

**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

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CANADIAN HUMAN RIGHTS TRIBUNAL/
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HEARING HELD IN THE PARIS ROOM OF NOVOTEL HOTEL
3670 HURONTARIO STREET, MISSISSAUGA, ONTARIO
ON WEDNESDAY, FEBRUARY 21, 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
Marvin Kurz	For the League Of Human Rights of B'nai Brith

TABLE OF CONTENTS / TABLES DES MATIÈRES

	PAGE
PREVIOUSLY SWORN: DR. KAREN MOCK	2503
Cross-examination by Mr. Fromm	2512
Cross-examination by Ms Kulaszka	2633

LIST OF EXHIBITS / PIÈCES JUSTICATIVES

NO.	DESCRIPTION	PAGE
HR-9	Marc Lemire's constitutional challenge and relating to this week's hearing schedule	2506

1 Toronto, Ontario

2 --- Upon resuming on Wednesday, February 21, 2007

3 at 9:20 a.m.

4 PREVIOUSLY SWORN: DR. KAREN MOCK

5 MR. VIGNA: Mr. Chair, when we
6 finished yesterday we were talking about the latest
7 posting that Dr. Mock was testifying about. I just got
8 a copy, so I would like to file it. She already
9 testified about it.

10 THE CHAIRPERSON: Have you showed it
11 to the others?

12 MR. VIGNA: Yes, I gave them the
13 copy. This is the one that Ms Kulaszka had in her
14 hand. It's basically the same but a newer version of
15 the same posting, and she's testified about it
16 yesterday.

17 THE CHAIRPERSON: Where would you --
18 it should be a loose exhibit.

19 MR. VIGNA: It could be put with the
20 green binder which is dark, the one right there.

21 THE CHAIRPERSON: Do you have another
22 tab at the back? I don't think you do. We'll just put
23 it in as a loose exhibit.

24 MR. VIGNA: No problem.

25 Dr. Mock, do you have a copy of this?

1 I would like you to take a look at it and see if that
2 is what you were speaking about at the end of the day
3 yesterday regarding the most recent version,
4 particularly page 2.

5 DR. MOCK: Yes.

6 MR. VIGNA: So do you recognize it?

7 DR. MOCK: Yes.

8 MR. VIGNA: I would like to file it.

9 THE REGISTRAR: How would you like
10 this described?

11 MR. VIGNA: Posting of the expert
12 witnesses in the Canadian Human Rights --

13 THE CHAIRPERSON: Isn't it more like
14 the current home page of the FreedomSite? Isn't that
15 what it is?

16 MS KULASZKA: Mr. Lemire has just
17 pointed out to me the URL at the bottom is odd. It's
18 not the URL of the FreedomSite.

19 THE CHAIRPERSON: It's been saved to
20 a drive.

21 MR. VIGNA: It was saved to a drive
22 by -- with a USB.

23 THE CHAIRPERSON: I see it says
24 February 19th at the bottom, Ms Kulaszka. Can you ask
25 your client if it appears to be similar to what's on

1 his website at this time?

2 I have a problem with this. Nobody
3 is careful about these things. When you print out
4 straight -- the entire fifth of the page doesn't appear
5 on the right side.

6 MR. VIGNA: I know. I tried to get
7 it --

8 THE CHAIRPERSON: We said it earlier.
9 Remember, PDF? That's the way to do it.

10 MR. VIGNA: It's not the content
11 itself.

12 THE CHAIRPERSON: I know. It's the
13 image.

14 MR. VIGNA: Since the content is the
15 same as the first one that's clear, all you have there
16 is the same which is reproduced at this date, and I
17 don't think it's really contested.

18 THE CHAIRPERSON: And is there a
19 significant feature you wanted to bring to my
20 attention? It's the part about Dr. Mock that appears
21 on the second page and part of the text is cut off, but
22 it appears to be the same text that --

23 MR. VIGNA: Dr. Mock can --

24 THE CHAIRPERSON: -- was referenced
25 earlier in the other printout without the picture.

1 MR. VIGNA: Without the picture.

2 THE CHAIRPERSON: -- at page 2,
3 right?

4 MR. VIGNA: Yeah.

5 THE CHAIRPERSON: To that extent, Ms
6 Kulaszka?

7 MS KULASZKA: My client examined it
8 and he seems to think that's roughly it.

9 THE CHAIRPERSON: Roughly, okay. So
10 is it the home page? I'll use that term. Is it the
11 home page? It's not the home page. Can you just give
12 me a description of what it would be?

13 MR. VIGNA: It's a section of the
14 FreedomSite that deals with the expert witnesses of --

15 THE CHAIRPERSON: Deals with this
16 case, called "The Week's Hearing Schedule". It says,
17 "Mr. Lemire's Constitutional Challenge. Marc Lemire
18 talks about this week's...."

19 It's a printout from the FreedomSite
20 website regarding Marc Lemire's constitutional
21 challenge and relating to this week's hearing schedule.

22 THE REGISTRAR: The document as
23 described will be filed as Commission Exhibit HR-9.

24 EXHIBIT NO. HR-9: Marc Lemire's
25 constitutional challenge and

1 relating to this week's hearing
2 schedule

3 MR. VIGNA: I don't have any further
4 questions.

5 I wanted to mention again, to remind
6 my colleague that I didn't receive the subpoena that I
7 would be receiving service for and the particulars for
8 it.

9 THE CHAIRPERSON: On that point, I
10 have a couple points I wanted to raise on that.

11 I went back to the transcript
12 quickly. It's a minor point really. So I did sign the
13 subpoenas, so those have been provided to Ms Kulaszka,
14 is my understanding.

15 Ms Kulaszka, I went back to the
16 transcript, and I'm not going to address this issue
17 about challenging or quashing the subpoenas at this
18 time. If Mr. Vigna wants to file some kind of motion,
19 he can go ahead and do it and you can raise all the
20 points you want to raise. I think that would be the
21 better way to go about it.

22 But, Ms Kulaszka, I found an
23 undertaking on your part in the transcript at pages 66,
24 67 that you would provide some more information to
25 Mr. Vigna.

1 MS KULASZKA: I think it was called a
2 document, was it not?

3 THE CHAIRPERSON: I referenced the
4 duces tecum component to the subpoena. Maybe the
5 subpoena -- I'm talking at line 19 at page 66 of the
6 transcript. And I said in response to the discussion
7 between you, Mr. Vigna. I said:

8 "Maybe the subpoena when issued,
9 if it's a subpoena duces tecum,
10 could be more specific on
11 documents."

12 And you said:

13 "Yes, I'll try and do that."

14 And then Mr. Vigna made some other
15 comments and I referenced the fact that I -- "let's see
16 some cooperation."

17 And you said:

18 "Yes, I will. Did you hear that
19 last comment, Mr. Vigna?"

20 And you said:

21 "Yes, I will."

22 Then further on you wrote:

23 "No, I'll attempt to be very
24 specific."

25 So in that context, if you could

1 provide the specificity that you undertook to provide.
2 I assume you understood what you were saying at that
3 point. That's what I recall, and that's what I see in
4 the documentation.

5 MS KULASZKA: I've got the subpoenas
6 for Mr. Vigna. I just have to make copies of them.

7 THE CHAIRPERSON: Okay. That's it.
8 Mr. Fothergill?

9 MR. FOTHERGILL: I should say for the
10 record this morning I distributed the Attorney
11 General's witness binders for both Dr. Downs and Dr.
12 Tsesis. I received from Ms Kulaszka witness binders
13 for Dr. Persinger and Dr. Downs. I'm missing from Ms
14 Kulaszka the materials for Dr. Tsesis which are in fact
15 the ones that probably interests me the most.

16 I had a conversation with her this
17 morning and she advised me she hadn't actually
18 identified any further materials to be put to Dr.
19 Tsesis, which of course is fine from my perspective.

20 I do want to say, however, if I don't
21 receive materials to be used in this cross-examination
22 of Dr. Tsesis I'll say prior to Friday morning it will
23 be my position as a matter of administrative fairness
24 she is precluded from putting these materials to the
25 witness because he will not have had an opportunity to

1 familiarize himself with them and will not be in a
2 position to deal with them in a reasonable fashion
3 given the limited time that we have on Monday.

4 THE CHAIRPERSON: Ms Kulaszka, will
5 you be using materials that you've already prepared for
6 the other expert?

7 MS KULASZKA: Yes. I advised
8 Mr. Fothergill he should be giving him the Downs
9 material that I've provided to him.

10 THE CHAIRPERSON: So the material you
11 will be using Mr. Downs --

12 MS KULASZKA: I don't have anything
13 specifically right now for Professor Tsesis, but if I
14 do I'll try to get it ready for Friday. But he should
15 also provide him with the Downs material.

16 THE CHAIRPERSON: Okay. So the Downs
17 material will be the material --

18 MR. FOTHERGILL: That's fine. It's
19 quite true, she did say that. So unless I'm advised
20 contrary by Friday morning I'll proceed on the
21 assumption that it's only the Downs material that will
22 used in the cross-examination of Dr. Tsesis.

23 MR. VIGNA: I just wanted to
24 mention --

25 THE CHAIRPERSON: Just a second.

1 Yes?

2 MR. VIGNA: I just want to mention
3 for the record that I obtained radio show programs of
4 Mr. Paul Fromm and I disclosed it to the parties and
5 intend to possibly use it as cross-examination in the
6 format of CD-ROMs.

7 THE CHAIRPERSON: So you've disclosed
8 those?

9 MR. VIGNA: I disclosed them this
10 morning. I got them last night and the parties have
11 them.

12 THE CHAIRPERSON: These are recent
13 radio shows, part of your ongoing disclosure.

14 MR. VIGNA: We had to go get them.
15 We asked for them. We didn't obtain them so we got
16 them on the archived -- from the office. They were
17 sent to me there in the past two weeks, something like
18 that. They are audio, not transcripts.

19 THE CHAIRPERSON: That's fair.
20 Mr. Fromm told us that he did not have possession of
21 this. He was on the radio speaking, and you obtained
22 them from another source. That's fine. And you've
23 disclosed them. That's fine.

24 Are we done with the preliminary
25 issues? Great.

1 So, Mr. Christie, you are taking the
2 lead on the cross-examination of Dr. Mock?

3 MR. CHRISTIE: Sir, it has been
4 decided otherwise.

5 THE CHAIRPERSON: Okay. So then....

6 MS KULASZKA: Due to time constraints
7 we kind've changed the order so Mr. Paul Fromm is going
8 to do the first cross-examination.

9 THE CHAIRPERSON: Okay.

10 CROSS-EXAMINATION BY MR. FROMM

11 MR. FROMM: Dr. Mock, in the process
12 of being qualified, I understood you to say that -- I
13 think this is a pretty a much direct quote:

14 "I've been studying the
15 phenomenon of hate on the
16 Internet. I've reviewed the
17 government documents and
18 studies."

19 Is that fair summary of what you
20 said?

21 DR. MOCK: Yes.

22 MR. FROMM: In your study of
23 so-called hate on the Internet, have you actually
24 reviewed yourself outlets like the Freedom site or
25 Stormfront?

1 DR. MOCK: Yes.

2 MR. FROMM: Frequently?

3 DR. MOCK: No.

4 MR. FROMM: If I could direct you to
5 your report which is at tab 7.

6 THE CHAIRPERSON: HR-7.

7 MR. FROMM: HR-7. On page 3 of the
8 report -- this will be the second full paragraph, the
9 one that begins "The Global Reach and Relative Ease."

10 DR. MOCK: Yes, I have it.

11 MR. FROMM: You would stand by that
12 as a description of the Internet, would you, that
13 paragraph?

14 DR. MOCK: Yes, I would.

15 MR. FROMM: So you would agree that
16 the Internet is an effective way to reach a lot of
17 people?

18 DR. MOCK: Yes.

19 MR. FROMM: Relatively inexpensive?

20 DR. MOCK: Yes.

21 MR. FROMM: Relatively democratic in
22 the sense you don't have to invest a lot of money be
23 particularly well-trained?

24 DR. MOCK: Yes.

25 MR. FROMM: You would also agree that

1 you wrote there it was an asset to the democracy and
2 the realization of human rights?

3 DR. MOCK: Yes.

4 MR. FROMM: Wouldn't it, therefore,
5 be a particularly useful medium for people who share
6 your views on multiculturalism, et cetera, to actively
7 promote their views to a much wider audience?

8 DR. MOCK: Yes.

9 MR. FROMM: Given that, wouldn't
10 active promotion of your particular views on the
11 Internet be the best way to counter people who might
12 have different views on multiculturalism or other
13 issues?

14 DR. MOCK: No, I wouldn't -- I
15 wouldn't say that. It's one of the ways, but I
16 wouldn't say it was the best way.

17 MR. FROMM: So your recommendation
18 would be for restrictions on the Internet of views you
19 don't like?

20 DR. MOCK: No, I wouldn't restrict
21 only views I didn't like. It's not my opinion or my
22 evaluation of the material whether I like it or not.

23 MR. FROMM: Having said that, it's an
24 exciting and effective and new medium, a good way to
25 reach people, and you've agreed that it would be --

1 that it certainly would be an opportunity for promotion
2 of views that you would like.

3 Why would you wish to restrict others
4 rather than simply debating them in this new medium?

5 DR. MOCK: I would wish to restrict
6 on the Internet, as in any other form of communication,
7 only material that was hateful and promoted hatred
8 against vulnerable groups and material that was against
9 the law, as well as -- well, there's other material as
10 well, not just hateful. But I'll restrict my comments
11 now to my area of expertise.

12 MR. FROMM: You mentioned in your
13 testimony repeatedly the term vulnerable groups. Who
14 would you class as vulnerable groups?

15 DR. MOCK: I am using the list in
16 identifying vulnerable groups which discrimination is
17 prohibited, according to the Human Rights Code, groups
18 who have immutable characteristics, and it's when those
19 immutable characteristics are attacked, it's those
20 groups. If you would like the list, I can take a
21 document.

22 MR. FROMM: It's the list of groups
23 that are privileged under section 13.1, is that
24 correct, race, religion, sexual orientation --

25 THE CHAIRPERSON: 13 references back

1 to section 3.

2 DR. MOCK: Yes.

3 MR. FROMM: Those are the groups you
4 have in mind?

5 DR. MOCK: I would use the words
6 protected under section 13, not privileged because
7 it's --

8 MR. FROMM: I don't want to get into
9 a debate or quibble. Just to be clear, many of those
10 groups have organizations that represent them. Would
11 you agree? Like, for instance, sexual orientation.
12 There are a number of groups that represent the
13 homosexual/lesbian communities.

14 DR. MOCK: There are a number of
15 groups that are designed to enhance the protection of
16 the homosexual community, yes.

17 MR. FROMM: The terms of religious
18 communities, the major religions have organizations
19 that advance their -- the interests of their religious
20 group, do they not?

21 DR. MOCK: Yes, they have
22 philanthropic organizations or social organizations,
23 many organizations in most religion groups.

24 MR. FROMM: And you were, for a long
25 time, a director of such a group, were you not, in your

1 experience of B'nai Brith?

2 DR. MOCK: Yes, I was an employee.
3 Not a member of the board of directors, but the
4 national director of the League for Human Rights of
5 B'nai Brith.

6 MR. FROMM: Are you still involved
7 with B'nai Brith?

8 DR. MOCK: No, not involved in an
9 active way. I am a member of B'nai Brith.

10 MR. FROMM: Would you agree that
11 B'nai Brith advocates for and represents the interests
12 of many in the Jewish community?

13 DR. MOCK: Yes, a portion of its time
14 is spent in that activity.

15 MR. FROMM: I don't want to belabour
16 the point. Several examples I've led you to. Would
17 you not agree that these communities, through their
18 organizations, are perfectly capable of speaking up for
19 themselves and refuting misinformation that might be
20 out there on the Internet or anywhere else?

21 DR. MOCK: No, not perfectly capable.
22 Not reaching a wide audience, not reaching people to
23 reject material that might come to them that could, in
24 fact, be used to promote violence against them. So,
25 no, I would not agree they are perfectly capable of

1 getting these messages out.

2 MR. FROMM: To your knowledge, does
3 B'nai Brith have a website?

4 DR. MOCK: Yes.

5 MR. FROMM: To your knowledge, does
6 Canadian Jewish Congress have a website?

7 DR. MOCK: Yes.

8 MR. FROMM: Friends of the Simon
9 Wiesenthal Centre?

10 DR. MOCK: Yes.

11 MR. FROMM: For a number of years at
12 B'nai Brith you produced a document called the Audit of
13 Antisemitic Incidents?

14 DR. MOCK: Yes, that's correct.

15 MR. FROMM: In doing that would you
16 have studied the personnel and organizations and
17 perhaps relative strength of groups on the right of the
18 spectrum?

19 DR. MOCK: On the extreme right of
20 the spectrum, yes.

21 MR. FROMM: On the extreme right
22 then.

23 From your knowledge, and you said you
24 have quite extensive research files, would these groups
25 appear to be particularly well-funded?

1 THE CHAIRPERSON: Which groups?

2 MR. FROMM: These groups, the right
3 of the spectrum, she says on the extreme right.

4 THE CHAIRPERSON: The groups that
5 that are being examined.

6 MR. FROMM: The main groups being
7 examined.

8 DR. MOCK: I wouldn't know. If you
9 are saying they appear to be, one can -- it's not a
10 simple yes/no answer, if I might elaborate.

11 And I'll give you an analogy. Even
12 the League for Human Rights of B'nai Brith, when I was
13 there as national director in doing this work, the
14 League had a staff of, you know, three people, and it
15 may have appeared because we were able to do work and
16 conduct it, we were better funded than we were.

