psychology and Education, Propaganda, Attitude  
7 and Opinion Change, Moral and Cultural Development in  
8 Adolescence". Tell us a bit the research you did  
9 there.

10 DR. MOCK: Yes, when I came out of my  
11 undergraduate work, one of the areas, and one of the  
12 professors that I had worked with in my undergrad -- as  
13 a social psychologist, I was always interested in -- in  
14 how is it that social factors can influence whether  
15 attitudes are affected.

16 You know, so for example, such issues  
17 as: Who is the presenter, or how professional does the  
18 material look? You may remember some of those studies  
19 that were done where the exact same material would be  
20 presented in -- let's say, if it were a topic on  
21 science, the exact same material presented in a lecture  
22 by someone wearing a lab coat or someone in plain  
23 clothes, and just the presentation and the costume made  
24 a difference.

25 So similarly the way -- and so when I

1 first started working, I had been referred to this  
2 professor that my undergrad professor knew, and this  
3 was the area. This was the idea of -- again, how --  
4 how, in terms of the way material itself is presented,  
5 can it influence what is or isn't believed. And that's  
6 what I -- that's what I worked on in my research in --  
7 in just that one year, before going back full-time in  
8 the same organization.

9 MR. VIGNA: So are you saying that  
10 looks have an influence on the way people assess --  
11 absorb information or education, the way people dress  
12 will have an impact on the receiver of the information?

13 DR. MOCK: Yes, it can. There are  
14 social factors, or factors that are -- that seem to be  
15 extraneous to the material itself, that impact.

16 So for example, if written material  
17 is presented in a way that looks very academic, or  
18 if -- you know, it has to do with credibility, with  
19 how -- how is it that some information is more believed  
20 than others. And that's what that kind of work is  
21 about.

22 You know, how is -- and again, when I  
23 taught, because it was applied work, I would put these  
24 theories as well into practice. I mean, I -- just to  
25 give you an example. I don't know Mr. Chair, if this

1       would be appropriate, but -- but just to give an  
2       example, I -- when I would walk into my class one day  
3       when I was getting to this topic and -- and I'm  
4       teaching in a -- let's say, an undergrad class, I -- I  
5       walked in and I asked people to stand up and move to  
6       one side, and another group to move to another side,  
7       and I began the lecture. And I turned around and said,  
8       "Why are you standing up?" "Well, because you told us  
9       to." "Well, do you do everything you are told?"

10                       And we then talked about -- well,  
11       because I was the professor, because I had the status,  
12       because I had some authority and -- and some power, if  
13       I told them to do something, they would do it. If I --  
14       and if a student had said, "Get up and stay there and  
15       do that", they wouldn't have.

16                       So the idea that the very same  
17       information, depending on by whom its presented, how  
18       credible they are thought to be, and how professional  
19       the material looks to be or not, can influence  
20       someone's attitude and opinion, or shape their -- their  
21       behavior is very well validated in the research and in  
22       practice.

23                       MR. VIGNA: In terms of awards and  
24       honours, can you just tell us a bit about that, and  
25       perhaps focusing more on the issues dealing with your

1 areas of expertise: Race, multiculturalism and to a  
2 certain extent, applied psychology?

3 DR. MOCK: Well, I -- I have been  
4 very honoured to have received some citations and  
5 honours in recent years. The most recent -- there was  
6 a new -- a museum in Cincinnati built as a museum and  
7 education facility to the Underground Railroad and the  
8 civil -- civil rights and so on. And their selection  
9 committee, unbeknownst to me, selected one hundred  
10 people worldwide to be in a permanent exhibit, honoured  
11 as everyday freedom heroes whose work, whose life's  
12 work reflect the spirit and the values of the  
13 Underground Railroad.

14 And I was not able to go to the  
15 opening, but I said to my friend who was, and who lives  
16 in Cincinnati, "How did it look?"

17 She said, "Well, Karen, I need to  
18 tell you that you are in the same part of the alphabet  
19 as Nelson Mandela." And that kind of blew me away.

20 The other -- the other Canadian who  
21 was so honoured was Kielburger. This young man who has  
22 done work on child labour, and raising awareness in  
23 that way. So this was also because of the work that I  
24 had done in countering -- education for countering hate  
25 crime, and also for my work in countering anti-black

1 racism.

2 And the same year, the Sikh  
3 Centennial Foundation, they have an award called Civil  
4 Liberties Advocacy -- although my work isn't advocacy  
5 per se, that's the award that they give for people who  
6 they would like to honour in human rights, in work for  
7 social justice, basically.

8 And in 2004, because of my work in  
9 general for all groups, I was -- I was honoured by  
10 them.

11 The Employment Equity Council is a  
12 council within the Human Rights Section of the  
13 Ahmadiyyan Movement here in Toronto, in Muslim -- a  
14 Muslim organization, and because of my work in  
15 multicultural education and race relations, I was given  
16 a -- a specific medal, and honoured. Again, these  
17 were -- these are things that came as a surprise. It's  
18 not things you apply for. You're just --

19 MR. VIGNA: What's the word you used,  
20 Ahmadiyya? I didn't quite understand.

21 DR. MOCK: Well, there are various --

22 MR. VIGNA: Can you spell it for --  
23 just for the reporter?

24 DR. MOCK: I'm afraid I would not --  
25 unless I was looking at it, I might -- I would get the

1 "h" in the wrong place. I'm sorry, I -- I can look  
2 that up.

3 MR. VIGNA: Okay, just tell us what  
4 it is.

5 DR. MOCK: But there are different --  
6 you know, as in most religions, there are different  
7 factions or groups, and this is one division of Islam.

8 MR. VIGNA: Okay.

9 DR. MOCK: And again, it was because  
10 of work that I had done in -- even defending the -- the  
11 human rights of Muslims who -- who perhaps -- when I  
12 was with the League of Human Rights of B'nai Brith, for  
13 example, there was a situation where someone was  
14 promoting -- sending around flyers and posters around a  
15 school that vilified Muslims, and so we assisted the  
16 Muslim community to bring a hate charge against that  
17 individual. And also to educate the teachers at that  
18 time, in the '90s.

19 Again, when I was with the League For  
20 Human Rights of B'nai Brith, and a school in Montreal  
21 did not want to allow young girls to wear the hijab in  
22 the school, the League For Human Rights did the public  
23 education and assisted the community there to bring a  
24 human rights complainant so --

25 And similarly, the International

1       Woman's Day Award. The Women's Inter-Cultural Network  
2       is a group of women from all different backgrounds, who  
3       network with each other, work together to -- the way  
4       we -- the way -- the way they say it is, the more you  
5       learn about each other, the more you can dispel the  
6       myths and stereotypes of each other's groups, but also  
7       at same time, you learn really what the differences  
8       are, and how to honour those and respect those, in  
9       keeping with the freedoms in our -- in our country.

10               So these are all related. The Arbor  
11       Award, that's "arbor", as in the emblem of the tree,  
12       which is the emblem of the University of Toronto. And  
13       this was for work that I had done as an alumna in  
14       their -- in their -- they call it the PACRARI, the  
15       President's Advisory Council on Racism and Anti-Racism  
16       Initiatives. That's what it was called. And this was  
17       the volunteer committee that worked to assist the  
18       University of Toronto to develop their equity and  
19       anti-racism policies and initiatives.

20               And the rest, you put down your  
21       awards in a sense -- it's because the post-doctoral  
22       fellowships themselves are quite competitive, you need  
23       to have a scholarly proposal and a -- and a credible  
24       track record in order to receive these various graduate  
25       fellowships.

1 MR. VIGNA: Okay. We'll go to  
2 memberships, and you start off with your current, and  
3 then you can go down in chronological -- you mention  
4 "Hate Crime Community Working Group" --

5 DR. MOCK: Yes.

6 MR. VIGNA: -- "Government of  
7 Ontario".

8 DR. MOCK: Yes.

9 MR. VIGNA: Tell us what that is  
10 about and when time -- what time.

11 DR. MOCK: For this entire past year  
12 actually, it was announced officially on December,  
13 2005, and we submitted the report that was made public  
14 in December, 2006. I was appointed by the Attorney  
15 General of Ontario, and the Minister of Community  
16 Safety and Correctional Services to chair the Hate  
17 Crimes Community Working Group.

18 This is a -- a volunteer group, a pro  
19 bono committee that was asked to, through our research  
20 and through doing consultations and so on, and because  
21 of our expertise -- everyone on the committee -- was a  
22 ten-person committee from all different community  
23 backgrounds, different racial backgrounds, different  
24 professional backgrounds, with some experience either  
25 in service delivery or being members themselves of

1 vulnerable victimized groups by hate crime, by hate and  
2 bias crime.

3 Our task was to make recommendations  
4 on how to improve victim services to victims of hate  
5 propaganda -- hate and -- hate and bias incidents, and  
6 crime; how to also advise on what kinds of priorities  
7 should there be to implement preventative measures, so  
8 this had to do with educational issues and -- and so  
9 on; how to remove some of the barriers to successfully  
10 countering hate and the promotion of hatred, and hate  
11 incidents and hate crime.

12 And so that's most currently -- I'm  
13 continuing that kind of work on a pro bono basis for  
14 now, to advise on the implementation of that -- of that  
15 report.

16 The Women's Inter-Cultural Network in  
17 Inter-Faith Dialogue. Again that's the same group that  
18 honoured me in 1999, but this is a group of women from  
19 diverse backgrounds. The president is Talat Muinuddin,  
20 a colleague and friend in this work from the Muslim  
21 community. And their most recent project, that I'm on  
22 the advisory committee for, is a project where women,  
23 grassroots women who are seniors, grandmothers, are  
24 telling their story for a videotape -- women who have  
25 come to this country, who have made an outstanding

1 contribution in their own quiet way; how did they  
2 integrate, how did they adapt to Canadian society,  
3 what -- what contributions were they able to make, what  
4 problems did they encounter, how did the experience  
5 of -- how did some discriminatory experience impact on  
6 their lives? So this is a -- a wonderful project that  
7 they are doing as a -- as an educational tool for young  
8 children and teenagers.

9                   And the Anti-Racist Multicultural  
10 Educator's Network, I am still quite active in that. I  
11 was a founding member of that organization. It's a --  
12 it's a network of educators who are within the formal  
13 education system - school boards, for example, or  
14 universities, people who are in other institutions,  
15 other organizations that have educational components --  
16 networking together to share resources, information,  
17 effective teaching tools, to pass on the legacy,  
18 basically. You know, people come into this work  
19 without the experience, without the expertise.

20                   How do you learn -- you may be a  
21 member of a group yourself, and you understand what a  
22 human rights violation is to your own group, but how do  
23 you recognize when it's a human rights violation  
24 against another group? And it may even be a group  
25 that, because of the influences in our society, you

1 don't even realize that you have a bias towards. Well,  
2 how do you expose those biases and counter them? So  
3 that's the raison d'etre of that group. And all of  
4 these are completely volunteer organizations.

5 MR. VIGNA: From 1995 to 2005, you  
6 were members of various others organizations. Can you  
7 just go through them briefly? Perhaps you can put a  
8 bit more focus on the first one and the other ones that  
9 are more related to race, multiculturalism.

10 DR. MOCK: Yes. I was appointed  
11 in -- in 2000, by the then Minister of State --  
12 Secretary of State for Multiculturalism, to be chair of  
13 the advisory committee for Canada's preparation for the  
14 World Conference Against Racism.

15 This again was a committee from  
16 across the country of people from all different  
17 backgrounds, and our role was to advise the -- the  
18 officials, also to reach out to NGO -- the  
19 non-government organizations -- the community to  
20 help -- I mean, the -- the lead up to Durban, which is  
21 where the conference was held in 2001, took three  
22 years.

23 But -- but this was -- for the final  
24 year of the preparations, to advise on how to ensure  
25 that everyone had equitable access to any funding that

1           might help them get over there. Or indeed, what should  
2           Canada's priorities be in going to that conference,  
3           of -- to fulfill Canada's obligation as a signatory to  
4           the international UN convention against all forms of  
5           racial discrimination. So that process took -- took a  
6           couple of years.

7                         MR. VIGNA: You were the chairperson  
8           on the Canadian chapter, I would assume, from what I  
9           see here? "Chairperson", it says.

10                        DR. MOCK: There only was one -- one  
11           Canadian advisory committee. This was an initiative of  
12           the government, but they asked -- they invited people,  
13           you know, through a nomination process to assist them  
14           in preparing for this conference and --

15                        MR. VIGNA: How many --

16                        DR. MOCK: Sorry?

17                        MR. VIGNA: How many were on the  
18           committee?

19                        DR. MOCK: I believe there were 24  
20           people on the committee, again from different --

21                        MR. VIGNA: From Canada?

22                        DR. MOCK: All from Canada, from  
23           different backgrounds. But I was also appointed in  
24           that capacity to be on the official Canadian delegation  
25           as an NGO to -- to the PrepComs in Geneva, the

1 preparatory committee meeting in Geneva, and in -- to  
2 the conference itself in Durban in 2001.

3 I think I already explained what the  
4 International Training Cadre on Hate and Bias Crime  
5 was, and the Amino.

6 The Science Centre Advisory  
7 Committee -- when I was with the League for Human  
8 Rights of B'nai Brith, the Science Centre of Ontario  
9 mounted an exhibit, and they had a community-based  
10 advisory committee to ensure that they were not having  
11 this exhibit in a biased way. But it was to help  
12 people understand that even in science there can be  
13 bias, because of the -- dare I say, Eurocentric  
14 emphasis, for example, in academia, or even in the  
15 language that's used where the inventions or -- or  
16 the -- the experience and the scientific conclusions of  
17 one culture might be called folklore, where in another  
18 culture, they are called scientific findings.

19 Or in one culture, we might speak  
20 about the opportunity to tell their story, where for  
21 another cultural group, a dominant group, we might say,  
22 to give their evidence -- and how the language of the  
23 way even scientific -- what science -- what questions  
24 do you ask. This is why it said, "A Question of  
25 Truth". Even the questions you ask can be leading or

1 can be biased.

2 And so I assisted to advise, because  
3 they included information from -- from, you know, how  
4 it is that what happened in Nazi Germany could happen.  
5 Or they also included exhibits. This was the  
6 translation into -- into concrete exhibits, of  
7 difficult scientific concepts. So the -- the notion of  
8 genetics, and the difference in -- you know, what are  
9 the genetic markers that differentiate races.

10 And so we would help, based on our  
11 knowledge both of community -- this is our -- all the  
12 people on the committee from diverse backgrounds and  
13 experience. So based on the knowledge of our own  
14 communities, but also on the basis of our own  
15 scientific expertise, or areas of knowledge, how to  
16 mount these exhibits.

17 So my contribution would have been in  
18 the area of cognitive psychology, and how do you  
19 concretize learning material so that an abstract  
20 concept can be learned. And on the genetic one, there  
21 was this huge -- I'll just give you an example -- a  
22 huge hourglass that rotated with these tiny, little  
23 blue beads in it. And if you looked very closely at  
24 these -- I don't know how many millions of beads were  
25 there because genetics is not my expertise -- but it

1 was -- it was how do you take the number of markers  
2 that there are and -- and show that, but then show  
3 which ones are responsible for race and so -- you know,  
4 for skin colour.

5                   So you would look very closely or  
6 for -- for any -- for the differentiation of the -- and  
7 you would see these, you know, miniscule number of  
8 little red ones there that -- showing in fact how much  
9 more similar we all are genetically, and in every other  
10 way than -- than different.

11                   So that's, in a nutshell, the kind of  
12 advisory work -- the UARR is the Urban Alliance on Race  
13 Relations. Again, how do you share information and  
14 work together to -- to share education and -- and  
15 implement -- and ensure that there's implementation  
16 of -- of our laws, and safety and protection and  
17 security for people who may be victims of racism or  
18 anti-Semitism or Islamophobia, or other forms of -- of  
19 hatred.

20                   I mentioned the PACRARI, the  
21 President's Advisory Committee. That's where the "P"  
22 came in in the short form. I'm a member of the Ontario  
23 board of -- it's now called the College of  
24 Psychologists, as a registered psychologist. It's the  
25 Ontario Board of Examiners that I had to appear before

1 to become registered as a professional psychologist,  
2 and so my membership in the Ontario College of  
3 Psychologists is maintained by an annual fee that makes  
4 me obliged to adhere to the ethics and the -- of the  
5 Ontario Board of Examiners in psychology. So that's  
6 the professional certification.

7 I think -- I hope the rest is -- is  
8 self-explanatory. I mean, because this is a full CV,  
9 I --

10 MR. VIGNA: I'll move on.

11 THE CHAIRPERSON: You know that we've  
12 allocated two days for this witness.

13 MR. VIGNA: Yes, I'll be very -- I'll  
14 move on.

15 THE CHAIRPERSON: So you can just --  
16 direct us to where we need to be.

17 MR. VIGNA: Page 4. Can you tell us  
18 about -- you mentioned earlier about the Canadian Race  
19 Relations Foundation. I guess that's the first  
20 inscription. Is there anything else that you would  
21 like to add on page 4, the top?

22 DR. MOCK: I don't think so. This  
23 was my attempt -- I mean, this is a CV that I've, you  
24 know, used for a long time and just updated, so it  
25 needs -- needs to include everything. And this is a --

1           this is an attempt to show that -- you know, the  
2           educational presentations and -- and the emphasis on  
3           racialized and -- minorities and aboriginal people.

4                       MR. VIGNA: From 1995 to 2000, can  
5           you just go briefly through the different inscriptions,  
6           and regarding the ones that are relevant, in terms of  
7           race and human rights and psychology to a certain  
8           extent. You've outlined a few in your notes, I  
9           believe. Can you just give us the highlights?

10                      DR. MOCK: Yes, that -- in the late  
11           nineties, the mid to the late nineties, I -- my  
12           services, my training services and expertise in this  
13           area of how do you recognize the telltale signs of hate  
14           and bias in materials and in behaviors, was sought by  
15           many organizations and institutions and professionals  
16           in the field who needed that training. So there's a  
17           list of some of them who -- for whom I provided that  
18           kind of service.

19                      In the area of hate on the Internet,  
20           for example, through my work at the League for the  
21           Human Rights of B'nai Brith, where part of my work was  
22           to monitor and become aware of what is happening, and  
23           how are people disseminating hatred, you know, in an  
24           attempt, of course, to expose it and to stop it. The  
25           Internet -- we flagged that the Internet was an

1 increasing way that hate propaganda was being  
2 disseminated throughout this country and worldwide.

3 And so again, my services were sought  
4 by various organizations and institutions to bring  
5 educational awareness, including, you know, up to the  
6 level of the Canadian Association of Chiefs of Police  
7 and various police services.

8 MR. VIGNA: What's the symposium on  
9 legal remedies for hate crimes? You mentioned in  
10 that -- close to the -- a bit lower than the middle.

11 DR. MOCK: Yes, in -- in 1994, as the  
12 national director of the League For Human Rights, I  
13 suggested it would be a good idea if we hosted and  
14 convened an international symposium, because many of  
15 the police were not sharing intelligence with each  
16 other. You know, this work is very  
17 jurisdiction-oriented, but again, with the advent of  
18 the Internet, hate knows no boundaries, is the way we  
19 described it.

20 And so it was a question of  
21 education. This was an educational seminar and  
22 training to make community people aware of what was  
23 happening, to provide an opportunity for people to  
24 learn from people from other countries, of what they  
25 were doing about it. And -- and so we were actually

1 quite commended by community, by government, by police  
2 for convening this, the first international conference  
3 in Canada of its kind, so that we could develop  
4 educational materials and work to counteract it.

5 MR. VIGNA: Okay, I won't go through  
6 every inscription on the -- page 5. It speaks for  
7 itself, unless there is something specific you would  
8 like to refer us to.

9 DR. MOCK: No, really this is just  
10 the details for -- I mean, I need to use my CV, for  
11 example, when people are wanting to -- to engage my  
12 services, especially now that I'm a consultant. Or if  
13 a -- when I'm asked to deliver an academic lecture,  
14 usually or -- you know, the -- an organization or  
15 institution will want to see, you know, what is a  
16 sample of all of the different presentations that  
17 you've made. So that's why I chose to summarize it in  
18 this way. Some people even go into more depth and put  
19 every single presentation with every title and I -- I  
20 just didn't --

21 MR. VIGNA: Okay, I'll move on --

22 DR. MOCK: I just didn't feel that  
23 that's necessary.

24 MR. VIGNA: I'll move on on page 6.  
25 I guess it is self-explanatory. And then I'll go to

1 page 7, where I'd like to a bit more -- focus, research  
2 and project grants.

3 DR. MOCK: Well, again, this CV dates  
4 back to -- I mean, you just keep updating it, but it  
5 dates back to, you know, when you apply for grants  
6 or -- you know, for academic grants or for grants for  
7 an organization, the funding agencies, in order to make  
8 sure that you -- you know, you know how to manage funds  
9 and it will be done in a way that is completely  
10 accountable, and that the funds will used for what they  
11 are supposed to, it's customary to list the kinds of  
12 grants that you have received, or for which you have  
13 been principal investigator, or that you have assisted  
14 organizations to achieve, and -- and to show the  
15 caliber of your ability to administer in a non-profit  
16 organization, these kinds of funds. And so that's why  
17 they are all listed there.

18 MR. VIGNA: These funds, just out of  
19 curiosity, are they amounts that are given to the  
20 organization, or are they amounts given to you, what  
21 you --

22 DR. MOCK: They're amounts given to  
23 the organization so that -- actually, there are three  
24 here, one, two -- starting the third bullet up from the  
25 bottom, the "Childcare Needs of Cultural and Racial

1 Minorities", the "Bibliography of Race Relations  
2 Materials and Resources", and the "Survey of School  
3 Board Policies on Race and Ethnocultural Equity".

4 Remember I mentioned that I had a  
5 small consulting practice with Vandra Masemann. Those  
6 three were based on contracts or grants that were  
7 received under the auspices of that organization.  
8 So -- so that would have been my consulting firm.

9 But out of that, one then would use  
10 it to pay the -- just like a university or anyone that  
11 receives a grant or any company that receives a grant.  
12 It's used to pay for the -- you know, accommodation,  
13 transportation, you know, the research assistant,  
14 whomever.

15 But all the other -- are either the  
16 Ontario Multicultural Association, like the ones at the  
17 bottom there, or the League for Human Rights of B'nai  
18 Brith, non-profit organizations that -- and the -- and  
19 the grants are used. None of it comes to me,  
20 personally, but only to actually support the work.

21 MR. VIGNA: I'll bring you to page 8,  
22 where you talk about publications and research reports.  
23 There's quite a few, but in terms -- for brevity of --  
24 for the purpose of your qualifications, can you just  
25 direct us to the ones that deal more with issues

1       dealing with hate, applied psychology, the  
2       psychological impact of hate, and the means of  
3       communications, et cetera.

4                   DR. MOCK: Okay. Because they are --  
5       they're listed from the earliest to the latest, the  
6       very first one was the -- it's not often that an  
7       undergrad thesis is actually published. This was my  
8       undergrad thesis.

9                   The -- the person whose name is first  
10       was the grad student who was part of this, and assisted  
11       me with the publication, and I was too naive then to  
12       know that if you were actually -- if you are actually  
13       the one who did the research, your name gets to go  
14       first. But anyway, that's another story.

15                   But this was -- I had mentioned to  
16       you this whole issue of punishment, and reward and  
17       punishment. So my area in working under the auspices  
18       of Abraham Maslow, who is one of the top behaviour --  
19       you know, in expertise on -- on rewards and the effects  
20       of it on behavior. That was what that was about. But  
21       I haven't been involved in that area for years.

22                   The -- the entire rest of the page is  
23       early work that I did and -- and I mentioned to you on  
24       the impact of media on children's television, early  
25       childhood education; multicultural childhood education;

1           you know, how the diversity of the materials -- and you  
2           know, how you recognize bias in materials, and -- and  
3           these were -- most of these are -- are written for  
4           scholarly publications, in referee journals, or were  
5           publications that I did as part of the product of one  
6           of these grants or -- or others.

7                                So the whole page 9, the -- you know,  
8           the first half of the page is of the late eighties.  
9           It's about instincts -- about dealing with  
10          institutional discrimination in employment and in  
11          service delivery primarily, and issues of multicultural  
12          and anti-racism, or race and Ethnocultural materials.

13                               You can see further as -- as my  
14          career developed from the nineties, the early nineties,  
15          and of course, this would coincide with my employment  
16          and my obligations under the League for Human Rights of  
17          B'nai Brith. But that is when -- even though I had, of  
18          course, for years been working on this from a -- from a  
19          more educational or scholarly perspective, the idea of  
20          now publishing in the area specifically of combatting  
21          hate, of -- of hate propaganda. So all the rest of  
22          these articles --

23                               MR. VIGNA: Page 10, I notice --

24                               DR. MOCK: -- get into the issues of  
25          hate on the Internet and -- and so on.

1                   MR. VIGNA: Can you just tell us  
2 briefly, per the description on page 10, "Seen on the  
3 Internet", what that dealt with, briefly?

4                   DR. MOCK: Yes. Ken McVey and I did  
5 a small joint publication in -- in our package on  
6 selected readings on hate on the Internet. It was a  
7 publication of the League for Human Rights of B'nai  
8 Brith. Ken McVey is someone who's been recognized with  
9 the Order of British Columbia in B.C., a non-Jewish  
10 researcher who was incensed when he -- because he's a  
11 World War II history buff, and way ahead of his time in  
12 the use of the computers, even in the early eighties,  
13 but became incensed with the advent of these bulletin  
14 boards and chat rooms.