17 So it appeared -- if you are asking
18 me if it appears that some groups are well-funded, it's
19 difficult to know whether when one has a website or can
20 produce material if they are one or two people with a
21 fax machine. It appeared that because they were able
22 to mount websites and hold major meetings that they
23 would have had significant funding. But I would not
24 have had a way of evaluating if they were well-funded.
25 They appeared to be well-funded.

1 THE CHAIRPERSON: Who? These groups
2 appeared to you to be well-funded? There's a lot of
3 groups. You went back to the B'nai Brith. I just want
4 to be clear in your answer.

5 DR. MOCK: I'm saying that no, you
6 can't tell -- you cannot tell just because a group has
7 a website and, you know, is able to travel and so on,
8 you don't know how is it that they receive their funds
9 and what their budget is unless you -- so I'm saying on
10 appearances, when you see that there are lots of
11 videotapes produced or people are ahead of themselves
12 and have -- ahead of the times and have computers and
13 Internet and so on, on appearance one might assume that
14 they had sources of funds, and even more funds than
15 some of the smaller what I would say underfunded NGOs.
16 But it's very difficult to assess appearance how much
17 funding any group has.

18 MR. FROMM: You mentioned the fact
19 that some of these groups had -- seemed to have access
20 to state-of-the-art technology. As an educator would
21 you agree that's probably more a generational thing?
22 Young people are very much into this in a way that the
23 generation that went through the universities in the
24 sixties might not be?

25 DR. MOCK: I wouldn't say that's the

1 case now, but in general perhaps that might have been.
2 I don't --

3 THE CHAIRPERSON: There might be
4 people in the room who come from -- or giggling.

5 DR. MOCK: Exactly.

6 MR. FROMM: I'm being heckled by the
7 gentleman from Victoria.

8 MR. CHRISTIE: Only the truth hurts.

9 DR. MOCK: Some of the people that I
10 mentioned who were way ahead of their time in this
11 technology were of my generation.

12 MR. FROMM: Well, let me try to get
13 at the point a different way. On your watch when you
14 were editing the audit of anti-semitic, the Audit of
15 Antisemitic Incidents, the group -- maybe the major
16 group at the time might have been the Heritage Front
17 for part of that time.

18 DR. MOCK: Part of that time. I was
19 there from '89 to 2000.

20 MR. FROMM: Did you have any
21 knowledge that the Heritage Front had a paid staff or
22 an office in any way comparable of that of B'nai Brith?

23 DR. MOCK: No, I wouldn't have had
24 knowledge of that.

25 MR. FROMM: Given the fact -- and we

1 haven't gone through all of them because I don't want
2 to belabour it, but given the fact we've already
3 established that the Jewish community has advocacy
4 groups like B'nai Brith and you gave some indication of
5 its size at the time you were involved --

6 DR. MOCK: Could I clarify?

7 MR. FROMM: Okay.

8 DR. MOCK: You said it was an
9 advocacy group. It is not only an advocacy group. The
10 appropriate proportion of its time -- actually, if I
11 might, even further to an audit that was prompted by
12 yourself, Mr. Fromm, it was verified that for a
13 charitable organization and a philanthropic
14 organization and a social service organization, which
15 is what B'nai Brith Canada is, that the allowable
16 approximately 10 percent of its activities and budget
17 were on advocacy. So I wouldn't characterize it as an
18 advocacy organization only.

19 MR. FROMM: Would it be fair to say,
20 though, that it keeps a sharp eye out for commentary or
21 individuals or material that might be hostile as you
22 see to the Jewish community? Would that be part of its
23 mandate?

24 DR. MOCK: Oh, yes, definitely.

25 MR. FROMM: So just taking the

1 examples of the organizations, homosexual and lesbian
2 community have and Jewish community have, would it
3 still be your contention, at least those communities,
4 are vulnerable? Both have those groups that speak up
5 for themselves and monitor people that might be seen to
6 be critical or hostile. Would that be fair to say?

7 DR. MOCK: Were there two questions
8 there? I'm sorry, I --

9 MR. FROMM: You would agree,
10 certainly from the point of view of the Jewish
11 community, there are a number of groups, including the
12 one you were involved with, that would monitor threats
13 to the community?

14 DR. MOCK: Yes.

15 MR. FROMM: So to be perfectly able
16 to speak up and react to criticism or -- threats?

17 DR. MOCK: No. As I said earlier,
18 not perfectly capable.

19 MR. FROMM: What would be perfectly
20 capable?

21 DR. MOCK: Perfectly capable would
22 include being able to protect its constituents or
23 members of the community from harassment from being
24 objects of hate and fear; being able to protect them
25 from violence; perfectly would mean being able to have

1 sufficient funds to get to reproduce all their
2 materials on a regular basis and disseminate them very
3 widely; perfectly would be able to have training
4 programs and education programs and reach a wide
5 audience.

6 I don't know if you would like me to
7 go on. There are many ways you could perfect this to
8 ensure that people who are the victims of harassment
9 and violence based on immutable grounds such as their
10 religion or their sexual orientation would be free from
11 that kind of fear and terror that's instilled when
12 these kinds of incidents and speech and so on are
13 directed at them.

14 So in the perfect world, we wouldn't
15 even need organizations like that. I often said if all
16 of us in this work did our jobs well we would put
17 ourselves out of business because we wouldn't have to
18 be there to protect and get the educational materials
19 out. So no.

20 MR. FROMM: Whether or not it's
21 perfect, the group you were involved with and others
22 for your community were certainly able to respond to
23 what you might see as negative commentary or criticism,
24 were you not, certainly during the years you were
25 involved?

1 DR. MOCK: To some. To ones of which
2 we became aware we were able. We just did not have and
3 still don't have the resources to respond to or monitor
4 all. We just can't. There's not the sufficient
5 resources or capability.

6 So to respond to some when someone
7 brought us a complaint or pointed out that something
8 was on the Internet or that something was happening in
9 a school or -- we would attempt to the best of our
10 ability and resources to respond.

11 MR. FROMM: In your report you
12 indicate that you're interested in protecting people
13 from bigotry. In your view, is bigotry the same as
14 hate?

15 DR. MOCK: No, not necessarily.

16 MR. FROMM: What distinction do you
17 make?

18 DR. MOCK: Bigotry is a bias. I can
19 give you an official definition, if you would like
20 me --

21 MR. FROMM: No. What I'm mostly
22 interested in is whether you would like to see bigotry
23 prohibited on the Internet through vehicles like
24 section 13.1?

25 DR. MOCK: If it can be shown that a

1 particular consistent bias -- bigotry is an attitude.
2 Bigotry is an attitude that a person would have and it
3 leads to behaviours.

4 Now, the promotion of hatred --

5 MR. FROMM: We're just talking about
6 views, expression of view on the Internet. Not the
7 behaviour.

8 DR. MOCK: But that then becomes the
9 promotion of hatred.

10 MR. FROMM: I'm trying to probe this
11 distinction, if there is one, between bigotry and hate,
12 or is that basically the same thing?

13 Let me give you an attitude that is
14 pretty common outside of the Montreal-Ottawa nexus and
15 in much of small town in rural Canada, and that is a
16 lot of people aren't too happy with the Official
17 Languages Act. They don't like to see French on the
18 Corn Flakes box. Now, is that hate or bigotry or --

19 DR. MOCK: It's their own attitude,
20 own bias. They are entitled to have that.

21 MR. FROMM: Supposing I set up a
22 website and I criticize the Official Languages Act, and
23 I say it's discriminatory in terms of employment
24 against anglophones and why do we have to have French
25 in Nanaimo, British Columbia when perhaps there's two

1 people that are native-speaking French? Is that
2 bigotry? Is that hate? Is that acceptable opinion in
3 your point of view?

4 DR. MOCK: If I may, I would like to
5 give you my definition of --

6 MR. FROMM: No. I asked you a
7 question because this is a pretty hot issue in a lot of
8 parts of Canada, and has been for many years.

9 DR. MOCK: In my view, if I were
10 asked to assess the language that you just used, that
11 is the expression of bias but that's not the promotion
12 of hatred.

13 MR. FROMM: So that's bias. Maybe
14 that will assist us in the end.

15 On page 3 of your major report -- I'm
16 sorry, page 4 of your major report.

17 DR. MOCK: I'm just going to leave
18 this handy because it has my definition in it.

19 Page 4 of the first report. Yes,
20 where?

21 MR. FROMM: Page 4, first paragraph.

22 Now, is it your view, that at least
23 as of 2006 or so, there were about 6,000 hate websites
24 operating in the world?

25 DR. MOCK: It -- it's not my view.

1 It has been documented by the Simon Wiesenthal Centre.

2 MR. FROMM: Now, at the end of that
3 paragraph it says:

4 "The Simon Wiesenthal Centre has
5 documented over 6,000 hateful
6 websites advocating violence and
7 terror against identical
8 groups."

9 And you would adopt that as a fact.
10 You put it in your report, that as of that time there
11 were approximately 6,000 such websites.

12 DR. MOCK: According to the CD-ROM
13 and the data that's gathered.

14 MR. FROMM: But you adopt that. You
15 are not just reporting that as what you saw, but you
16 believe that is so?

17 DR. MOCK: Yes, I have no reason not
18 to believe that violence and/or terror, I might say.

19 MR. FROMM: Were you aware that
20 FreedomSite was listed among those 6,000?

21 DR. MOCK: I did not review all 6,000
22 that were listed.

23 MR. FROMM: But yours is a report
24 prepared for the Commission about so-called hate on the
25 Internet in Canada and its impacts, among other things.

1 So you were not aware that the FreedomSite was listed
2 among those 6,000?

3 DR. MOCK: No. I had not reviewed --
4 I have their CD-ROM and I reviewed the support material
5 that was with it and the press release that they had
6 and I --

7 MR. FROMM: That's fine.

8 DR. MOCK: -- said they have reported
9 this. I did not review the list and so as of that
10 CD-ROM I was not aware that that name was on. This
11 would be -- they would list this, then Simon Wiesenthal
12 would have listed this in their view, included it as
13 one of the sites that advocated violence and/or terror.

14 MR. FROMM: And you indicated though
15 that you have on your own, from time to time, visited
16 the FreedomSite?

17 DR. MOCK: Yes.

18 MR. FROMM: Now, their definition of
19 what a site would have to do to qualify in the top
20 6,000 there is that, among others things, they would be
21 advocating violence and terror against identical
22 groups.

23 In your review of the FreedomSite,
24 was there anywhere there that the FreedomSite was
25 advocating violence and terror against anybody?

1 DR. MOCK: I wish to clarify. As I
2 was asked, I have indeed visited the FreedomSite in the
3 last little while based on, as I mentioned yesterday,
4 people alerting me that there were certain things on it
5 in which I might be interested.

6 But given that I wasn't being asked
7 to come here to present evidence on the FreedomSite,
8 no, I have not reviewed in detail everything that is
9 posted on the FreedomSite. I would like to let you
10 know that right now.

11 I'm here to provide, as I understood,
12 expert testimony on the psychological impact of hate
13 and my knowledge of the nature and extent of hate that
14 is on the Internet in a generic fashion.

15 So I could not comment right now. I
16 have not thoroughly reviewed now or even at the time,
17 as I understand Mr. Warman filed the complaint. I
18 would not be able to tell you exactly, unless someone
19 gave me that and I was able to review material and then
20 assess, based on my experience and expertise, whether
21 that qualifies as promotion of hatred. I would be
22 happy to do that if the Chair would wish me to.

23 THE CHAIRPERSON: Just answer the
24 questions.

25 MR. FROMM: What I'm trying to ask

1 you, you told me you adopted the information from the
2 Simon Wiesenthal Centre that there were about 6,000 of
3 these sites and they indicated that these sites, among
4 other things, advocated violence and terror against
5 identifiable groups.

6 I put it to you that the FreedomSite
7 is on that list, and from what you have seen on the
8 FreedomSite, does it not disturb you that it's on that
9 list as a group -- as a website advocating violence and
10 terror? Because I don't think in your testimony you
11 indicated you found such advocacy.

12 DR. MOCK: You're wanting me to --
13 you're asking me again if I knew that the FreedomSite
14 was there and --

15 MR. FROMM: No, you already said
16 you --

17 DR. MOCK: -- wouldn't it disturb me
18 that the FreedomSite was --

19 MR. FROMM: Would it disturb you
20 that --

21 DR. MOCK: I don't understand. I
22 just need clarification on the question.

23 MR. FROMM: Would it disturb you --
24 does it disturb you to learn that the FreedomSite is on
25 this list and to be on this list you must be, among

1 other things, advocating violence and terror against
2 identical groups?

3 DR. MOCK: May I qualify more than
4 just a yes or no answer?

5 THE CHAIRPERSON: Give your answer,
6 please.

7 DR. MOCK: It would disturb me and it
8 does disturb me the nature -- the extent of the number
9 of site that --

10 MR. FROMM: That's not the question.

11 DR. MOCK: It's my understanding --

12 MR. FROMM: I'm focusing on the
13 FreedomSite. And you have read Mr. Warman's complaint,
14 have you?

15 DR. MOCK: Yes. If --

16 MR. FROMM: Have you read
17 Mr. Warman's complaint?

18 DR. MOCK: I would just --

19 MR. FROMM: I would just like to
20 know, have you read Mr. Warman's complaint?

21 DR. MOCK: Yes, I reviewed it.

22 MR. FROMM: You reviewed his
23 complaint. Would you agree that he would want to
24 select to hottest items that would support his case?

25 DR. MOCK: Yes, that would be

1 reasonable.

2 MR. FROMM: Certainly would be
3 reasonable. You lead with something strong rather than
4 something weak.

5 Does he seem to have any evidence of
6 the FreedomSite advocating violence and terror against
7 identifiable groups?

8 DR. MOCK: I would have to review the
9 binder and the FreedomSite information that was there.
10 I'm afraid I haven't memorized it. I would have to
11 look at that.

12 MR. FROMM: I'll move on.

13 MR. VIGNA: I have a major objection.

14 THE CHAIRPERSON: Did you want to say
15 anything?

16 MR. VIGNA: There was a whole
17 objection yesterday about mentioning the FreedomSite in
18 relation to this witness and -- anyway, I'm willing to
19 understand there's a bit of leeway, but at the same
20 time we can't eat the cake and have it too.

21 THE CHAIRPERSON: I think I know
22 where he was going with the questioning, but not in the
23 same direction, perhaps, that the other answers would
24 have gone. But he's moving on.

25 MR. FROMM: In commenting on your

1 report yesterday, or elaborating on your views under
2 the questioning from Mr. Vigna, was I correct in
3 writing down that you said that Canadians should be
4 free and their dignity and self -- free from being
5 attacked in terms of their dignity and self-worth? Do
6 I have that somewhat right?

7 DR. MOCK: Somewhat. I would have to
8 look at the transcript myself. But the notion of --
9 yes, somewhat.

10 MR. FROMM: Does that mean as groups,
11 and looking here at the wording of the Human Rights
12 Act, that the groups should be free from criticism?

13 DR. MOCK: No.

14 MR. FROMM: Where from your
15 studies -- where would criticism end and damage to
16 one's self-worth begin?

17 DR. MOCK: It begins with attacks on
18 what we would call immutable characteristics. It
19 begins with -- well, it begins with stereotyping. It
20 begins with speech usually, but also can be behaviours
21 that attacks people and their groups personally and on
22 the basis of identity or other characteristics that are
23 part of them. They are not their behaviours.

24 MR. FROMM: Let me give you a
25 statement that's fairly commonplace in review of

1 Canadian history, and I would like your reaction.

2 For too long or for a long time the
3 Catholic church in the province of Quebec had a great
4 deal of power, directed people's lives and unduly
5 influenced the political system.

6 Would you agree that that statement
7 is relatively commonplace, or was years ago?

8 DR. MOCK: I don't recall reading
9 that. I'm not a historian, but if you -- if you are
10 giving me an example of a -- statement.

11 MR. FROMM: But you've heard
12 something like that somewhere in your career, criticism
13 of the role years ago of the Catholic church?

14 DR. MOCK: Yes.

15 MR. FROMM: And you would agree that
16 that's criticism, at least at one time, of a religion?

17 DR. MOCK: No, it doesn't sound to me
18 from the way you've worded it that it's criticism of
19 the religion, but rather criticism of the behavior of
20 the organized church.

21 MR. FROMM: Fair enough. In your
22 opinion, would that be acceptable criticism of the
23 Catholic church or would that lead people who might be
24 devout Catholics to have a low self-concept or some of
25 the other problems that you indicated that critical

1 speech might have?

2 DR. MOCK: I didn't hear anything in
3 the way you phrased that statement by which you
4 conclude that people might have a low self-esteem.
5 They may start to reflect on the behavior of the
6 Catholic church, and for some that might give them a
7 positive sense of self and for others you know they may
8 think I should really pick up the phone or go and speak
9 to someone and see if I can do something about that.

10 So I would call that legitimate
11 political or -- legitimate discourse as opposed to the
12 promotion of hatred against Catholicism or Catholics.

13 MR. FROMM: I would like to direct
14 you to the respondent's volume R-5.

15 DR. MOCK: Where is it?

16 MR. FROMM: R-5. R-4.

17 THE CHAIRPERSON: That would be the
18 binder. Is it R-4?

19 MR. FROMM: Yes. Tab 9.

20 DR. MOCK: I have yours. I'm looking
21 for -- is my copy of the same document.

22 MR. FROMM: Have you found it? It's
23 from canada.com, it's a National Post story.

24 DR. MOCK: Yes, I have it.

25 MR. FROMM: You recognize that

1 handsome looking guy in that photograph? You did give
2 an interview for that story, did you not?