15                   And he was a discussion group on --  
16 on history and World War II, and it was the first  
17 encounter with someone joining up on one of those  
18 groups, and there was Holocaust denial track that was  
19 posted, and he looked at it apparently, and he thought,  
20 "Hey, wait a minute, that doesn't sound right", and  
21 went to get a book in his library and came back and  
22 said, "Well, here's the rest of that quote from  
23 Goebbels," or whoever. You know, the out of context,  
24 the -- the attempts to discount what the historians  
25 were saying.

1                   And that just planted the seed in him  
2           that it was -- he needed to counter Holocaust denial,  
3           anti-Semitism, hatred, with the truth. And so out of  
4           that was born the Nizkor, and so he and I, who kind of  
5           initially got to know each other also via the Internet,  
6           did this joint article.

7                   And later, I developed some of that  
8           into a book chapter, for example. I think that's down  
9           in 2000, "Hate on the Internet" is an article that I  
10          did in an international textbook. And also there's a  
11          couple of other book chapters that are -- that are  
12          presented there.

13                   MR. VIGNA: In 2002, the bottom of  
14          the page?

15                   DR. MOCK: That one? Well, if you'll  
16          notice, in 1999, I was asked by the Tel Aviv  
17          University, they have a -- an anti-Semitism  
18          international documentation project, to explain to the  
19          international audience the legal/legislative remedies  
20          and realities in Canada, the way an international  
21          audience might understand, with -- you know, what does  
22          the constitution say; what -- you know, what -- what  
23          international covenants have we sign onto and so on.

24                   And so, in 2002, I was asked to  
25          update that article by the Centre For Research Action

1 on Race Relations, and present in a -- in a post-W.  
2 Carr and post-9/11 environment what -- at this national  
3 roundtable, I prepared documents, a publication for  
4 them that they disseminated to the roundtable, as  
5 background that helped lead towards Canada's action  
6 plan against racism.

7 MR. VIGNA: Page 10. I guess it's  
8 pretty much in the same perspective. Then page 12 you  
9 were invited to a certain number of workshops and  
10 presented papers. Just go briefly through the list and  
11 focus on the ones that deal with multiculturalism, hate  
12 and Internet.

13 DR. MOCK: Well, certainly anything  
14 prior to 1983 probably doesn't have the word "hate" in  
15 it. I've just got to review this for a minute.

16 Again, these are -- rather than  
17 actual referee publications or formal reports, these  
18 are presentations, and leading to various size  
19 audiences. So I'm -- I mean, you know, you can see  
20 there's areas of -- that deal with violence.

21 There's -- 1980, the expectations  
22 versus reality. What are the experiences of parents,  
23 children -- teachers and children in a multicultural  
24 society, what's the developmental rationale for  
25 multicultural early childhood education.

1                   Again, here's where you tie in the  
2                   ages and stages of child development.  And -- and why  
3                   you need to ensure that there isn't bias in the  
4                   materials, and taking both a cognitive and a humanistic  
5                   approach.  The kinds of materials that will not  
6                   negatively affect children's self-esteem and their  
7                   moral development.

8                   So you don't want children of  
9                   minority groups to learn negative stereotypes about  
10                  themselves, but then neither do you want children in  
11                  dominant groups to learn that others are inferior, or  
12                  to develop stereotypes.  So that's what those  
13                  presentations and training programs were about, how you  
14                  would create an effective multicultural environment.

15                  MR. VIGNA:  I'll let you go through  
16                  the pages until page 17.  And just let us know if  
17                  there's anything that -- more important or a focus, and  
18                  then we'll go to page 17.

19                  DR. MOCK:  Think at the bottom of  
20                  page 15.

21                  MR. VIGNA:  Ontario Race Relations  
22                  Directorate?

23                  DR. MOCK:  Yes, it was then called  
24                  the Ontario Race Relations Directorate.  The Ontario  
25                  government had an entire department that was dedicated

1 to recognizing incidents of racism, dedicated to  
2 implementing the race relations policy of the  
3 government of Ontario. Also assisting vulnerable  
4 groups.

5 And they themselves hired me as a  
6 training specialist to help them standardize their own  
7 definitions, their own materials, because their own  
8 consultants had varying ideas. And so to have a  
9 consistent message, and make it in keeping with both  
10 Ontario law and federal law, I was asked to come and  
11 basically train the trainers and develop a training of  
12 trainers program, so that they could then go out and  
13 train others.

14 And this also lead to work where they  
15 were able to understand, for example, what is  
16 anti-Semitism. In those days, we didn't use the word  
17 "Islamophobia", but, you know, how do you recognize the  
18 signs of racism or totalitarian thinking, or you know,  
19 working with vulnerable groups.

20 And also new and emerging  
21 communities. What skills do they need to protect  
22 themselves, and also to work effectively with police --  
23 with police and with others. So this is all related  
24 to -- to that kind of work.

25 You'll notice that I was hired or

1 invited --

2 MR. VIGNA: Page?

3 DR. MOCK: -- on page 16, by other  
4 ministries in other provinces as well.

5 MR. VIGNA: Okay, we'll go to page  
6 17, where it says, "Summary of Experience and  
7 Educational Training", and I'll let you speak to the  
8 different ones that deal with reaction to anti-Semitism  
9 and Islamophobia, which you have -- testified in part,  
10 and the other mentions you have here regarding the  
11 topics and papers.

12 DR. MOCK: Uh-huh, uh-huh. Again, I  
13 kind of have these topic areas in -- in reverse order,  
14 so that the -- the top one is the most recent kind of  
15 programming. But I was asked by the HRSDC, the federal  
16 organization in human resources, to prepare  
17 materials -- this is while I was with the Canadian Race  
18 Relations Foundation, so -- on how do you create and  
19 maintain a racism-free workplace? Because they were  
20 developing, under the auspices of the action plan  
21 against racism, how do they assist employers to  
22 recognize both systemic and overt bias and racism. So  
23 I assisted them to help employers see where they could  
24 get -- raise their awareness.

25 The second one is a program that I

1           have developed in conjunction with my long time friend  
2           and colleague, Zubeeda Vaheed, who is the past  
3           president of the Federation of Muslim Women of Canada.  
4           And she and I do several workshops a year in colleges  
5           and universities and high schools, and various other  
6           audiences, on how do you actually recognize  
7           anti-Semitism and Islamophobia.

8                           And it is extremely powerful to me as  
9           a Jewish person to be saying to an audience, some of  
10          whom -- you know, because of the nature of today's  
11          world, may be hostile towards Jews, I'm the one who's  
12          explaining to them, how do you recognize Islamophobia,  
13          and what should you do about it. And Zubeeda talks  
14          about how you recognize when political discourse  
15          crosses the line into anti-Semitism.

16                           And then we work together, sometimes  
17          for two hours, sometimes for three hours, sometimes for  
18          a whole day, with people to assist them to say -- to  
19          see that if you really do believe in human rights and  
20          in the values of multiculturalism in this country, as  
21          by the way, many of the people in the audience who want  
22          to defend their rights and want to denounce the rights  
23          of the other, they -- they believe that they are saying  
24          that in the interest of -- of protecting their own  
25          group and vilifying the other.

1                   However, to do that, and by the end  
2                   of our sessions, they see that, you know, if there is  
3                   bias in the media against their own group, and so they  
4                   are very upset about it, why would they believe what it  
5                   says about the other group, what it confirms there, why  
6                   isn't that the same -- why wouldn't they think that  
7                   that same media might be being biased about that group?

8                   So it's the way of getting people to  
9                   put themselves in the other shoe, and take a stand  
10                  against terrorism when it is really terrorism, and to  
11                  denounce violence and to denounce unlawful practices,  
12                  and at the same time, assist activists -- let's say you  
13                  might have a Muslim group that wants to be activist and  
14                  protect the rights of Palestinians. Well, how do you  
15                  help that group understand how to do that and how not  
16                  to have the discourse cross the line into anti-Semitism  
17                  and vilification of the Jewish people?

18                  That legitimate discourse, legitimate  
19                  political discourse criticizing the policies of a  
20                  country, a government, whatever -- absolutely.  
21                  Fighting for human rights for all people -- absolutely.

22                  In this country, and if you so  
23                  desire, you know, in other countries as well, but never  
24                  by vilifying or promoting hatred against the other. So  
25                  that's where these kinds of workshops happen.

1                   The -- the understanding of the  
2           difference between a hate group, and you know, groups  
3           that try to look more legitimate by linking themselves  
4           to what we might call, for want of better language just  
5           because it's in the vernacular, "right-wing thinking".

6                   So that's what the second one is  
7           about. And, again, hate on the Internet, I -- you  
8           know, I think -- I'm hoping that these are fairly  
9           self-explanatory and if there's anything that --

10                   THE CHAIRPERSON: Just on --

11                   DR. MOCK: -- Mr. Chair, that you  
12           that are not --

13                   THE CHAIRPERSON: Well, when you say  
14           "hate on the Internet" what exactly do you -- these are  
15           regarding seminars and training, right? So what do the  
16           training seminars on hate on the Internet involve, that  
17           you are involved with? What -- this item number 4  
18           here?

19                   DR. MOCK: On page 17?

20                   THE CHAIRPERSON: Yes.

21                   DR. MOCK: Okay. When I would do a  
22           workshop in an education facility, let's say, or for  
23           police or -- or whatever, this would be -- first of  
24           all, I would take them through -- again, using what I  
25           would call very effective teaching technique, so it's

1 not just lecturing, it's -- you know, I might, these  
2 days, have a PowerPoint presentation, that first of  
3 all, would help people understand what is hatred. You  
4 know, what are the definitions, what are the -- let's  
5 say if it's police, I might be looking at you know,  
6 Criminal Code definitions, you know, what are our  
7 obligations under international law, et cetera.

8 So it's -- it's a combination of --  
9 of understanding, first of all, what is hatred and  
10 what -- what -- the definition of you know, hatred and  
11 contempt and so on, according to many of the resources.

12 By the way, you know it's -- where I  
13 don't have the expertise -- I will work, let's say,  
14 with a police officer or with a constitutional expert.  
15 I might convene this workshop but I will bring in  
16 others to present according to their areas of  
17 expertise.

18 But then we will -- I will speak  
19 on -- on, you know -- I might put up the symbols.  
20 People wouldn't understand what the symbols even are.  
21 How would they know that, you know, if there is a  
22 website that, you know, has various symbols, and  
23 saying, "This is your tattoo that you should wear" and  
24 so on. How do you start to recognize these telltale  
25 signs, that there might be affiliations with -- you

1 know, or rather, you know, the promotion or  
2 vilification.

3 You look at the cartoons that are up  
4 on these websites. You look at -- you know, you look  
5 at the ones that are either right out of Der Stormer  
6 and -- and Nazi propaganda, or variations of -- of  
7 that, and how -- and how do you -- how do you navigate  
8 that?

9 And by the way, it's also about --  
10 these are also educational seminars on -- on how do you  
11 make sure that you have the kind of curriculum in  
12 schools to counter that so that you can help young  
13 people see where they are actually being lied to by  
14 people who are putting these up, and what is Holocaust  
15 denial and -- and so on. That's -- that's the gist of  
16 that kind of training.

17 THE CHAIRPERSON: Mr. Vigna had  
18 suggested that part of your expertise is the  
19 psychological impact of hate propaganda on its victims,  
20 and the phenomenon of hate propaganda on the Internet.  
21 What relates to that here in -- in this material?  
22 Mr. Vigna, if you would like to elaborate -- direct  
23 yourself, but I think it's important that you --

24 MR. VIGNA: Focus on the years  
25 that --

1 THE CHAIRPERSON: -- tell us where --

2 MR. VIGNA: Dr. Mock, in relation to  
3 the question the member has asked regarding the  
4 psychological impact of hate propaganda on its victims,  
5 in relation to your resume, can you tell us where you  
6 have acquired that expertise?

7 DR. MOCK: Well, yes, certainly in --  
8 in terms of what I -- what I went over, if I look back  
9 and say where did I acquire that expertise? It's on --  
10 it's on understanding, you know, how material impacts  
11 on the development of self-esteem and -- and so on. So  
12 I think I covered that. If you are looking at this  
13 list -- unless, I mean -- unless you'd like --

14 MR. VIGNA: This list and the --

15 DR. MOCK: -- more elaboration. If  
16 you are looking at this list on page 17, for example,  
17 victim impact of hate-motivated crime, I show that  
18 for -- in an earlier part of my resume, where for  
19 the -- the Commission, the Royal Commission on Systemic  
20 Racism in the Justice System, the Province of Ontario.  
21 I did a study when I was with the League for Human  
22 Rights of B'nai Brith, on what is the actual impact on  
23 the victim. Like, how do victims feel?

24 And I documented when -- when  
25 there's -- there's racism and hatred and crime, based

1 on the prohibited grounds of discrimination against, I  
2 think there were seven groups that we worked with, and  
3 interviewed and -- and studied the victim impact on  
4 Aboriginal people, on black people, on Asian, on  
5 Jewish, on Muslim, and so on, on gays. So that was the  
6 study on victim impact of hate motivated crime.

7 The -- the nature and extent of hate  
8 and hate propaganda and -- and how that affects people.  
9 Victims, perpetrators, bystanders and activists, you  
10 know, what is it? Because really the victims -- when  
11 we say even "victims" of hate propaganda, my work has  
12 looked at not only the impact on the vulnerable groups  
13 who might be vilified, or the racialized groups or the  
14 marginalized groups, the ones who are covered under the  
15 prohibited grounds of discrimination, you know, in  
16 terms of race, creed, religion, et cetera, but also,  
17 what is the impact on perpetrators, or society at  
18 large? And how does hate propaganda create disunity in  
19 society?

20 You know, what is the connection  
21 between hate crime or -- or hate propaganda and  
22 violence, and some documented cases in that regard?

23 So that's -- that's very much what --  
24 what some of that work was about, and studies that we  
25 have done.

1 THE CHAIRPERSON: That's your work --  
2 you've done research in this area?

3 DR. MOCK: Pardon?

4 THE CHAIRPERSON: You've done  
5 research in this area?

6 DR. MOCK: Yes. And in fact --

7 MR. CHRISTIE: The page for that  
8 reference, please, if I may?

9 MR. VIGNA: 17.

10 THE CHAIRPERSON: 17 I believe we  
11 were looking at.

12 DR. MOCK: I'll have to go back to  
13 the publication list as well. In combatting hate --  
14 Canadian --

15 MR. VIGNA: What page?

16 DR. MOCK: Page 9. I'm looking at  
17 the publications now --

18 MR. VIGNA: Uh-huh.

19 DR. MOCK: -- that are based on the  
20 research:

21 "Combatting Hate: Canadian

22 Realities and Remedies";

23 "1992 - Hate Propaganda: Fact

24 From Fraud";

25 "1993 - Victim Impacts of

1 Racially Motivated Crime";  
2 "1996 - anti-Semitism in Canada  
3 Today: Realities, Remedies and  
4 Implications For Anti-Racism;  
5 1996";

6 Also, "The Nature and Extent of  
7 Racism and Hate Activity in Metropolitan Toronto".

8 THE CHAIRPERSON: So --

9 DR. MOCK: And -- and again these  
10 chapters in '97, the -- for the "Referee Journal",  
11 "Canadian Social Studies", "Hate on the Internet", and  
12 the book chapter.

13 MR. VIGNA: So it's --

14 DR. MOCK: If I might add -- I'm  
15 sorry -- the recent research for the entire year, this  
16 past year that I oversaw and participated in for the  
17 Canadian -- for the Ontario Hate Crimes Community  
18 Working Group included extensive focus groups and  
19 extensive research with victims -- individual victims,  
20 but also people who work with victims.

21 And there's -- there's an entire  
22 volume of the results, as in how do people feel when  
23 they are -- and what is the effect, even on their  
24 behavior, when they are at the receiving end of hate  
25 propaganda, as well as an understanding of how it does

1 contribute to violence and to disunity in society.

2 MR. VIGNA: When you talk about  
3 individual victims, in comparison to the victims that  
4 are a member of the certain group, can you tell us a  
5 bit whether it's only individual victims that are  
6 impacted by hate on the Internet or also members of  
7 different groups or communities?

8 MR. CHRISTIE: If it please you, sir.  
9 I think that we're at the qualification stage, and what  
10 the last question invited was an opinion.

11 THE CHAIRPERSON: Thank you,  
12 Mr. Christie. That's true, Mr. Vigna.

13 MR. VIGNA: It was a result of  
14 something she was --

15 THE CHAIRPERSON: Focus on the  
16 studies.

17 MR. VIGNA: Okay, I'll continue on  
18 the studies. I don't want to sidetrack too much. But  
19 it was as a result of that --

20 MR. CHRISTIE: I understand how it  
21 happened but --

22 MR. VIGNA: Okay, that's fine. In  
23 regards to the studies, can you continue on  
24 elaborating more on the various studies that always  
25 relate to the four items of your areas of expertise:

1 Hate on the Internet, and the psychological impact;  
2 race relations, I guess you've -- you've spoken about  
3 it abundantly; and the phenomenon of hate propaganda on  
4 the Internet; as well as various literature you've  
5 read. And later, I'll be referring you to some tabs,  
6 in terms of your familiarity with various literatures.

7 DR. MOCK: Um-hum. Well, in  
8 particular, starting on page 9, as I mentioned, the  
9 ones on hate propaganda, the ones on combatting hate.  
10 Victim impact of racially motivated crime, in  
11 particular, that was a year-long study with seven  
12 different marginalized and racialized groups, on what  
13 was the impact to them on -- on racism and -- and hate,  
14 and being on the receiving end.

15 THE CHAIRPERSON: When you refer to  
16 "racially motivated crime", was it focused only on  
17 crime or on violence, or was it broader than that, the  
18 impact?

19 DR. MOCK: Broader. It is broader.  
20 And the point that you make actually was very strongly  
21 emphasized in this whole year's work that we've just  
22 done, that -- that even though -- that sometimes  
23 something that isn't considered a criminal act,  
24 according to the Criminal Code, still does, I guess you  
25 can say in -- in quotations, "violence", you know,

1           albeit it may not be physical violence to a victim, in  
2           terms of their psychological impact, and so --

3                         THE CHAIRPERSON:  You are referencing  
4           the study -- the ongoing study you've been doing with  
5           the Ontario group or your other --

6                         DR. MOCK:  I'm referencing both.

7                         THE CHAIRPERSON:  Okay.

8                         DR. MOCK:  I'm referencing both,  
9           because -- because we were looking at -- at victims,  
10          and people who either approach the criminal justice  
11          system, or speak about what you might call also "hate  
12          incidents" that -- that might not meet the threshold of  
13          criminal activity.  So they told us, you know, about  
14          their feelings and about how it impacted on their  
15          behavior.

16                        The reason, by the way, that the --  
17          that this year's study is not included in the CV --

18                        THE CHAIRPERSON:  Yes?

19                        DR. MOCK:  -- is because this was  
20          submitted before that report was made public.  It was  
21          just made public in --

22                        THE CHAIRPERSON:  Do we have a copy  
23          of that study or is this -- okay, can you at least  
24          reference to me exactly what the new study is called?

25                        DR. MOCK:  I've just got the final

1 draft here, but we certainly could produce for --

2 THE CHAIRPERSON: You've referred to  
3 it a number of times --

4 DR. MOCK: But it's called -- it's  
5 called "Addressing Hate Crime in Ontario". And the  
6 subtitle is "Report of the Hate Crime's Community  
7 Working Group".

8 THE CHAIRPERSON: And this is a  
9 working group that has been -- that has received a  
10 mandate from the Ontario government?

11 DR. MOCK: Yes, its work is completed  
12 now, as a group. It -- and I chaired that committee  
13 and did a fair amount of the overseeing of the  
14 research, participating in the research, and a fair  
15 amount of the writing of the study.

16 MR. VIGNA: That's what you mention  
17 at page 3, where it says "Currently: Hate Crime  
18 Community Working Group - Government of Ontario"?

19 MS. MOCK: Yes.

20 THE CHAIRPERSON: Page 3?

21 MR. VIGNA: Of the resume.

22 THE CHAIRPERSON: Oh, yes, the "Hate  
23 Crime Community Working Group - Government of Ontario".

24 MR. VIGNA: So this report you're  
25 mentioning is in relation to that group?

1 DR. MOCK: Yes. And in there, we do  
2 make the distinction between, you know, hate incidents  
3 and hate crime, and that we -- we interviewed also  
4 victims of -- who were in receipt of hate propaganda or  
5 hate -- hate mail, and -- and how that made them feel,  
6 or alter their behavior as a result of it.

7 MR. VIGNA: Does it look at the --  
8 whether the form of communication of the hate is in  
9 literature or in Internet or some other form of --  
10 vehicle of communication?

11 MS. MOCK: Not specifically as a  
12 variable for studying, but it did come up that people  
13 were increasingly concerned about the proliferation of  
14 hate on the Internet. But we didn't study it as a  
15 specific variable. You know, what is the difference if  
16 it's communicated this way or that way?

17 MR. VIGNA: But in -- in a more  
18 global sense. That's -- as I understand from your --

19 DR. MOCK: That's right. In the more  
20 global sense of, what is the impact of racism,  
21 anti-Semitism, Islamophobia, you know, the -- the  
22 promotion of hatred, the climate of -- of hatred and  
23 contempt that might impact on your development, on your  
24 behaviour.

25 MR. VIGNA: I note at page 17, that

1           you have an inscription called "Hate Groups in Canada  
2           and Their Links to the Far Right". Can you mention  
3           some of the literature that you've read on that topic,  
4           or that you are familiar with? And perhaps if you --  
5           I'll be referring you later to one on tab 4, if you are  
6           familiar with that one as well, I'll --

7                         THE CHAIRPERSON: Mr. Vigna, I will  
8           to have to interrupt the -- the hearing at -- well, I  
9           have a conference call to take at 12:30 so --

10                        MR. VIGNA: You want to break?

11                        THE CHAIRPERSON: If you are about to  
12           go into a broader area, then maybe it would be a good  
13           time to stop.

14                        MR. VIGNA: No, not broad. But we  
15           can interrupt and we can continue later.

16                        THE CHAIRPERSON: I have five  
17           minutes. If you can do it in five minutes, I'll take  
18           it then.

19                        MR. VIGNA: Yes, could you just look  
20           at tab 4 then, and I'll be quick.

21                        DR. MOCK: In this one?

22                        MR. CHRISTIE: Tab 4 of binder one?

23                        MR. VIGNA: Yes. Just to ask you  
24           whether you are familiar with that literature or  
25           similar literature on the issue that in relation to the

1 inscription on page 17, your resume deals with "Hate  
2 Groups in Canada, Their Links to the Far Right." This  
3 one, I believe, was by Matt Lauder.

4 DR. MOCK: Uh-huh. I haven't seen  
5 this particular one, but I have read some articles  
6 by -- by Matthew Lauder.

7 MR. VIGNA: Okay, and what type of  
8 topics does he deal with, and what -- what have you  
9 read in terms of hate groups in Canada and links to the  
10 far right?

11 DR. MOCK: As I recall, he had done  
12 some investigative kinds of work on the nature of -- of  
13 hate. And I've also attended a seminar last year that  
14 he spoke at. And he, by the way, was one of the people  
15 who came and presented to the Hate Crimes Community  
16 Working -- well, he didn't present exactly. He was  
17 part of a focus group discussion.

18 And -- and from what I can gather --  
19 let me just glance through here, he does give an  
20 overview, and the history of the nature of hate groups  
21 in Canada. And you know, he's quoting a lot of the  
22 same articles that I have quoted, and you know, his  
23 research is -- seems to be quite consistent. But I  
24 haven't actually seen this document.

25 MR. VIGNA: You've seen similar

1 documents dealing with similar topic areas?

2 DR. MOCK: Yes.

3 MR. VIGNA: Okay.

4 DR. MOCK: Yes, definitely. I mean,  
5 been various books written. He's citing many of the  
6 books that I've -- that I've read. You know, "Is God a  
7 Racist, From Marches to Modems", et cetera. Yes, so  
8 there's many --

9 MR. VIGNA: And in terms of --

10 DR. MOCK: Many of these works that  
11 he's citing I have actually read, or in fact even --  
12 he's citing works that I've written so --

13 MR. VIGNA: Have you read also the --  
14 "Web of -- Inside Canada's Far Right Network" by Warren  
15 Kinsella, with --

16 DR. MOCK: Well, regretfully, I  
17 haven't read the updated version, but I certainly have  
18 read the original one.

19 MR. VIGNA: Okay.

20 DR. MOCK: And in fact, if I'm not  
21 mistaken, Mr. Kinsella acknowledges my contribution to  
22 the work.

23 MR. VIGNA: What kind of areas --  
24 what kind of topics does he deal with, generally  
25 speaking.

1 DR. MOCK: He -- he deals with the  
2 history, and the -- the present status of -- of hate  
3 and the dissemination of hate, and hate group activity  
4 and -- and so on in Canada.

5 MR. VIGNA: Okay. I don't have any  
6 questions. I have later, maybe, further questions, but  
7 we can take the adjournment at this point.

8 THE CHAIRPERSON: Well, okay, we'll  
9 adjourn. We'll just adjourn at this point. I won't  
10 interrupt you to that extent, however. You can come  
11 back if you like. I know you sort of rushed to get  
12 there.

13 --- Recessed at 12:29 p.m.

14 --- Resumed at 2:00 p.m.

15 THE CHAIRPERSON: Hold on a second,  
16 Mr. Fromm is standing.

17 MR. FROMM: Yes, sir. I was able to  
18 take a look at the -- both transcripts, as you  
19 suggested, and make copies of the relevant pages.

20 THE CHAIRPERSON: Yes.

21 MR. FROMM: I would like to make  
22 further submissions on that -- on the matter of  
23 Mr. Warman's non-attendance.

24 THE CHAIRPERSON: Yes.

25 MR. VIGNA: I just -- can we postpone

1           this debate till tomorrow morning? I'll try to reach  
2           Mr. Warman tonight to see --

3                         THE CHAIRPERSON: And get his input  
4           on where -- on whether he intends to show up or  
5           anything like that?

6                         MR. VIGNA: Yes, I'll try to -- I  
7           hope I'm successful in reaching him. But I -- at least  
8           I can have that input.

9                         THE CHAIRPERSON: Okay, Mr. Fromm?  
10          Can we -- I would like to have the input of the other  
11          party in question. I find myself a bit in the -- in  
12          that situation we were in when -- when Mr. Kulbashian  
13          was brought back into the hearing room as well. I  
14          mean, without the person here, I have some  
15          difficulties -- for the opportunity for him to address  
16          the problem. So Mr. Vigna, at least, can report to me  
17          about what Mr. Warman has to say for himself.

18                        MR. FROMM: Oh, I'm certainly content  
19          to wait until tomorrow morning. But there -- you did  
20          ask this morning, what was the -- what was the impact  
21          that I -- I have some submissions in terms of the  
22          constitutional question. But I'm content to wait till  
23          tomorrow morning, in order to facilitate that.

24                        THE CHAIRPERSON: Okay, there's an  
25          impact?

1                   MR. FROMM: In terms of the  
2 constitutional question.

3                   THE CHAIRPERSON: Oh, okay. Let's  
4 wait until tomorrow and get -- and get his -- his  
5 position it on, at least through -- through Mr. Vigna,  
6 as the very least.

7                   MR. VIGNA: So Dr. Mock, I'm almost  
8 finished. Under the same oath as this morning, I'd  
9 just like to ask you a few further questions on the  
10 clarification of your areas of expertise.

11                   The third point is the psychological  
12 impact of the hate propaganda on its victims. Can you  
13 clarify what you mean by "victims", when we talk about  
14 the psychological impact of hate propaganda on its  
15 victims?

16                   DR. MOCK: By "victims", I mean  
17 anyone who receives the propaganda or is influenced by  
18 it. And so victims can be racialized, marginalized,  
19 vulnerable people who are maligned or vilified by the  
20 propaganda. But also, people can be targets of  
21 propaganda if it's directed at trying to recruit them.  
22 So what is the impact on people who hear the propaganda  
23 or receive it, who may then believe it and be  
24 victimized in that way, and I guess also, I include  
25 society as well, society at large.

1                   I mean, we -- we speak about when  
2                   there is racism, when there is hate, we're all  
3                   impacted. And so, you know, yes there's the  
4                   traditional -- I guess I speak about victims,  
5                   perpetrators, all under that umbrella, anyone who is  
6                   within hearing or could be influenced in some way by  
7                   the hate propaganda.

8                   MR. VIGNA: And on the fourth item,  
9                   when we talk about the phenomenon of hate propaganda on  
10                  the Internet, are you also a -- an expert knowledgeable  
11                  on the ways of countering this kind of hate propaganda  
12                  on the Internet?

13                  DR. MOCK: Well, certainly as part of  
14                  all of these training programs, because I am an  
15                  educator and -- and a psychologist, and you know, we  
16                  have -- speak about also preventative measures, so my  
17                  job is not only in my view and my expertise is not only  
18                  in helping people recognize hate, whether it's on the  
19                  Internet or in whatever form it comes, but also, as  
20                  some of my articles have said, strategies to counter  
21                  and prevent the promotion of hatred. So I -- so yes,  
22                  is -- the long way of saying yes.

23                  MR. VIGNA: Just for clarification,  
24                  when I mentioned the book earlier, I forgot to mention  
25                  the exact title. I was referring to the Warren

1 Kinsella book, and you mentioned at one point that you  
2 read the earlier version. You remember this morning?  
3 The title is "Web of Hate: Inside Canada's Far Right  
4 Network". I didn't say the word "hate" because it  
5 wasn't -- that's the book that we are referring to,  
6 just for the purposes of clarity, correct?

7 DR. MOCK: Yes, yes. I've read the  
8 original edition of that book.

9 MR. VIGNA: Just a few seconds, I'm  
10 almost finished, Mr. Chair.

11 I don't have any further questions.  
12 To the best of my knowledge, her resume speaks  
13 abundantly to -- to the issue of her areas of  
14 expertise. And I've belated also the point a bit in  
15 terms of reviewing individually the -- the resume. So  
16 unless Mr. Fothergill has any further questions, I  
17 guess he -- the cross-examination can go ahead.

18 THE CHAIRPERSON: Mr. Fothergill?

19 MR. FOTHERGILL: I have no questions,  
20 Dr. Mock. Thank you.

21 CROSS-EXAMINATION BY MS KULASZKA

22 MS KULASZKA: Dr. Mock, you realize  
23 that section 13 has been held to be a violation of  
24 freedom of speech, under the Charter, correct?

25 DR. MOCK: I would not have

1 understood it in that way, as a violation. I  
2 understand that it has been shown to limit -- to limit  
3 speech.

4 MS KULASZKA: Yes, the Taylor case  
5 held that it's a violation of freedom of expression  
6 under the Charter. You know that?

7 MR. FOTHERGILL: Excuse me. That  
8 isn't a fair legal proposition that's being put to the  
9 witness. The Taylor case held that it was a prima  
10 facie infringement of the freedom of expression, which  
11 was justified under section 1, and therefore not a  
12 violation of the Charter.

13 MS KULASZKA: It wasn't misleading.  
14 They held it was a violation of freedom of expression.  
15 Then the next question they had to go to was, could it  
16 be justified under section 1?

17 THE CHAIRPERSON: All right. Well,  
18 where are you going with the question then? Follow  
19 through to the --

20 MS KULASZKA: If you look at page 2  
21 of your first report, Dr. Mock, in the second  
22 paragraph, it says, "In this --

23 THE CHAIRPERSON: I'm sorry, I didn't  
24 reach the point where you're at.

25 MS KULASZKA: It's [age 2 of her

1 first expert report, that's -- that's filed May, 2006.

2 THE CHAIRPERSON: Okay, so we --  
3 that's not been formally produced yet, but you are  
4 referring to it for the purposes of your questioning.

5 MS KULASZKA: Yes, just for the  
6 questioning. On the second paragraph, the second  
7 sentence, that starts, "In this country".

8 "Promoting hatred against  
9 identifiable groups and/or  
10 inciting violence against them,  
11 is not a free speech issues. It  
12 is against the law."

13 Correct? Do you see that sentence?

14 DR. MOCK: Yes, I wrote that.

15 MS KULASZKA: But you realize the  
16 issue in this constitutional challenge is, in fact,  
17 that very issue. Can it be justified under section 1  
18 once section 13 applies to the Internet? So this is a  
19 case about free speech.

20 DR. MOCK: Well, I would certainly,  
21 yes, agree that one is making an issue of whether it is  
22 free speech, and when I wrote this document -- and I  
23 have used this expression in other documents, it is to  
24 point out that because it has been deemed over and over  
25 again that there are reasonable limitations on free

1 speech, that it has been determined over and over again  
2 that these laws are indeed upheld.

3 So that I'm -- I'm just stating it in  
4 a way that is succinct and -- and thinking about  
5 decisions in Taylor and thinking about Keegstra, and  
6 thinking about various other decisions where the  
7 balance is there, and where the limitations have been  
8 found to be reasonable, stating therefore that these  
9 policies and laws are upheld. So in this country, it  
10 continues to be against the law to vilify and promote  
11 hatred against -- against --

12 MR. VIGNA: But you don't recognize a  
13 balance in that sentence, do you? You don't recognize  
14 that there is a balancing of interests, and that your  
15 report investigates the -- the balancing of those  
16 interests?

17 DR. MOCK: No, not in that one  
18 sentence. I would go on later, and in my later report,  
19 to illustrate that. But no, not in one that -- that  
20 one sentence. I would have to agree.

21 MR. VIGNA: Were you paid for this  
22 report?

23 DR. MOCK: Yes.

24 MS KULASZKA: How much?

25 MR. VIGNA: Mr. Chair, I don't -- she

1           answered the question whether she was paid. I don't  
2           think it's a relevant question, how much. It's  
3           privacy. Anyways, I'll let you decide, but I think  
4           it's not something that is relevant to the  
5           determination of the credibility and -- the price.

6                         THE CHAIRPERSON: Mr. Vigna, I'm  
7           going to ask Ms. Kulaszka to respond.

8                         MS KULASZKA: It goes to her  
9           credibility because this is not an original report.  
10          She wrote this in the year 2000.

11                        THE WITNESS: No, this report was  
12          just written. It indicates that it is based on an  
13          earlier document, and a book chapter that was written,  
14          and other documents I have read. It was a way of  
15          referencing some of the sources. And yes, there are  
16          some chunks that are taken from other sections but this  
17          is just --

18                        MS KULASZKA: Dr. Mock, I mean, I've  
19          just been reading this. It's word-for-word. It's  
20          Chapter 13 in the book "Human Rights and the Internet",  
21          which was published in the year 2000.

22                        DR. MOCK: I would agree that there  
23          are several --

24                        MS KULASZKA: Seven years ago.

25                        DR. MOCK: I would agree that there

1 are several sections in it that are taken directly from  
2 that, and actually acknowledged.

3 MS KULASZKA: The first page has been  
4 written, and it says:

5 "The purpose of this report is  
6 to review the background and the  
7 current status of the  
8 proliferation of hate."

9 The first page appears to be  
10 original, and the rest of it, starting at the next  
11 page, "The global reach..." is basically  
12 word-for-word, with very few changes, something you  
13 wrote seven years ago.

14 DR. MOCK: I believe that it's the  
15 changes that are quite relevant, and the information  
16 that's in here is as relevant today as it -- as the  
17 sections that I have quoted and the references that I  
18 have acknowledged, that this is an updated and  
19 adaptation from that --

20 MS KULASZKA: Where did you say this  
21 was an updated chapter?

22 DR. MOCK: The very first note. Just  
23 a moment. It's under "footnotes". I see it on page 11  
24 of the one that I've been given, right at the bottom,  
25 "Sections of this paper have been adapted and updated

1 from", and it -- it indicates that I've put it in --  
2 and in fact I've even faxed you the chapter so that you  
3 could see that in the year 2000, it was published in a  
4 reputable textbook, an international textbook.

5 So the -- the information in here,  
6 the research and the information, doesn't change in  
7 terms of the nature and extent, the background. It  
8 talks about the background of hate on the Internet, to  
9 illustrate how the section is applicable. That doesn't  
10 change.

11 MS KULASZKA: Well --

12 DR. MOCK: But I would agree that  
13 there are major sections of this paper that are direct  
14 quotes. I mean, I don't think it's possible, I guess,  
15 to plagiarize yourself if you actually have written the  
16 original document. But you're quite right. This is a  
17 repetition of --

18 MS KULASZKA: Yes, literally --

19 DR. MOCK: -- of much of what was in  
20 there.

21 MS KULASZKA: Correctly, it's the  
22 chapter with very, very few changes, perhaps just a few  
23 sentences. And so that's why I asked how much you were  
24 paid for it, what purports to be an original report to  
25 this Tribunal about section 13.

1 MR. VIGNA: What's the question  
2 there?

3 THE CHAIRPERSON: What's the  
4 question?

5 MS KULASZKA: How much she was paid  
6 for it.

7 MR. VIGNA: Mr. Chair, I don't  
8 understand the relevance.

9 THE CHAIRPERSON: Why do you object  
10 to disclosing this information, Mr. Vigna?

11 MR. VIGNA: I mean, it's like asking  
12 somebody, what is your salary? It's -- I mean,  
13 personal information that doesn't need to be publically  
14 disclosed to the -- an open forum.

15 THE CHAIRPERSON: All right. And how  
16 is it relevant in my case, whether -- if you are  
17 establishing, Ms Kulaszka, that 99 percent of it was  
18 written in another time, does it make a difference how  
19 much she was paid? Other than perhaps a --

20 MS KULASZKA: It would --

21 THE CHAIRPERSON: -- a greater  
22 concern for the taxpayer's -- use -- using the  
23 taxpayers money. Is that what you are driving at?

24 MS KULASZKA: It -- it goes to her  
25 credibility.

1 THE CHAIRPERSON: Mr. Christie?

2 MR. CHRISTIE: Yes, if it please you,  
3 sir, I'd like to make the observation that this is an  
4 area that I thought appropriate to raise in view of  
5 McWilliams and Mohan, the recent -- not very recent --

6 THE CHAIRPERSON: Well, yes.

7 MR. CHRISTIE: It's fairly  
8 significant. I was -- if it's of any help, I intend to  
9 rely on that to some extent, and I have copies for  
10 everybody if it -- unless it's already available.

11 But the point I -- I'd like to make  
12 is this; that prior to Mohan, most things, as we all  
13 understand, were taken to be admissible, subject to  
14 weight, and I know that's the general trend of thinking  
15 many times, and that's understandable. As you pointed  
16 out earlier in regard to Miss Henry, I believe, in  
17 another case that -- you took that view.

18 Now, the issue of independence,  
19 impartiality is now a factor in the determination of  
20 whether an expert is even qualified to express an  
21 opinion. Because simple partisans don't automatically  
22 come to court and wrap their opinions up in the garb of  
23 an expert.

24 So I think it's appropriate to ask  
25 the questions to determine the degree to which it would

1 be arguable that this expert has become basically an  
2 advocate for one side. That's where I think it is  
3 indeed relevant, to at least ask, and to be given the  
4 answer as to what, if any influence, can be brought to  
5 bear on the witness to cause the witness to express a  
6 particular viewpoint. That's why I think it's  
7 relevant.

8 MR. VIGNA: Mr. Chair, the witness  
9 answered that she was paid for the report, like most  
10 experts are paid for their testimony. To ask how much  
11 you were paid for the report, I don't think is  
12 something that is -- is relevant for the issue of  
13 credibility. If the respondent wants to make an issue  
14 that because an expert is paid to testify in court,  
15 there is an issue of credibility, that argument can be  
16 put to you without going into the exact amount.

17 I mean, it is -- the Tribunal has  
18 to -- it's very rare, I see, that an expert has to come  
19 in court and say his exact honouraries for a report or  
20 testimony in court. The fact that she's paid for her  
21 expert report and testimony has been answered. To go  
22 into the details is going -- is dwelling further than  
23 needed.

24 THE CHAIRPERSON: Ms Kulaszka, I  
25 don't think I need to know how much she got for this.

1 It's --

2 MS KULASZKA: I just want to say --

3 THE CHAIRPERSON: But I think the  
4 argument -- no, I'm not discounting the argument that  
5 Mr. Christie has made, ultimately. But I don't think I  
6 need to know how much money she -- she received. Go  
7 on.

8 MS KULASZKA: What was the purpose of  
9 writing your chapter in the book, in 2000, "Human  
10 Rights and the Internet"?

11 DR. MOCK: Steve Hicks and some  
12 others who are experts in human rights, were putting  
13 together a book on human rights and the Internet,  
14 that's the title of the book. And they felt that there  
15 should be a range of topics dealt with, and so they  
16 examined internationally who they felt could write as  
17 an expert, the chapter on hate on the Internet, and I  
18 was invited to write that chapter.

19 MS KULASZKA: So in fact it's an  
20 overview, correct?

21 DR. MOCK: Yes.

22 MS KULASZKA: What I'm getting at,  
23 Dr. Mock, is that you did not produce this report  
24 specifically to give an opinion to this Tribunal about  
25 section 13, and the effect on freedom of speech of the

1 Internet. In fact, you had already written this years  
2 and years ago, and for another purpose.

3 DR. MOCK: Which included the impact  
4 of section 13 and its -- its purpose. I also spent a  
5 fair amount of time in preparing this paper, reviewing  
6 Taylor, reviewing others, reviewing some of the current  
7 cases, reviewing section 13. And the ideas that are  
8 contained in this paper and updated to the current  
9 time, speak to the issue of the relevance of section 13  
10 and why it is consistent with Canadian values,  
11 multiculturalism, race relations.

12 MS KULASZKA: Which parts,  
13 specifically, did you enter to update this paper?

14 THE CHAIRPERSON: Sorry?

15 DR. MOCK: Just reviewing.

16 THE CHAIRPERSON: Okay.

17 THE WITNESS: I'm just reviewing it  
18 to see. Certainly the updates on the current  
19 proliferation of hate on the Internet. Initially I --

20 THE CHAIRPERSON: That's where?

21 THE WITNESS: Bottom of page 3, where  
22 I start with -- you know, we're looking at the -- the  
23 rise in the increase.

24 MS KULASZKA: Where is that?

25 DR. MOCK: Bottom of -- I have it as

1 page 3 -- I don't know if you have Internet  
2 reproductions, but in my original report, at the bottom  
3 of page 3, where it says, "At that first international  
4 symposium on hate on the Internet". It starts that  
5 paragraph, that chapter.

6 THE CHAIRPERSON: Okay, on page 4.

7 MS KULASZKA: Page 4?

8 DR. MOCK: So at the top of page 4, I  
9 show the development over the years, up to and  
10 including the most recent Simon Wiesenthal Centre data  
11 on the number of sites. So certainly I -- for the  
12 purposes of this, I reviewed several more reports to  
13 see if there was any new information to add --

14 MS KULASZKA: But you would agree --

15 MS. MOCK: -- and came to the  
16 conclusion --

17 MS KULASZKA: You would agree that  
18 paragraph actually appears in the 2000 --

19 DR. MOCK: The beginning of the  
20 paragraph does, but not -- not the material that adds  
21 the new. So I mean, I had to -- for this -- for the  
22 purposes of this report, I reviewed any new material,  
23 and some new case material, and I reviewed -- I  
24 reviewed some new articles that had come out of the  
25 University of Toronto, and reviewed several other

1 materials, attended some other seminars, and included a  
2 few sentences.

3 I would have to do an item-by-item  
4 examination. But you know -- you know -- I'm sure you  
5 understand what it's like when you go through something  
6 and you update it and revise, and -- and paraphrase  
7 again.

8 MS KULASZKA: So --

9 DR. MOCK: But in fact, any material  
10 that I felt was still valid in the research, I left.

11 MS KULASZKA: So you would agree  
12 basically, you are adding a little sentence here and  
13 there?

14 DR. MOCK: I have revised and updated  
15 and adapted from that book chapter, and openly  
16 acknowledge that, because in fact, there was no point  
17 in spending more time and more hours to do something,  
18 when the work had already been done. But again, the  
19 more recent updated research led me to draw to that  
20 conclusion, and that the points in here remain valid.

21 MS KULASZKA: What original research  
22 have you done yourself on hate on the Internet?

23 DR. MOCK: Could you clarify what you  
24 mean by original? I mean, I -- my own original  
25 research, I consider review of the literature to be

1 research, I include the work that I do in reviewing  
2 various other -- reviewing websites, work that I do  
3 in -- in interviews, or in actually documenting the  
4 nature and extent of the problem, as research.

5 MS KULASZKA: What articles are you  
6 relying on for your opinion? Because we've been given  
7 all sorts of articles, but I'm not sure what you are  
8 actually relying upon? We've been given two binders.  
9 Are you relying on those two binders for your opinion?

10 MR. VIGNA: Mr. Chair, I can answer  
11 that. The two binders, and it was prepared by myself  
12 for the Commission. What's being relied on is the  
13 footnotes that's mentioned in the reports. There's  
14 other stuff that doesn't deal with Karen Mock. Because  
15 the binders deal with the constitutional issues, so I  
16 just put all the reports in one -- in both binders.

17 THE CHAIRPERSON: Tab 7 is what  
18 relates to Dr. Mock, right?

19 MR. VIGNA: Exactly, exactly.

20 THE CHAIRPERSON: Okay. So we're  
21 referring to tab 7 and I -- I gather the other document  
22 that was prepared in reply to Dr. Persinger.

23 MS KULASZKA: So will you be  
24 referring to any journals or articles in your  
25 testimony?

1 DR. MOCK: I suppose it depends on  
2 the nature of the questions that are asked, whether I  
3 have to. I was not intending to --

4 MS KULASZKA: So you're --

5 DR. MOCK: -- unless someone asks me  
6 for some clarification.

7 MS KULASZKA: So you are relying  
8 strictly on your two reports?

9 DR. MOCK: And if -- if I'm asked  
10 where I got the information or -- it's not just my  
11 report. It's the -- also the material that I have read  
12 and that I have used to glean my conclusions, and as  
13 well as my own experience and my own -- and others who  
14 have written on the topic. I understood that this was  
15 what was required in presenting such a paper.

16 MR. FOTHERGILL: If I could reply to  
17 the witness, Mr. Chairperson. It's not she who was  
18 relying on this material, but the parties. And it is  
19 possible that I will be asking Dr. Mock to identify and  
20 possibly discuss certain articles, again depending on  
21 where the questions go.

22 But I've had a look at some of the  
23 articles that she's sourced, and some of them, I think,  
24 do help to elucidate some of the ideas, and it's  
25 possible that I will be relying on some articles that

1 are cited in her reports.

2 MS KULASZKA: Now, the complainant in  
3 this case is Richard Warman. Do you know Richard  
4 Warman?

5 DR. MOCK: Yes.

6 MS KULASZKA: How do you know him?

7 DR. MOCK: I first met Richard Warman  
8 when I was with the League for Human Rights of B'nai  
9 Brith, and he reported to us some incidents of  
10 anti-Semitic -- of anti-Semitism. And so I believe I  
11 first met him in -- in the mid-nineties or so.

12 I have since met him because twice,  
13 we were on a panel together, and also I was asked by  
14 the Commission in a case -- in an earlier case, to  
15 provide some expert testimony in one of the cases in  
16 which he was a complainant.

17 MS KULASZKA: And do you do any work  
18 with him?

19 DR. MOCK: Not on an ongoing basis at  
20 all, no, I don't work with Richard.

21 MS KULASZKA: But you work with him  
22 once in a while?

23 DR. MOCK: Only insofar as it's been  
24 coincidence that we have been invited to appear on  
25 similar panels. The most recent one we were invited,

1 and he happened to be on the same panel I was, in  
2 Victoria. And someone from the Simon Wiesenthal was on  
3 the panel, and someone from the -- there was something  
4 put together by an organization there. So we were both  
5 on the same panel, but we didn't work together in any  
6 way to prepare our materials.

7 MS KULASZKA: You were the director  
8 of the League for Human Rights for a few years?

9 DR. MOCK: Yes, I was the national  
10 director of the League for Human Rights of B'nai Brith  
11 for 12 years.

12 MS KULASZKA: And Marc Lemire was in  
13 several of those reports, was he not?

14 DR. MOCK: Which reports are you  
15 referring to?

16 MS KULASZKA: The 1995 Audit of  
17 anti-Semitic Incidents, the 1996 Audit of anti-Semitic  
18 Incidents, the 1997 audit, 1999 audit. Do you remember  
19 that?

20 DR. MOCK: I don't have those in  
21 front of me, but I -- if his name is there, then yes,  
22 he was. I don't recall verbatim what I wrote or what  
23 others wrote and that I edited but -- so I will say  
24 yes. May I see the ones that you are referring to?

25 MS KULASZKA: We'll just give you a

1 binder. We'll just hand out the binders --

2 DR. MOCK: Thank you.

3 MS KULASZKA: -- so that all parties  
4 can have a copy, as well as you.

5 DR. MOCK: Thank you, that -- that  
6 would be very helpful.

7 MR. VIGNA: I'm not sure these were  
8 disclosed, and they haven't -- they weren't entered in  
9 earlier, so we're kind of caught by surprise and --

10 MS KULASZKA: Actually, they were on  
11 the CD, Mr. Vigna,

12 MR. VIGNA: I would like perhaps the  
13 chance to absorb the material.

14 THE CHAIRPERSON: Well, I think we  
15 are going to be taken to a specific page, are we not?

16 MS KULASZKA: Yes. Have you got the  
17 binder now, Dr. Mock? Take -- go to tab 2.

18 THE CHAIRPERSON: Will you be  
19 producing this binder later on?

20 MS KULASZKA: Yes.

21 THE CHAIRPERSON: So why don't we  
22 just get it introduced. We'll follow the same practice  
23 as we've always done.

24 THE WITNESS: The tab -- the tab is  
25 helpful because I did see the --

1 THE CHAIRPERSON: Just a --

2 THE WITNESS: Oh, I'm sorry, sir.

3 THE CHAIRPERSON: We are going to  
4 introduce the binder first, in the manner that we've  
5 done until now.

6 THE REGISTRAR: The binder on the  
7 cross-examination of Karen Mock will be filed as  
8 Respondent Exhibit R-4.

9 EXHIBIT NO. R-4: Karen Mock  
10 Binder

11 MS KULASZKA: If you look at tab 2,  
12 you can see the printout from the Nizkor project. I  
13 think you're familiar with Nizkor. You gave testimony  
14 about it.

15 DR. MOCK: Yes, I see it. That's a  
16 reprint of the audit, or at least what's on there, that  
17 website, the Audit of anti-Semitic Incidents of 1995.

18 MS KULASZKA: Yes, I think they  
19 archive the audits at Nizkor. Could you just look at  
20 that. Do you recognize it?