3 DR. MOCK: Yes. I believe that's
4 Jared Taylor.

5 MR. FROMM: Yes. Seems to be what
6 the caption says too.

7 In that story in the fourth
8 paragraph, you're reported to have said:

9 "Canadians have a lewd
10 curiosity --"

11 Those apparently were your words:

12 "-- about racism, says Karen
13 Mock, former executive director
14 of the CCRF. They also have
15 naive confidence, a good
16 argument will refute lies.
17 Together, she says, curiosity
18 and confidence make for broad
19 vulnerability to the propaganda
20 strategies of modern race
21 realism."

22 Is that a fair summary of what you
23 told The National Post?

24 DR. MOCK: Parts of that are the gist
25 of what I said at one point in the interview, and he

1 has paraphrased.

2 MR. FROMM: Would there be anything
3 in that paragraph that you want to correct?

4 DR. MOCK: I don't think I'll
5 belabour the point. It's a fair -- I had actually
6 called Mr. Breen when I saw that you had produced this
7 and we talked about what words he had kind of very
8 broadly paraphrased and what I had actually said. So I
9 won't quibble at this stage.

10 THE CHAIRPERSON: So you recognize
11 this article?

12 DR. MOCK: Yes, I recognize it as
13 being in The National Post.

14 THE CHAIRPERSON: Do you wish to
15 produce it?

16 MR. FROMM: Can I have it produced?

17 THE CHAIRPERSON: Right. Do you want
18 to complicate things or can we keep them as respondent
19 documents? Any objection?

20 Ms Kulaszka, although Mr. Fromm is
21 asking the questions, would you object if we kept it as
22 an "R" document? I think it's more convenient.

23 MS KULASZKA: That's fine.

24 THE CHAIRPERSON: I don't know
25 whether we'll do the same with the Attorney General

1 perhaps, but certainly I'd like to do the same with the
2 other parties that are involved.

3 MR. FROMM: I would be quite content.
4 Introduced --

5 THE CHAIRPERSON: I'm sorry, it isn't
6 R-4. My apologies. It's already in. It's the third
7 week, you know.

8 MR. FROMM: This article dealt with
9 the aftermath of a cancelled debate, is it not between
10 Jared Taylor of American Renaissance and the head of
11 Black Studies at Dalhousie University? Is that your
12 recollection?

13 DR. MOCK: Yes, that's my
14 recollection.

15 MR. FROMM: So it's in that context
16 that you said that:

17 "Canadians have a naive
18 confidence, a good argument will
19 refute lies."

20 So what you are saying is you don't
21 believe that in a fair debate truth will out?

22 THE CHAIRPERSON: Truth will?

23 MR. FROMM: Will out, will come out.

24 DR. MOCK: (No response)

25 MR. FROMM: To go a bit further. On

1 the second page of the article, you are quoted as
2 saying at the top:

3 "I felt very sad that someone of
4 the caliber of Professor
5 Devine --"

6 He's the head of Black Studies at
7 Dalhousie --

8 "with all the best of intentions
9 fell into the trap."

10 What trap was that?

11 DR. MOCK: Now, this is in fact a
12 paragraph in which I had a conversation with Mr. Breen
13 and asked him to review the tape --

14 MR. FROMM: Is that accurate?

15 DR. MOCK: Because -- the trap that I
16 was referring to was in a completely different context,
17 in a completely different part of the interview. And
18 I, knowing that you had produced this, giving
19 testimony, I would be saying things like, as I recall,
20 but I decided to call Mr. Breen to review the tape and
21 his notes to ensure that my recollection was accurate.

22 In this -- if you want to know what
23 trap I was referring to, he was speaking with me about
24 whether or not he was commenting at this stage about
25 the way some anti-racist folks would -- I think they

1 came in through papers around and so on.

2 MR. FROMM: They prevented him from
3 giving his lecture.

4 DR. MOCK: And I said, and I said at
5 the time, it's an old Klan trick where people get --
6 you fall into the trap of being provoked and at no time
7 would I ever condone any kind of violence or that kind
8 of disruptive behavior. But what happens is people are
9 so provoked that they then cross the line and behave in
10 ways that are perpetrators.

11 So he has all these dots, "fell into
12 the trap." The trap that I was referring to was the
13 trap of -- was a different trap at that time.

14 MR. FROMM: So you are saying the
15 first paragraph refers to something else. You are --
16 you said you did not refer to Professor Devine, who
17 originally had invited Mr. Taylor to a debate. It
18 refers to the protestors who, when Mr. Taylor had a
19 meeting on his own, came in and basically threw him --
20 referring to the protestors.

21 DR. MOCK: Right. Now the
22 sentence --

23 MR. FROMM: So --

24 DR. MOCK: If you want me to explain
25 what I had said about Mr. Devine, Professor Devine and

1 why I felt sad, it was -- I was sad that he could be
2 duped by someone calling him, by looking at credentials
3 and not checking and -- you know, when he's called by
4 the publicist or called by someone who says, you know,
5 I have someone, would you like to have a debate? I
6 said I felt sad he hadn't done further research to know
7 exactly who he was agreeing to debate with.

8 He didn't solicit or he didn't, on
9 his own, go and invite someone's credentials he was
10 familiar with. He just took on face value because of,
11 you know, where he had had his degree and so on; that
12 this was a legitimate -- this would be someone whose
13 ideas he might want to debate on an equal level.
14 That's all I was referring to as why I was sad that he
15 would have not checked more fully.

16 MR. FROMM: This is quite a long
17 article. That was on page 2. On page 4 of the article
18 on the second last paragraph from the bottom begins,
19 "To cancel."

20 "To cancel was the appropriate
21 response, said Dr. Mock who has
22 refused debates with Droege,
23 Ernst Zundel, assorted other
24 Canadian extremists."

25 Was that an accurate report of your

1 interview?

2 DR. MOCK: Yes.

3 MR. FROMM: So you advocated the
4 cancellation of the debate between Professor Devine of
5 the Black Studies Department and Jared Taylor?

6 DR. MOCK: Yes.

7 MR. FROMM: Do you know what they
8 were going to be debating?

9 DR. MOCK: They were going to be
10 discussing issues of racial superiority and racial
11 differences between blacks and whites, from what I
12 could gather.

13 MR. FROMM: Were you aware of the
14 title of the debate?

15 DR. MOCK: I would have to look it
16 up. I don't know what the title was at this stage.

17 MR. FROMM: Would you agree the title
18 was, Is a Multi-racial Society Good For Canada?

19 DR. MOCK: I would take your word for
20 it.

21 MR. FROMM: Presumably, Professor
22 Devine was going to say yes and presumably Mr. Taylor
23 was going to say no. What, in your opinion, would be
24 wrong with a debate like that, especially in a
25 university environment?

1 DR. MOCK: The topic itself is
2 innocuous, but what is wrong with it from my view, or
3 really in my view as to why I -- and this is what I'm
4 saying, I wouldn't have or I agreed they should have
5 cancelled and I wouldn't debate, is that on the surface
6 one can debate these kinds of issues. But I would
7 agree that to have people introduced on an equal
8 caliber as if the ideas were comparable, that there's
9 one side and another side when there's evidence that
10 one has what we would call a white racist or white
11 supremacist bigoted view, I would disagree that those
12 two are equally credible.

13 A legitimate discussion on
14 immigration, a legitimate -- we've had examples time
15 and time again where the title of a talk is not really
16 what it is that is fueling the issue.

17 So in my view this was a case -- and
18 you were asking me about my opinion as to why I thought
19 it was right. I always refused to be introduced as,
20 you know, this is Dr. Mock who will speak about whether
21 there was a Holocaust or not, and this is Mr. Droege or
22 Mr. Zundel, who's seen as equal caliber, as if this is
23 the opposite side of a legitimate debate.

24 That's my view, and I feel that it is
25 inappropriate that with academic freedom goes academic

1 responsibility.

2 MR. FROMM: Near the very end of your
3 testimony yesterday -- here I am, I don't have my notes
4 in front of me -- I believe you said that -- because
5 you were annoyed at a picture on the Freedomsite. You
6 said all your life, your academic life you had sought
7 the truth and looked at questions from all points of
8 view in order to come to your conclusions, had you not?
9 Something --

10 DR. MOCK: Yes, I said something to
11 that effect, I was known for that kind of balance.

12 MR. FROMM: Now, I'm still trying to
13 understand why you would oppose -- maybe I should say
14 why you supported the cancellation in the end of this
15 debate on whether a multi-racial society is a good or
16 bad thing for Canada between the head of Black Studies
17 Department at Dalhousie and Jared Taylor from the
18 States?

19 DR. MOCK: I supported that on the
20 basis of what I had learned about Jared Taylor's
21 background, ideology and what he was advocating, and I
22 would describe that as not merely expertise in
23 immigration and other aspects of this debate, but
24 someone who, at the core, had a white racialist, white
25 supremacist viewpoint.

1 Another part in the article --
2 there's something out of context in terms of the
3 circular arguments, and arguments that in fact
4 themselves are not academic.

5 So I felt it was the appropriate
6 decision. They did not violate his freedom of speech.
7 He could go and set up his own talk somewhere.

8 MR. FROMM: And have it disputed by
9 hooligans.

10 Wouldn't he just be the ideal person
11 to debate? He's out there on the extreme and here's
12 the head of a department, presumably a Ph.D. Wouldn't
13 he just be the perfect person? He comes forth with his
14 ideas and in debate you are to nuke him?

15 DR. MOCK: No.

16 MR. FROMM: In that same paragraph
17 you thought cancelling the debate was the appropriate
18 thing. And you refused to debate Droege. Would that
19 be Wolfgang Droege?

20 DR. MOCK: Yes.

21 MR. FROMM: The former head of the
22 Heritage Front?

23 DR. MOCK: Yes.

24 MR. FROMM: Would you have any
25 knowledge of what his education was?

1 DR. MOCK: I don't remember. I would
2 have to look at his CV also.

3 MR. FROMM: To your knowledge, was he
4 a Ph.D., university educated?

5 DR. MOCK: No, not that I recall.

6 MR. FROMM: I think you testified you
7 have a Ph.D.?

8 DR. MOCK: Yes.

9 MR. FROMM: And you've done some
10 post-doctoral studies as well?

11 DR. MOCK: Yes.

12 MR. FROMM: Wouldn't this have just
13 been a massacre? You with your superior education.
14 You're a native speaker of English, right?

15 DR. MOCK: Yes.

16 MR. FROMM: To your knowledge, was
17 Mr. Droege a native speaker of English?

18 DR. MOCK: I don't remember.

19 MR. FROMM: Did he speak with an
20 accent? Do you recall from TV interviews?

21 DR. MOCK: Yes, I believe he had a
22 slight accent.

23 MR. FROMM: Did you now feel, give me
24 the easy ones? You would be able to just massacre this
25 fellow, wouldn't you, with your education?

1 DR. MOCK: That wouldn't have been my
2 intention. I had no desire and do not agree that I
3 would want to ever put myself, using my own freedom of
4 choice, to have my ideas put on a par with someone
5 whose ideas were so offensive and not based on the kind
6 of caliber of work and research and study.

7 So I would not want it to appear to
8 inexperienced students -- this came up, for example, at
9 the University of Toronto. So to listeners on a radio
10 or television or students who don't have all the facts
11 when legitimate debating techniques are not used, I
12 would have no desire.

13 So if you are asking me why didn't I
14 and wouldn't I think this was the perfect opportunity?
15 No, this would have been the perfect opportunity for
16 the other side to be introduced as if they were --
17 their ideas were legitimately the other side of a
18 legitimate debate.

19 And as one of my articles that you
20 have likely have seen, because of your following and
21 documenting and keeping files, I did an article that's
22 listed in my CV called "Presenting the Other Side."

23 And, in my view, the ideas should be
24 debated, there should be scholarly works that are
25 discussed, but it's the hate mongers that I will not

1 debate.

2 So the ideas should definitely be
3 debated. There needs to be the appropriate scholarly
4 investigation. I would at any time, even -- we go to
5 various debates and people sometimes have to take to
6 the opposite viewpoint and get into a proper legitimate
7 debate. That's fine. It is the idea of giving the
8 equal credibility to the white supremacist, that hate
9 monger, the person whose avowed purpose is to convince
10 often people who don't have sufficient information of
11 the legitimacy.

12 As I have told you from social
13 psychological research, the more credible someone is
14 made to appear, the more naive populations who don't
15 know the facts and don't know what I would call, and
16 others would call, the truth and bona fide
17 well-designed research, believe and, therefore, that
18 person would be given the platform to promote hatred
19 and contempt while I would be there, you know, somehow
20 being put on the defensive.

21 No, that would not be a place where,
22 in my view, I would want to take that because I would
23 quotes, as you said, "be able to massacre someone".
24 It's not what I want to put myself through.

25 MR. FROMM: Perhaps that may not be

1 what you want to put yourself into. But with respect,
2 Mr. Taylor never had a chance to give his speech. You
3 have no way of knowing, do you, he was going to promote
4 hatred or anything else?

5 You are saying you wouldn't want to
6 be on a platform where the other person was going to
7 promote hate. You studied psychology, that's your
8 area, is it not?

9 DR. MOCK: Yes.

10 MR. FROMM: Part of what your
11 expertise is, is in the effective communication, the
12 effective words being used. At least in terms of the
13 Tribunal, words being used on the Internet?

14 DR. MOCK: The impact of hatred on
15 psychological reaction.

16 MR. FROMM: In your studies you would
17 have dealt to some degree with persuasion?

18 DR. MOCK: Yes, in my review of the
19 literature on persuasion and propaganda and so on, yes.

20 MR. FROMM: We've established that
21 you are a Ph.D. in psychology with some additional
22 post-graduate studies. And yet you said here that you
23 would not have debated Wolfgang Droege or Ernst Zundel,
24 and yet would you not agree you would have it over them
25 probably in terms of your education and in your

1 knowledge of how to persuade people, because that's
2 your area, study of psychology?

3 DR. MOCK: That's not -- just to
4 clarify, my area is not in the art of persuasion and
5 in communication in that sense. Mine is in applied
6 psychology and the impact of communications on people's
7 psychology.

8 THE CHAIRPERSON: Given that, I think
9 the question is, do you not feel you would have been
10 better able to, given your background, to persuade the
11 persons attending these debates of your point of view
12 over that --

13 DR. MOCK: No, not necessarily. I
14 don't believe necessarily, having seen many of the
15 tactics of persuasion that people who are ideologs and
16 zealots on various ideas use. So no.

17 MR. FROMM: You would not be in a
18 position if somebody stated outrageous facts -- I don't
19 know if I want to get into them. That's not a fact?
20 Where did you get that fact? The World's Encyclopedia
21 says such and such. Would you not have been in a
22 position to just -- certainly bested Wolfgang Droege in
23 a debate?

24 DR. MOCK: No. I would not -- it has
25 been my experience that -- you know that expression,

1 don't confuse me with the facts? That people who are
2 trained in that kind of, you know, obfuscating the
3 facts or citing sources and references, some of which
4 the young people in the audience might even think are
5 legitimate and then cut off others. No, I do not agree
6 that it's important.

7 It is important, as I have said, to
8 debate the ideas, to look at the writings but not to
9 give the equal platform and equal credibility. And
10 education itself -- just because someone has a Ph.D.
11 does not make them able to deal in that kind of
12 discourse.

13 So it's not the level of education is
14 the key, or the specific credential that someone has.
15 It's the tactics. And it's my choice to choose not to
16 debate or allow my credibility to be abused by my very
17 presence saying that these ideas and this person's
18 credibility and tactics and so on of communicating them
19 and their research and so on are of an equal par to
20 mine.

21 MR. FROMM: It would be fair to say
22 you really don't think certain issues are debatable.
23 There's one right point of view, and that's yours?

24 DR. MOCK: No, sir. I didn't say
25 that. The issues are always debatable.

1 MR. FROMM: Why were you opposed to
2 the debate between Jared Taylor and the head of Black
3 Studies at Dalhousie? That would be in an academic
4 setting? It wouldn't be a brawl or free-for-all.

5 DR. MOCK: I'm not sure how to say
6 this in another way. Again, it has to do in my view
7 with not the ideas and the research themselves, but
8 the -- what is at the very core of it and to -- for
9 Professor Devine to be introduced on an equal level as
10 a legitimate seeker of truth with someone who is funded
11 by the Pioneer Fund that funds research specifically
12 designed to show that the racial superiority of whites
13 over others, or to look at the difference in and start
14 to categorize people and not uphold the values of
15 equality in our society, in my view is not -- and
16 because of my experience of watching how this happens
17 and seeing accounts of it and the circular arguments
18 that are offered and the non-academic -- sometimes what
19 I did say in that article as well, and that's where he
20 put it out of context too. Often people who come from
21 that ideology, if someone then finds facts that are
22 contrary then they are just dismissed as being part of
23 the conspiracy.

24 So it's circular arguments, it's
25 non-academic, it's not based on sound research. In my

1 view, to give the legitimacy of the platform of the
2 university is inappropriate. That's my view. You
3 know, so should it be outlawed? That's another issue.

4 MR. FROMM: I think you clarified
5 your view on that. Have you ever heard any speeches by
6 Jared Taylor?

7 DR. MOCK: I personally have not.

8 MR. FROMM: So you are in no position
9 to say if Professor Devine were to raise a fact that he
10 didn't like, you would say you're part of some
11 conspiracy. You have no basis for saying that, do you?

12 DR. MOCK: And I did not say that.

13 MR. FROMM: But you are saying --

14 DR. MOCK: I did not say that.

15 MR. FROMM: You just finished saying
16 when these type of people are confronted with facts
17 that they don't like, they say the person who is
18 telling them, this is part of some conspiracy. That's
19 what you just finished telling us.