21 DR. MOCK: The content I do, yes.

22 MS KULASZKA: If you look at page 15  
23 at the top, you'll see the number, and if you look at  
24 the very bottom, the bottom paragraph, it starts,

25 "Neo-Nazis such as Ernst

1                   Zundel, who are based in  
2                   Canada, are using websites  
3                   and there are dozens of such  
4                   locations around the world  
5                   that do not fall under the  
6                   domain of Canadian law. In  
7                   addition, neo-Nazis and  
8                   Holocaust deniers such as  
9                   Canadians such as Marc  
10                  Lemire, George Burdi and  
11                  'Stormtrooper 88' are  
12                  posting their hate on  
13                  newsgroups. While many of  
14                  these are devoted to racist  
15                  views and topics, they are  
16                  also actively posting on  
17                  non-hate groups, which cover  
18                  such topics as music, art  
19                  and even sewing."

20                                   Do you remember that?

21                                   DR. MOCK: I must say I didn't  
22                  remember it until I see it here, but I'd have to see  
23                  the original. You know, I -- I'm pretty sure that if  
24                  it's up here, it hasn't been adjusted and -- this would  
25                  have been something that would have appeared in our

1 overview, and in our alerting the public that hate was  
2 beginning to be proliferated on the Internet.

3 MS KULASZKA: So you've already  
4 decided that Marc Lemire is a hater, is that it?

5 MR. VIGNA: Mr. Chair, I don't think  
6 that the witness can decide anything. It's a  
7 determination that the Tribunal has to make in regards  
8 to section 13.

9 THE CHAIRPERSON: These questions are  
10 being asked in the context of establishing her  
11 qualifications as an expert witness and --

12 MR. VIGNA: All right.

13 THE CHAIRPERSON: -- her credibility  
14 in that -- I think it's going to -- referring back to  
15 the Mohan criteria, I gather we're -- we're getting  
16 into the issues of a properly qualified expert, and my  
17 sense is that this is where these questions are going.  
18 Sorry?

19 MS KULASZKA: You call Mr. Lemire a  
20 neo-Nazi and Holocaust denier, and say that he is  
21 posting his hate on news groups. So he's neo-Nazi, a  
22 Holocaust denier, and he posts hate, correct?

23 DR. MOCK: Well, the way I read this,  
24 it's a generalization or overview, and there's various  
25 names that are named. And so a comment like, "While

1 many of these are devoted to racist views and topics,  
2 they are also active in posting."

3 At the time, it was a fact, and I  
4 haven't decided anything about Mr. Lemire per se, but  
5 giving just an overview on the general observations  
6 that our researchers would have made at the time.

7 MS KULASZKA: Dr. Mock, you included  
8 him in this. You're specifying his name, you're  
9 including him with George Burdi and whoever  
10 "Stormtrooper 88" is. You didn't need to include him  
11 if you were just talking generally.

12 DR. MOCK: Well, indeed he was  
13 included in that group and, you know, appeared in  
14 various photographs with those people, and was included  
15 in that group. And so we were merely reporting the  
16 data that we had observed, nothing more than that.  
17 Just reporting the facts as we knew them.

18 MS KULASZKA: You realize that to say  
19 someone is posting hate, hate is a criminal offence  
20 under the Code, correct?

21 DR. MOCK: Saying that they are  
22 posting hate or that -- I don't understand the  
23 question.

24 MS KULASZKA: You said such -- you're  
25 saying Canadians Marc Lemire are posting their hate on

1 news groups. Hate is a criminal offence, isn't it?  
2 Exposing a group to hate, or inciting hate or inciting  
3 hatred --

4 DR. MOCK: Inciting -- inciting  
5 hatred, as I understand it, and the promotion of hate  
6 propaganda and targeting individual groups, could be  
7 brought before a court of law, if -- if it were in fact  
8 found that that material exposed someone to contempt or  
9 hatred. Could be --

10 MS KULASZKA: So you were --

11 DR. MOCK: -- could be adjudicated as  
12 a criminal offence, yes.

13 MS KULASZKA: So you were monitoring  
14 Marc Lemire some years ago, starting at least in 1994?

15 DR. MOCK: We were monitoring the  
16 activities of hate groups, we were reading and doing  
17 our research on the leading figures in right-wing  
18 movements and -- and hate, and Marc Lemire, at that  
19 time, was moving in those circles.

20 MS KULASZKA: So did you ever attempt  
21 to have him charged with hate?

22 DR. MOCK: No, I didn't personally.

23 MS KULASZKA: Why not?

24 DR. MOCK: Typically, the work that  
25 we do -- that we did when I was there, is we dealt with

1 the victims. If there had been a complainant or  
2 someone had launched a complainant against Mr. Lemire,  
3 we may have been approached to assist with research,  
4 with providing evidence or expert testimony, but we  
5 made the decision not to. There were no complainants,  
6 specific, that we were dealing with at that time.  
7 Again, we were monitoring and watching and documenting  
8 as part of our research.

9 MS KULASZKA: So what did he -- what  
10 did he post that made you include him in your audit?

11 DR. MOCK: I'm sorry, I would not  
12 have that information. We would -- it would all be  
13 filed and archived. But the Audit of anti-Semitic  
14 Incidents was only based on bona fide and  
15 double-checked incidents, as it always is. So that if  
16 somebody sent us a posting or made a complaint, we  
17 would have gone to see whether that was the case, or  
18 somebody would have had to download what they actually  
19 received at the time.

20 I'm not even sure there were -- which  
21 year are we talking about? I don't know that there  
22 were actual websites that were available at that time.

23 So it may have come from -- I would  
24 not have that information without asking to go down  
25 into the storage room in the basement of B'nai Brith to

1 find the actual evidence. But every one of our  
2 incidents and every one of our audits was based on bona  
3 fide evidence.

4 So I wouldn't -- I don't recall  
5 exactly what would have been said at that time. But I  
6 would trust that it was validated. There would be many  
7 times, for example, where people might submit a  
8 complaint, and we would check it out and say no, that  
9 doesn't qualify as an anti-Semitic incident or  
10 Holocaust denial or whatever. And so we would reject  
11 it, and not include it in the audit.

12 MS KULASZKA: What you did was simply  
13 put a defamatory statement in your audit about Marc  
14 Lemire. You have no grounds for including him. You  
15 make no allegations against him. You simply made a  
16 defamatory statement about him.

17 DR. MOCK: I -- I would not agree  
18 that that was the case. I would say that we based it  
19 on evidence that we would have had, or objective data  
20 that we would have gleaned from the source so --

21 MS KULASZKA: But it's not included  
22 in this audit, and you can't even remember anything.

23 DR. MOCK: We don't have, as you'll  
24 notice, if you read the rest of the audit, we don't  
25 include the details of every single incident. There

1 would be a sheet. Every -- every incident has a sheet,  
2 or we would have reviewed other articles or we would  
3 have reviewed documentation. There might have been  
4 research done, and we would have full files.

5 So there would be a page, we would  
6 have the description, we would have who called in the  
7 complaint, the exact time. We would -- we would see,  
8 was there any media coverage. We would follow-up, we  
9 would -- we would document, we would append to the  
10 record whatever transcript we might have had available,  
11 and it's on that basis then --

12 MS KULASZKA: So --

13 DR. MOCK: -- that we would call  
14 something an incident.

15 MS KULASZKA: So in your -- so in  
16 your opinion, Marc Lemire is a very dangerous neo-Nazi  
17 and Holocaust denier? You've got the goods on him and  
18 they're in the archives of B'nai Brith, correct?

19 DR. MOCK: No, I wouldn't make  
20 that --

21 MS KULASZKA: That's just what you  
22 said.

23 DR. MOCK: No, I'm sorry, I --

24 MS KULASZKA: You said it was all  
25 documented, and if you could go down there in their

1 archives, you would have the goods on Marc Lemire.

2 DR. MOCK: As I recall, what I said  
3 was that when we prepared the Audit of anti-Semitic  
4 Incidents, any incident that was recorded in the actual  
5 data --

6 MS KULASZKA: But we're not talking  
7 about the incidents. We're talking about this  
8 statement right here.

9 DR. MOCK: And again, I would say  
10 that we based any conclusions that we made on the  
11 evidence at the time. Now, I -- we don't call anyone  
12 names here, we don't, in my view, defame them, but  
13 main -- mainly draw conclusions from the material that  
14 we would have been doing our research on.

15 MS KULASZKA: You don't --

16 DR. MOCK: And I might add that -- if  
17 I may, that criminologists and scholars, who have  
18 reviewed over the years all of the audits of  
19 anti-Semitic incidents have said that it is one of the  
20 most credible sources of information in this area,  
21 simply because we are so rigorous in ensuring that the  
22 data are -- and that -- and that the material is  
23 well-grounded.

24 MS KULASZKA: Well, saying someone is  
25 a neo-Nazi and a Holocaust denier in today's society is

1 extremely defamatory. And you have been sued, have you  
2 not, Dr. Mock? You've been sued for defamation?

3 DR. MOCK: A suit was filed against  
4 me and against B'nai Brith and against The League for  
5 Human Rights, yes.

6 MS KULASZKA: By who?

7 DR. MOCK: By Mr. Paul Fromm.

8 MS KULASZKA: And the result of that  
9 was what?

10 DR. MOCK: To be honest, I don't have  
11 the decision here. As I recall, we -- we had various  
12 discussions and I didn't ever hear in the end how there  
13 was a conclusion. It just simply seemed to -- to go  
14 away. So I don't have the -- the actual decision.  
15 There was an attempt to sue because of a -- one word  
16 that was used in, I believe, the 1994 Audit of  
17 anti-Semitic Incidents, and I don't see that here.  
18 But it was my understanding that the decision was just  
19 to -- just to let it rest. Had something to do with --

20 MS KULASZKA: I think it was in the  
21 1994 audit, and what you said about him was, that:

22 "Paul Fromm had attained  
23 prominence, and had been  
24 prosecuted for his active  
25 promotion of hate against Jews

1                   in the form of Holocaust  
2                   denial."

3                   DR. MOCK: May I see that, please? I  
4                   don't have it -- the 1994 audit here. Is it in the --  
5                   was it in the -- was it in the tab?

6                   MS KULASZKA: Mr. Vigna, perhaps you  
7                   could --

8                   MR. VIGNA: Which tab? We didn't --  
9                   Paul Fromm's, last week?

10                  THE CHAIRPERSON: So that's R-3?

11                  MS KULASZKA: It's R-3. And it's tab  
12                  6.

13                  DR. MOCK: Tab 6?

14                  MS KULASZKA: Tab 6. It's the 1994  
15                  audit. And if you turn to the second page, you can see  
16                  the underlined portion. Is that --

17                  DR. MOCK: Yes, I recall. Mr. Chair,  
18                  do you have this?

19                  THE CHAIRPERSON: Yes, I have it.

20                  THE WITNESS: What this is is the  
21                  first page of the audit, the Annual Audit of  
22                  anti-Semitic Incidents. And it was our habit, almost  
23                  like a resume or almost like an introductory section,  
24                  to give a very quick overview. And I'm very glad, Ms  
25                  Kulaszka, that you've provided me with this, because

1 now it's jarred my memory of the case itself.

2 It was several years ago, and I do  
3 recall how this was resolved now. It's this old brain,  
4 I'm afraid, that....

5 But in this general introduction,  
6 which kind of was intended to give people just a gist  
7 of the overall climate of the state of hate and hate  
8 activity. We did a -- an introductory overview, and in  
9 this paragraph, we were documenting the different  
10 groups and then saying in -- I hate to put it this way,  
11 but I think, as I recall, even when -- when we were  
12 sitting across from Mr. Fromm at the table explaining  
13 all of this, it was kind of a throw-away sentence where  
14 we summed up, you know:

15 "Furthermore, individuals  
16 including Ernst Zundel, Paul  
17 Fromm, Malcolm Ross and James  
18 Keegstra have attained  
19 prominence, and have been  
20 prosecuted for their active  
21 promotion of hate against Jews  
22 in the form of Holocaust denial  
23 and the promotion of conspiracy  
24 theories."

25 And as I recall, it was a shortcut,

1           and what we were trying to illustrate was that several  
2           of the leaders of the so-called movement had been kept  
3           busy in legal proceedings, and I must admit, as I  
4           recall, I admitted to Mr. Fromm at the time that  
5           perhaps it was just the one word that was chosen to  
6           generalize, and that we might have been more careful --  
7           I was the editor of this one -- we might have been more  
8           careful in choosing a word to say, because at that  
9           time, as I recall, he had been in -- involved in legal  
10          proceedings with the Ministry of Education and so on.

11                           And I believe -- and I know you'll  
12          correct me if I'm wrong, Ms Kulaszka, that part of the  
13          settlement was that we would apologize for the use of  
14          this word, because we didn't mean that Mr. Fromm had  
15          been criminally prosecuted, but that we were using the  
16          word as a generic word for being engaged in, having had  
17          some forms of discipline or charges brought -- brought  
18          against. And in fact, as I recall, part of the  
19          settlement was that we did apologize and did retract  
20          that word, and just attributed it to the nature of the  
21          way these things are sometimes done.

22                           MS KULASZKA: I think it was more --  
23          more than that. It was a publication that he -- you  
24          had aired in saying that he had attained prominence and  
25          had been prosecuted for the active promotion of hate

1           against Jews, in the form of Holocaust denial and  
2           promotion of conspiracy theories. And in fact, Paul  
3           Fromm has never been prosecuted and has never -- never  
4           promoted hatred against Jews; isn't that correct?

5                         MR. VIGNA: The question is kind of  
6           long, Mr. Chair so if it --

7                         THE CHAIRPERSON: Okay.

8                         MR. VIGNA: The question is a little  
9           bit long, so maybe if it could be more specific.

10                        THE CHAIRPERSON: What's the last  
11           part of your question?

12                        THE WITNESS: I think the -- the  
13           apology was much broader than that, was it not, Dr.  
14           Mock?

15                        DR. MOCK: I -- I don't have it in  
16           front of me. I was already no longer with B'nai Brith.  
17           At the time, I was brought back. It looked as if it  
18           was a matter of looking at everything and anything that  
19           had ever been published by the League for Human Rights  
20           of B'nai Brith at that time. And I was brought back,  
21           so I don't know. I don't have the exact document and  
22           what B'nai Brith said as a result of it.

23                        But again, it was the collective, and  
24           we did say that it was a matter of, you know, sloppy  
25           journalism perhaps, that in the way this thing had

1 originally been written, it lumped everyone together.  
2 And so there was a retraction, there was an apology,  
3 and so on. So yes, you're -- you know, you're --  
4 you're right in that regard on this matter. I don't  
5 have the document. If you have a copy of the  
6 settlement or however it was resolved, I would be glad  
7 to review it.

8 MS KULASZKA: Okay, we'll go on to  
9 page 26, at the same tab, in the large volume, tab 2.

10 THE CHAIRPERSON: Tab 2 of 4?

11 MS KULASZKA: Of HR-4.

12 THE CHAIRPERSON: HR-4 or --

13 MS KULASZKA: HR-4.

14 THE CHAIRPERSON: Or R-4?

15 MS KULASZKA: Oh, R-4.

16 THE CHAIRPERSON: Your book, right?

17 MS KULASZKA: R-4. It'll be page 25.

18 THE WITNESS: Are we still in the  
19 1997, of audits?

20 THE CHAIRPERSON: This was the '95  
21 audit.

22 DR. MOCK: Or '95. Sorry, what page?

23 MS KULASZKA: We're -- we've moved on  
24 from that to the 1996 audit.

25 THE CHAIRPERSON: Now, are we going

1 to produce this '95 audit? You've referred to it  
2 extensively here. Is there any objection to that. No?  
3 Mr. Vigna? No?

4 MS KULASZKA: Then we'll produce -- I  
5 ask that to be produced.

6 THE CHAIRPERSON: I just want the  
7 record to be complete, then we don't have these gaps.

8 MR. VIGNA: No, I don't have any  
9 objection.

10 THE CHAIRPERSON: No. It appears to  
11 be a printout. I mean, I don't know. All of it.  
12 Well, is it all one thing?

13 MR. VIGNA: Actually, not all -- all  
14 of it because --

15 MS KULASZKA: It goes from one  
16 page -- 1 to 24.

17 THE CHAIRPERSON: Okay, 1 to 24.  
18 Thanks.

19 MR. VIGNA: Are you sure it's 1 to  
20 24, or it's 1 to 21? Okay, 22 -- she wasn't questioned  
21 on 22 or 23.

22 THE CHAIRPERSON: Okay, 1 to 21.  
23 Yes, it changes at 22. That's 1996.

24 MS KULASZKA: Oh, okay. To 21 then.

25 THE CHAIRPERSON: So 1 to 21, that's

1 produced, okay?

2 THE WITNESS: And that's a  
3 reproduction from the Nizkor site. The next one is  
4 actually from B'nai Brith.

5 THE CHAIRPERSON: Okay.

6 THE WITNESS: There's different  
7 sources of these. They're not the original documents.

8 THE CHAIRPERSON: Right.

9 MS KULASZKA: Now, if you go to page  
10 25, you'll see it's the 1996 audit. And you were the  
11 national director at the time, correct?

12 DR. MOCK: Of the League for Human  
13 Rights.

14 MS KULASZKA: Yes.

15 DR. MOCK: Yes.

16 MS KULASZKA: If you turn the page to  
17 page 26, there's a title, "Hate on the Internet"?

18 DR. MOCK: Yes.

19 MS KULASZKA: The League -- the  
20 second -- the second sentence, where it all starts:

21 "There is evidence that, despite  
22 the various setbacks, elements  
23 of Canada's far right remain  
24 alive and well, particularly in  
25 cyberspace. The League has

1                   documented the beginnings of the  
2                   use of computers by hate groups  
3                   in the last few years, but in  
4                   1996, under the rubric of  
5                   webmaster Marc Lemire's  
6                   Freedomsite, Canada's far right  
7                   has taken to the Internet in a  
8                   big way. Most of the ideologues  
9                   of Canadian's extreme right,  
10                  such as Paul Fromm, Ernst Zundel  
11                  and Doug Christie, have  
12                  established sites on the  
13                  worldwide web, both to  
14                  disseminate their propaganda and  
15                  recruit new footsoldiers to  
16                  their case."

17                  THE CHAIRPERSON: To their cause.

18                  MS KULASZKA: "-- to their cause.

19                  And it goes on about:

20                         "-- growing sophistication of  
21                         these websites, including their  
22                         use of real audio which allows  
23                         for realtime audio broadcast.  
24                         It's testimony to the importance  
25                         these individuals place on the

1 Internet as a tool to maximize  
2 their influence. Unfortunately,  
3 it is extremely difficult to  
4 measure the real impact of the  
5 Internet in terms of hate  
6 recruitment. The Internet has  
7 indeed proved to be a boon to  
8 both those who are actively  
9 seeking hate material and to  
10 those who want to disseminate  
11 it."

12 So again --

13 MR. CHRISTIE: Excuse me for  
14 interrupting. Because of a -- something woke me up  
15 there briefly. And I was wondering if -- do I have the  
16 right binder? Is this the Karen Mock binder?

17 MR. VIGNA: Page 26, tab 2.

18 MR. CHRISTIE: Oh, what tab?

19 MS KULASZKA: Tab 2.

20 MR. CHRISTIE: Tab 2, okay. Page 26,  
21 right.

22 THE CHAIRPERSON: And Ms Kulaszka was  
23 reading from the tab. So okay, Ms Kulaszka go ahead.

24 MS KULASZKA: Again, you mention Marc  
25 Lemire in that paragraph. And you're talking about the

1           Freedomsite, which is of course subject of this  
2           complaint. Is that so? You mention --

3                         DR. MOCK: Yes, it's mentioned in  
4           there.

5                         MS KULASZKA: Now, why do you call  
6           Marc Lemire's Freedomsite the -- part of the far right?

7                         DR. MOCK: I'm just reviewing the  
8           sentence:

9                                 "Under the Freedomsite, Canada's  
10                                far right has taken to the  
11                                Internet in a big way."

12                               So this year, that year, hails the  
13           advent of the Freedomsite as -- as a resource, as a  
14           place where various other websites were posted. And we  
15           were merely reflecting that this new site existed, as a  
16           vehicle for more information from that whole side,  
17           so-to-speak, to be disseminated.

18                               MS KULASZKA: And of course, it's  
19           under the title, "Hate on the Internet"?

20                               DR. MOCK: Yes.

21                               MS KULASZKA: So the implication is  
22           that Marc Lemire's Freedomsite is part of hate on the  
23           Internet. That's what this is all about, isn't it?

24                               DR. MOCK: Well, anyone who -- who  
25           was a so-called expert in monitoring and documenting

1 activities of the far right and -- and hate and the  
2 Internet and so on, would be remiss if they had not  
3 noticed the advent of this site in Canada that was  
4 hailed by many to be a major resource and vehicle for  
5 dissemination of all of this material. And that's all  
6 that is reflected there, that if we -- our job was to  
7 monitor and document, and we mention all sorts of  
8 things, but it was just very obvious and needed to be  
9 mentioned as a new way of disseminating much material.

10 MS KULASZKA: Well, you call it hate  
11 on the Internet. Again, did you ever try to have Marc  
12 Lemire charged under the criminal laws?

13 DR. MOCK: No, as I said, we haven't.  
14 I haven't. I don't know who else may have.

15 MS KULASZKA: Then again, what you  
16 are doing is a systematic defamation of people.  
17 Because people read this, and they will think Marc  
18 Lemire is committing some sort of a crime.

19 DR. MOCK: We were reporting the  
20 facts as we knew them, and under the general umbrella  
21 of hate -- hate can come in many different forms.  
22 In -- in fact, as I had indicated, after extensive  
23 research and extensive discussion, the word "hate", as  
24 we know, it's an emotion, it's a -- it can be an  
25 incident. It can -- it doesn't necessarily mean

1 criminal activity.

2 So the fact that there may be hateful  
3 or anti-Semitic, or other forms of very distasteful  
4 material that vilifies people, or -- or in what we say,  
5 shows systematic differential treatment. You know,  
6 highlighting certain groups and not others, or -- or  
7 questioning historical facts as they relate to some  
8 groups but not others, we are talking about the  
9 climate, and we can speak about a hateful climate. It  
10 doesn't necessarily mean that we are accusing people of  
11 having been criminally charged or violating criminal  
12 laws.

13 There are also non-criminal  
14 definitions. The Human Rights Code itself has  
15 definitions. In section 13 itself, which is a  
16 non-criminal vehicle, the Human Rights Act, the --  
17 codes of conduct and so on, speak of hate. And  
18 these -- these policies and codes, and they are  
19 non-criminal.

20 So no, I would think that anyone who  
21 knew the law, and knew the different range of hateful  
22 behavior, would definitely not make the assumption that  
23 anyone named here had been criminally charged, or was  
24 guilty of criminal behavior.

25 MS KULASZKA: Well, that's not the

1 attitude the League took towards these people, is it?

2 DR. MOCK: In my view, the League  
3 didn't take an attitude towards people. In my view --  
4 and again, it's probably because of my training. It's  
5 interesting, even when I took over that position, I  
6 insisted that research had to be done in as scientific  
7 a way as it was possible to do. So no, the League  
8 doesn't have a particular attitude towards the people.

9 What the League does, what B'nai  
10 Brith does, and what the work that I do is, is to  
11 present in as objective a way as possible, the data,  
12 the climate, the reports that we get. And we report  
13 that as rigorously as we can within the limits of the  
14 English language, and by the way, the French language  
15 as well, because our materials are in both official  
16 languages.

17 MS KULASZKA: Well, the League's work  
18 went far beyond that. It -- efforts to isolate racists  
19 have always been part of the League's work.

20 THE CHAIRPERSON: What are you  
21 reading from?

22 MS KULASZKA: I wanted to see if she  
23 would agree with me.

24 THE CHAIRPERSON: Oh, sorry.

25 THE WITNESS: Well, I would speak

1 of -- I would say isolate, marginalize, ignore, expose.  
2 We can -- I've probably -- I'm not sure where you are  
3 reading, but I am sure that I would have used that kind  
4 of language. It doesn't mean that we have attitude.  
5 It doesn't mean we're not -- we ourselves are not  
6 expressing hateful ideology against any of the people  
7 on whom we might have reported their activities. It  
8 isn't a personal ad hominem attack on anyone, but  
9 rather we reflect the -- the data as we see it.

10 MS KULASZKA: I'm reading from tab 7.  
11 If you go right to the end of tab 7.

12 THE CHAIRPERSON: Of?

13 MS KULASZKA: Of R-4.

14 DR. MOCK: On which page?

15 MS KULASZKA: These aren't numbered.  
16 If you go right to the last page of tab 7, in the same  
17 binder. If you look at the last page and then just --  
18 if you flip up about four pages, you'll see that this  
19 is from a document called "The Heritage Front Report,  
20 1994". Do you remember that document?

21 DR. MOCK: I think that was the one  
22 that might have been -- yes, I see it. There's the  
23 front page of it, "The Heritage Front Report, 1994."  
24 Yes, I do. I remember that.

25 MS KULASZKA: And there's a foreword

1 by you?

2 DR. MOCK: Yes.

3 MS KULASZKA: And the conclusion of  
4 that report was that:

5 "Efforts to isolate racists have  
6 always been part of the League's  
7 work. Wolfgang Droege and the  
8 Heritage Front have attempted to  
9 move themselves away from the  
10 fringes of society and gain  
11 mainstream acceptance. They  
12 must be shown that their ideas  
13 and actions are unwanted, and  
14 will be sternly challenged."