20 DR. MOCK: What I was doing was I was
21 recounting what I told Mr. Breen. Mr. Breen of the
22 National Post sought me out -- actually he originally
23 sought out the director of the Canadian Race Relations
24 Foundation. And my no longer being there, that
25 director referred him to me because he had heard that

1 I, myself did not believe in debating and that's why he
2 wanted -- I was in no way commenting on what I thought
3 Mr. Jared was going to say. One can't predict. But
4 whether I felt it was appropriate for the cancellation,
5 and I gave my view as one does in the newspaper. Many
6 of the --

7 MR. FROMM: Okay, thank you. I think
8 we've canvassed this.

9 THE CHAIRPERSON: Can we move on on
10 this point?

11 MR. FROMM: I have one more.

12 THE CHAIRPERSON: On this point, I've
13 heard her answer several times. I think I know where
14 each of you stand on this.

15 MR. FROMM: On page 2 of the article,
16 that's tab 9. Five paragraphs from the bottom, Dr.
17 Mock said:

18 "The best polling on racism in
19 Canada suggests two-thirds of us
20 are pleased with and supportive
21 of official multicultural
22 policy. Between 12 and 15
23 percent are bigots and unlikely
24 to change their minds. That
25 leaves one person in six

1 unaccounted for."

2 What do you mean by "15 percent are
3 bigots"?

4 DR. MOCK: What I was referring there
5 is the body of literature from well-designed polls, you
6 know, Ipsos-Reid, Angus, the various polls that are
7 conducted.

8 MR. FROMM: I'm not asking where it
9 came from. You've established that. What you mean 15
10 percent are bigots?

11 DR. MOCK: I was about to say, in
12 those well-designed studies with internal validity to
13 check people's answers, the questions that are designed
14 to see negative or bigoted or biased or racist beliefs
15 have shown -- and it varies depending on the study --
16 anywhere from about 12 to 17 percent or so. It depends
17 on the study so it works out on an average about 15
18 percent hold biased or bigoted views. That's what --

19 MR. FROMM: Those are judgment terms.
20 What does it mean, they have biased or bigoted views?

21 DR. MOCK: If I may give you the
22 definition that I go by and that I wrote for the -- and
23 was adopted by the study on the hate and bias crime:

24 "Bigot is one who stubbornly or
25 intolerantly is devoted to one's

1 biased opinions and prejudices."

2 So bigotry is a stubborn or tolerant
3 (sic) division or biased opinions on prejudices. In
4 other words, rigid, fixed, belief and not moving, not
5 being swayed by facts or others. So it's a ridged,
6 stubbornly intolerant devotion to specific opinions and
7 prejudices.

8 MR. FROMM: This poll apparently
9 deals with people's views of multiculturalism, and
10 according to the poll are pleased -- two-thirds are
11 pleased with multiculturalism policies, 12 to 15
12 percent are bigots. In that context, what would it be
13 to be a bigot?

14 DR. MOCK: As I said, according to
15 the way the sociologists and the surveyors -- and again
16 this isn't my particular area of expertise in designing
17 these studies, but that's what that means. They imbed
18 questions in a validated external and internally
19 validated document, validated on scientific grounds,
20 and they imbed questions to determine whether or not
21 people hold stubbornly to their biased and bigoted
22 views. That's what that means.

23 MR. FROMM: But what are the --
24 two-thirds support multiculturalism, according to this
25 poll, according to the poling you are citing. Twelve

1 to 15 percent are bigots. That means 12 to 15 percent
2 are bigots and hold onto multiculturalism how much it
3 fails, or does this refer to some other opinion?

4 DR. MOCK: No, it would -- I would
5 have to see -- we would have to go back into each of
6 the studies, look at the questions that were actually
7 posed. This was a global summary of the data that we
8 know that has been done, and it doesn't mean that. It
9 means that prejudice and bias towards what I have
10 earlier described as a vulnerable group.

11 THE CHAIRPERSON: I just want to
12 understand, because you said the definition of bigotry
13 is someone is devoted to one's biased opinions or
14 prejudice, not swayed by their views.

15 So if someone is devoted to the
16 opinion that multiculturalism is an asset to Canada,
17 that person cannot be deemed bigoted even though he
18 believes that strongly and cannot be swayed by other
19 views, to quote with you. That would not be a bigoted
20 view, in your view. You define the word bigot as
21 someone who strongly believes in one view, correct? Do
22 you want to repeat your definition?

23 DR. MOCK: Certainly. Somebody who
24 had such narrow vision that they were absolutely -- we
25 might call them an ideologue, but typically the common

1 understanding of the word bigotry -- and in fact in
2 speaking with Mr. Breen, I would have said in there,
3 bigoted against minority groups or -- I would have
4 elaborated.

5 But common parlance -- in common
6 parlance and in definitions we are usually referring to
7 people who have -- hold those views against minority
8 and vulnerable groups.

9 THE CHAIRPERSON: So not as
10 juxtaposed to a devoted view in favor of
11 multiculturalism. Just this article tends to juxtapose
12 one with the other, and you gave a definition of
13 holding stubbornly to a particular view.

14 DR. MOCK: If I may, these
15 questionnaires would usually be -- they would have
16 "strongly disagree", "agree", what have you. So they
17 would be asked, do you think, let's say on the
18 multiculturalism side. They would be asked to ask --
19 there would be statements about perhaps human rights
20 law or diversity or multiculturalism and so on. But
21 there would also be questions in there such as, you
22 know, I believe that Jews have too much power, agree,
23 strongly disagree, whatever. Or various other policies
24 and practices. Again, I would have to look at the
25 exact study.

1 THE CHAIRPERSON: The point we want
2 to establish: It's not just that a person holds a
3 stubborn view that 's at issue. It's that the view
4 is -- as you indicated, works against those vulnerable
5 groups in some way.

6 So holding a stubborn view in favor
7 of multiculturalism is not equated with holding a
8 stubborn view that treats certain vulnerable groups in
9 a certain negative way.

10 DR. MOCK: I would agree that is most
11 likely the case in these studies.

12 THE CHAIRPERSON: And that's what you
13 meant?

14 MR. FROMM: This poll is dealing with
15 apparently views on multiculturalism. Two-thirds of
16 Canadians are generally content with it, the article
17 says, or you rather said, six percent are unaccounted
18 for and 12 to 15 percent are bigots.

19 Are the 12 to 15 percent labelled as
20 bigots the ones that, say, don't agree with
21 multiculturalism? Because the numbers otherwise don't
22 add up. Two-thirds are generally happy with it,
23 according to the polling; 12 to 15 percent are bigots
24 and 6 percent unaccounted for.

25 DR. MOCK: No, there's another third

1 that is unaccounted for, and exactly that was my point.
2 That the group that we are most concerned about and can
3 be easily persuaded either way, in particular by hate
4 propaganda or -- is the group in the middle.

5 So if you've got in society at large
6 approximately in -- Canadian society approximately 66
7 to 72 percent, depending on the study, who believe that
8 diversity, multiculturalism, human rights, are positive
9 values in Canadian society, and 15 percent or so -- so
10 you've got your two-thirds there and then you've got
11 half of the one-third who not only think that those are
12 absolutely wrong but who also believe -- who hold very
13 strong prejudices against --

14 MR. FROMM: Okay.

15 DR. MOCK: -- then -- if I might just
16 make my point, because in fact newspaper articles are
17 not where I get my definitive research results. This
18 is the summary made on the basis of an extensive -- by
19 a reporter who did his best to summarize in a
20 statement, but that's not where I get my facts. So I
21 just need to explain, as I explained to him.

22 Historically, we have found that it's
23 that other 15 percent. The group that either hasn't
24 made up its mind one way or the other or may be
25 extremely vulnerable to material that is presented that

1 can be swayed either way.

2 And history has shown us that
3 one-third of a population is the critical mass that is
4 required to using the democratic process that can even
5 lead to the complete elimination of the human rights
6 and the creation of a totalitarian state.

7 So that was the discussion we had
8 about, you know, why would I feel so strongly about
9 limiting the platform or not being put on an equal par
10 with people who I know advocate that kind of bigotry.

11 MR. FROMM: Back to the poll. I'm
12 trying to determine whether the 12 to 15 percent in
13 that poll are people who are not happy with the
14 multiculturalism policies of Canada. Are those the 12
15 to 15 percent that got labeled as bigots?

16 DR. MOCK: No, not just -- not on the
17 basis of that one question or two questions. No,
18 absolutely not. There would have been many other
19 questions -- and it's not the poll. There have been
20 several polls.

21 MR. FROMM: The many poles.
22 Two-thirds are --

23 DR. MOCK: No, it would not have
24 been -- I'm sorry -- would not have been determined
25 only on the basis of an answer that they strongly

1 disagreed with --

2 MR. FROMM: That's not what I'm
3 asking. What I'm asking is the 12 to 15 percent are
4 people who do not approve of the multiculturalism --
5 government's multiculturalism policies; is that
6 correct?

7 MR. VIGNA: Mr. Chair, she
8 repeated --

9 MR. FROMM: We never quite got an
10 answer to that.

11 THE CHAIRPERSON: It's true. We did
12 not get an answer. Go ahead.

13 DR. MOCK: I wouldn't know. I would
14 to have look at the data to see which percentage in the
15 study and did their answers correlate with the answers
16 they gave on the questions about blacks, Jews, people
17 of sexual orientation. I can't answer that question.

18 THE CHAIRPERSON: What is going on is
19 a compilation of the various results. Are you
20 saying -- you are assuming if when one poll two-thirds
21 of people support multiculturalism and it's likely
22 these people are that not what you qualify as bigots,
23 but that other polling has demonstrated other views that
24 you conclude are bigoted views?

25 DR. MOCK: That's right. Within that

1 one poll, there would be questions on multiculturalism
2 and they present the data. There would also be
3 questions on attitudes towards minority groups. It's
4 the questions on attitudes towards minority groups
5 where they would determine how much of a percentage
6 hold bigoted or biased views against minority groups.
7 That's the 12 to 15 percent.

8 I'm not saying -- now there may be a
9 strong correlation. I would have to go look at the
10 actual polls, see if they did do the factor analysis
11 and the analysis from using sound techniques, which
12 they used very valid techniques. These are social
13 scientists with expertise in that area. So that I
14 cannot answer the question. I've only answered --

15 MR. FROMM: So you can't answer the
16 question, let's move on.

17 DR. MOCK: -- correlation between
18 those two and if they did the analysis that way, we
19 would find it. But I cannot answer the question the
20 way you have posed it.

21 MR. FROMM: Let me give you a
22 hypothetical. If somebody says, multiculturalism
23 failed in the Soviet Union. It failed in Yugoslavia.
24 It will fail in Canada. We shouldn't have it as our
25 official policy. Is that person a bigot, a hater?

1 DR. MOCK: I don't know, on the basis
2 of what you said. I would have to know what they say
3 about minority groups and what prejudices they have. I
4 wouldn't know from that statement.

5 MR. FROMM: Okay. I won't belabour
6 that any further.

7 For, I think you said, 15 years you
8 were the executive director of the League for Human
9 Rights of B'nai Brith?

10 DR. MOCK: 13 years.

11 MR. FROMM: During that time you had,
12 among other things, responsibilities for putting out
13 the Audit of Antisemitic Incidents?

14 DR. MOCK: Yes, that's correct.

15 MR. FROMM: Would you agree that in
16 most years the bulk of the anti-Semitic incidents
17 involved things that were non-violent, like graffiti
18 and literature?

19 DR. MOCK: Yes, that's correct.

20 MR. FROMM: Would you also agree
21 there are very, very few incidents of physical violence
22 or damage to property that were classified under
23 anti-Semitic incidents?

24 DR. MOCK: Statistically, we have
25 found least number of physical violence, but as you

1 asked in your first question, vandalism --

2 MR. FROMM: No, I didn't.

3 DR. MOCK: Damage to property. There
4 are lots of those incidents, but the least number that
5 have been shown are actual incidents of physical
6 violence.

7 MR. FROMM: Would I be right to say
8 that if you went to the ladies washroom today and on
9 the wall or on the stall somebody had written, down
10 with the Jews or something, you could report that as an
11 anti-semitic incident, case of graffiti?

12 DR. MOCK: Yes.

13 MR. FROMM: So a lot of the -- even
14 the vandalism would be of that nature, somebody --
15 let's say you went to the ladies washroom and somebody
16 scribbled a swastika with lipstick on the mirror.
17 Might that be considered an anti-semitic incident?

18 DR. MOCK: It might be. It would be
19 investigated to see if there was evidence that it was
20 targeted against Jewish people. But yes, that would be
21 the kind of incident that could come into graffiti or
22 vandalism.

23 MR. FROMM: There was an incident
24 three years ago I think where an Arab immigrant was
25 eventually arrested for having on some hoarding, I

1 think with a magic marker, but a swastika equals and
2 then the Star of David. So I guess Israel equals Nazi
3 or something.

4 That was then, at least by the
5 Toronto police, considered an anti-semitic incident.
6 Would you have considered that type of thing an
7 anti-semitic incident in terms of the audit?

8 DR. MOCK: Yes.

9 MR. FROMM: Thanks. I would like to
10 draw your attention to tab 2 of R-4, the same volume
11 you were looking at before.

12 MR. CHRISTIE: I wonder if it might
13 be appropriate to take a break.

14 THE CHAIRPERSON: I was going to
15 suggest something around 11:00, if you were in the
16 middle of something; otherwise can we take a break.

17 MR. FROMM: That's fine.

18 --- Recessed at 10:55 a.m.

19 --- Resumed at 11:12 a.m.

20 MS KULASZKA: Mr. Kurz is here for
21 B'nai Brith. I was wondering, I'm not sure if he's
22 going to be here all day.

23 MR. KURZ: I will.

24 MS KULASZKA: Then we'll deal later
25 with the issue of the disclosure of B'nai Brith, unless

1 here's going to be here the rest of the hearing.

2 MR. KURZ: I was told five minutes
3 ago there's some attempt to obtain disclosure. I know
4 nothing about that until now.

5 THE CHAIRPERSON: I would rather --

6 MR. KURZ: I'm not in a position to
7 respond in any way. I've been taken by surprise. I
8 should let the Tribunal know that in light of the
9 evidence that has been called, it's not my intention to
10 call a witness.

11 THE CHAIRPERSON: I did want to ask a
12 question because I noticed in the appearances it was --

13 MR. KURZ: When I was asked to
14 fill --

15 THE CHAIRPERSON: Could you please
16 stay near the microphone?

17 MR. KURZ: I apologize. When I was
18 asked to fill out the counsel form I was asked -- I
19 asked about the -- I was asked about who I intended to
20 call. I said it's likely I won't call anybody. I was
21 told I should fill it in just in case. That's why I
22 put that there. I indicated to the person that I spoke
23 to --

24 THE CHAIRPERSON: Miss Joyal.

25 MS KULASZKA: I wasn't sure whether I

1 was calling anyone at all. It's certainly not my
2 intention to call a witness.

3 THE CHAIRPERSON: I just wanted to
4 clarify that.

5 MR. KURZ: I don't know whether
6 that's related -- it appears Ms Kulaszka wants some
7 disclosure, whether it's related to that or not.

8 THE CHAIRPERSON: I want you to
9 discuss this at another time, not now.

10 MR. KURZ: Thank you.

11 MR. FROMM: If I might go back just a
12 moment to the article about the Jared Taylor non-debate
13 in Halifax.

14 We were talking about that poll, Dr.
15 Mock. You indicated that you think you read the
16 definition that bigotry, or a bigot is somebody who
17 sticks stubbornly to his or her own opinion, will not
18 be moved by facts or argument. Is that more or less
19 the summary of what a bigot is?

20 DR. MOCK: The definition I read was:

21 "A bigot is one who stubbornly
22 or intolerantly is devoted to
23 one's biases, opinions and
24 prejudices."

25 THE CHAIRPERSON: Someone who is

1 stubbornly? Would you repeat that, please?

2 DR. MOCK: "Stubbornly or
3 intolerantly devoted".

4 MR. FROMM: Do you think that label
5 might apply to somebody who will not debate the people
6 who share a different view?

7 DR. MOCK: It might for some, but it
8 usually doesn't.

9 MR. FROMM: Back to tab 2, and that
10 is the series of the Audits of Antisemitic Incidents
11 during the years when they were on your watch. Am I
12 correct that you would include in the listing of
13 anti-Semitic incident reports were made anonymously to
14 you?

15 DR. MOCK: No.

16 MR. FROMM: Are you aware of a
17 critique of the audit that was made in the press by
18 Bernie Farber, who is executive director of the
19 Canadian Jewish Congress?

20 DR. MOCK: I believe I recall at one
21 point a few years prior to the ones that you've put out
22 here, that he commented on it.

23 MR. FROMM: Do you recall him saying
24 something to the effect that it would be easy enough to
25 have an increase in anti-Semitic incidents -- and I'm

1 pretty much quoting what he said -- if a bigot got one
2 more ream of paper this year than last and was able to
3 hand out 500 more pamphlets, it would be possible to
4 goose up the number of anti-Semitic incidents because
5 you counted as an anti-Semitic incident the finding of
6 a pamphlet that you thought was anti-Semitic. It would
7 be possible these figures might not really reflect
8 substance.

9 DR. MOCK: I recall that he said
10 that, but I also recall that we explained to him
11 thereafter how the data were gathered and indicated
12 that we did not document repeated occurrences of the
13 same incident. And he accepted that.

14 MR. FROMM: In tab 2 -- these are
15 mostly copies of parts of the -- of several audits. I
16 was wondering if you could turn to page 30, and that's
17 marked by a hand with a circle.

18 THE CHAIRPERSON: Repeat the tab for
19 me, please? I was writing something down. Which tab
20 are you at?

21 MR. FROMM: This is tab 2.

22 THE CHAIRPERSON: Of?

23 MR. FROMM: Page 30, and that's
24 marked with -- in hand, in the upper right-hand corner.

25 THE CHAIRPERSON: Page 30, yes.

1 MR. FROMM: This is the Introduction
2 to the 1997 Audit of Antisemitic Incidents.

3 Do you recognize that as a copy of
4 part of the audit?

5 DR. MOCK: Yes, 1997.

6 MR. FROMM: In the third paragraph,
7 it says:

8 "Many of the leaders of hate
9 group activity coalescing in
10 Western Canada on fundraising
11 tours to Victoria and Vancouver
12 and the Interior British
13 Columbia."

14 Do you recognize that as having been
15 part of the audit, that sentence I just read?

16 DR. MOCK: Yes.

17 MR. FROMM: It says that leaders of
18 hate group activities were involved in fundraising
19 tours of British Columbia. Do you recall who those
20 hate group leaders were?

21 DR. MOCK: I'm afraid this was 10
22 years ago. I would have to review the data.

23 MR. FROMM: You don't recall.
24 Further down in the paragraph it talks about the 1997
25 municipal elections and various people ran. And it

1 says:

2 "Former teacher, Paul Fromm,
3 fired for contravening board
4 policies by speaking at a
5 National Alliance gathering, and
6 Freedomsite hate site webmaster
7 Marc Lemire each ran for
8 position of school trustee in
9 their respective districts."

10 Would I be correct in saying I'm
11 being included as a leader of hate group activity in
12 that paragraph?

13 DR. MOCK: There's two categories
14 here. The first three lines that you read, four lines,
15 deal with activities in western Canada. The new
16 paragraph or the new section speaks about Nazi
17 sympathizers who ran for public office.

18 MR. FROMM: Yes, thank you for
19 pointing that out.

20 DR. MOCK: And it's just
21 documenting --

22 MR. FROMM: Documenting -- one of
23 those was myself. So are you suggesting I'm a Nazi
24 sympathizer?

25 DR. MOCK: No, it's a separate

1 sentence.

2 MR. FROMM: No, it's same sentence.

3 DR. MOCK: No.

4 MR. FROMM: "In 1997 several Nazi
5 sympathizers --" no, you're right.

6 It's the following sentence:

7 "-- in the Toronto municipal
8 election, Don Andrews for mayor,
9 Paul Fromm for school trustee,
10 Marc Lemire school trustee."

11 DR. MOCK: Yes, yes, you are included
12 in that.

13 MR. FROMM: As a Nazi sympathizer?

14 DR. MOCK: Yes.

15 MR. FROMM: And on what basis do you
16 say I'm a Nazi sympathizer?

17 MR. KURZ: What does her view of
18 Mr. Fromm have anything to do with anything? Mr. Fromm
19 isn't on trial. He's counsel, as it were, and whether
20 she thinks Mr. Fromm is a Nazi sympathizer or not has
21 got nothing to do even tangentially with the issues
22 here other than Mr. Fromm wanting to deal with his own
23 issues.

24 MR. FROMM: Could we have the witness
25 excluded, because we are going to have a discussion on

1 this.

2 THE CHAIRPERSON: Yes, could the
3 witness step outside?

4 MR. CHRISTIE: I have a submission
5 later, if I may.

6 THE CHAIRPERSON: Yes. Go ahead,
7 Mr. Fromm.

8 MR. FROMM: The point I'm going to
9 try to draw -- going to concentrate on references to me
10 because I'm pretty confident of the material here.

11 The point I want to make is that Dr.
12 Mock consistently uses terms without any definition,
13 without any rigor. It will be our submission at the
14 end of the day that her use of the term hate is so all
15 over the landscape, it includes -- just includes
16 anything she doesn't like.

17 We've already had admitted -- Ms
18 Kulaszka led evidence, got her to agree she had to
19 retract a reference to me in a previous Audit of
20 Antisemitic Incidents. The research here and the
21 quality of the research is really bad. And what we're
22 seeing here is the very demonization she talks about
23 going on on hate sites. Terms incredibly inflammatory
24 and damaging, used without any support at all. That's
25 what I'm driving at.

1 THE CHAIRPERSON: Mr. Christie?

2 MR. CHRISTIE: As you recall, I was
3 strenuously endeavoring to bring forward the suggestion
4 that after Mohan we have a duty to exclude evidence
5 from -- even opinion evidence from consideration in the
6 event of harsh bias or non-scientific analysis that I
7 was going to proceed there, and I understand and
8 respected, hopefully faithfully, your ruling on the
9 point so we could get to the issue of testing the
10 credibility of this evidence and the value of it for
11 professional and opinion purposes, by reference to
12 possible bias or her lack of objectively or
13 credibility.

14 Any expert can be challenged on that
15 basis, and a strong predilection of either
16 recklessness, carelessness in the use of the
17 sociological terms or maybe even political bias, would,
18 I think, have some value to at least allow us to argue
19 at some point.

20 This is not a very objective or wide
21 basis for the opinion she expresses and it should not
22 be given great weight. On that basis, although I do
23 agree that Mr. Fromm should not put himself in the
24 position of a witness, nor should anyone else,
25 unfortunately with the type of references that are

1 made, it seems virtually unavoidable.

2 Because we are dealing with the broad
3 social issue under section 1 of the Charter and the
4 weight, if any, to be given to the opinion of the
5 expert has to be tested somehow, bias and harsh
6 political opinions, prejudice or maybe even bigotry, if
7 we could show it, would be something of value to assess
8 the weight to be given to the evidence. That's all I
9 want to say.

10 THE CHAIRPERSON: Thank you.

11 Mr. Kurz?

12 MR. KURZ: Mr. Fromm is going to --
13 it's not Mr. Christie's cross-examination right now.
14 It's Mr. Fromm's. Mr. Fromm is going to basically --
15 he's told us ask her questions about her views of him,
16 and then presumably he's going to testify he's not a
17 Nazi sympathizer, and we'll get to cross-examine --
18 first of all, if you let him give evidence at all,
19 which would be contrary to an Ontario Court of Appeal
20 decision.

21 THE CHAIRPERSON: He's in the middle
22 of his testimony. Are you aware of that, Mr. Kurz?

23 MR. KURZ: No, I'm not aware.

24 THE CHAIRPERSON: One of the problems
25 is you are making your objections in a vacuum. You

1 weren't here yesterday. The other thing that she's
2 done repeatedly, she's repeatedly, through her expert's
3 report, has repeatedly used terms like neo-Nazi sites
4 and neo-Nazi -- she's used these terms frequently. And
5 now what she's being challenged on is whether her
6 appropriation of those terms to these various
7 individuals or websites is appropriate. That's what
8 she's being tested on.

9 And he is about to be cross-examined.
10 That will be occurring perhaps at the end of this week
11 or at some point later on.

12 MR. KURZ: What I'm saying is that
13 it's proper if he wants to cross-examine her about what
14 she means by neo-Nazi. But if he's going to put
15 himself as a witness so that the Tribunal has to decide
16 whether Paul Fromm, counsel, is a neo-Nazi and has got
17 to make decisions on his credibility about whether or
18 not he's a neo-Nazi? How far away are we getting from
19 the issue, the constitutional issue? That's my
20 objection.

21 THE CHAIRPERSON: We won't get that
22 far, but he is in the middle of his own testimony, as
23 I've said, and she can be challenged on her
24 understanding of what Nazi means, because she uses that
25 term frequently in her report.

1 MR. KURZ: I'm not challenging the
2 fact that he asked her and he wants to give her a hard
3 time about what neo-Nazi is. But when he makes it
4 personal to himself, that is the subject of my
5 objection. And that's not what he's giving evidence
6 about. I know in general what he was going to give
7 evidence about, but that's not -- that's a very
8 different issue.

9 THE CHAIRPERSON: That's not what his
10 evidence was on.

11 MR. KURZ: His credibility and the
12 issues of his personal credibility are very different
13 in that regard as well.

14 MR. VIGNA: I have similar concerns
15 in terms of the personalization of the question
16 regarding Mr. Fromm and Dr. Mock. He is acting as
17 counsel, even though he's not a lawyer, but for the
18 purposes of this hearing, and he cannot personalize the
19 debate and deviate the whole hearing from the issues
20 between him and Dr. Mock.

21 THE CHAIRPERSON: I'm mindful of
22 that. I don't think it got that yet. There are
23 extensive references to Mr. Fromm in this material and
24 I think it's legitimate for him to put those questions
25 to her. It will not go further afield. I think the

1 parties understand that we're not here to try or defend
2 the name or -- of Mr. Fromm or go through any other
3 civil recourses or actions that may be ongoing. We had
4 some discussion about that an earlier time.

5 The purpose here is to challenge or
6 look into the understanding that this witness has of
7 some of the terms that have been used in her reports.
8 And that's the extent of it, Mr. Fromm.

9 MR. FROMM: That's exactly where I
10 was going. She speaks a lot about the impact of what
11 she calls hate speech on people, the use of language,
12 and that's what I'm exploring here.

13 THE CHAIRPERSON: Okay.

14 MR. FROMM: Not getting into a debate
15 of who said what or when.

16 THE CHAIRPERSON: Somebody please
17 call back the witness.

18 MR. FROMM: Dr. Mock, we're back on
19 page 30 of tab 2 and this is the introduction to the
20 1997 Audit of Antisemitic Incidents. Just before our
21 little interlude, I had asked you whether I was
22 included as Nazi sympathizer in the list of candidates
23 who had run for various candidates in 1997.

24 DR. MOCK: Yes, it would appear from
25 the way this is worded that one sentence leads to the

1 other.

2 MR. FROMM: This was the report that
3 you had overall supervision of, right?

4 DR. MOCK: I don't see the list this
5 time of everybody that was involved. But, yes, if I
6 was the national director I would have had a hand in
7 reviewing the material.

8 MR. FROMM: Can you explain why I was
9 called a Nazi sympathizer?

10 DR. MOCK: The researchers that put
11 the initial draft together would have reviewed
12 material, websites, behaviours and seen that it
13 appeared Mr. Fromm would have been sympathetic to the
14 various causes to -- of Wolfgang Droege -- sorry, of
15 Ernst Zundel and the Holocaust deniers and other Nazi
16 and neo-Nazi kinds of ideology. So the conclusion
17 would have been drawn that because of his presence and
18 his support and going to speak at memorials of, you
19 know, people who -- in very glowing terms of people who
20 were very sympathetic to the Nazi, neo-Nazi and white
21 supremacist cause, that it would be a reasonable
22 conclusion that he himself was sympathetic to those
23 views.

24 MR. FROMM: Would it be possible to
25 support the unequivocal right of a person to advocate

1 any political position without necessarily adopting
2 that position?

3 DR. MOCK: Yes.

4 MR. FROMM: So it's possible, say, to
5 be a libertarian and believe in unrestricted political
6 free speech without necessarily being either a
7 Communist or a Nazi or anything in between?

8 DR. MOCK: Yes.

9 MR. FROMM: Did you happen to look at
10 any of my election material distributed for the 1997
11 municipal election?

12 DR. MOCK: I don't recall.

13 MR. FROMM: You don't recall any
14 pictures of Adolf Hitler or swastikas as logos or
15 anything like that?

16 DR. MOCK: I doubt anybody would have
17 put that in campaign literature.

18 MR. FROMM: Presumably a Nazi
19 sympathizer might.

20 If we could move ahead to page 33,
21 which is from the -- I guess the main body of the 1997
22 Audit of Antisemitic Incidents. Can you recognize
23 that?

24 DR. MOCK: Yes, it's from the present
25 website or the one website from a couple of years ago.

1 MR. FROMM: So it will be your
2 testimony that that introduction that we just looked at
3 a moment ago might be up on the website?

4 DR. MOCK: Yes, it might be now. I
5 haven't checked. I notice where it says Ruth Kline and
6 Steve Shineberg and Michelle Wilner(ph), these are
7 different positions from the time I did it. But
8 this -- I would agree that this is the text or part of
9 the text from the 1997 Audit of Antisemitic Incidents.

10 MR. FROMM: Could I draw your
11 attention to the numbers in the very lower right-hand
12 corner of the page.

13 DR. MOCK: Which page, 33?

14 MR. FROMM: This is page 33. This is
15 the overview of the 1997 Audit of Antisemitic
16 Incidents.

17 DR. MOCK: Could you specify? We may
18 have different numbers here. Was it 827 votes? Is
19 that what you are looking at?

20 THE CHAIRPERSON: No, do you have
21 what's handwritten page 33?

22 DR. MOCK: Yes, in tab 2.

23 THE CHAIRPERSON: Yes, at the bottom
24 corner it says 12/28/2006.

25 DR. MOCK: Okay, I'm sorry, I thought

1 he was looking at the text.

2 MR. FROMM: I wonder if Dr. Mock
3 could tell us what that string of numbers might mean?

4 DR. MOCK: I would imagine it means
5 the date that this was downloaded.

6 MR. FROMM: So certainly as of that
7 date it would be available on the Internet.

8 DR. MOCK: This report?

9 MR. FROMM: Yes.

10 DR. MOCK: Yes.

11 MR. FROMM: Thanks. On the bottom of
12 that page, of page 33, makes reference to material I
13 supposedly circulated to libraries. It says:

14 "The material circulated by
15 Fromm included his own
16 newsletter entitled Free Speech
17 Monitor and was full of
18 inferences dredging up the
19 mythologies of Jewish conspiracy
20 controlling the minds and monies
21 of the world."

22 Did you -- do you have any evidence
23 of that?

24 DR. MOCK: I would have to look at
25 that issue of the Free Speech Monitor, and perhaps you

1 might want to produce that for me to review.

2 But we would have likely -- again,
3 this is 10 years ago -- but we would have had a sample
4 of that material and reviewed it. So if you have that
5 material then I could review that again to corroborate
6 that that language was in the newsletter.

7 MR. FROMM: Could you turn the page
8 please, to page 34.

9 DR. MOCK: Yes.

10 MR. FROMM: I'm trying to turn Dr.
11 Mock's attention to -- back to page 33. That second
12 paragraph, the one during the municipal elections. The
13 second last sentence:

14 "Paul Fromm, former Peel Board
15 teacher, known for his
16 prominence on the neo-Nazi
17 speaking circuit and publisher
18 of the Free Speech Monitor ran
19 for the position of school
20 trustee in Peel Board
21 Mississauga Wards 1 and 7."

22 It states here I was prominent on the
23 "neo-Nazi speaking circuit". Why would that label be
24 attached to me, "neo-Nazi speaking circuit"? Have you
25 ever been present at any of my talks?

1 DR. MOCK: No, sir.

2 MR. FROMM: Have you ever seen
3 videotape of any of my talks?

4 DR. MOCK: Yes.

5 MR. FROMM: Was my topic praising
6 Hitler and the Third Reich?

7 DR. MOCK: This would have been more
8 than 10 years ago and I would have to review the
9 transcript or the material. I, verbatim, absolutely
10 cannot remember.

11 MR. FROMM: Have you ever heard
12 audiotapes of my talks?

13 DR. MOCK: Not that I recall.

14 MR. FROMM: Would you happen to know
15 what my normal topics would be?

16 DR. MOCK: I would have to see a list
17 of them. I imagine it would have to do with
18 immigration and --

19 MR. FROMM: And?

20 DR. MOCK: -- freedom of speech and
21 so on.

22 MR. FROMM: Exactly. How does
23 critique of Canada's immigration policy or support for
24 maximum freedom of speech in Canada, how does that
25 become neo-Nazi? How does that put me on the neo-Nazi

1 speaking tour?

2 DR. MOCK: Again, the title of a talk
3 or the title of an article doesn't necessarily reflect
4 the content. This -- I believe you are asking me --
5 you asked how is it that we would have made that
6 conclusion of the neo-Nazi speaking circuit? And that
7 would have been, in my recollection -- again, I would
8 have to look back to the material then -- because of
9 the advertisements, because of different groups that
10 were promoting the invitation of Mr. Fromm.

11 As I recall, sometimes you know in
12 the presence of other speakers who themselves were part
13 of the Nazi or what has been called the neo-Nazi
14 movement. So it would be because of the promotion of
15 you, as a speaker, at these various places that's
16 called a circuit. This is a generic kind of language
17 not necessarily --

18 MR. FROMM: When you say generic kind
19 of language, would you not agree that when the average
20 person reads neo-Nazi he assumes that person is a
21 strong supporter of Hitler and probably goes around in
22 a uniform and wears swastika band. It's pretty
23 specific.

24 DR. MOCK: Well, when someone
25 actually speaks at an event it doesn't necessarily mean

1 they adhere to all the ideologies of all the speakers.
2 That's pretty clear. As far as being promoted
3 constantly on a speaking circuit, that is what that
4 reflects and nothing more.

5 MR. FROMM: Would you happen to know
6 who the sponsors were of those talks in 1997?

7 DR. MOCK: Again, Mr. Chair, I would
8 have to go back to look at the details of those records
9 from 1996, 1995, 1997.

10 THE CHAIRPERSON: So you don't
11 recall?

12 DR. MOCK: I do not recall.

13 MR. FROMM: If I were to put it to
14 you that those talks were sponsored by my group, the
15 Canadian Association for Free Expression, would that
16 alter your opinion any?

17 DR. MOCK: Not necessarily, no.

18 MR. FROMM: Do you make any
19 differentiation among the terms neo-Nazi, racist,
20 fascist, white supremacist?

21 DR. MOCK: Sorry?

22 MR. FROMM: Neo-Nazi, racist, fascist
23 and white supremacist.

24 DR. MOCK: Yes.

25 MR. FROMM: Is there any distinction

1 or are they basically all the same?

2 DR. MOCK: No, they are not all the
3 same. You can make -- there would be discrete
4 definitions of those. They are not always -- there may
5 be connections and correlations, but they are
6 themselves different.