15 Isn't that what the League did?

16 DR. MOCK: Yes.

17 MS KULASZKA: So you're not just --  
18 it was not just a little group who did -- who did  
19 objective studies of racism. This was a very hands-on  
20 thing. You were choosing people of hate, of racism, of  
21 being part of hate groups. And you would have big  
22 press conferences every March, did you not? And you  
23 would demand action, demand more legal persecution or  
24 prosecution, charges. That was a big part of what the  
25 audit -- and what you did?

1 DR. MOCK: If what you're -- I  
2 believe what you are referring to, is the same way as  
3 when there is any quality study done, whether it's by a  
4 major hospital, or there's new research that's been  
5 done, or a survey has been done by Environics or  
6 Ipsos-Reid, or the Multiculturalism Department, or you  
7 name it, when one has data and there is the annual data  
8 or the annual survey or the whatever, then that  
9 material is disseminated widely. Part of what -- what  
10 an -- our role, in doing research, is to do public  
11 education and raise awareness. And so therefore, on an  
12 annual basis, just the way -- by the way, the Toronto  
13 Police Service has their annual statistics that they  
14 release based on reports of -- of this nature.

15 And so annually, when we would  
16 compile the data from the year before, in February or  
17 March, we would hold a press conference. When you say  
18 it wasn't just a small group, the -- the staff of the  
19 League at the time was myself, a half-time secretary,  
20 and a research assistant. And -- and there would be  
21 others from B'nai Brith, from the other departments who  
22 would be there, but you know, they might be involved in  
23 affordable housing or they might be involved in  
24 other -- in other aspects of the charitable work.

25 And we would hold a press conference,

1 and we would present the data, with the graphs. We  
2 would say how many were assaults, how many were  
3 vandalism. I don't -- I don't think that we held a  
4 press conference to release the Heritage Front report.  
5 But it was so in the news and there was such concern in  
6 Canada, of the rise right here in our own area.

7 Most of the other groups had their  
8 home bases in the States or other places, but this was  
9 a homegrown organization, that was really, you know,  
10 quite extensive in holding rallies and so on. And so  
11 it's part of our education work and our research, in  
12 the same way as the Anti-Defamation League does for  
13 groups in the States, we provided this report.

14 And part of -- part of what we do to  
15 raise -- what we did, and I believe they still do it,  
16 it's a question of education, it's a question of  
17 exposing propaganda and documenting the nature and  
18 extent, in this case, of anti-Semitic incidents. I  
19 might add -- I don't -- well, no, maybe I'll leave it  
20 there.

21 THE CHAIRPERSON: Ms Kulaszka, do you  
22 wish to produce these last four pages?

23 MS KULASZKA: Yes, I do. If that  
24 could be produced, I --

25 THE CHAIRPERSON: Okay. We'll

1 produce because these were properly identified by the  
2 witness. I'm going back -- you were working earlier  
3 with tab --

4 MS KULASZKA: Tab 2.

5 THE CHAIRPERSON: Yes, it's still --  
6 we were on page 25 or so --

7 MS KULASZKA: Yes, and 26.

8 THE CHAIRPERSON: Tab 2. That was  
9 the 1996 report?

10 MS KULASZKA: And it would go up to  
11 27.

12 THE CHAIRPERSON: Up to page 27? So  
13 25 -- well, everything -- right now, everything up to  
14 page 27, right?

15 MS KULASZKA: Yeah.

16 THE CHAIRPERSON: Or, there were two  
17 pages in the middle that were unrelated?

18 MS KULASZKA: It has just -- it was  
19 just the front part of the same audit, just to show  
20 that Karen Mock --

21 THE CHAIRPERSON: Okay.

22 MS KULASZKA: -- was the national  
23 director.

24 THE CHAIRPERSON: So everything until  
25 page 27?

1 THE WITNESS: This one isn't part of  
2 the audit.

3 THE CHAIRPERSON: What's that? What  
4 we just saw a moment ago? The Heritage Front thing?

5 DR. MOCK: No.

6 MS KULASZKA: No, that --

7 THE CHAIRPERSON: No, I know that.  
8 We produced that separately.

9 THE WITNESS: Yes. Well, actually  
10 I'm pleased that you have that piece there, because if  
11 you'll notice, you didn't read the paragraph before.  
12 But it speaks about how legal action is a valuable way  
13 to weaken that kind of a group, and -- and to make hate  
14 mongers, basically -- I mean, I'm paraphrasing --  
15 constantly aware of the limits that they must stay  
16 within. There must be strong deterrents against racist  
17 activity enshrined in our legal system, and supported  
18 by the government and police.

19 MS KULASZKA: That's right.

20 DR. MOCK: Uh-huh.

21 MS KULASZKA: And you did that for  
22 years. You are an advocate, Dr. Mock. You're not an  
23 objective observer. You are partisan. You have  
24 written about Marc Lemire for years.

25 DR. MOCK: If there is anything on

1           which I am partisan, it is in being biased in the  
2           interest of upholding the human rights and civil rights  
3           of all Canadian citizens and residents. And so --

4                       MS KULASZKA: Dr. Mock, you're going  
5           to be up against -- there are three witnesses coming  
6           here.

7                       MR. FOTHERGILL: Excuse me,  
8           Mr. Chairperson. Ms Kulaszka has a tendency not to let  
9           the witness finish. She has interrupted her several  
10          times, and I would just ask that the witness be  
11          permitted to finish the answer.

12                      THE CHAIRPERSON: That's true. Go  
13          ahead.

14                      THE WITNESS: Thank you, Mr. Chair.

15                      THE CHAIRPERSON: I would also ask  
16          you to limit your answers to answering the questions  
17          that are asked of you and not to go to far afield.

18                      THE WITNESS: With all due respect, I  
19          didn't hear a question. I heard you say to me that I  
20          was partisan and an advocate. I would like to  
21          understand the question. May I -- what -- what is the  
22          question?

23                      MS KULASZKA: We have three other  
24          witnesses coming, who are experts. They will -- will  
25          also be put forward as experts. They have done

1 objective studies. They are not advocates, they are  
2 not partisans. They do objective studies of the affect  
3 of law -- these laws on free speech. They take  
4 different tacts, but they are not partisans. Do you  
5 know that you are a partisan, that you are an advocate?

6 DR. MOCK: Do I know -- is that the  
7 question? Do I know that I am an advocate?

8 MS KULASZKA: I don't think you even  
9 seem to realize that you that are.

10 DR. MOCK: Oh, I do. I do. In fact,  
11 I have even -- when people say to me, what is it that  
12 you do, I will say, "I am a human rights advocate."  
13 And so I advocate on behalf of anyone, regardless of  
14 their race, religion, colour, creed, sexual  
15 orientation, to ensure that human rights freedoms are  
16 upheld, and that all people in Canada, and my research  
17 is based on that.

18 So it's based on the impact of hatred  
19 on any group, or if -- for example, it's very  
20 interesting that you should pick out this report of the  
21 Heritage Front because, at that time, there were  
22 teachers and principals very concerned about the  
23 recruitment efforts. And there was a little cell of  
24 Heritage Front types not too far from here, and I was  
25 asked to come into a school by a principal and --

1           because of human rights work that I did.

2                           And because they wanted the -- the  
3           young people that had been recruited by the Heritage  
4           Front to come in, they -- I said not to call it -- it  
5           wasn't a workshop on anti-racism. We should have the  
6           workshop be called "Everything you always wanted to  
7           know about the Heritage Front but were not prepared to  
8           ask".

9                           And so in that way, they did attract  
10          the young people, and when they themselves said that  
11          they felt their human rights were being violated, I  
12          take that very seriously. And I sat down with these  
13          young people and asked them how were their rights being  
14          violated, because if they were, the League for Human  
15          Rights of B'nai Brith would take up their case and  
16          their cause.

17                          So you said, do I know that I'm an  
18          advocate? In -- in my view, and I couldn't live with  
19          myself if I didn't adhere to the very principles in --  
20          in which I believe and put into -- into practice. I  
21          approach my work with objectivity, with -- with  
22          non-bias, when it comes to anyone being vilified, any  
23          group being dehumanized, and that is how I do my work  
24          as an expert. I mean, I don't like that word. I know  
25          that's the word that the court uses, but my life's work

1 has been to research in an objective way, to teach, and  
2 also to ensure that -- that no group is stereotyped,  
3 and that no group is vilified, and that no group is  
4 held to -- to contempt and hatred in our society.

5 MS KULASZKA: Well, one group that  
6 has been held in contempt and hatred because of your  
7 work, are Germans.

8 DR. MOCK: If I -- I understand  
9 that's not a question, but I would like to point out  
10 something, and anyone who has ever been at any of my  
11 classes will - will repeat this. And they will --  
12 they'll verify that this is a fact. I have conducted  
13 Holocaust education, and I, in fact, have even taken  
14 teachers -- that's part of my -- was part of my work at  
15 the League for Human Rights -- to go to Germany, Poland  
16 and Israel.

17 In fact, I've even been a guest at  
18 the German government because of my work in  
19 multiculturalism and so on. And in every class I say,  
20 "At no time should you be saying, 'And Germans did  
21 this' or 'Germans did that'". I say, "At all times,  
22 you must be careful never to stereotype or vilify or  
23 generalize any group."

24 And so therefore the -- it is not  
25 Germans who have been vilified because of me, which is

1           what I understand that -- was just said, if anything,  
2           even the German organizations and groups that are  
3           working together, recognize that in fact, I have done  
4           everything to counter that, and to say, "You might want  
5           to say 'Germany under the Nazi occupation' or 'Germany'  
6           rather 'under the Nazi regime', but do not ever say  
7           'and Germans did this', any more than I would want  
8           anyone else to say, 'and Jews do this' or 'Pakistanis'  
9           do this."

10                                Because that, in and of itself, is an  
11           over-generalization that leads to prejudice, that leads  
12           to racism, that then leaves others to generalize, and  
13           think that they can behave badly towards them. So I --  
14           I must disagree with you that it is not because of me  
15           that Germans have ever been vilified.

16                               MS KULASZKA: Well, Dr. Mock, you  
17           vilified Ernst Zundel. As long as Germans agree with  
18           your view of things, you like them, but if they  
19           disagree, you don't like them. Did you ever speak to  
20           Ernst Zundel about his views?

21                               DR. MOCK: I can recall only once  
22           ever being in the same place where words might have  
23           been exchanged, and that was on the steps of one of the  
24           courthouses. But I've never engaged with Ernst Zundel  
25           in any kind of dialogue about his views.

1 MS KULASZKA: And on the steps, you  
2 were furious because -- do you remember?

3 DR. MOCK: I remember what I was  
4 concerned about at that time, at that exact moment. Is  
5 that what you are asking? I was concerned -- and in  
6 fact, I must be frank with you. I don't even remember  
7 at what stage in -- or even in what case this was. But  
8 I remember the -- what appeared to be the desire of  
9 Mr. Zundel to commandeer the media, to get his views in  
10 the media.

11 And so he came out and began, I  
12 believe, as I recall it -- I mean, sometimes things are  
13 vivid in your mind, and I don't know if I have got the  
14 exact recollection. I'm sure you'll correct me if you  
15 feel that I'm wrong. But I recall he was speaking  
16 about how the Jews were persecuting him and harassing  
17 him and so on.

18 And I don't recall that I actually  
19 attacked him personally because that wouldn't usually  
20 be my style, but I just decided at that moment that so  
21 often the media is commandeered into hearing only one  
22 side because it's the most violent or virulent. And so  
23 I recall disagreeing quite loudly, but not to him, more  
24 to the media, with what was being said. And in one  
25 fell scoop, all the cameras immediately came to me and

1 to the young people, and so we were able to speak  
2 about -- to the media the importance of ensuring that  
3 this kind of behavior needed to be dealt with, and that  
4 the legal vehicle was the route to do it.

5 That's all I remember. And I just  
6 remember --

7 MS KULASZKA: It's -- perhaps it's  
8 just --

9 DR. MOCK: -- I remember him yelling  
10 and screaming and pointing his finger, and my  
11 sister-in-law seeing this piece on television, saying  
12 that it -- it scared the bejesus off her to see that,  
13 because of the anger and venom that appeared to be, in  
14 her view, in his eyes. But all I was doing was wanting  
15 the media not -- not to be promoting that, that's all.

16 MS KULASZKA: Yes, just so -- to jog  
17 your memory. Sabina Citron had tried to charge him  
18 with two criminal offences, and this -- this was an  
19 exchange on the steps of the courthouse after the Crown  
20 Attorney withdrew both charges, saying there was no  
21 grounds for the charges. And do you recall how angry  
22 you were?

23 DR. MOCK: Again, if I could just  
24 repeat, I was not angry at the decision. As a matter  
25 of fact, I can recall afterwards explaining to people

1           why the decision was made, and on what grounds it was  
2           made, and that -- why there wasn't -- was not enough  
3           evidence in the criminal context, beyond a reasonable  
4           doubt, and whatever else in the criminal proceedings,  
5           to move forward.

6                                 But -- but what I was angry about was  
7           not that. What I was angry about was the commandeering  
8           of the media. So it was not my anger at the decision  
9           of the court, by any reasons. It was that moment in  
10          time where I felt, in the interest of public education  
11          and -- and public awareness, that it would be just as  
12          appropriate to have an alternative viewpoint raised.  
13          And it was not any anger with the decision of the  
14          court.

15                                THE CHAIRPERSON: I think your  
16          point's been made on that, Ms Kulaszka.

17                                MS KULASZKA: So you never spoke to  
18          Ernst Zundel in all those years?

19                                DR. MOCK: Not as I recall. I  
20          didn't -- I would never -- I refused to debate him. I  
21          refused to have any discussions of that nature. No, I  
22          wasn't interested in that, in that discussion.

23                                MS KULASZKA: And have you ever  
24          spoken to Marc Lemire?

25                                DR. MOCK: I don't remember, to be

1 honest. I know that we've seen each other. You know,  
2 I would be in the gallery and maybe we would nod or he  
3 might --

4 MS KULASZKA: I'm not talking about  
5 seeing each other in a gallery. You know what I mean.

6 DR. MOCK: I don't -- I don't recall.  
7 I --

8 MS KULASZKA: In your life?

9 DR. MOCK: -- years.

10 MS KULASZKA: Did you speak to Paul  
11 Fromm?

12 DR. MOCK: Yes, I've spoken to Paul  
13 Fromm because we sat across -- I believe it might have  
14 even been with you -- in -- in a -- what do I call it  
15 then, a legal proceeding or a -- times of this  
16 attempt -- that was a lawsuit?

17 MS KULASZKA: That was a -- a libel  
18 suit.

19 DR. MOCK: A libel suit. But I don't  
20 recall having many words.

21 MS KULASZKA: So as part of your  
22 research into hate and racism, you never spoke to these  
23 people on a one-to-one basis?

24 DR. MOCK: Right.

25 MS KULASZKA: Why not?

1 DR. MOCK: Well, primarily because  
2 their words and their viewpoints were very easy to find  
3 on websites and newsletters and letters and so on. And  
4 so I -- I certainly, at least for the record, and what  
5 they were going on record as stating, was their facts.  
6 I had all the information I needed. I had no interest  
7 in -- in interviewing or debating the basic premises,  
8 and that is not the area of my research. I mean, in  
9 terms of wanting to know -- you know, wanting to -- to  
10 defend or not to defend the kinds of things that they  
11 were saying.

12 MS KULASZKA: So you would define  
13 these people that you name in the audit, basically as  
14 enemies?

15 DR. MOCK: I don't think I've ever  
16 used that language.

17 MS KULASZKA: They're hate mongers?

18 DR. MOCK: There are times when, if  
19 you were to show me certain tracts and so on, where --  
20 and if that was what I was being asked to do, was to  
21 be -- determine whether something that had been said,  
22 where I would be able to evaluate to see whether it  
23 might be a piece of information that was promoting  
24 hatred.

25 But certainly there have been times

1           when the material, because of what I have seen, is so  
2           biased or so continually stereotyping, or so  
3           continually full of what I would call contempt and  
4           vilification of some groups, that they certainly --  
5           many of the people on these lists do their share to  
6           promote this kind of propaganda.

7                           MS KULASZKA:  So truth is important  
8           to you?

9                           DR. MOCK:  Yes.

10                          MS KULASZKA:  Did you know that truth  
11           is no defence under section 13?

12                          DR. MOCK:  Yes.

13                          MS KULASZKA:  Do you agree with that?  
14           Do you agree with that legal condition?

15                          DR. MOCK:  That's not my specific  
16           area of expertise, in terms of the legal framework,  
17           or -- or so on.  I agree that if there is a Canadian  
18           Human Rights Act, in which all Canadian citizens are  
19           bound to adhere to the law of the land, that in fact,  
20           it should be adhered to.  But it's not my position  
21           to -- to comment on the legal principles.

22                          MS KULASZKA:  But you do recognize  
23           that goes to the constitutionality of section 13?

24                          DR. MOCK:  And again, I'm not an  
25           expert on the constitution.

1 MS KULASZKA: Part of why you define  
2 people as haters is that they -- you feel they are  
3 lying?

4 DR. MOCK: I look -- I look to the  
5 definition of propaganda, and I look to how it is that  
6 people's attitudes and opinions are shaped and changed.  
7 And the constant repetition of half truths, lies,  
8 exaggerations, stereotypes, et cetera, goes to create a  
9 climate where -- especially if it involves people --  
10 other people being dehumanized or vilified in any way,  
11 that is what I object to. And that is what is against  
12 the law, and is also part of what is a legitimate  
13 limitation on freedom of speech, because of the  
14 connection that has been shown to laying that kind of  
15 climate and groundwork to people's behaviours and their  
16 beliefs. That's what I object to.

17 MS KULASZKA: Well, I'll give you a  
18 hypothetical. What if some day things change and this  
19 law is used against anyone who talks about the  
20 Holocaust. And truth will be no defence, intent will  
21 be no defence, and someone will say to the Commission,  
22 "You know, constantly harping on this Holocaust is  
23 hatred against Germans."

24 THE CHAIRPERSON: Is there a  
25 question?

1 THE WITNESS: Yes, I was just going  
2 to ask that. What is the question?

3 MS KULASZKA: How would you feel  
4 about that? Would you feel the law was just?

5 MR. VIGNA: Mr. Chair, that's very  
6 hypothetical, and we're going in the realm of the  
7 unknown here.

8 THE CHAIRPERSON: I don't know where  
9 it gets us, Ms Kulaszka.

10 MR. FOTHERGILL: But I think if we're  
11 going to do that hypothetical and make it complete, we  
12 also have to hypothesize that in fact, the Holocaust  
13 didn't happen as a matter of fact, because that would  
14 be the true reversal.

15 THE CHAIRPERSON: I don't want to get  
16 into that situation. Mr. Christie? Can we just move  
17 on? Mr. Christie, unless you want -- do you want a  
18 break? Is that why --

19 MR. CHRISTIE: Well, it has been, I  
20 believe, since two clock, which would be an  
21 hour-and-a-half. So maybe not a bad idea.

22 THE CHAIRPERSON: Ms Kulaszka, can we  
23 take a break at this time?

24 MS KULASZKA: That's fine.

25 THE CHAIRPERSON: Look, keep track of

1 the clock. I mean, we've -- you've all got your  
2 timelines with all your experts. I don't know what  
3 we're going to do here.

4 MS KULASZKA: I'll try and move fast.

5 THE CHAIRPERSON: Ms Kulaszka, I  
6 mean, you know, I know where you're going with -- where  
7 your argument's going to be. I mean, sort of -- we  
8 were given a bit of a heads up by Mr. Christie. Just  
9 establish your points, and I think you've built the  
10 blocks for your argument thereafter, okay?

11 MS KULASZKA: Okay.

12 --- Recessed at 3:22 p.m.

13 --- Resumed at 3:40 p.m.

14 MS KULASZKA: Dr. Mock, turn to tab 2  
15 again. We'll go onto page 28. This is the 1997 audit.  
16 And you were still the executive -- or the national  
17 director of advocacy, correct?

18 DR. MOCK: No.

19 MS KULASZKA: Were you the executive  
20 director?

21 DR. MOCK: I've never -- I've never  
22 been the director of advocacy. My -- this is -- this  
23 is, I think, from their website, so my name doesn't  
24 appear on that page 28 at all. This is the new staff  
25 and the new structure that they have there now.

1 MS KULASZKA: Did you have anything  
2 to do with the audit in 1997?

3 DR. MOCK: Yes, but as national  
4 director of the League For Human Rights of B'nai Brith.

5 MS KULASZKA: Were you the editor?

6 DR. MOCK: Yes.

7 MS KULASZKA: If you could turn to  
8 page 30. As you can see, the third paragraph on that  
9 page, it starts, "This year", and then about the middle  
10 of that paragraph, it starts, "In 1997". Do you have  
11 that?

12 DR. MOCK: Yes.

13 MS KULASZKA:

14 "In 1997, several Nazi  
15 sympathizers ran for public  
16 office in the Toronto municipal  
17 elections. Don Andrews,  
18 previously convicted for hate  
19 mongering, ran for Mayor.  
20 Former teacher, Paul Fromm, who  
21 had been fired for contravening  
22 board policies by speaking at a  
23 National Alliance gathering, and  
24 FreedomSite (hatesite) webmaster  
25 Marc Lemire each ran for the

1 position of school trustee in  
2 their respective districts."

3 So you'll notice that, as editor, you  
4 allowed the Freedomsite to be called a hatesite.

5 DR. MOCK: Uh-huh.

6 MS KULASZKA: And why was that?

7 DR. MOCK: As I recall, and again I  
8 don't think there is downloaded here any of the actual  
9 material that was on the site at that time. But as I  
10 recall, there were some pretty virulent kinds of things  
11 that were available via that site, and -- and access  
12 and -- to many of the -- to many of the hate websites  
13 via the Freedomsite. So there were actual postings at  
14 that time that were highly anti-Semitic, and promoted  
15 hate propaganda against various groups.

16 MS KULASZKA: And did you lay -- try  
17 to lay charges against Marc Lemire?

18 DR. MOCK: No.

19 MS KULASZKA: Did you complain to  
20 police about Marc Lemire?

21 DR. MOCK: Not that I recall.

22 MS KULASZKA: And why did you call  
23 him a Nazi sympathizer?

24 DR. MOCK: It appeared to me that  
25 that's what he and others in this list were.

1 MS KULASZKA: Okay, if you could turn  
2 over to page 33. And it's the same 1997 audit. It's  
3 the chapter on "Hate in Canada and Overview: The State  
4 of the Neo-Nazi Right in Canada".

5 In the second paragraph, there's the  
6 first sentence, and it ends, I think at "steady  
7 following". Then the next sentence starts, "Marc  
8 Lemire".

9 Do you have that?

10 DR. MOCK: Yes.

11 MS KULASZKA:

12 "Marc Lemire, webmaster of the  
13 FreedomSite that hosts the  
14 websites of several of Canada's  
15 most virulent anti-Semitic  
16 organizations, such as the  
17 Heritage Front, the Canadian  
18 Patriot Network and the Citizens  
19 for Foreign Aid Reform, ran for  
20 the position of school trustee  
21 in Toronto public school Ward  
22 P17. Lemire, who is on Ernst  
23 Zundel's payroll, received 2,285  
24 votes, representing 12 percent  
25 of the total."

1                               Why did you include that in this  
2       audit?

3                               DR. MOCK:   Again, this is an  
4       introductory paragraph indicating that -- and one of  
5       the -- one of the concerns that had been expressed by  
6       many is, you know, it's one thing when you have, you  
7       know, skinheads prancing around in Doc Martens, and  
8       maybe, you know, putting out graffiti or marching  
9       around in placards.  It's another when, as they say,  
10      euphemistically, they take off their -- they grow their  
11      hair, put on a suit and tie, and run for public office.  
12      Or it's one thing when they distribute a couple of  
13      mimeographs or xeroxed materials on a street corner,  
14      it's another when they put on the veneer of  
15      respectability in academic publishing and so on, and  
16      begin to disseminate their material under very  
17      respectable and academic-looking websites.

18                              So it was to flag that people who  
19      were very sympathetic, in fact, facilitating the  
20      promotion of Holocaust denial and anti-Semitism and  
21      racism, were in fact coming across -- or attempting to  
22      come across as -- as very legitimate, upstanding  
23      citizens, and run for public office.  And that's -- it  
24      was just a way of -- of our flagging that, based on the  
25      research and the intelligence that we had gathered.

1 MS KULASZKA: Okay, if you turn the  
2 page to page 34. The heading is "Hate on the  
3 Internet".

4 And it reads:

5 "While hate activity in  
6 cyberspace continues to attract  
7 a great deal of attention, 1997  
8 has been a watershed year for  
9 the information -- for the  
10 formulation of strategies to  
11 deal with Internet regulation in  
12 Canada. In 1996, under the  
13 rubric of webmaster Marc  
14 Lemire's Freedomsite, Canada's  
15 far right has taken to the  
16 Internet in a big way. The  
17 Toronto-based Freedomsite hosts  
18 such organization's websites --  
19 web pages as the Heritage Front,  
20 Paul Fromm's Canadian  
21 Association For Free Expression  
22 (CAFE), and his Citizens for  
23 Foreign Aid Reform (CFAR), as  
24 well as the Canadian Patriot's  
25 Network. Marc Lemire is also in

1 the employ of Holocaust denier  
2 Ernst Zundel. Along with an  
3 e-mail newsletter, Marc Lemire  
4 is currently operating a  
5 telephone hotline. Most of the  
6 ideologues on Canada's extreme  
7 right, such as Paul Fromm, Ernst  
8 Zundel, Doug Christie continue  
9 to maintain sites on the  
10 worldwide web, both to  
11 disseminate their propaganda and  
12 recruit new "foot soldiers" to  
13 their cause."

14 So what is the cause of Marc Lemire?

15 DR. MOCK: To disseminate this kind  
16 of information, to give access to Holocaust denial,  
17 anti-Semitic propaganda, apologists for Hitler,  
18 whatever. I mean, it's -- it's the cause of the --  
19 what we would call -- I mean, it's just in general the  
20 cause of what we would call the -- the far right, and  
21 neo-Nazi and Nazi sympathizers.

22 MS KULASZKA: So what documents did  
23 Marc Lemire have at that time on the FreedomSite which  
24 denied the Holocaust?

25 DR. MOCK: I'm sorry, I wouldn't

1 recall that, although as a -- as a one-stop shopping  
2 kind of place, it was a way of facilitating access to  
3 all of the -- Ernst Zundel's material and others. But  
4 I certainly would not recall, you know, from ten years  
5 ago, the actual verbatim points that were there.

6 MS KULASZKA: So you'll agree that  
7 you make very broad statements, you're basically again  
8 very defamatory of Marc Lemire? You use very loaded  
9 language, and then you give no examples of what's on  
10 FreedomSite, and then when I ask you, you can't even  
11 remember?

12 MR. VIGNA: Mr. Chair, these  
13 questions were asked already previously, and we're at  
14 the stage of the qualification. I mean, these are just  
15 like we did with Bernard Klatt -- are questions that  
16 can be asked on cross-examination later on.

17 THE CHAIRPERSON: Ms Kulaszka, you  
18 know, I wouldn't mind cutting right to the chase here,  
19 because the real -- I know where you are going with  
20 this. I -- again, I draw upon what Mr. Christie said  
21 earlier. And I want to know, is that your intention?  
22 Is it your intention -- you've written it in a letter  
23 you sent last week to Mr. Vigna, that you cc'd to the  
24 Tribunal, that we -- that we referenced earlier,  
25 that -- you're claiming that the -- that the Tribunal

1           should not even hear this witness due to her advocacy  
2           role -- I think that's the term you used earlier, that  
3           she -- that she has played in the past. Is that the --  
4           is that where this is all going?

5                       MS KULASZKA: Absolutely. I think  
6           her testimony would be so tainted, it wouldn't -- it  
7           wouldn't provide anything useful to this Tribunal.

8                       THE CHAIRPERSON: Can you give me an  
9           authority for that, because Mohan does -- at no point,  
10          says in the fourth characterization -- the fourth test,  
11          that these are considerations in determining whether  
12          a -- it is a properly qualified expert. I mean, she  
13          has qualifications.

14                      We've spent all morning going through  
15          all the academic qualifications. That, irrespective of  
16          those qualifications, her views -- that she has such a  
17          tainted opinion, that it may influence her answers, is  
18          something that can be put at the end, akin to what I  
19          did rule indeed with regard to Mr. Klatt earlier.

20                      I mean, the same arguments were put  
21          forth about Mr. Klatt earlier, about his -- his  
22          advocacy for freedom of expression. That didn't impair  
23          me from being able to hear his evidence on the  
24          technical aspects of the Internet, did it?

25                      MS KULASZKA: No, but it was a

1 completely different issue. He was -- he was talking  
2 about computers and how the Internet works, whereas  
3 Dr. Mock is going to be giving you testimony on these  
4 very issues; on the Internet, on the effect of -- on  
5 free speech of section 13. And as we go along, she  
6 has -- she has a great bias against Marc Lemire. Over  
7 and over, she's called him a Nazi sympathizer,  
8 Holocaust denier, a neo-Nazi, and as we go on, we'll  
9 see if she calls him more things. And --

10 THE CHAIRPERSON: I'm mindful of  
11 that, Mr. Vigna. But you know, everyone is a player,  
12 it seems, in this case. Everyone has an opinion. And  
13 we will get into the -- everyone's opinion, and then  
14 any issue with regard to their -- any bias that may  
15 affect that opinion can be addressed in final  
16 submissions.

17 We've done -- we've taken that  
18 approach with regard to all the witnesses, be they  
19 yours or the other sides, to this point. And I -- I'm  
20 not entirely sure where I can draw the authority to  
21 exclude evidence entirely. I'm not talking about  
22 the -- their ability -- nor about their expertise on  
23 the matter. That's another issue that I've raised  
24 earlier, in terms of -- does she have the expertise in  
25 all the areas. If that's where you're going to go,

1           that's another point.

2                               But with regard to their credibility,  
3           that's something that I think I can deal with at the  
4           end. I gave you the example earlier of the other case  
5           of Mr. Kulbashian and Dr. Henry. I was able to manage  
6           to do it there as well. I mean, it -- where the  
7           evidence and the cards play out that way, the Tribunal  
8           can deal with it. Just a second. That's where I'm  
9           thinking right now. And because I'm going in that  
10          direction, unless you can convince me otherwise, we're  
11          wasting a lot of time which could be better spent on  
12          you cross-examining on all these very points, once we  
13          get into the core of her evidence.

14                           MS KULASZKA: Well, I would like to  
15          point out two more places where she spoke about Marc  
16          Lemire. And then -- if she could just quickly  
17          acknowledge that she wrote these. The first is page  
18          43, and that is the 1999 annual audit. And that's  
19          page --

20                           THE CHAIRPERSON: I don't mind you  
21          doing that, because that will -- that will complete the  
22          evidence that you've introduced to this point. That  
23          makes sense. So let's -- let's complete the entire  
24          thought here. 1999?

25                           MS KULASZKA: Yes.

1 THE CHAIRPERSON: At page where?

2 MS KULASZKA: Forty-three of tab 2.

3 THE CHAIRPERSON: Okay, but it begins  
4 at page 38, does it not? The annual audit? Oh, that's  
5 just the cover sheet again.

6 MS KULASZKA: Yes, if you go to page  
7 43 of annual audit.

8 THE CHAIRPERSON: Page 43, okay.  
9 That's the continuation of that. Okay. So basically,  
10 until now, you've covered every sheet until this point  
11 or --

12 MS KULASZKA: Yes.

13 THE CHAIRPERSON: -- every -- okay.

14 MS KULASZKA: Yes. Dr. Mock, do you  
15 see the second paragraph there:

16 "Marc Lemire continues to host  
17 the Freedomsite, which houses a  
18 number of web pages for extreme  
19 right groups".

20 DR. MOCK: Yes.

21 MS KULASZKA: And you acknowledge  
22 that you either wrote or edited this?

23 DR. MOCK: Yes.

24 MS KULASZKA: Okay, if you could turn  
25 to tab -- oh, maybe I could produce -- could I produce

1 up to page 44?

2 THE CHAIRPERSON: Yes, because this  
3 is the 1999 audit. Do you recognize that, Dr. Mock?

4 THE WITNESS: Yes.

5 THE CHAIRPERSON: Do you recognize  
6 it? Okay. Yes, until page 44, produced. So now we're  
7 at page 43?

8 MS KULASZKA: We'll go onto tab 3.  
9 This is a paper called "Combatting Hate on the  
10 Internet: Issue Position Paper". And did you help  
11 prepare this paper?

12 DR. MOCK: The principal author was  
13 Allan Dutton, and myself and Elaein Elboggan  
14 contributed some material to it.

15 MS KULASZKA: And did you --

16 DR. MOCK: These -- all three of us  
17 at the time were members. I was the chair of the  
18 overall committee, but this was a subcommittee to  
19 prepare for the World Conference Against Racism, so  
20 there -- we were all members of that committee that I  
21 described earlier.

22 MS KULASZKA: So if you could turn to  
23 page 5 of that document. If you look at the top,  
24 you'll see the page numbering.

25 DR. MOCK: Um-hum.

1 MS KULASZKA: In the first full  
2 paragraph:

3 "Faced with the threat and in  
4 some cases, the actual  
5 withdrawal of service by ISPs  
6 and/or access service providers,  
7 those operating racist websites  
8 in Canada, like Marc Lemire, now  
9 head of the Toronto-based  
10 Heritage Front, moved the  
11 websites to the United States".

12 And was that part of your paper?

13 DR. MOCK: Yes, part of this paper.

14 MS KULASZKA: And then this paper,  
15 you came up with action plans, which included  
16 amendments to the Canadian Human Rights Act; is that  
17 correct?

18 DR. MOCK: Which page are you on now?

19 MS KULASZKA: Page 11, 11 and 12.

20 DR. MOCK: Uh-huh.

21 MS KULASZKA: I think if you look at  
22 paragraph 4 -- there are some paragraph -- there's  
23 "action plan" and then there's a number of numbered  
24 paragraphs, and in paragraph 4 -- was that one of your  
25 recommendations?

1 DR. MOCK: Yes.

2 THE CHAIRPERSON: Paragraph 4, page  
3 11?

4 MS KULASZKA: Yes. And what -- what  
5 amendments to the Canadian Human Rights Act did you  
6 recommend?

7 DR. MOCK: We didn't recommend any  
8 specific ones. We were recommending that part of the  
9 action plan of the government should be to convene a  
10 roundtable to -- to determine whether there should be  
11 amendments to tighten up some of the language. It  
12 was -- I believe that that was right around the time  
13 that there was quibbling over jurisdiction and -- you  
14 know, because of the new technology, did -- you know,  
15 section 13 is described -- I believe, you know,  
16 telephonic devices and so on. Did it really apply?

17 And so we were recommending that  
18 there be a roundtable of experts to determine  
19 appropriate amendments to tighten up the laws and  
20 policies in this area. That's all.

21 MS KULASZKA: Elaein Elboggan, Allan  
22 Dutton, would you agree a large part of the work was  
23 for the government?

24 DR. MOCK: Not a large part, but some  
25 certainly is.

1 MS KULASZKA: What do you do? Do you  
2 have a consulting business or --

3 DR. MOCK: Now I do, since --  
4 October 2005, when I -- when my second term at the  
5 Canadian Race Relations Foundation was -- was finished.

6 MS KULASZKA: Those are my questions.

7 THE CHAIRPERSON: Okay. Mr. Vigna?  
8 Or anyone else? I'm sorry, I didn't look up. Does  
9 anyone else wish to ask questions on the expertise? We  
10 don't want to overlap, of course. We put that out as  
11 a -- as an approach to be followed in our previous  
12 conference calls. But until now, we haven't really  
13 dealt with the constitutional issues, so we're just  
14 getting into that now, that's the -- protocol we'll  
15 follow.

16 Mr. Christie, do you have anything  
17 you need to add?

18 MR. CHRISTIE: What I'd like to do  
19 is -- there should be copies of Mohan. And I'll be  
20 trying to focus in regard to that, in respect to  
21 reliability.

22 THE CHAIRPERSON: You mean, in  
23 questioning?

24 MR. CHRISTIE: Yes.

25 THE CHAIRPERSON: In questioning this

1 witness?

2 MR. CHRISTIE: Yes.

3 THE CHAIRPERSON: Okay.

4 MR. CHRISTIE: Because of course, if  
5 the witness doesn't fit within the qualifications of an  
6 expert, as set out by the Supreme Court in Mohan, the  
7 same results should occur, as occurred to all of  
8 Mr. Zundel's purported experts in his human rights  
9 inquiries before Mr. Claude Pinceur, and a few -- there  
10 were two other persons, a three-member panel. So I  
11 have some questions relative to that.

12 CROSS-EXAMINATION BY MR. CHRISTIE

13 MR. CHRISTIE: Do you have any  
14 empirical studies that you yourself have conducted in  
15 regard to race relations and multiculturalism in  
16 Canada?

17 DR. MOCK: Yes.

18 MR. CHRISTIE: What studies have you  
19 personally conducted in regard to race relations and  
20 multiculturalism in Canada?

21 DR. MOCK: I'll go back to my -- to  
22 my CV.

23 THE CHAIRPERSON: Yes, that was  
24 where, again? The CV was at tab?

25 MR. VIGNA: Seven.

1 THE CHAIRPERSON: Tab 7, okay.

2 DR. MOCK: Starting in 1982.

3 MR. CHRISTIE: What page are you on?

4 DR. MOCK: I'm on page 8 of my  
5 curriculum vitae, which I believe is in tab 7. There's  
6 a little blue paper behind -- my first reports.

7 MR. CHRISTIE: Are you talking now  
8 about publications?

9 DR. MOCK: Yes, and research reports.

10 THE CHAIRPERSON: I'm sorry, what  
11 page?

12 DR. MOCK: 8 of my curriculum vitae.

13 THE CHAIRPERSON: Okay.

14 DR. MOCK: So on page 8, fifth from  
15 the top.

16 MR. CHRISTIE: You're now talking  
17 about early childhood education in a multicultural  
18 society?

19 DR. MOCK: Yes. You asked about my  
20 empirical work on multiculturalism in Canada.

21 MR. CHRISTIE: No. No, I'm sorry. I  
22 don't believe that was my question. My question was,  
23 race relations and multiculturalism in Canada, what  
24 imperical studies there were in that regard. And I'm  
25 not specifically, nor should it ever be taken that I'm

1 talking about children. I'm talking about adults.

2 DR. MOCK: Do you mean -- you're  
3 asking about those two generic -- I don't understand  
4 the question. There's -- there's something called race  
5 relations. Is that --

6 MR. CHRISTIE: I'll explain the  
7 question. I'll explain the question because you say  
8 you don't understand the question.

9 DR. MOCK: Um-hum.

10 MR. CHRISTIE: The subject under  
11 which you are being purportedly qualified as an expert,  
12 under point one, is race relations and multiculturalism  
13 in Canada. I asked you what empirical studies you have  
14 done to deal with or address race relations and  
15 multiculturalism in Canada. And I don't mean with  
16 infants or children.

17 DR. MOCK: Oh, so you are restricting  
18 anything to do with education or --

19 MR. CHRISTIE: No. Adults. If you  
20 have any empirical studies or original research in  
21 regard to race relations and multiculturalism in Canada  
22 involving adults, I just want you to identify what  
23 you --

24 DR. MOCK: If I might just clarify,  
25 when we say "early childhood education", we don't mean

1 for young children at all times. It sometimes means  
2 the ECE programs which are adults, or doing -- it  
3 involves doing surveys of what is happening --

4 MR. CHRISTIE: Childhood -- I think  
5 we understand the meaning of childhood. Don't we mean  
6 people generally under the age of majority, childhood?

7 DR. MOCK: Well, with all -- with all  
8 due respect, when we speak about ECE programs, we're  
9 speaking about teacher education programs for adults in  
10 university and colleges that deal with  
11 multiculturalism. So I don't -- I'm not sure --

12 THE CHAIRPERSON: Dr. Mock?

13 DR. MOCK: I'm not sure --

14 THE CHAIRPERSON: I know that but --  
15 I know what he's talking about, because we're here  
16 doing a section 13 human rights complainant.

17 DR. MOCK: Okay.

18 THE CHAIRPERSON: And that's what the  
19 topic is -- and the problem that I've had, and I've  
20 alluded to it already, is that you've been put forth as  
21 an expert in race relations and multiculturalism in  
22 Canada, applied psychology, including psychology in  
23 race relations, psychological impact of hate propaganda  
24 on its victims, and the phenomenon of hate propaganda  
25 on the Internet, as an expert in these areas. And this

1 is where we need to focus.

2 DR. MOCK: Okay.

3 THE CHAIRPERSON: And I'm afraid  
4 we've been focusing all over the place except those  
5 things in -- this morning.

6 MR. CHRISTIE: Well, I'm focusing on  
7 those things explicitly, and I hope, exclusively. Now,  
8 I just want to put it to you that, having heard all  
9 your evidence about your curriculum vitae, I've seen no  
10 evidence that you've done any original, scientific  
11 research on any one of those four topics. Have you?

12 DR. MOCK: I don't know. Perhaps you  
13 are having a very narrow description of original  
14 scientific research. I'll point you to page 9 of my  
15 CV, "Research on Access to Government Services by  
16 Racial Minorities for the Ontario Race Relations  
17 Directorate."

18 This is specifically about race  
19 relations. It's specifically about what the needs of  
20 adults are in order to relate effectively to government  
21 services. That's one, two, three, four, fifth  
22 publication down. It was based on absolutely original  
23 scientific, well-conducted --

24 THE CHAIRPERSON: Page 9, fifth down?

25 THE WITNESS: Yes. Well-conducted,

1           qualitative and quantitative research. Two bullets  
2           down, "Race Relations Training: A Manual and Resource  
3           Guide for Practitioners and Consultants". This was a  
4           thorough overview of race relations issues and training  
5           in the country and in the province. Now, let me move  
6           further down.

7                           MR. CHRISTIE: Can I ask you a  
8           question about that? What did that have to do with the  
9           Internet?

10                          DR. MOCK: Nothing at the time, but I  
11           thought that we were -- I'm sorry, sir. I don't  
12           understand. I wanted --

13                          MR. CHRISTIE: Well, now you  
14           understand my question. I asked you if it had anything  
15           to do with the Internet --

16                          MS. MOCK: Well --

17                          MR. CHRISTIE: -- and it didn't.

18                          DR. MOCK: That doesn't, but it does  
19           have to do with your question, sir, of what --

20                          MR. CHRISTIE: Well, what it has to  
21           do with --

22                          DR. MOCK: -- and what research have  
23           I done on race relations.

24                          MR. CHRISTIE: -- is for -- for the  
25           panel to decide. I will be able to argue that. It's

1 just a simple question.

2 DR. MOCK: Okay, sorry.

3 MR. CHRISTIE: Now, page what?

4 DR. MOCK: I'm on page 9.

5 MR. CHRISTIE: "Race Relations  
6 Training: A Manual and Resource Guide for  
7 Practitioners and Consultants." Is that it?

8 DR. MOCK: Yes.

9 MR. CHRISTIE: Excuse me, I have a  
10 question. Practitioners of what?

11 DR. MOCK: Practitioners of race  
12 relations and multiculturalism work or training or what  
13 is now called diversity, what is now called  
14 anti-racism, what is now called multicultural -- you  
15 know, or -- or as you posed it, multiculturalism and  
16 race relations.

17 MR. CHRISTIE: So you're saying that  
18 you taught people how to do what, in terms of race  
19 relations?

20 DR. MOCK: This manual included  
21 research on materials that were currently available in  
22 that field, and was a training of trainers manual on  
23 how to assist people in the field itself.

24 MR. CHRISTIE: What's original  
25 research? What is original research?

1 DR. MOCK: Original research is  
2 investigation through both qualitative and quantitative  
3 means, to establish a body of evidence on a specific  
4 topic.

5 MR. CHRISTIE: Yes. Well, was that  
6 original research?

7 DR. MOCK: Yes.

8 MR. CHRISTIE: And what specific --

9 DR. MOCK: There hadn't been such  
10 a -- such a document done before.

11 MR. CHRISTIE: Well, was the document  
12 the result of a study?

13 DR. MOCK: Part of this was to do a  
14 review, a study of who was doing what across the  
15 country.

16 MR. CHRISTIE: Oh, it's a -- a review  
17 of other studies; is that correct?

18 DR. MOCK: Not necessarily of  
19 studies, finding out original information of who was  
20 actually doing what --

21 MR. CHRISTIE: Who was doing what?

22 DR. MOCK: -- not if they had  
23 studied.

24 MR. CHRISTIE: Who was doing what, in  
25 what sense? Were you reporting on what other people

1           were doing or were you reporting on other research?

2                           DR. MOCK:   Both.

3                           MR. CHRISTIE:  Well, whose research  
4           were you reporting on?

5                           DR. MOCK:  I would have to get you a  
6           copy of that manual and look at the --

7                           MR. CHRISTIE:  All right, well, there  
8           was no -- there was no original research of your own?

9                           DR. MOCK:  I -- well, with all due  
10          respect, many people would consider that to be original  
11          research.  If you are speaking about --

12                          MR. CHRISTIE:  So I'll try and  
13          clarify my terms.  I mean by "original research", not  
14          that you are reporting on what other people are doing,  
15          which is usually thought of as secondary reporting.  
16          No, I'm asking you, if that was involved with any  
17          original research, conducted by yourself, on any  
18          subject to do with race relations or multiculturalism?

19                          DR. MOCK:  I don't know how else to  
20          answer it, except to say yes.  It was original work.

21                          MR. CHRISTIE:  Original research, was  
22          it?  It's not original work.  I'm sure when you write  
23          something --

24                          DR. MOCK:  It wasn't --

25                          MR. CHRISTIE:  -- for the first time,

1           it's an original work. But original research is  
2           conducting inquiries in the field, or through someone  
3           that you are investigating. Did you question people  
4           about their racial background or racial reception or  
5           racial prejudice?

6                           DR. MOCK: No, not in that one. Is  
7           that what you are asking for?

8                           MR. CHRISTIE: That's what I'm  
9           asking.

10                          DR. MOCK: Oh. Well, in that case  
11           then, I'll move you down to -- I thought you meant, in  
12           general on the topic.

13                          MR. CHRISTIE: Don't worry what you  
14           thought you meant -- I meant. Now you know what I  
15           meant and --

16                          DR. MOCK: One, two, three, four down  
17           from there.

18                          MR. CHRISTIE: Yes?

19                          DR. MOCK: "Race relations  
20           Ethnocultural policy development and implementation in  
21           Ontario school boards". This was a piece of work done  
22           for the Ontario Ministry of Education on --

23                          MR. CHRISTIE: Where is this?

24                          DR. MOCK: It's fourth down from the  
25           one that we were just considering.

1 THE CHAIRPERSON: It's called, "Mock,  
2 K.R, Principal Investigator, and Masemann, B.L, 1999?"

3 THE WITNESS: That's right. We were  
4 asked by the Ontario Ministry of Education, because no  
5 one had ever done this -- this original piece before --

6 THE CHAIRPERSON: So this --

7 THE WITNESS: -- to actually  
8 interview. As you said, did I speak to people, did we  
9 find out -- we spoke to adults, we spoke to people in  
10 the school system, we spoke to people doing work in the  
11 school system. It was a lengthy -- we had specific  
12 formal interview protocols that were validated as  
13 accurate. So there's that one.

14 MR. CHRISTIE: So can I ask you a  
15 question about that, please?

16 DR. MOCK: Um-hum.

17 MR. CHRISTIE: Would you say that the  
18 interviews you conducted were standard questions to all  
19 interviews, same questions for every interview.

20 THE CHAIRPERSON: Is there an answer?

21 THE WITNESS: As I recall, yes, we  
22 had a -- we had a specific interview protocol and we  
23 asked every subject that was interviewed the same  
24 questions.

25 MR. CHRISTIE: What were the

1 questions?

2 DR. MOCK: I'm sorry sir, I could not  
3 tell you at this point accurately, unless I had that in  
4 front of me. It was from 1990.

5 MR. CHRISTIE: And of course -- and  
6 no verification of what they might have said, as to  
7 whether it was true or false, or what it reflected  
8 or -- do you remember anything about it?

9 DR. MOCK: I remember asking for  
10 their documents to validate what it was that they were  
11 saying, if they had any statistics or -- yes. I  
12 mean --

13 MR. CHRISTIE: Is there a term you  
14 use in psychology to describe people's personal  
15 recollections, or their personal account of events?

16 DR. MOCK: What I'm taking you to be  
17 asking is the nature of the research. The term that we  
18 would use in psychology, and also in other forms of  
19 research, we would say that the -- the difference  
20 would be between qualitative research and quantitative  
21 research, the quantitative being, you know, your  
22 measurements are actually quantitative data and you  
23 might be able to do an statistical analysis.

24 The qualitative is to actually be  
25 recording people's responses in a non-quantitative way.

1           And I do recall that in this case, we used what is  
2           called the Glasser and Strauss procedure in field  
3           research, which is a very well-respected way of  
4           analyzing qualitative data to ensure that the data  
5           itself suggests the category on which to make the  
6           decisions versus, you know, just having narratives,  
7           let's say. So in fact, when I -- when you speak about  
8           original scientific research, if you are saying, you  
9           know, "Have you done valid qualitative" --

10                       MR. CHRISTIE: Can you wait for my  
11           questions --

12                       DR. MOCK: Oh, I'm sorry, sir.

13                       MR. CHRISTIE: -- before you start  
14           telling me what might be my question.

15                       DR. MOCK: I'm sorry. I'm sorry.

16                       MR. CHRISTIE: She -- she wasn't  
17           answering my question. She was asking me if I meant  
18           this --

19                       THE CHAIRPERSON: Okay, just put some  
20           order in this. Mr. Vigna, please.

21                       MR. VIGNA: The witness was  
22           explaining --

23                       THE CHAIRPERSON: Well, although --  
24           with all due respect, Dr. Mock, sometimes your answers  
25           go very long and you leave the question. So there was

1 a specific question. Please, go ahead.

2 MR. CHRISTIE: All right. Now, to  
3 which of the four categories of your purported  
4 expertise does that study qualify you?

5 DR. MOCK: Race relations and  
6 multiculturalism.

7 MR. CHRISTIE: So what did it enable  
8 you to know that isn't already known by common sense?

9 DR. MOCK: Yes.

10 MR. CHRISTIE: I'm sorry, my question  
11 again was, what did it enable you to know?

12 DR. MOCK: Oh, what. I'm sorry, I  
13 heard "would it enable you to know".

14 THE CHAIRPERSON: He said "what".

15 DR. MOCK: I'm sorry.

16 MR. CHRISTIE: Okay, I'll try again.  
17 What would that enable you to know that isn't available  
18 to anyone by common sense?