7 MR. FROMM: If we could move ahead to
8 the 1999 Audit of Antisemitic Incidents that begins on
9 page 38. But I would like to call your attention to
10 pages 42 and 43.

11 Do you recognize this as being part
12 of the 1999 annual Audit of Antisemitic Incidents put
13 out by B'nai Brith?

14 DR. MOCK: Yes.

15 MR. FROMM: That was on your watch?

16 DR. MOCK: Yes.

17 MR. FROMM: The section I'm calling
18 your attention to is headline, "Hate on the Internet".

19 DR. MOCK: Yes.

20 MR. KURZ: Which page?

21 MR. FROMM: Pages 42 and 43. On page
22 43, the first full paragraph, says:

23 "Marc Lemire continues to host
24 the Freedomsite which houses a
25 number of web pages for extreme

1 white wing groups."

2 With that reference there, Marc
3 Lemire, is it your contention that he was promoting
4 hate on the Internet? Because that seems to be the
5 section under which he's categorized.

6 DR. MOCK: I'd like to continue
7 reading.

8 MR. FROMM: It's a simple question.
9 He appears in a section called "Hate on the Internet".
10 Not controversy or -- divergent views or dissent on the
11 Internet. It's hate on the Internet.

12 MR. VIGNA: Mr. Chair, I just want to
13 bring to the attention that this is exactly what they
14 were objecting to in the report of Dr. Mock where it
15 started in Canada. The reference to Marc Lemire, and
16 now basically they are doing what they objected to. I
17 understand there's leeway.

18 MR. FROMM: It came in through the
19 back door, Mr. Vigna, several times yesterday so it's
20 on the record.

21 MS KULASZKA: It goes to the
22 credibility of Dr. Mock. I mean, she's here, given an
23 expert report then it turns out she's talked about Marc
24 Lemire numerous times in numerous articles. I think on
25 cross-examination it goes directly to her credibility.

1 THE CHAIRPERSON: Perhaps you've
2 opened the door that may leave some leeway in
3 re-examination, Ms Kulaszka and Mr. Fromm.

4 MR. VIGNA: Just be mindful of the
5 fact they objected when it was in-chief, now they are
6 doing exactly what they --

7 THE CHAIRPERSON: Right. Perhaps
8 it's something you raise with me when you go into your
9 re-examination later on.

10 MR. FROMM: Dr. Mock, part of your
11 contention has been the words have an impact and an
12 effect. What I'm trying to explore is, this is a
13 section of the audit that says -- entitled, "Hate on
14 the Internet", and some paragraphs into it we read:

15 "Marc Lemire continues to host
16 the Freedomsite which houses a
17 number of web pages for extreme
18 right wing groups."

19 Is it your intention Marc Lemire was
20 promoting hate on the Internet?

21 DR. MOCK: I would paraphrase this
22 sentence to say that Marc Lemire continues to make
23 available or that the vehicle or facilitate the
24 promotion of hate on the Internet. Yes. Under the
25 category, "Hate on the Internet", the Freedomsite and

1 Marc Lemire would fall.

2 MR. FROMM: Some of the content in
3 your contention on the Freedomsite constituted hate?

4 DR. MOCK: Yes.

5 MR. FROMM: Next sentence in that
6 paragraph:

7 "Heritage Front and the Canada
8 First Immigration Reform
9 Committee continued to spread
10 intolerance and racism through
11 their sites. CFIRC"

12 -- which is I guess the Canada First, Immigration
13 Reform Committee --

14 "complains immigration is
15 changing all portions of
16 Canadian society and thanks to
17 multiculturalism what Canada
18 once was is being perverted,
19 changed and distorted."

20 In your estimation, is that quotation
21 hatred?

22 DR. MOCK: That sentence "in
23 isolation", could be considered not to be hatred
24 itself. However, I would like to qualify my answer
25 because the pattern of that kind of language, and

1 websites devoted to that with language like perverted,
2 changed and distorted, and an emphasis on non-white
3 immigration in particular, can be said and in my view
4 is deemed to be, with its deliberate repetition over
5 and over, what could be qualified as hate propaganda.
6 So it could contribute to the right wing hatred that
7 would be promoted by more extremist groups.

8 MR. FROMM: I'm trying to grasp what
9 you are telling me there. If one sincerely believes
10 that multiculturalism is the wrong policy and states
11 that repeatedly with examples and evidence, does that
12 constitute hatred in your view? Can we dissent from
13 the multiculturalism policies of our country without
14 being haters?

15 DR. MOCK: Yes.

16 MR. FROMM: As the Canada First
17 Immigration Reform Committee website is included under
18 in the section Hate on the Internet, is it your
19 contention that that website promotes hate?

20 DR. MOCK: Again, I would need to
21 review what was on it at the time, but it is not the
22 simple discrediting or -- it is not --

23 MR. FROMM: It does appear there,
24 though.

25 DR. MOCK: Excuse me. Mr. Chair, I

1 would like to finish my answer, please.

2 THE CHAIRPERSON: Let her finish the
3 answer there, Mr. Fromm. Go ahead.

4 DR. MOCK: By itself criticism of a
5 government policy, any government's policy, is not
6 hatred. When such criticism goes onto denigrate,
7 demean, vilify and suggest that there's perversion and
8 distortion of Canadian values, then even as other
9 articles which we have submitted and other expert
10 points of view, it's that suggestion that non-whites or
11 people of minority groups or people who are undermining
12 the racial purity of the country might be trying to
13 take over or distort Canadian values, and that then
14 becomes the vilification.

15 So, no, it is not simply the
16 disagreement with a political policy of a government
17 state that is hatred. And thank goodness we live in a
18 free and democratic society and can do that.

19 It is the targeting and vilification
20 of vulnerable groups, and in this case non-white
21 immigrants and advocating a whites-only that becomes --
22 as part of that, the logical conclusion of the
23 vilification and desire of minority groups to take over
24 the government or whatever other theories are expounded
25 on those sites, and why we should be afraid that

1 promotes hatred and fear and contempt against minority
2 groups. That is the hatred.

3 MR. FROMM: Do you have any evidence
4 that CFIRC site stands for an all white Canada?

5 DR. MOCK: Again, I would need to
6 review the material at that time the transcripts, the
7 flyers, the folders, to determine the evidence which we
8 base this conclusion. And I might add that the audit
9 by criminologists, governments, academics, researchers,
10 police, other forms of law enforcement, have deemed the
11 Audit of Antisemitic Incident to present vary valid and
12 bona fide evidence of what it concludes.

13 MR. FROMM: As you did admit under
14 questioning by Ms Kulaszka on at least one occasion,
15 the purported facts were not as you stated in the audit
16 and you had to retract.

17 DR. MOCK: No, sir. It was not -- if
18 the use of a particular word in a generic sense, such
19 as -- I believe the word you are speaking of is --
20 there was a whole generic list again and the word was
21 prosecute, involved in prosecutions instead of involved
22 in judicial and quasi-judicial activities. It was the
23 use of the language there that was apologized. It was
24 not the fact that were being disputed.

25 MR. FROMM: If you could look at R-3,

1 tab 6.

2 DR. MOCK: I'm not sure where we are
3 now. A small blue binder that's what? R-3.

4 MR. FROMM: That's what Ms Kulaszka
5 drew to your attention the other day. In the bottom of
6 the third paragraph underlined:

7 "Furthermore, individuals
8 including Ernst Zundel, Paul
9 Fromm, Malcolm Ross and James
10 Keegstra have obtained
11 prominence and have been
12 prosecuted for the promotion of
13 hate against Jews in the form of
14 Holocaust denial and the
15 promotion of conspiracy
16 theories."

17 And you agreed with Ms Kulaszka as a
18 result of a defamation suit, B'nai Brith retracted that
19 several years later and said that I never been
20 prosecuted for --

21 DR. MOCK: Criminally prosecuted.

22 MR. FROMM: It doesn't say that. It
23 says prosecuted.

24 DR. MOCK: I understand, but we
25 clarified that there was no criminal prosecution and

1 apologized if there had been that kind of
2 interpretation when the word was being used because we
3 were lumping -- this was just a very brief overview and
4 we should have been more careful in the choice of
5 words, that's all.

6 It was to mean involved in judicial
7 and tribunal and other kinds of legal decisions brought
8 against them, and there were different kinds of legal
9 engagements that various people were involved in.

10 MR. FROMM: Indeed, other people
11 perhaps. But in my case, in 1994 you will agree I had
12 not been prosecuted in any venue for act or promotion
13 of hate against Jews in the form of Holocaust denial,
14 promotion of conspiracy theories.

15 DR. MOCK: Yes, you had not been
16 criminally prosecuted, and we have since apologized and
17 retracted that terminology.

18 MR. FROMM: Continuing on on page 43,
19 and that's of the R-5, tab 2, "This year in Canada
20 we've seen an alarming --"

21 This is "Anti-Immigration and Racist
22 Rhetoric":

23 "This year in Canada we've seen
24 an alarming trend --"

25 DR. MOCK: Excuse me. I'm not sure

1 where you are again.

2 MR. FROMM: R-5, that's the big --

3 THE CHAIRPERSON: The audit.

4 MR. FROMM: This is actually where we
5 left off. Tab 2, page 43.

6 DR. MOCK: I have it.

7 MR. FROMM: The headline, or section
8 I guess, is "Anti-Immigration and Racist Rhetoric."

9 "This year in Canada we've seen
10 an alarming trend. A few
11 sensationalized cases have given
12 rise to an abundance of racist
13 views being expressed by
14 right-of-centre politicians and
15 members of the public and white
16 supremacists alike. Notably the
17 case of the Chinese nationals in
18 arriving in Canada by boat."

19 I'm going to skip over the Micmoc
20 material.

21 Second paragraph:

22 "Since the summer nearly 600
23 migrants arrived in Canada and
24 claimed refugee status.

25 Although this is a tiny portion

1 of Canada's annual 25,000
2 refugee claimants, the call has
3 gone out by racists of this wave
4 of refugees will turn Canada
5 from a white country to one
6 where you will never see a
7 person of European heritage."

8 Who made that claim, do you know?

9 "Influx of Chinese illegals
10 would turn Canada into a place
11 where you would never see a
12 European heritage."

13 DR. MOCK: I would have to see the
14 article or flyer or newsletter or the newspaper piece
15 which that was quoted. So at this point I cannot
16 recall who used that exact terminology of "wave".

17 MR. FROMM: So the fact is you don't
18 remember, you don't know.

19 DR. MOCK: No, this is more than 10
20 years ago.

21 MR. FROMM: "Paul Fromm, in his
22 adoptive role as free speech advocate and immigration
23 expert through the Canadian Association for Free
24 Expression --"

25 THE CHAIRPERSON: Slow down.

1 MR. FROMM: "-- Canadian

2 Association --"

3 THE CHAIRPERSON: Slow down.

4 MR. FROMM:

5 "-- for Free Expression and
6 Citizens for Foreign Aid Reform,
7 sounded the alarm that if Canada
8 allows these individuals to stay
9 today then all of China will be
10 at our doorsteps tomorrow.
11 Fromm and others use racist
12 beliefs to pander to
13 individuals' basest fears that
14 if Canada allows these refugees
15 in then there won't be enough
16 money to take care of real
17 Canadians. This type of fear
18 mongering has been eaten up and
19 digested by many in the general
20 public and even media. Radio
21 open line shows and public
22 opinion polls reflect a number
23 of people who recite the types
24 of views that Fromm proposes,
25 but when challenged with real

1 numbers and facts they are
2 unable to defend them."

3 Without getting into the whole
4 immigration and refugee and illegal debate, I would
5 just like to know if you consider opposition to illegal
6 immigration into Canada to be racist -- I should say,
7 to be hate.

8 DR. MOCK: Simple opposition to
9 immigration to Canada?

10 MR. FROMM: No. Opposition to people
11 coming into this country illegally.

12 DR. MOCK: No, that is not hate.

13 MR. FROMM: So why does this appear
14 in the audit? This doesn't even deal with Jews. How
15 is this even -- why should this even be in the Audit of
16 Antisemitic Incidents?

17 DR. MOCK: Two questions I'm hearing.
18 Why is this included under the umbrella and why, even
19 though it doesn't include Jews, is this even here?

20 One, although objection to illegal
21 immigration may not be racist in and of itself, as I
22 have said in another document that has been filed with
23 the Tribunal promoting the rhetoric, the rhetoric,
24 anti-immigration rhetoric, my definition and the
25 accepted definition of hate propaganda and hate

1 mongering, is to portray a group as inferior, less than
2 human, undermining the norms and values of society by
3 potentially taking control of the culture through power
4 or sheer numbers.

5 So any kind of fear mongering like
6 that of, if we allow the Chinese people on come in,
7 they are going the take over and before you know it --
8 and it's escalating the rhetoric. The introduction in
9 the audit -- today in fact they have even given it a
10 subtitle called, "Patterns of Prejudice". It is a
11 document that also tests or reflects the climate, the
12 current climate of thinking on these issues.

13 So this section, the anti-immigration
14 and racist rhetoric section, I do not recall in this,
15 as my memory serves me, there was not the same kind of
16 comparable fear mongering that was happening with other
17 illegal immigration or highlighting some cases where
18 there may have been some evidence of white people who
19 were emigrating.

20 So the conclusion being -- and again
21 it says that these things are not necessarily included
22 as incidents, but is reflecting the climate of
23 anti-immigration and racist rhetoric.

24 MR. FROMM: Is it possible to be
25 anti-immigration just on principle, maybe with the idea

1 the country is filled up without being a hate monger?

2 DR. MOCK: Yes, someone may hold
3 those views then when they are presented with the
4 statistics from Immigration Canada, that the country is
5 not filled up and the system whereby they bring it in,
6 they can certainly advocate that they still shouldn't
7 bring it in, but they would have to have some sound
8 reason. And when reasonable people are presented with
9 the data that there is a desperate need for immigration
10 to maintain our population levels, most reasonable
11 people who are not so set on limiting immigration for
12 other reasons accept that and say, you know, I really
13 didn't know that that was the case and, therefore, I
14 understand. So --

15 MR. FROMM: You are saying really
16 there is only one correct view on immigration. There
17 may be others, but they are mistaken.

18 DR. MOCK: No, no, I'm not saying
19 that. If I may explain?

20 THE CHAIRPERSON: My understanding of
21 what you just said is that faced with the data it's
22 probable or perfectly logical that someone would change
23 their views and not be anti-immigration. Are you
24 precluding the possibility that someone who is familiar
25 with all the statistics that may be put forth, whether

1 from government sources or other sources, may
2 nonetheless be of the opinion that there should not be
3 immigration in Canada.

4 DR. MOCK: Of course, that could
5 still happen. They still may be of that opinion, for
6 whatever reason they advance.

7 MR. FROMM: I was wondering if you
8 could read for us again that definition you gave us a
9 few moments ago of I think it was hate, demonize?

10 DR. MOCK: It's in a document that
11 was filed with the Tribunal.

12 MR. FROMM: This would be "Combatting
13 Racism and Hate in Canada Today - Lessons of the
14 Holocaust"?

15 DR. MOCK: Yes.

16 THE CHAIRPERSON: Let me find that.
17 That was in tab 7.

18 DR. MOCK: It was an appendix to --

19 THE CHAIRPERSON: Those copies that
20 were handed up, I put them with three holes as
21 appendices to the second report. So it's one of those,
22 right? "Combatting Racism and Hate in Canada Today -
23 Lessons of the Holocaust."

24 DR. MOCK: That's right. Published
25 in Canadian Social Studies.

1 THE CHAIRPERSON: 1995.

2 DR. MOCK: That's right.

3 MR. FROMM: And what you read us, if
4 I'm correct, is under "What is Hate Propaganda?"

5 "The goal of hate propaganda and
6 the hate mongers is to portray a
7 group is inferior, even less
8 than human, undermining the
9 norms and values of society by
10 potentially taking control of
11 the culture through power or
12 sheer numbers."

13 THE CHAIRPERSON: Slow down. It's
14 that part, "What is hate propaganda?"

15 MR. FROMM: Yes. Isn't that
16 essentially what you are saying about the people you
17 call hate mongers and neo-Nazis, that they are a group
18 that are inferior, less than human, they are
19 undermining the norms and values of a society,
20 potentially taking control of the culture through
21 power? Isn't that what you've been saying through your
22 report?

23 DR. MOCK: No, not in the same way.

24 At no point --

25 MR. FROMM: You don't want to debate

1 with them.

2 DR. MOCK: At no point have I ever
3 said anyone was less than human or -- no. One can
4 choose not to debate and not dehumanize.

5 MR. FROMM: You said you didn't want
6 to debate with certain people like Wolfgang Droege
7 because you are a Ph.D. and he's an extremist and a
8 hater. Doesn't that in some way suggest he's certainly
9 less than you are?

10 DR. MOCK: No.

11 MR. KURZ: Mr. Chair, I apologize.
12 Mr. Fromm is welcome can go after Dr. Mock as much as
13 he wants, but when he repeats her evidence he should
14 repeat it honestly. I'm not suggesting dishonestly,
15 but he should repeat it accurately. He's not repeating
16 her evidence accurately. That's not what she said. If
17 he wants to put her evidence to her and say it's false
18 or contradicted, that's fine. But he can't, in effect,
19 imply she said what she didn't say.

20 THE CHAIRPERSON: Okay. I think he's
21 reviewing his notes at this moment.

22 MR. FROMM: If we could go back to
23 page 43.

24 THE CHAIRPERSON: 43 of?

25 MR. FROMM: 43, tab 2. Continuing

1 along in the audits.