19 DR. MOCK: In the study by Masemann  
20 and Mock?

21 MR. CHRISTIE: That's the one we're  
22 talking about.

23 DR. MOCK: It would enable -- it did  
24 enable to Ministry of Education to have some, both  
25 quantitative and qualitative, information on the state

1 of race relations and multiculturalism in all their  
2 school boards at the present time, which was not known  
3 by common sense.

4 It also enables them to understand,  
5 by the focus groups and the qualitative individual  
6 interviews that were done, what the major issues were  
7 for people in -- throughout the Province of Ontario,  
8 what the prime issues were in race relations and in  
9 multiculturalism, what their concerns were about people  
10 being victimized by bias in the system, and so on.

11 So without going on at length, it did  
12 in fact move the knowledge forward considerably, and I  
13 might add, ultimately lead to some policy development  
14 in the area, based on our original work.

15 MR. CHRISTIE: So you had focus  
16 groups; is that right?

17 DR. MOCK: Some.

18 MR. CHRISTIE: Um-hum. Well, you  
19 mentioned them. What's a focus group?

20 DR. MOCK: A focus group is a tool  
21 that is used in qualitative research. In fact, we  
22 worked with a professional researcher, to determine --  
23 using very a specific method of questioning, the same  
24 questions and the same probing techniques in each  
25 group, to determine information on race relations and

1 multiculturalism in those school boards.

2 MR. CHRISTIE: That's your purpose,  
3 but what is a focus group? People sit around and give  
4 their opinions, right?

5 DR. MOCK: Again -- again, in a  
6 structured interview, and with a professional  
7 facilitator, a trained researcher actually, who is  
8 skilled in both recording and analyzing the data.

9 MR. CHRISTIE: But it is true that  
10 people can say whatever they want in a focus group, and  
11 they express their personal opinions; is that correct?

12 DR. MOCK: Or give their -- the facts  
13 that they are being asked for, or their experiences, or  
14 to share their concerns, yes.

15 MR. CHRISTIE: Tell their stories?

16 DR. MOCK: Well, you're -- that's one  
17 way of describing it. It is also providing evidence  
18 and data.

19 MR. CHRISTIE: So all that emerged  
20 out of this research was something to assist the school  
21 boards of Ontario to develop new policy on race  
22 relations and multiculturalism, correct?

23 DR. MOCK: Well, the deliverable, if  
24 you want to put it those terms, was one of their major  
25 research documents, one of the purple documents that

1 the ministry put out.

2 MR. CHRISTIE: I didn't use the  
3 determine "deliverable" because I don't know what it  
4 means.

5 DR. MOCK: But that's -- that's my  
6 term.

7 MR. CHRISTIE: Okay.

8 DR. MOCK: You say what came out of  
9 it, what was the result of this work.

10 MR. CHRISTIE: That's right. What  
11 was it?

12 DR. MOCK: And the result that I  
13 produced was this scientific or -- report on race and  
14 Ethnocultural equity policy in the school boards. And  
15 what they then did with it, it's my understanding, is  
16 using that data, they were able to assess what the key  
17 factors were in success, how you measure whether a  
18 policy is working successfully or not, and then that  
19 lead to some policy development in the Ministry of  
20 Education.

21 MR. CHRISTIE: So did you do anything  
22 of a original research nature regarding applied  
23 psychology, including psychology of race relations?

24 DR. MOCK: Moving down to the study  
25 on "victim impact of racially motivated crime".

1 MR. CHRISTIE: This is in Current  
2 magazine?

3 DR. MOCK: That's a summary of it is  
4 in Current magazine. The full text is part of the  
5 documentation of the Royal Commission on Systemic  
6 Racism in the Justice System.

7 MR. CHRISTIE: Well, did they just  
8 take a report and include it in theirs, or what did  
9 they do?

10 DR. MOCK: Sorry sir, who - who is  
11 "they"?

12 MR. CHRISTIE: "They" being the last  
13 person you mentioned.

14 DR. MOCK: The Royal Commission on  
15 Systemic Racism?

16 MR. CHRISTIE: Wasn't that who you  
17 mentioned?

18 DR. MOCK: Yes.

19 MR. CHRISTIE: Um-hum.

20 DR. MOCK: No, there was a report,  
21 based on our report, that was a full document. What  
22 you have here, because I'm looking at my list of  
23 publications in journals, was a piece done for the  
24 Urban Alliance on Race Relations that described the  
25 study. That's all I was clarifying, sir.

1                   MR. CHRISTIE: So what is it that you  
2 say that enabled you to derive, that's more than anyone  
3 else could have derived from common sense?

4                   DR. MOCK: That study in 1993,  
5 brought to the fore the psychological impact of racism,  
6 of hate, the concerns in our multicultural society that  
7 people had with their safety and security, differential  
8 treatment of victims based on some of the identifiable  
9 characteristics and -- I'm not sure what you are  
10 referring to.

11                   By "common sense", I guess that would  
12 be what is out in the popular knowledge, or what have  
13 you, but -- but unless people really do take the time  
14 to document what -- you know, how does race  
15 relations -- or what are the race relations in the  
16 province, or what is somebody's lived experience of  
17 being on the receiving end of racism. One would not  
18 know just out in the popular culture what that is all  
19 about. So that is what that contributed to new  
20 knowledge in the field.

21                   MR. CHRISTIE: How did you define  
22 "racially motivated crime"?

23                   DR. MOCK: Incidents that targeted  
24 people on the basis of their skin colour, their --

25                   MR. CHRISTIE: What kind of

1 incidents?

2 DR. MOCK: Again, I would have to  
3 have that study in front of me to look at the actual  
4 documentation but --

5 MR. CHRISTIE: So you are not really  
6 qualified to tell us at the moment what the study  
7 referred to as incidents?

8 DR. MOCK: Well, I believe I am  
9 qualified, it's just that I don't have all the material  
10 here. When you say could you -- I'm assuming you want  
11 to know exactly what kinds of incidents were documented  
12 in there. People spoke --

13 MR. CHRISTIE: Well, not exactly. If  
14 you can give us a general description of that.

15 MS. MOCK: People spoke about  
16 harassment, they spoke about name calling, they spoke  
17 about receiving hate mail, they spoke about assaults,  
18 they spoke about many kinds of behaviors that impacted  
19 on them, that they interpreted to be motivated on the  
20 basis of their race, religion, ethnicity, culture and  
21 so on.

22 This is an umbrella term that we are  
23 using. Because, as I mentioned earlier, this study  
24 interviewed people from the Aboriginal community, from  
25 the Jewish community, Muslims, blacks, people who were

1 targeted on the basis of their sexual orientation. You  
2 have to forgive me, just -- oh, south Asian -- south  
3 Asian people. This was the -- you know, the hate mail  
4 that people received or -- or being called "Pakis" or  
5 that kind of, you know -- being vilified by --

6 MR. CHRISTIE: So you included -- you  
7 included all that in your definition of crime?

8 DR. MOCK: This study interviewed  
9 victims, people who -- who felt -- either felt or in  
10 fact, were involved in the court system in some way,  
11 because they had been victims of this kind of behavior.  
12 That's --

13 MR. CHRISTIE: Why would people be in  
14 the court system because they were the victims of being  
15 called "Paki" or some derogatory racist --

16 DR. MOCK: I'm not saying that --

17 MR. CHRISTIE: I don't understand  
18 this.

19 MS. MOCK: That's why I said some  
20 were and some weren't. It isn't that everyone in this  
21 study had been involved with the court system.

22 MR. CHRISTIE: Well, to try and get  
23 an answer to my question, you don't define crime as in  
24 any way referable to the Criminal Code? Name calling  
25 is also included in your definition of crime?

1 DR. MOCK: As I mentioned earlier, we  
2 look also at what we might call -- and I'm not --  
3 here's where, sir, Mr. Chair, I'm not sure where to go  
4 with this, and perhaps I'm -- if this isn't what you  
5 are looking for. When I'm being asked about this  
6 specific study, and that's the one I'm trying to refer  
7 to as part of my research, in what is the victim impact  
8 of -- of racism.

9 THE CHAIRPERSON: And the question  
10 that was asked of you, is because the term used in the  
11 title of this text is "crime". And perhaps it's a  
12 lawyer's reflex, but to us, crimes are anything that's  
13 referred to in the Criminal Code. Otherwise, it's not  
14 a crime.

15 DR. MOCK: And I -- and I was --

16 THE CHAIRPERSON: And your  
17 explanation of -- of the incidents that were addressed  
18 in your study, included things like name calling, which  
19 now, I gather, Mr. Christie is challenging as not being  
20 a crime.

21 DR. MOCK: And one of the things that  
22 we showed in that study, as well as in many other  
23 studies, when we look at what is the state of both race  
24 relations, multiculturalism and victim impact of hate  
25 and hate propaganda, is that people themselves don't

1 stop to determine is this a Criminal Code offence, or  
2 is this something that is happening to me that is  
3 impacting me in a terrible, violent way, or to my  
4 psyche or my self-esteem or anything else. So they  
5 don't make that distinction. Which is why, if I may,  
6 if we were on the topic of how do I define hate, it is  
7 a much broader interpretation than Criminal Code  
8 offences.

9 THE CHAIRPERSON: Right. No, but I  
10 think what's important to note is that notwithstanding  
11 the title of this text, the research that you say you  
12 conducted, or the report that is being referenced  
13 there, was one where you interviewed people with  
14 respect to incidents like those that you've described?

15 DR. MOCK: Yes, and they were able  
16 then also, and further to the original question, which  
17 is what kind of research have I done on race  
18 relations --

19 MR. CHRISTIE: No, let me -- I don't  
20 think that there is any outstanding question. But I  
21 have another one.

22 THE CHAIRPERSON: Okay.

23 MR. CHRISTIE: Thank you. So would  
24 you agree with me that your criterion then, of how you  
25 define crime is entirely subjective?

1 DR. MOCK: No, sir.

2 MR. CHRISTIE: Well, what objective  
3 criterion did you establish to say, "Well, you're the  
4 victim of a racially motivated crime and you're not"?  
5 Tell me any criterion you now remember or you applied  
6 at the time?

7 DR. MOCK: I'm sorry, I would have  
8 to, in order to answer that question to the extent that  
9 you would like to have it, I would have to have a copy  
10 of the full study here, and be able to repeat to you  
11 from that study the definition that we used or the way  
12 we set the tone for the researcher to conduct the  
13 discussion.

14 MR. CHRISTIE: Well, did you conduct  
15 the discussion or did the researcher?

16 DR. MOCK: We actually, for that,  
17 hired a trained person who could -- who was herself a  
18 researcher, and served in our -- in our study as the  
19 research associate, to actually conduct the actual  
20 focus group.

21 MR. CHRISTIE: You didn't conduct the  
22 actual focus group then?

23 DR. MOCK: No.

24 MR. CHRISTIE: Were you present  
25 during it?

1 DR. MOCK: Some of them, yes. But it  
2 would not be typical that the principal investigator  
3 would necessarily actually conduct --

4 MR. CHRISTIE: Did I ask you what  
5 would be typical?

6 DR. MOCK: No, I'm sorry, you're  
7 right. I'll let this go a little more quickly. Sorry.

8 MR. CHRISTIE: Yes, thank you. You  
9 were talking about some federal ministry who appointed  
10 you in 2001. I just wanted to know who appointed you.

11 THE CHAIRPERSON: This is where? Can  
12 you reference the page for me, please, sir?

13 MR. CHRISTIE: 2001 she was --  
14 appointed with a one-time endowment which can't be  
15 touched.

16 THE CHAIRPERSON: I remember those  
17 words.

18 MR. CHRISTIE: Does that help you  
19 remember?

20 DR. MOCK: Yes.

21 THE CHAIRPERSON: What page is that  
22 on?

23 DR. MOCK: In 2001, now let's -- I'm  
24 looking at -- page one of my curriculum vitae. It  
25 doesn't have a page number on it.

1 THE CHAIRPERSON: Yes.

2 DR. MOCK: Tab 7.

3 THE CHAIRPERSON: Oh, it's Canadian  
4 Race Relations Foundation?

5 DR. MOCK: That's right. And I was  
6 appointed in October of 2001 by the federal government.

7 MR. CHRISTIE: Was there a minister  
8 involvement?

9 DR. MOCK: Yes.

10 MR. CHRISTIE: Who?

11 DR. MOCK: Secretary of State for  
12 Multiculturalism and Status of Women, Heddy Fry.

13 MR. CHRISTIE: Oh, okay. Was she the  
14 one who had to apologize for alleging burning crosses  
15 that didn't exist?

16 MR. VIGNA: Objection, Mr. Chair.  
17 We're attacking --

18 THE CHAIRPERSON: I don't know what  
19 the relevance is there.

20 MR. CHRISTIE: Well, it --

21 THE CHAIRPERSON: I'm mindful of that  
22 comment, but let's move on.

23 MR. CHRISTIE: All right, never mind.

24 So how does that study advance your  
25 knowledge on the psychological impact of hate

1           propaganda on its victims?

2                           DR. MOCK:   Sorry?

3                           MR. CHRISTIE:   How does that study --

4                           DR. MOCK:   Which study?

5                           MR. CHRISTIE:   The study that you  
6           were conducting on behalf of Heddy Fry, advance your  
7           knowledge of the psychological impact of hate  
8           propaganda on its victims?

9                           DR. MOCK:   I'm not sure we're  
10          speaking about the same thing.  The appointment I was  
11          given was executive director and CEO.  It was not a  
12          study, but rather, I served for four years in the  
13          capacity as executive director and CEO of the Canadian  
14          Race Relations Foundation.

15                          MR. CHRISTIE:   All right.  So what  
16          original research did you conduct to enable you to be  
17          an expert in the psychological impact of hate  
18          propaganda on its victims?

19                          DR. MOCK:   During that four-year  
20          period?

21                          MR. CHRISTIE:   In any time in your  
22          claimed period of qualification.

23                          DR. MOCK:   Another study would be  
24          1996, The Nature and Extent of Racism and Hate Activity  
25          in Metropolitan Toronto.

1 MR. CHRISTIE: Well, how does that  
2 advance any scientific knowledge of the psychological  
3 impact of hate propaganda on its victims?

4 DR. MOCK: And again, that also  
5 included several interviews, of people who had been  
6 impacted by racism.

7 MR. CHRISTIE: Well, so let me  
8 understand. If you conduct interviews and people tell  
9 you things, that makes you an expert in the  
10 psychological impact of hate propaganda on its victims?  
11 Is that how it works?

12 DR. MOCK: I wouldn't say so if -- if  
13 it were someone who were not a psychologist that was  
14 doing that. But in fact --

15 MR. CHRISTIE: Well, even if --  
16 someone who is a psychologist, do you take the position  
17 that because you talk to people who claim to be victims  
18 of hate propaganda, that you then become an expert in  
19 the psychological impact of hate propaganda on its  
20 victims?

21 DR. MOCK: Another aspect of my work  
22 in the many years that I have been working in this  
23 field --

24 MR. CHRISTIE: Could you answer my  
25 question?

1 DR. MOCK: Sorry?

2 MR. VIGNA: She's trying to answer.

3 DR. MOCK: I'm trying to -- I'm  
4 really desperately trying to.

5 MR. CHRISTIE: "Another aspect of my  
6 work in this field." No, I -- my question is very  
7 specific.

8 Does your having talked to people who  
9 claim to be the victim of hate propaganda entitle you  
10 to be considered, and you therefore claim, that you're  
11 an expert in the psychological impact of hate  
12 propaganda on its victims, because you talk to people?

13 DR. MOCK: Yes. As a registered  
14 psychologist, yes.

15 MR. CHRISTIE: I see. So how many  
16 did you talk to?

17 DR. MOCK: In my career or in that  
18 one study only because --

19 MR. CHRISTIE: Well, I guess we'll  
20 have to deal with it -- the one study first. Since  
21 that was a scientific study, was it?

22 DR. MOCK: It was an empirical study,  
23 if that's what you mean. But I --

24 MR. CHRISTIE: Well, what's a  
25 scientific study to you?

1 DR. MOCK: Sir, I'm -- I'm not  
2 claiming to be an expert in scientific --

3 MR. CHRISTIE: Research?

4 DR. MOCK: -- design or  
5 experimentation or scientific study. What I am -- I  
6 understood being asked for was for my expertise in --  
7 in understanding the victim impact or the state of race  
8 relations and multiculturalism in Canada, and -- and  
9 dealing with victims. To that extent, and I will if  
10 it's necessary tonight, go and retrieve the various  
11 original publications to look at the number of people  
12 in the sample -- in the recognized sample. We have to  
13 use more than just one or two people to interview. It  
14 has to be -- the end has to be large enough to be able  
15 to draw reasonable conclusions. My own training again,  
16 was in experimental psychology, so I wouldn't conduct  
17 the studies. I'm -- I need to --

18 THE CHAIRPERSON: Sorry, hold on. I  
19 have an objection in the back.

20 DR. MOCK: I need some assistance  
21 here.

22 MR. FOTHERGILL: Thank you,  
23 Mr. Chair. I have some concerns, before Dr. Mock goes  
24 to those extraordinary lengths, about the relevance of  
25 this entire line of questioning. There is nothing in

1 law, that I'm aware of, that requires an expert's  
2 expertise to be based solely on personal knowledge.  
3 There's nothing wrong with somebody coming before you  
4 to explain the results of a literature review, for  
5 example. And so we've now spent time trying to  
6 resurrect methodology of studies that were concluded  
7 many, many years ago. And I think we've let this go on  
8 for quite some time. But ultimately, it's not going to  
9 assist you because you have the entire CV. Much of it  
10 is obviously not studies conducted by Dr. Mock  
11 personally, and in my respectful submission, it doesn't  
12 matter.

13 THE CHAIRPERSON: It may not, sir.  
14 But there is a problem and I've highlighted here today,  
15 and that is that this person has been put forth as an  
16 expert in race relations and multiculturalism in  
17 Canada, applied psychology, including psychology and  
18 race relations, the psychological impact of hate  
19 propaganda on its victims, the phenomenon of hate  
20 propaganda on the Internet. And so far, in the  
21 questioning that I've heard, I have some questions as  
22 to where I see that expertise in that -- the document  
23 that has been presented before me.

24 MR. FOTHERGILL: That's very well,  
25 but in that case, let's focus on that and not whether

1 she conducted the research herself.

2 THE CHAIRPERSON: Well, agreed.

3 Unless the title doesn't tell us enough, in which case  
4 it would be helpful to know what was behind the title.

5 So for instance, when I read the  
6 title -- and let's start getting -- because we've  
7 wasted a lot of time today on this -- but when I read  
8 the title, "The nature and extent of racism and hate  
9 activity in Metropolitan Toronto", it doesn't tell me  
10 that that provides a person with knowledge about the  
11 psychological impact of hate propaganda is its victims,  
12 or some other of these headings that Mr. Vigna has put  
13 forth today.

14 So unless somebody gets around to  
15 doing the job that needs to be done, on getting the  
16 expertise done, we won't get the expertise proven, and  
17 it -- actually won't be qualified as such.

18 MR. FOTHERGILL: Very well. My  
19 objection is just about the focus on whether or not --

20 THE CHAIRPERSON: I understand.

21 MR. FOTHERGILL: -- she conducted the  
22 research in person.

23 THE CHAIRPERSON: I understand. But  
24 finally, we're getting to the questions that I needed  
25 to hear all day.

1                   MR. CHRISTIE: So really, where do  
2                   you claim that you derive any expertise in the  
3                   psychological impact of hate propaganda on its victims,  
4                   other than talking to people in Metropolitan Toronto  
5                   who claim to have been victims?

6                   DR. MOCK: I would suggest that  
7                   with -- in particular, in the last 15 years of my  
8                   career, which included being on the receiving end of  
9                   many complaints and having to work people through, and  
10                  do countless hours of interviewing and assisting people  
11                  to actually deal with victimization as a psychologist  
12                  at the League for Human Rights of B'nai Brith. It may  
13                  not appear that these are in research studies, but  
14                  certainly, the body of knowledge and experience and  
15                  expertise that I have in assisting people to resolve  
16                  cases and understanding their psyche, their -- the  
17                  impact that it has on their behaviour.

18                  One of the studies, as I mentioned,  
19                  that was not here, that we have just completed this  
20                  past year, which included myself and many others doing  
21                  very personal interviews with people who were victims  
22                  of hate crime in the true sense of the word, as well as  
23                  in -- victims of hate propaganda, again, you know,  
24                  builds up that body of knowledge and experience in  
25                  understanding what the severe impact is on people's

1           psyche, as well as the -- my reviewing of the  
2           literature.

3                           And I do get into that, by the way, I  
4           know that we're at the stage of my resume, per se, and  
5           studies that I may have done, but I do get into that  
6           more in my second report, in terms of my review of the  
7           literature. And bringing my experience and  
8           qualifications as a psychologist to bear, as an --  
9           interpreting that evidence.

10                          MR. CHRISTIE: So you're telling me  
11           that you've interviewed victims of hate crime, correct?

12                          DR. MOCK: Many times.

13                          MR. CHRISTIE: Who?

14                          DR. MOCK: Am I asked to disclose  
15           names of victims, some of whom would not like their  
16           names to be -- I don't --

17                          MR. CHRISTIE: See, I'm trying to  
18           define hate crime in your own experience, in your own  
19           claimed expertise.

20                          THE CHAIRPERSON: Mr. Christie,  
21           there's an objection here.

22                          MR. VIGNA: Yes, I don't think it's  
23           necessary to give names.

24                          THE CHAIRPERSON: I guess he's moving  
25           on from that. You are not asking for actual names, are

1           you?

2                           MR. CHRISTIE: Well, see, here's my  
3 situation. If you are saying that someone is a victim  
4 of a hate crime, there's so few people who have been  
5 convicted of hate crimes in Canada, I would be  
6 curious to know who would be the victim of it? Do you  
7 mean anyone who was offended by what James Keegstra  
8 wrote? Is that who you mean?

9                           DR. MOCK: Again, I myself am not a  
10 lawyer, and I'm not, as I have said before, when we  
11 define hate or the impact of hate, hate propaganda,  
12 hate mail, hate whatever, any material that is hateful,  
13 I understand that to be a broader inclusion, that there  
14 may be acts that are criminal. It can mean an act or  
15 omission, whether it's criminal or not, that expresses  
16 bias or prejudice or bigotry or contempt towards  
17 vulnerable or disadvantaged communities or individuals.  
18 People who are victimized on the basis of any of the  
19 grounds that are protected by the charter.

20                           And so if -- if we have used, as  
21 psychologists or as researchers or as educators, the  
22 term in a way that isn't totally consistent with the  
23 Criminal Code, it's still, in my view, and in my  
24 experience is -- the implication is that people have  
25 been victimized by hate. And remember also, it

1           isn't --

2                                 MR. CHRISTIE:  Please, what's the  
3           question?

4                                 DR. MOCK:  I understood you were  
5           asking me about -- that there have been so few people  
6           convicted of actual hate crime under the Criminal Code  
7           of Canada, therefore there cannot -- are there  
8           victim -- have you interviewed anybody who really is a  
9           victim of a hate crime by the legal definition  
10          vis-a-vis the Criminal Code or --

11                                MR. CHRISTIE:  No actually, I'll  
12          clarify my question if that's what you thought.

13                                DR. MOCK:  Thank you.  I'd appreciate  
14          that.

15                                MR. CHRISTIE:  How do you define the  
16          victim of a hate crime, in your own supposed expertise,  
17          or hate propaganda?  How do you define the victim of  
18          hate propaganda, in your own definition?

19                                DR. MOCK:  As I said earlier, I  
20          believe Mr. Vigna asked me to clarify what I meant by  
21          victim.  And I'm using "victim" in that sense, in a  
22          generic sense.  And I'll just repeat what I said  
23          earlier today, that those who are victimized, or  
24          victims of propaganda -- hate propaganda per se, are  
25          those whose attitudes, opinions, behaviors are affected

1 by that hatred.

2 So that can be people who are in,  
3 what we might call racialized or vulnerable groups, the  
4 people who are -- people who are disadvantaged because  
5 of their immutable characteristics, by the hate speech  
6 or hate propaganda or hate incident or hate crime.

7 But then it can also be people who  
8 are victimized in our society because they are drawn in  
9 to hateful causes that they might not otherwise have  
10 been drawn into, because of that propaganda.

11 And thirdly, even more broadly, we  
12 are all, you know, in society, victims if in fact it  
13 leads to violations of the public peace, or there may  
14 be violence or fear or you know, trauma created in  
15 society, or people are led to be stereotyping people  
16 and -- and hating them, that they otherwise might not  
17 have, because of the impact of that speech or that  
18 propaganda on their learning, on their behaviour, on  
19 their psyche.

20 That's what I mean, as an expert in  
21 this field, by victimization by hate and hate  
22 propaganda.

23 MR. CHRISTIE: Can you point to any  
24 other expert who defines hate propaganda that broadly?  
25 It includes -- I have kept note of how many things --

1           it includes us all, actually, according to you. Can  
2           you point to any other social psychologist or  
3           parapsychologist or any psychologist?

4                         THE CHAIRPERSON: Mr. Christie, who  
5           does what?

6                         MR. CHRISTIE: Who defines the victim  
7           of hate propaganda that broadly that it includes all of  
8           us, those whose attitudes, opinions and characterized  
9           as victims, those in society feel they have been  
10          publically violated or fear, those who are victims of  
11          stereotyping. Any one that you know of that defines  
12          victims of hate propaganda that broadly?