2 THE CHAIRPERSON: Do you have that?

3 DR. MOCK: Yes, I do.

4 MR. FROMM: I drew your attention to
5 the first full paragraph, "Marc Lemire continues to
6 host", and then we look at the sentence about CFIRC:

7 "CFIRC complains, 'Immigration
8 is changing all portions of
9 Canadian society and thanks to
10 multiculturalism what Canada
11 once was is being perverted,
12 changed and distorted.'"

13 Do you know where that was taken from
14 the CFIRC site?

15 DR. MOCK: No, not at this time.

16 MR. FROMM: If I were to tell you it
17 came from a large section called, "Our Heros, Our
18 History, Our Heritage" which dealt with all sorts of
19 aspects of Canadian western culture, would that jog
20 your memory maybe?

21 DR. MOCK: No.

22 MR. FROMM: Now, you've admitted, at
23 least in the audits we've looked at, that I've been
24 referred to as being on the neo-Nazi speaking tour,
25 been accused of being among those neo-Nazis who sought

1 election, listed under "Hate on the Internet", so
2 presumably some sort of hater or hate monger.

3 Did you or B'nai Brith, in light of
4 that, ever seek to have me charged under section 319 of
5 the Criminal Code?

6 DR. MOCK: No, not as I recall.

7 MR. FROMM: That's a no, right?

8 DR. MOCK: Hm-mmm. Not under my
9 watch. I can't speak for the history of --

10 MR. FROMM: On your watch.

11 THE WITNESS: -- of your activities
12 and B'nai Brith.

13 MR. FROMM: I'm just asking about on
14 your watch.

15 Would you agree that terms like
16 "neo-Nazi", "hate on the Internet", "neo-Nazi speaking
17 circuit" are fairly harsh?

18 DR. MOCK: I wouldn't describe them
19 as harsh given the evidence that we had.

20 MR. FROMM: No. Whether with
21 evidence or not.

22 DR. MOCK: My answer is no, I
23 wouldn't agree.

24 MR. FROMM: In your construct about
25 the impact of hate speech, so called, on the Internet,

1 you outlined in your report a number of outcomes in
2 some people, did you not?

3 THE CHAIRPERSON: I didn't understand
4 your question.

5 MR. FROMM: In your supplementary
6 report.

7 DR. MOCK: So we're on my second
8 report now? Where?

9 MR. FROMM: Just in general. In your
10 refutation of Dr. Persinger you listed a number of
11 impacts of hate activities on people, impacts such as
12 lowered self-esteem?

13 DR. MOCK: Yes.

14 MR. FROMM: In some cases greater use
15 of drugs and alcohol? Self-hatred?

16 DR. MOCK: As the impact of hate and
17 racism. Racism in particular, yes.

18 MR. FROMM: But you said hate.

19 DR. MOCK: Racism and hate, hate
20 crime, uh-huh.

21 MR. FROMM: It's on page 6 of your
22 report, of your supplementary report in --

23 DR. MOCK: Just a sec. I need just
24 to -- need to go there.

25 MR. FROMM: And you cited as the

1 works of Garnett, et al, Mock, quoting yourself, Staub,
2 Herich.

3 DR. MOCK: Yes, and I provided the
4 reference list for you.

5 MR. FROMM: It says here:

6 "Have concluded the hate crimes
7 and hate speech often feel less
8 secure, see others as dangerous,
9 report higher levels of fear,
10 see the world as less orderly,
11 have lower self-worth, feel less
12 effective, have personal
13 problems in relationships, feel
14 guilty and blame themselves,
15 question their ability to
16 protect themselves, feel they
17 cannot meet goals in life, have
18 anger at the larger community,
19 have bouts of depression,
20 experience anxiety and/or
21 post-traumatic stress,
22 experience headaches,
23 nightmares, crying, agitation,
24 restless, weightless, increased
25 use of drugs and alcohol."

1 DR. MOCK: Yes. That's my --

2 MR. FROMM: Then given the
3 language -- and you've not been able to back that up --
4 but given the language used in reference to me --
5 neo-Nazi, neo-Nazi speaking circuit, being included
6 under hate mongers and hate sites -- might I be
7 expected to exhibit some of those symptoms?

8 DR. MOCK: No. According to this
9 literature, likely not.

10 MR. FROMM: Am I not being the object
11 of hate speech?

12 DR. MOCK: No.

13 MR. FROMM: No? Calling somebody a
14 neo-Nazi, and you have no evidence -- you said you had
15 never heard any of my speeches. You've seen one
16 videotape. You didn't know what the topics were but
17 you still felt content to call me a neo-Nazi.

18 DR. MOCK: Excuse me, sir. I didn't
19 say that I hadn't and I didn't know what the topics
20 were. I said this was written in 1997, 1995, 1994, and
21 I did not recall at this time.

22 THE CHAIRPERSON: Perhaps the
23 question is more in the form of a hypothetical. On the
24 assumption that a person may not be as characterized
25 and yet receiving those -- having those terms

1 associated with them in literature, public literature,
2 could that person have some of this psychological
3 impacts that you refer in your report?

4 DR. MOCK: If that person interpreted
5 that it was hate and went to a doctor and had some
6 clinical diagnosis done, that may be possible. But in
7 terms of this actually being the promotion of hatred,
8 it is not.

9 MR. FROMM: Why is that, because I'm
10 not a member of an identifiable group? It's all right
11 to vilify somebody for their political opinions but --
12 is that what you are saying?

13 DR. MOCK: Are you asking now to
14 interpret that in terms of the law on what is or isn't
15 hate speech?

16 MR. FROMM: I'm asking you in terms
17 of impacts on people on this type of language, are you
18 saying it's all right to vilify people because of their
19 political views?

20 DR. MOCK: It isn't all right to
21 vilify or to threaten. I mean, there are other forms
22 of protection that people have. But under the hate
23 laws, no. Under our anti-hate and protection and
24 societal --

25 MR. FROMM: No, I'm not asking you

1 give a legal opinion about --

2 DR. MOCK: Thank you. So then it is
3 not, in my view, and it is not the promotion of hatred.
4 And if someone chooses to interpret something as a
5 personal attack, they may be impacted by that, but not
6 likely, according to the literature, to the research,
7 to proper scientific and psychological material, the
8 likelihood of that happening is not there.

9 MR. FROMM: It all tends to be pretty
10 subjective, though, doesn't it?

11 DR. MOCK: No.

12 MR. FROMM: Mr. Vigna, on your
13 behalf, brought forth your concerns yesterday about a
14 caricature of you that appeared on the FreedomSite and
15 you said you were disturbed, you were upset when this
16 was brought to your attention. You didn't like to be
17 portrayed in a sarcastic or negative light. That was
18 your testimony, wasn't it?

19 DR. MOCK: I didn't like it.

20 MR. FROMM: You certainly said you
21 were upset about it.

22 DR. MOCK: Yes.

23 MR. FROMM: I think you even said you
24 felt a little bit fearful.

25 DR. MOCK: I felt it was an attempt

1 to undermine my credibility and my testimony when I see
2 Dr. Persinger listed as Dr. Persinger, a well-known
3 expert. And when I see me not even my title as doctor
4 and expert and it doesn't say my material that I've
5 written and I'm internationally renowned. It said that
6 he is.

7 I felt it was a deliberate attempt to
8 undermine my credibility, to intimidate me. That is
9 the objection I was raising.

10 Would I have called that the
11 deliberate promotion of hatred? They called me a
12 zealot. That's not the same as calling me a hateful
13 person. Was I upset, demeaned, concerned, intimidated,
14 thought that it was an attempt to prejudice the chair
15 against me versus another witness? Yes, absolutely.
16 And I felt that that in fact was the intention of
17 putting that up there and trivializing me and my
18 testimony, or my potential testimony. So I was upset.

19 MR. FROMM: So you would grant that a
20 person like myself being called a neo-Nazi on the
21 neo-Nazi's speaking tour and listed in among hate
22 websites might also feel some of those emotions?

23 DR. MOCK: Yes. Oh, I would grant
24 you, you might feel upset.

25 MR. FROMM: Might you attribute my

1 addiction to Tim Hortons coffee as one of those
2 symptoms?

3 THE CHAIRPERSON: I've seen you run
4 back and forth.

5 MR. FROMM: We can absolve ourself of
6 all responsibility. We can almost blame somebody else.

7 I have one further question. If I
8 could take you to tab 4, we're still in -- tab 3.
9 We're still in R-5. The same volume as the audits.

10 THE CHAIRPERSON: That's R-4. I'm on
11 first. I have the master copies here. So it's R-4.
12 So you are at tab 3?

13 MR. FROMM: Yes. That document
14 entitled, "Combatting Hate on the Internet. Issue
15 Position Paper Hate and the New Media Working Group".
16 And Alan Dutton was the chairman, yourself, you were on
17 that and Eliane Ellbogen; is that correct?

18 DR. MOCK: Yes, Eliane.

19 MR. FROMM: Do you recognize this as
20 the position paper that the three of you authored?

21 DR. MOCK: Yes, this was a
22 subcommittee of the World Conference Advisory
23 Committee.

24 MR. FROMM: Can I have this marked?

25 THE CHAIRPERSON: We had looked at it

1 once before, I believe, but we never produced it. Now
2 it's been recognized by the witness.

3 MR. FROMM: Now, you were on an --
4 was this an advisory committee to the minister?

5 DR. MOCK: This was the National
6 Advisory Committee for Canada's preparation for the
7 World Conference Against Racism, and various
8 subcommittees of that committee were struck to prepare
9 materials that might lead to Canada's preparation of an
10 action plan against racism for the World Conference.

11 MR. FROMM: Was this paper presented
12 on behalf of Canada at the conference at Durbin?

13 DR. MOCK: No.

14 MR. FROMM: This was advisory to the
15 minister?

16 DR. MOCK: This was a research paper
17 that was tabled as part of the advisory committee's
18 work for its consideration.

19 MR. FROMM: Did the advisory
20 committee -- were members of the advisory committee
21 paid?

22 DR. MOCK: No, just expenses.

23 MR. FROMM: Did they hold -- I think
24 you indicated -- the paper indicates you held
25 consulting meetings across Canada?

1 DR. MOCK: They had five regional
2 meetings, as I recall, and one national meeting in
3 Ottawa before the World Conference.

4 MR. FROMM: Were you in attendance at
5 those?

6 DR. MOCK: I was in attendance at the
7 Toronto regional meeting and at the Ottawa national
8 meeting, as I recall, and at a youth consultation
9 meeting. I was not at all of the regional consultation
10 meetings in Canada.

11 MR. FROMM: Was one of your
12 recommendations that the government of Canada banned
13 membership in racist groups?

14 DR. MOCK: Where are you?

15 MR. FROMM: In your report.

16 DR. MOCK: Where? What page?

17 MR. FROMM: Page 2 of 14, Roman
18 number I -- I guess Roman number II - "Recommendations
19 For the Government of Canada". And it's Roman number
20 III:

21 "It is recommended the
22 government of Canada provide
23 resources to help the United
24 Nations to monitor compliance of
25 all signatories to the

1 international convention on the
2 elimination of all forms of
3 racial discrimination and all
4 other international covenants,
5 agreements and laws that ban
6 hate propaganda and hate
7 groups."

8 DR. MOCK: This was a recommendation
9 that came under the -- yes, okay. The simple answer is
10 yes, that was the subgroup's recommendation because
11 Canada is a signatory to the convention in which that
12 is -- countries that signed on have agreed to research
13 or monitor moving into legislation what it is that the
14 convention suggests. That is what they suggest.

15 MR. FROMM: Further on page 3, Roman
16 numeral V:

17 "It is recommended the
18 government of Canada enforce
19 existing legislation and/or
20 develop new legislation to fully
21 comply with article 4."

22 And I'm skipping over something.

23 "And all other international
24 covenants, agreements and laws
25 that ban hate propaganda and

1 hate groups, both on and off the
2 Internet."

3 DR. MOCK: Yes.

4 MR. FROMM: So you were calling for
5 some form of legislation to ban groups in Canada, were
6 you?

7 DR. MOCK: Hate groups.

8 MR. FROMM: And how would you define
9 a hate group?

10 DR. MOCK: A group that exists for
11 the purpose of promoting hatred and contempt against
12 identifiable groups or against, as we have discussed,
13 the various factors in the Charter and in groups that
14 are vilified on the basis of immutable characteristics;
15 that that is their raison d'etre.

16 MR. FROMM: And this was a
17 recommendation that you were comfortable with, banning
18 groups?

19 DR. MOCK: Whose raison d'etre was to
20 promote hatred against -- hatred. We're focusing here
21 on hatred. That's our only purpose.

22 MR. FROMM: What about a group like
23 the Assembly of First Nations? It represents the
24 interests of native people and often speaks very
25 harshly of the history of the Colonialism and behaviour

1 of whites in Canada?

2 DR. MOCK: With due respect, speaking
3 harshly is not the same as promoting hatred that would
4 lead to the promotion of violence against individuals.

5 MR. FROMM: Wait a sec. This doesn't
6 say anything about promoting violence. It says hate
7 groups. Doesn't say groups that promote violence.

8 DR. MOCK: This would not apply to
9 the Assembly of First Nations, simply to answer your
10 question.

11 MR. FROMM: So it would not apply to
12 them. So it would apply mostly to whites, would it?

13 DR. MOCK: Pardon?

14 MR. FROMM: It would apply to whites?

15 DR. MOCK: No. It would apply to any
16 group regardless of their colour, race, creed, that was
17 advocating and existed for the purpose of promoting
18 hatred against another identifiable group.

19 MR. FROMM: Were there any such
20 groups in Canada or was this hypothetical? If there
21 were such groups they could be banned, but did you have
22 any groups in mind?

23 DR. MOCK: I would have to review
24 again --

25 MR. FROMM: Well, you were there.

1 DR. MOCK: -- doing what at the time
2 in Canada.

3 MR. FROMM: Well, you were a
4 participant. You signed onto this report. Was there
5 any discussion as to who the targets might be?

6 DR. MOCK: I haven't specified.
7 Again, I would have to review which groups.

8 MR. FROMM: It's only seven years
9 ago. It's dated January 31, 2001. You can't recall if
10 there is any discussion of groups that ought to be
11 banned?

12 MR. VIGNA: I don't know if we should
13 get into naming groups. Yesterday there was an
14 objection. You are going to tell me you can re-examine
15 if they open the door, but at the same time you also
16 told me that we should be careful when we name people.

17 THE CHAIRPERSON: True. Question has
18 been asked and if it opens any doors you can go through
19 those doors. But the question is -- I haven't heard a
20 request for a name mentioned yesterday.

21 Are you familiar with any groups that
22 fit into this category?

23 DR. MOCK: Yes --

24 THE CHAIRPERSON: At the time.

25 DR. MOCK: Yes. For example, cells

1 of the Ku Klux Klan that would come and burn crosses
2 and "Death to the Jews, Death to the Jews."

3 MR. FROMM: Were there such groups in
4 Canada?

5 DR. MOCK: Yes, absolutely.

6 MR. FROMM: In 2001?

7 DR. MOCK: Yes.

8 MR. FROMM: They weren't the ones
9 that were up in Prince George, were they?

10 DR. MOCK: As a matter of fact, in
11 Prince George just before that time the head of the
12 Aryan Nations did live in Prince George.

13 MR. FROMM: Might have lived there
14 but I think the minister who appointed you had to
15 apologize when she said the Ku Klux Klan was burning
16 crosses in Prince George.

17 DR. MOCK: Would the Chair like to
18 hear the real story of crosses burning in --

19 MR. FROMM: Perhaps we can have a
20 lunch break.

21 THE CHAIRPERSON: So, yes, good.
22 That's getting into collateral area.

23 Good time for a lunch break. Thanks.

24 How are we doing on time from the
25 cross-examination perspective? Will you be the only

1 person conducting the --

2 MR. FROMM: I'm just about finished.

3 THE CHAIRPERSON: Both other counsel
4 be --

5 MS KULASZKA: Depends how succinct
6 Dr. Mock is.

7 THE CHAIRPERSON: I want to get this
8 part over with so we can go to your witness tomorrow.

9 MS KULASZKA: Well, she's the most
10 important witness for the Commission and she is not
11 succinct. She rambles around and around. So I can't
12 say how long.

13 THE CHAIRPERSON: Perhaps in the
14 past. Today it's been quite succinct on both sides. I
15 commend both sides for questioning and answering. In
16 any event, we'll go as long as we have to. Would an
17 hour be sufficient, then, given the possibility you
18 think we might run a little long?

19 MS KULASZKA: I would say two days.

20 THE CHAIRPERSON: Two days of
21 cross-examination?

22 MS KULASZKA: Hm-hmm. She's an
23 important witness for the government on the
24 constitutional issue.

25 THE CHAIRPERSON: You only have one

1 day. So what are we going to do?

2 MS KULASZKA: She's coming on Friday,
3 I think.

4 MR. VIGNA: Tomorrow she's got other
5 plans, but that's not what you had provided for. Plus,
6 we have even administrative issues in terms of the
7 contract was for two days now we extended -- I asked it
8 to be four, now it's going to be more. So I don't
9 know. We can judge as we go along, but it's not really
10 what was the plan. I understood Dr. Persinger would be
11 testifying tomorrow.

12 THE CHAIRPERSON: Yes.

13 MS KULASZKA: Dr. Persinger is coming
14 tomorrow, yeah.

15 THE CHAIRPERSON: Ms Kulaszka, we
16 have to find a way to get through this because they are
17 going to do the same thing with your witnesses and you
18 are going to find yourself in the same dilemma. We
19 have set down dates for this hearing. Everyone agreed
20 to them. You've given me several times your
21 undertaking you are on target.

22 I guess we ran a little long on the
23 qualifications for this witness, but I thought she was
24 going to testify for two days in any event for some
25 reason.