13                        DR. MOCK: Perhaps not hate  
14          propaganda per se, but even in --

15                        MR. CHRISTIE: Well, that's the per  
16          se that I was asking about.

17                        DR. MOCK: Even in the decision --

18                        MR. CHRISTIE: I'm not asking for  
19          some other definition.

20                        MS. MOCK: Even in the decision on  
21          Taylor and the definition of hatred itself, it was the  
22          set of emotions or feelings that involve extreme ill  
23          will towards another person.

24                        MR. CHRISTIE: I didn't ask you to  
25          interpret the Taylor decision, and if I have to, I can

1           argue that and it's a legal matter. So I won't explore  
2           that with you. But you can't point to any other social  
3           psychologist who defines the victims of hate propaganda  
4           that broadly at all, can you?

5                         DR. MOCK: I believe, in my later  
6           report, and I will get to that and we'll review that.  
7           I have cited the -- the effects of trauma that  
8           psychologists have determined on the basis of racial  
9           incidents or racial crime. Absolutely, there are many  
10          studies that have been documented. There's a whole  
11          body of literature on the impact on mental health of  
12          racism. There are people who are being treated for  
13          that in the medical field. So there's a major body of  
14          literature. I don't have all of the references  
15          available now but I do --

16                        MR. CHRISTIE: Have you --

17                        DR. MOCK: -- cite them in the later  
18          report.

19                        MR. CHRISTIE: Have you ever --

20                        DR. MOCK: Absolutely, there's a huge  
21          literature in psychology, in literature.

22                        MR. CHRISTIE: Repeating the same  
23          thing over and over again is not going to advance --

24                        THE CHAIRPERSON: And repeating the  
25          same question doesn't help us either.

1 MR. CHRISTIE: I appreciate that.

2 THE CHAIRPERSON: Good. Let's move  
3 on.

4 MR. CHRISTIE: So let me move on,  
5 yes.

6 So what you -- you can't refer to a  
7 single study that defines it as broadly as you, so  
8 you've said many, many, many studies, correct?

9 DR. MOCK: Well, if you -- you'll  
10 have to give me a moment to review, or perhaps we might  
11 get to that when I'm doing my -- after this process,  
12 when I'm doing my later report.

13 THE CHAIRPERSON: We don't need to  
14 get into the later report. But you know, I want you to  
15 move on from this, Mr. Christie. It's not getting us  
16 anywhere.

17 MR. CHRISTIE: All right. Isn't  
18 this -- what you've told us about the psychological  
19 impact of hate propaganda, it's got nothing to do with  
20 the Internet necessarily, right?

21 DR. MOCK: I didn't say that.

22 MR. CHRISTIE: Can you tell me any  
23 study that has given any indication of the effect of  
24 hate propaganda on the Internet, which has to be  
25 accessed by someone's choice? Have you any reference

1 to a study on that issue?

2 DR. MOCK: Specifically, which has to  
3 be accessed by someone's choice?

4 THE CHAIRPERSON: Well, I mean, he  
5 means, I think, in the sense that the Internet, it  
6 doesn't come at you without you turning on your  
7 computer and clicking on something. That's what you  
8 mean, right, sir?

9 MR. CHRISTIE: Yes, yes. We are,  
10 after all, I think, addressing the constitutional  
11 validity of that part of section 13 which now addresses  
12 the Internet. That's what I'm trying to get at.  
13 That's what I think is relevant. Have you got any  
14 studies on that?

15 DR. MOCK: There are several studies  
16 that have been conducted, and books in fact, that have  
17 also been written by -- on some of the impact of what  
18 they are calling high-tech hate. The impact on, for  
19 example, people who have been -- who are Holocaust  
20 survivors or the children of Holocaust survivors, whose  
21 children or family may have inadvertently stumbled on  
22 some of the Holocaust denial sites, and the -- the  
23 sorrow, the upset, the fear that people have as a  
24 result of that, has been --

25 MR. CHRISTIE: Have you referred to

1 any of those in your CV?

2 DR. MOCK: In my CV, I haven't.

3 MR. CHRISTIE: No?

4 DR. MOCK: Because I haven't designed  
5 those.

6 MR. CHRISTIE: No?

7 DR. MOCK: I have referred in my CV  
8 to my review of some of that material, where --

9 MR. CHRISTIE: Okay, so --

10 DR. MOCK: -- articles that I have  
11 written have documented that, the -- one of them is  
12 "Hate Propaganda: Facts on Fraud", that I did for the  
13 Western Judicial Education Centre. Another is --

14 MR. CHRISTIE: Okay, just a moment.

15 THE CHAIRPERSON: Which one is that?

16 MR. CHRISTIE: What page would that  
17 be on then?

18 DR. MOCK: It's in my --

19 MR. CHRISTIE: Yes, I'm looking at  
20 your CV.

21 DR. MOCK: I understand I'm being  
22 asked now to see where I may have cited, in what  
23 studies might I have cited other people's works where  
24 they have documented the proliferation of hate  
25 propaganda on the Internet and its impact on society.

1                   So is that -- is that what I  
2 understand I'm being asked to point to, studies that I  
3 have done or reports that I've done, that have reviewed  
4 these other documents or books that people have  
5 written, that document that in depth?

6                   MR. CHRISTIE: Okay.

7                   DR. MOCK: And I am on page 9 of my  
8 curriculum vitae, and as I also understood, was it only  
9 on the Internet that you were looking at, or hate  
10 propaganda --

11                  MR. CHRISTIE: Yes, I made it very  
12 clear that I was talking about the Internet, because I  
13 think that's what's going on in this case. So I hope  
14 we understand each other now. I'm talking about the  
15 Internet, and any studies that you have done or any  
16 studies that you have referred to in your CV that deal  
17 with exact --

18                  DR. MOCK: In that case, we're on  
19 page 10.

20                  MR. CHRISTIE: Okay.

21                  DR. MOCK: And we are looking at 1997  
22 forward, because it is still a fairly recent  
23 phenomenon, and the literature in this field is  
24 extremely new.

25                  MR. CHRISTIE: So this is really new

1 scientific theory, isn't it?

2 DR. MOCK: It's a new phenomenon.

3 MR. CHRISTIE: Yes, but it's  
4 therefore new scientific theory, as to any impact of  
5 the Internet on society, right?

6 DR. MOCK: Your -- I understand you  
7 to be specifying theory. My research has not advanced  
8 theories on this, but rather documented the evidence of  
9 the rise of hate on the Internet and the impact that it  
10 is having, and strategies to counter it. That's the  
11 only area --

12 THE CHAIRPERSON: Yes, but you're --  
13 so that's -- no, but that's key here. That latter  
14 portion, right? That there's been a rise of material  
15 that, because it's disagreed with, certainly in this  
16 file, but that has been alleged to be promoting hate on  
17 the Internet.

18 THE WITNESS: Yes.

19 THE CHAIRPERSON: What's of concern  
20 here -- I gather, the reason why the Commission has  
21 called you as an expert, is to discuss the impact, the  
22 psychological impact -- I'll quote it exactly:

23 "The psychological impact of  
24 hate propaganda on its victims,  
25 the phenomenon of hate

1                                   propaganda on the Internet".

2                                   They seem to be intertwined. I  
3                                   don't -- is there a distinction -- are you making a  
4                                   distinction between the psychological impact of hate  
5                                   propaganda of another nature on its victims, and the  
6                                   phenomenon of hate propaganda on the Internet?

7                                   And what we need to know is, what in  
8                                   your expertise, in your background, enables you to be  
9                                   an expert. Let's be more clear on this. I want to get  
10                                  clear on this. You've referred to the Mohan decision,  
11                                  Mr. Christie --

12                                  MR. CHRISTIE: Yes.

13                                  THE CHAIRPERSON: -- and you've  
14                                  brought it to me. This was a decision from the Supreme  
15                                  Court of Canada.

16                                  MR. CHRISTIE: Yes.

17                                  THE CHAIRPERSON: And in it, they  
18                                  state that there needs to be a necessity to assist the  
19                                  trier of fact.

20                                  MR. CHRISTIE: That's right.  
21                                  Paragraph 28 makes clear. I think if the witness is --  
22                                  we are going to discuss this. I really think I should  
23                                  explain. I think the witness might be excused for a  
24                                  few moments, and I can explain precisely what --

25                                  THE CHAIRPERSON: Where you're going.

1 I think I know where you are going. I was hoping to  
2 just get -- to convey the message to the witness  
3 what -- what we're trying to find out here. And that  
4 is, you have to demonstrate to me how something in your  
5 experience can help me -- assist me, as the trier of  
6 fact in this case, and there's a bit of law here, and  
7 this -- the facts -- they're going to support the legal  
8 argumentatively, in better understanding the case.  
9 So --

10 And you have to have that expertise  
11 to help me. If you don't have it, then you are not an  
12 expert for that -- for this purpose. You are an  
13 expert, most certainly. It's clear you're an expert in  
14 so many areas. But you need to be an expert for the  
15 reasons that are being proffered by the Commission.  
16 And that's the hurdle that has to be passed. And  
17 that's what these questions are about.

18 DR. MOCK: I appreciate your  
19 explanation, because I see now that my background and  
20 my expertise, in having studied the rise of the  
21 proliferation of the promotion of hate and hate  
22 propaganda on the Internet is what is established here.  
23 But the reason that we then get into more of the more  
24 current research, and my review of that is for the  
25 second expert report that I was asked to do, that

1 looked at and asked me to evaluate as a registered  
2 psychologist, and someone who is an expert in learning  
3 and how -- and how attitudes develop and so. An  
4 example of the more extensive psychological literature  
5 that is referred to in my second --

6 THE CHAIRPERSON: I will interrupt  
7 you but just -- I want to clarify.

8 Mr. Vigna, is the expertise that  
9 you're claiming here for this witness split in sort of  
10 two, depending on which of the two reports is being  
11 used? Is that what you are doing here?

12 MR. VIGNA: The first report was  
13 initially for the psychological impact on the Internet,  
14 and how to combat it.

15 THE CHAIRPERSON: Psychological --  
16 I'm reading again -- psychological impact of hate  
17 propaganda on its victims, the phenomenon of hate  
18 propaganda on the Internet. That's what the first  
19 report was about?

20 THE WITNESS: No.

21 MR. VIGNA: The second.

22 THE CHAIRPERSON: The second? So the  
23 first report is in respect of race relations and  
24 multiculturalism in Canada, applied psychology,  
25 including psychology and race relations. You know

1           what? We've lost a lot of time, so I'm going to  
2           advance the discussion here, okay? I don't think  
3           there's any question in my mind -- because it's all  
4           hyphened up with -- with commas, this expertise that  
5           you've put forth, Mr. Vigna. Expert in race relations  
6           and multiculturalism, pages and pages of it. I don't  
7           have a problem seeing that. I don't know how much it  
8           relates to the report because I've not read the  
9           reports, but I don't have any question in my mind that  
10          this individual is an expert in race relations and  
11          multiculturalism in Canada.

12                         Applied psychology, she is an expert  
13          in that, including psychology and race relations.  
14          Well, there -- that has to be identified quite clearly  
15          to me, along with the psychological impact of hate  
16          propaganda on its victims, and the phenomenon of hate  
17          propaganda on the Internet. That's where we're at.

18                         MR. CHRISTIE: That's where I'm  
19          focused.

20                         THE CHAIRPERSON: I understand. So I  
21          don't know what we can do here.

22                         THE WITNESS: As I was, I guess,  
23          being directed to examine only my CV, and studies that  
24          I had done over the years in a specific area, when I  
25          was asked, you know, what articles are there that show

1 the psychological impact and where have you found  
2 those, when I go to my second report and I'm looking at  
3 very current work on the impact of trauma on people  
4 and --

5 MR. CHRISTIE: Now the witness is  
6 actually venturing into her report.

7 THE WITNESS: I can't figure out how  
8 to do it otherwise.

9 THE CHAIRPERSON: Just a second. The  
10 reason was because I did ask my question earlier to  
11 Mr. Vigna on whether this expertise that's being put  
12 forth here is a combination, as a result of the second  
13 report that she filed.

14 MR. VIGNA: This report --

15 MR. CHRISTIE: The witness really  
16 should be asked to leave.

17 THE CHAIRPERSON: Yes, perhaps at  
18 this point, I'll ask you to step out.

19 THE WITNESS: Yes, in -- oh, I was --  
20 you don't want me to talk about behaviour --

21 THE CHAIRPERSON: I did want you --  
22 to put that point to you earlier, but now I'm going to  
23 ask you to step outside.

24 --- Discussion off the record

25 THE CHAIRPERSON: Mr. Vigna, I

1           have -- look, we've wasted -- as I say, we've used up a  
2           lot of time today on this, and the key point is this,  
3           Mr. Vigna, you've put forth these components to her  
4           expertise. And in looking through her CV, I see a lot  
5           of stuff about multiculturalism, but you have to be  
6           able to identify me how this person has the expertise  
7           in the subsequent areas that you've put forth to me.

8                                 And we've -- you know, we've gone a  
9           bit all over the place all day today, and this has to  
10          be done in order for her to be qualified as an expert  
11          witness. Now, mind you, I haven't looked at the  
12          report. Perhaps the report is with regard to race  
13          relations only, in which case, fine.

14                                MR. CHRISTIE: Well, my point, if I  
15          may, sir, is that to be relevant to the issues in this  
16          case, there has to be some expertise in the impact of  
17          hate propaganda on the Internet. That's really  
18          what's --

19                                THE CHAIRPERSON: You know, perhaps  
20          it's most -- it would be best if I looked at the report  
21          to see exactly where she's going with her evidence, her  
22          proposed evidence, and at least in the cursory fashion.

23                                MR. VIGNA: Mr. Chair, I suggest we  
24          look at the report. The first report dealt more on the  
25          broad perspective regarding the race relations and

1 multiculturalism, and the psychological impact of hate  
2 propaganda on its victims.

3 THE CHAIRPERSON: What did you --

4 MR. VIGNA: One and three, I guess,  
5 would be more for the first report.

6 THE CHAIRPERSON: The first report.  
7 It's called "Combatting Hate on the Internet:  
8 Protecting Canadian Values". Is that the one?

9 MR. VIGNA: Yes.

10 MR. CHRISTIE: It's basically trying  
11 to pull up the witness by their own bootstraps, too.  
12 But I suppose for the purpose of finding out what the  
13 thrust of the opinion is --

14 THE CHAIRPERSON: Well, then it's --  
15 no, I mean I -- what are you trying to say, that I  
16 shouldn't be looking at the report? Is that what --

17 MR. CHRISTIE: Well, I --

18 THE CHAIRPERSON: We don't have it as  
19 a -- in fact, reports are submitted to the Tribunal in  
20 advance of the hearing, as part of our rules. It's  
21 just that they tend to be bulky, and we don't tend to  
22 review them in advance.

23 MR. CHRISTIE: My argument would be  
24 that the witness has to be really qualified to give the  
25 opinions before -- and I don't mind --

1 THE CHAIRPERSON: Sure. Whether or  
2 not the opinion -- you can look at the opinion, but if  
3 she's not qualified to give the opinion, that's the  
4 problem. I understand what you're saying.

5 MR. CHRISTIE: Yes.

6 THE CHAIRPERSON: But I still want to  
7 have a sense of -- a better understanding of her -- the  
8 expertise that's being proposed, as perhaps  
9 demonstrated through her report.

10 MR. CHRISTIE: Well, in view of the  
11 hour, I wonder -- I don't object to, Your Honour,  
12 yourself, sir, looking at it. I apologize. What I  
13 think might be wise -- I don't see that I have many  
14 more questions. I think that it's a matter now of  
15 argument, but if it's of any assistance, maybe you  
16 could read it over the evening. I would have my  
17 argument ready tomorrow, and would that not be wise? I  
18 mean, it's five clock.

19 THE CHAIRPERSON: It might be wise.

20 MR. CHRISTIE: Time flies when you're  
21 having fun.

22 THE CHAIRPERSON: Do you have a lot  
23 of questions to ask, Mr. Vigna, in response?  
24 Mr. Fothergill?

25 MR. FOTHERGILL: This witness is

1 being put forth as a witness of the Commission,  
2 correct?

3 MR. VIGNA: Well, the --

4 THE CHAIRPERSON: Mr. Fothergill said  
5 he would be relying on the evidence, so I want to be  
6 clear. I looked at that the front cover and it says,  
7 "Prepared for the Canadian Human Rights Commission" on  
8 it. Is that correct?

9 MR. FOTHERGILL: That is correct,  
10 yes.

11 THE CHAIRPERSON: There's another  
12 expert that prepared a report for the Attorney General  
13 of Canada; is that correct as well?

14 MR. FOTHERGILL: Dr. Tsesis.

15 THE CHAIRPERSON: Tsesis, right.

16 MR. CHRISTIE: I would -- maybe it  
17 would be of some assistance to at least give you a  
18 precis of what I would like to submit, and that is this  
19 is a novel scientific theory. The witness is not  
20 really qualified within the scope of the impact of the  
21 Internet on any victim groups or society at large.  
22 She's really not qualified in that area. And that  
23 that's the germane issues, because we're dealing with  
24 the subject of what is demonstrably justifiable in a  
25 free and democratic society. Notwithstanding her

1           tremendous --

2                           THE CHAIRPERSON:  Let me back you up  
3           on that, on one point.  Because one -- yes, the  
4           Internet has a role to play, but also one of the issues  
5           is the impact of hate propaganda on society as a whole.  
6           And that was part of Taylor, that was part of Cohen,  
7           and that's part of what I gather, will be addressed by  
8           Dr. Persinger in his report later on, in the next 2  
9           weeks.  I haven't seen it, just from what I had heard  
10          from Ms Kulaszka during our conference calls, my  
11          understanding was that he calls into question some of  
12          what was said in Cohen and subsequently.

13                           And that does not necessarily limit  
14          us to -- our discussion to the Internet.  I think it  
15          was a -- the way I understood, it was a societal change  
16          that has occurred since 1966.  So to that extent  
17          this -- an expert's ability to deal with the  
18          psychological impact of hate propaganda on victims, may  
19          fall within that category.

20                           Then we have the subsequent  
21          qualification, or I don't know if the subsequent -- or  
22          extension of the qualification that Mr. Vigna gave this  
23          morning, the phenomenon of hate propaganda on the  
24          Internet.  Now to that extent as well, it seems that  
25          she has made a publication called "Hate on the

1 Internet." I saw it just a moment ago, right?

2 MR. CHRISTIE: Yes, and I want to  
3 question about that.

4 THE CHAIRPERSON: Perhaps that's key,  
5 because you know what? Again, I want to move this  
6 along. I've already -- in my mind there's no question  
7 that she's an expert in race relations and  
8 multiculturalism in Canada, and certainly an expert in  
9 applied psychology, And I would even say in race  
10 relations, because that certainly seems to be a big  
11 part of her career.

12 Now, turning to the issue of hate  
13 propaganda, which is key to section 13. Impact on its  
14 victims, she has alluded to -- to studies that she's  
15 done. Now, the last part is the hate -- phenomenon  
16 hate propaganda on Internet. Is it only for her to be  
17 able to speak of the phenomenon of hate propaganda on  
18 the Internet, or is it something more than that?

19 Because the phenomenon of hate -- of  
20 course, depending on one's definition of -- I  
21 understand people will differ, but that's the nature of  
22 this debate. If her definition of hate propaganda is  
23 the material that we've been discussing in this case,  
24 and other cases that have been the object of complaints  
25 before the Tribunal and how it has occurred on the

1 Internet, which I gather maybe, from the title, would  
2 be the subject her book, perhaps she's qualified to say  
3 that. Observations of what's going on on the Internet.

4 Is that what she's -- be proffered  
5 for? At this point, it's important for me to look at  
6 her reports themselves.

7 And these are just musings here,  
8 thoughts. I just want us to get somewhere. Because --  
9 well, what may also happen, is suddenly when she  
10 testifies, will there be some limits to her evidence,  
11 as I've indicated earlier, and anything that may go  
12 beyond that, you know, either we interrupt it or we  
13 just, you know, keep that in mind. Because we have to  
14 get through this. I don't -- one way or the other, we  
15 have another witness lined up for Wednesday. That's --  
16 is that your -- No, that's their witness. No, it's  
17 your witness.

18 MS KULASZKA: Dr. Persinger thinks  
19 he's coming Thursday. We've got him set for Thursday.

20 THE CHAIRPERSON: Oh, you've got him  
21 Thursday? So we've got two days in front of him.

22 MR. VIGNA: Dr. Mock is available for  
23 Wednesday also.

24 THE CHAIRPERSON: Sorry?

25 MR. VIGNA: Dr. Mock is --

1 THE CHAIRPERSON: Oh, we have some  
2 liberty --

3 MR. CHRISTIE: Yes, we have actually  
4 three days.

5 THE CHAIRPERSON: You know, that's  
6 not what I had written here. I don't know why I had --  
7 perhaps I was --

8 MR. CHRISTIE: We all thought perhaps  
9 you had made a mistake there.

10 THE CHAIRPERSON: Sorry about that.  
11 So perhaps -- all these thoughts are out there, and I  
12 would like you all perhaps to think about what we're  
13 all thinking, and it'll help us. You know what, look.  
14 Let's establish some kind of methodology for dealing  
15 with the experts in this fashion. I sort of indicated  
16 my thinking with regard to Mr. Klatt. And I know  
17 you -- it's a different issue here, yes. I hear you,  
18 Ms Kulaszka.

19 But at the end of the day, it might  
20 be helpful if we are able to just put some proper  
21 boundaries on the evidence, but just get it in there  
22 and just tell, ignore it afterwards. Because if we're  
23 going to -- I understand your point there.

24 Mr. Christie -- you nodded your head. But what -- you  
25 know, this is different than any other type of case.

1           And I think we're able to do that in this file, but  
2           provided of course that it's not something that isn't  
3           completely unrelated from a person's field, and  
4           that's -- that was my concern at the outset here.

5                         MR. CHRISTIE: Well, it's my  
6           concern --

7                         THE CHAIRPERSON: I understand. So  
8           it's not -- it's still a live issue. I'm not saying  
9           it's a dead issue. I just did a sort of -- I took an  
10          analytical approach on the four items that Mr. Vigna  
11          said this morning. And I think on number one and  
12          number two, you know, we can say that. Three and four  
13          perhaps left -- are left to discuss.

14                        MR. CHRISTIE: Well, I'm sure we can  
15          focus better in the morning, when we're not so tired.  
16          And if it would please you, sir, we would appreciate  
17          the opportunity to make -- I will certainly shorten my  
18          questions, and very quick and succinct arguments.

19                        You are well familiar with the issues  
20          and no doubt, the principles of law as well, so would  
21          it not be wise then perhaps to adjourn.

22                        THE CHAIRPERSON: Yes. It might be  
23          wise to do so. Mr. Vigna?

24                        MR. VIGNA: Mr. Chair, I just wanted  
25          to finish something. In -- I'd encourage you to look

1 at the both reports, second report in particular, and  
2 footnotes.

3 THE CHAIRPERSON: I will, and  
4 everyone should know I'm not going to take it as  
5 evidence. I'm just looking at it for the purpose --  
6 it's superficial reading to see exactly what they're  
7 dealing with. Is there another report I should look  
8 at? Should I look at one of the respondent's reports  
9 at all? Is that going to be helpful?

10 MR. VIGNA: Dr. Persinger's report,  
11 perhaps, would be --

12 THE CHAIRPERSON: I'm thinking that  
13 might be helpful. Do I have Dr. Persinger's report  
14 yet, Ms. Kulaszka?

15 MR. VIGNA: It's in my binder  
16 anyways.

17 THE CHAIRPERSON: It's in Mr. Vigna's  
18 binder?

19 MS KULASZKA: Yes, it's been filed.

20 THE CHAIRPERSON: This first one?  
21 Because I don't want to take everything upstairs.  
22 Volume 1?

23 MR. VIGNA: I think it's in tab 7,  
24 but I'll check.

25 MS KULASZKA: I think it's in Volume

1           2, Mr. Vigna.

2                           MR. VIGNA:   Two?

3                           THE CHAIRPERSON:  I'm looking quickly  
4           and I don't see it in volume 1.  I don't find it  
5           actually.

6                           MS KULASZKA:  If we could, we've got  
7           Dr. Persinger's binders prepared and maybe Mr. Lemire  
8           would just give copies to Line Joyal and the other  
9           parties.

10                          THE CHAIRPERSON:  We'll produce it  
11           tomorrow.  We'll just do it tomorrow.  I'll just take  
12           it with me, okay?  Thank you for the homework,  
13           everybody.  There's lots.  Any chance you can start  
14           early tomorrow?  I know we ran late but I'm --

15                          MR. VIGNA:  What time?

16                          THE CHAIRPERSON:  I'm thinking nine  
17           instead of 9:30.

18                          MR. VIGNA:  All right.

19                          THE CHAIRPERSON:  He's not an early  
20           riser.  Okay, let's do it 9:00.  Let's try 9:00.  At  
21           least we'll try.  You know, it will probably be 9:05,  
22           9:10, as usual.

23           --- Adjourned at 5:10 p.m.

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I hereby certify the foregoing  
to be the Canadian Human Rights  
Tribunal hearing taken before me  
to the best of my skill and  
ability on the 19th day of  
February, 2007.

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Sandra Brereton  
Certified Shorthand Reporter  
Registered Professional Reporter

**StenoTran**