1 MS KULASZKA: Well, if I ask anything
2 irrelevant I'm sure there will be an objection. But
3 she is a very important witness --

4 THE CHAIRPERSON: Everyone is an
5 important witness.

6 MS KULASZKA: -- and seems to have --
7 honestly, Dr. Mock just cannot give a succinct answer.
8 She repeats herself and she has extended this way
9 longer than it should have been.

10 THE CHAIRPERSON: A lot of reasons
11 for the extension. They go on both sides. All right.

12 Well, we'll have to deal with it as
13 we go along. We had planned for Dr. Mock to be here in
14 on Friday in any event. That's a given. We're not
15 going to go beyond that. That's for sure. You'll to
16 have stop.

17 MS KULASZKA: Maybe we'll just have a
18 short lunch.

19 THE CHAIRPERSON: That's what I'm
20 suggesting. One hour lunch we're all back. Back at
21 1:30.

22 --- Recessed at 12:28 p.m.

23 --- Resumed at 1:30 p.m.

24 MR. VIGNA: I just want to mention we
25 got the three subpoenas earlier, but I'm not totally

1 satisfied with the particulars. There's just a few
2 lines in the mention of particulars. Just from my
3 understanding of the motion -- we don't have even
4 enough particulars.

5 THE CHAIRPERSON: If you go back to
6 my transcript on that day, I said having read the
7 particulars that had already been given to you, it
8 seemed to me it was not out of the ordinary what we
9 normally see in particulars.

10 Now, you asked for more and I asked
11 Ms Kulaszka to produce more. She's produced -- has she
12 produced more?

13 MR. VIGNA: I don't think so. It's
14 not all that much that is mentioned on the subpoenas.
15 And the same time I think there was a discussion at
16 another point other than the first day where that
17 mention was for further particulars. And I mentioned
18 from memory I needed at least to meet the witnesses to
19 prepare them and I needed to know exactly what was
20 being sought and there is a one-liner saying all
21 complaints were refused based on section 13. But
22 that's not all that much in terms of particulars that's
23 being asked.

24 THE CHAIRPERSON: I'm not clear
25 what --

1 MS KULASZKA: I think we're two
2 different things. The particulars of the testimony, I
3 really don't have anything more to add. It's thought
4 it's quite focused about what their testimony would be.

5 THE CHAIRPERSON: Doesn't it relate
6 to the affidavit, to what they had written in their
7 affidavit. Isn't that why you wanted to call them, to
8 challenge them what they had written in their
9 affidavits?

10 MS KULASZKA: Then they filed
11 affidavits basically dealing with the letters to the
12 ISPs and --

13 THE CHAIRPERSON: I don't want this
14 to go into too broad a scope either, because it was a
15 rather later occurrence. What happened was we had
16 those affidavits that were attached to the answer that
17 the Commission provided to your motion. I think that
18 was it, right? And you wanted to cross-examine
19 because -- you took issue with their statements about
20 what they were able to find in the file.

21 And I said okay, it's not appropriate
22 for us to deal with it in advance. If you want, you
23 can call them as witnesses at the hearing.

24 That's what I thought -- and, again
25 my further recollection, I can pull it up right here,

1 your modified willsay statements which refer to all the
2 witnesses, including those three individuals, were
3 along those lines.

4 MS KULASZKA: Well, yes, I think they
5 were very specific and focused. As far as the
6 documents, I'm not asking for any documents from Hannya
7 Rizk. From Harvey Goldberg, it's the documents they
8 have already disclosed. They have disclosed a large
9 number of documents. That's what I asked for
10 specifically. So it's very specific. And from Dean
11 Steady, it concerns the documents dealt with in his
12 affidavit, the affidavit he gave --

13 THE CHAIRPERSON: Look, I don't want
14 to waste any of our precious time here today on this.
15 Bring it up in any written proceedings will do.

16 Understand, Mr. Vigna, I'm not going
17 to make this become a disclosure of all the evidence.
18 You've seen our rulings to that effect. Willsays are
19 just meant to be general statements of what the witness
20 will say.

21 MR. VIGNA: Anyway, just for the
22 record, I just want to make sure it's clear I wasn't
23 satisfied. But we'll make submissions on that in the
24 motion.

25 THE CHAIRPERSON: Okay. You're not

1 satisfied.

2 Mr. Fromm?

3 MR. FROMM: Sir, I have one concern.
4 During the break Dr. Mock was talking to Marvin Kurz,
5 and my understanding is that --

6 THE CHAIRPERSON: She's in
7 cross-examination. Well, it doesn't prevent people
8 from speaking to each other. I ran into the respondent
9 in the lunch line, we also spoke about the food.

10 MR. FROMM: But he wasn't under
11 cross-examination.

12 THE CHAIRPERSON: That's true. I
13 don't prevent people from speaking. It's the topic.
14 So I can ask Dr. Mock, did you discuss anything
15 relating to your testimony with Mr. Kurz?

16 DR. MOCK: No, not at all.

17 THE CHAIRPERSON: I take her word on
18 it.

19 MR. FROMM: Dr. Mock, in your work in
20 promoting an anti-racist agenda, would it be fair to
21 say that you would rather restrict people through
22 legislation, through banning, through fines or
23 whatever, than to debate them?

24 THE CHAIRPERSON: I need you to
25 repeat the question.

1 MR. FROMM: In terms of the promoting
2 an anti-racist agenda, is it -- the approach you prefer
3 would be to ban or to restrict through legislation
4 rather than to debate openly people whose views --

5 DR. MOCK: Not people in general,
6 just hate mongers.

7 MR. FROMM: Just hate mongers. But
8 the way you would rather deal with them is through
9 restrictions and legislation than open confrontation
10 and discussion and debate. Is that fair to say?

11 DR. MOCK: The hate mongers, yes. I
12 articulated yesterday all the tools and all the ways I
13 would like to deal with this, and law is definitely one
14 of them.

15 MR. FROMM: Do you think that
16 particularly young people would benefit from seeing a
17 public debate, a public discussion of controversial
18 issues?

19 DR. MOCK: Yes.

20 MR. FROMM: So you said that you
21 became aware of some activities in schools, and I
22 wasn't quite clear where you said they were, but
23 somewhere in the GTA.

24 DR. MOCK: I'm sorry?

25 MR. FROMM: Some years ago you were

1 called, I think you said, because of recruitment
2 activities in some schools; is that correct?

3 DR. MOCK: Yes.

4 MR. FROMM: Where were those schools?

5 DR. MOCK: One of them was in
6 Oakville, others in the Toronto School Board, others
7 in --

8 MR. FROMM: But you said you attended
9 at one of these schools.

10 DR. MOCK: Yes, I've attended at
11 several schools.

12 MR. FROMM: Presentations for
13 students?

14 DR. MOCK: Yes.

15 MR. FROMM: In these presentations
16 were these debate situations where the recruiting group
17 had a spokesman and you spoke and --

18 DR. MOCK: No.

19 MR. FROMM: So you were the only
20 speaker?

21 DR. MOCK: No.

22 MR. FROMM: No. But the group doing
23 the recruiting was not there to be debated or
24 confronted?

25 DR. MOCK: No. It was what we would

1 call a workshop where we asked people to express their
2 views and we dealt with it in the traditional way of
3 doing workshops. In fact, even with all the chart
4 paper and they could articulate all the reasons why
5 they feel these kinds of groups are important and why
6 they want to join them.

7 In fact, you know, it was scheduled
8 to be a half a day workshop and the students were
9 enjoying it so much that they asked the principal and
10 the guidance counselor and teacher if we could stay for
11 the rest of the day, and we did.

12 MR. FROMM: In terms of the flow of
13 information?

14 DR. MOCK: The flow of information
15 was two-way.

16 MR. FROMM: But the presentation was
17 by yourself and then the students had input; is that
18 correct?

19 DR. MOCK: Again, that doesn't
20 characterize the nature of a workshop. But yes, we
21 did -- I did some presentation, students then had time
22 for discussion, very participatory.

23 MR. FROMM: Whatever group that was
24 recruiting was not present.

25 DR. MOCK: Some of them there were

1 members of that group. This was not --

2 MR. FROMM: There wasn't a spokesman
3 for the group who debated with you?

4 DR. MOCK: No.

5 MR. FROMM: Thank you. Those are my
6 questions.

7 THE CHAIRPERSON: In light of our
8 earlier conversation, I'm going to ask all parties
9 concerned, Ms Kulaszka on the one hand, Counsel in
10 general, to be quick with their questions, and I would
11 ask the witness to answer directly the question. It's
12 a conscious effort. I fall into the same trap as well.
13 Hear the question, answer it as completely as you can,
14 but mindful of the time constraints that we have.

15 CROSS-EXAMINATION BY MS KULASZKA

16 MS KULASZKA: Dr. Mock, could go to
17 your first expert report dated May 2006.

18 DR. MOCK: Yes.

19 MS KULASZKA: Who asked you to
20 prepare this document?

21 DR. MOCK: The Canadian Human Rights
22 Commission.

23 MS KULASZKA: Who at the Commission?

24 DR. MOCK: Mr. Vigna.

25 MS KULASZKA: What did he ask you to

1 do?

2 DR. MOCK: He asked me to review the
3 background and status of hate on the Internet and
4 illustrate through an analysis of some of the
5 legislation how it was consistent with -- I'm just
6 going to look for my notes, but I don't have them.

7 And to discuss how -- to determine
8 how it might be that Parliament might have come to the
9 conclusion to enact these kinds of laws in keeping the
10 Canadian values.

11 MS KULASZKA: If you turn to page 2,
12 the second paragraph. Starts, "The Global Reach".

13 DR. MOCK: Yes.

14 MS KULASZKA: This is actually the
15 beginning of a chapter of a book called, "Human Rights
16 and the Internet" which was published in 2000; is that
17 correct?

18 THE CHAIRPERSON: I'm sorry, I didn't
19 follow you.

20 MS KULASZKA: If we go to the next
21 page, page 3 on the bottom of the expert report.

22 THE CHAIRPERSON: You said Global
23 Reach?

24 MS KULASZKA: If you look -- the
25 second full paragraph.

1 THE CHAIRPERSON: Yes.

2 MS KULASZKA: It says, "The Global
3 Reach and Relative Ease of Use". And that's one of the
4 documents you've appended to this expert report; is
5 that correct?

6 DR. MOCK: Yes.

7 MS KULASZKA: And was that published
8 originally in a book called, "Human Rights and the
9 Internet"?

10 DR. MOCK: Yes.

11 MS KULASZKA: In the year 2000.

12 DR. MOCK: Yes.

13 MS KULASZKA: So you'll agree most of
14 this report actually is just a kind of re-worked
15 version of that chapter from about seven years ago.

16 DR. MOCK: That's right.

17 MS KULASZKA: Was the Commission
18 aware that in fact this was not an original piece of
19 work, that in fact you had simply used a chapter from a
20 book?

21 DR. MOCK: They were aware I had
22 published a book chapter and I was going to base most
23 of my paper on an adaptation of that.

24 MS KULASZKA: They knew this.

25 DR. MOCK: As far as I know from my

1 credentials and my CV, they knew I had written that.
2 In fact, I indicated it right on the paper, that this
3 is taken from that -- much of this was taken and
4 adapted from that book chapter.

5 MS KULASZKA: Now, I think you said
6 previously you had attempted to update that chapter
7 from seven years ago. So did you have a scan of this
8 chapter or did you have it on your computer?

9 DR. MOCK: I had sections of it on
10 the computer. I don't have a scan of it. I had to
11 re-enter and revise. I haven't matched it up
12 completely.

13 MS KULASZKA: So you've already got
14 it on your computer?

15 DR. MOCK: Yes, a manuscript.

16 MS KULASZKA: If you turn to page 4,
17 one of the things you did insert was the reference in
18 the first paragraph about the Simon Wiesenthal Centre;
19 is that correct?

20 DR. MOCK: Yes.

21 MS KULASZKA: Where did you get that
22 information?

23 DR. MOCK: From their newsletters and
24 from the CD-ROM that they have prepared.

25 MS KULASZKA: Do you have a copy of

1 the CD-ROM?

2 DR. MOCK: I do.

3 MS KULASZKA: But you didn't look at
4 it.

5 DR. MOCK: I didn't look at the whole
6 thing, no.

7 MS KULASZKA: Did you scan it?

8 THE CHAIRPERSON: What do you mean by
9 "scan"?

10 MS KULASZKA: The CD-ROM just to see
11 the types of material that was contained on it.

12 DR. MOCK: I had actually seen
13 presentation by them on this and then got a copy of the
14 actual CD.

15 MS KULASZKA: And how many Canadian
16 websites were on that CD?

17 DR. MOCK: I don't recall. I would
18 have to look it up and look at their material.

19 MS KULASZKA: 6,000 hateful websites.
20 That's a very large number. Do you know the countries
21 that they came from?

22 DR. MOCK: No, I don't, not off the
23 top of my head.

24 MS KULASZKA: Was there a breakdown
25 by country?

1 DR. MOCK: Again, I don't have the
2 material in front of me. I don't recall.

3 MS KULASZKA: Was there a breakdown
4 by group that the hate was being incited against?

5 DR. MOCK: Not that I recall.

6 MS KULASZKA: Going to the paragraph
7 at the bottom, very last sentence refers to neo-Nazi
8 skinhead rock bands. Maybe I should read the whole
9 sentence:

10 "There are also many web pages
11 for several different identity
12 church groups which claim the
13 Bible teaches that Jews are the
14 children of Satan, the natural
15 enemy of our Aryan white race
16 and that non-Aryans are barely
17 human mud creatures, neo-Nazi
18 skinhead rock bands such as
19 Canadian George Burdi of the
20 white power music band RAHOWA,
21 short for Racial Holy War, are
22 also on-line through Resistance
23 Records and other hate labels."

24 Do you mention George Burdi in
25 anywhere else in this report?

1 DR. MOCK: I don't think so.

2 MS KULASZKA: Is George Burdi still
3 with RAHOWA?

4 DR. MOCK: No, not as far as I know.
5 I believe at that section of the report I was citing
6 David Hoffman's research that's footnoted. And the
7 status at that time, in the nineties, the late
8 nineties.

9 MS KULASZKA: Whether you used his
10 research or not the way it's written -- is this a
11 report for today? It sounds as if this is still
12 ongoing today. Would you agree?

13 DR. MOCK: It could be interpreted
14 that way, but I've written most of it in the past tense
15 and cited the information from -- as it's listed at the
16 beginning of the chapter.

17 MS KULASZKA: I put you to in fact
18 Burdi sold Resistance Records in 2001 and left the
19 movement?

20 DR. MOCK: Yes.

21 MS KULASZKA: But that's not here?

22 DR. MOCK: No.

23 MS KULASZKA: Isn't this the
24 situation the way it was in 2000 when you actually
25 wrote this report?

1 DR. MOCK: It's my understanding
2 RAHOWA exists, although under different ownership, and
3 this was to document the existing state of hate on the
4 Internet as well.

5 MS KULASZKA: Well, in 2000 you
6 wrote:

7 "Neo-Nazi skinhead rock bands
8 such as Canadian George Burdi of
9 White Power Music, band RAHOWA,
10 short for racial holy war, are
11 also on-line through Resistance
12 Records and other hate labels."

13 So you didn't update this?

14 DR. MOCK: No, it's the quotes that
15 should have been put to indicate the sources. You're
16 quite right.

17 MS KULASZKA: So in fact this is not
18 up-to-date. It's seven years old, it's quite out of
19 date.

20 DR. MOCK: Not the entire report, no.

21 THE CHAIRPERSON: It's not clear what
22 was meant by "this" that Ms Kulaszka used. Are you
23 referring to this sentence?

24 MS KULASZKA: She has presented an
25 expert report here and I'm pointing out that in fact

1 most of this report is in fact a chapter that Dr. Mock
2 wrote in 2000 and she -- hasn't updated. The situation
3 with George Burdi is completely different today.

4 THE CHAIRPERSON: And know where you
5 are going. Your question was in reference to that
6 sentence right there or is it a broader reference?

7 MS KULASZKA: It's a broader
8 reference.

9 THE CHAIRPERSON: Is the report then
10 up-to-date?

11 DR. MOCK: I would stand by the
12 entire report as illustrative of the current situation.
13 If the removal of four words, such as Canadian George
14 Burdi, if they were removed, that stands exactly as the
15 situation exists today with the proliferation of white
16 power music.

17 MS KULASZKA: Well, what research
18 have you done as of today into white power music?

19 THE CHAIRPERSON: When you say white
20 power music, in the generic sense?

21 DR. MOCK: I'm not an expert white
22 power music. I don't research that specifically. But
23 as to the presence of white power music on the Internet
24 and in various CD with various hate labels and pedaling
25 hatred and violence in songs, those songs are readily

1 available via the Internet.

2 MS KULASZKA: In the year 2000 when
3 you wrote this chapter for the book, "Human Rights and
4 the Internet", I assume you did research into what
5 you've termed white power music to write that chapter,
6 correct?

7 DR. MOCK: Yes, research in terms of
8 literature review, in terms of scanning various
9 websites, in terms of hearing some of the CDs, in terms
10 of other cases in which I've provided expert testimony.

11 So the presence of white power music
12 through those vehicles and, being one of the vehicles
13 through which white racialism, white supremacists
14 promote their work, is very prevalent.

15 MS KULASZKA: My point to you is that
16 you may have done the research up to the year 2000, but
17 I don't see any evidence you've done any research in
18 the past seven years.

19 DR. MOCK: I believe it goes on in
20 that next page to indicate that Ernst Zundel was
21 recently deported, and so that certainly had just
22 happened.

23 THE CHAIRPERSON: She's asking a
24 question about the white power music.

25 DR. MOCK: I'm not sure of the

1 question.

2 MS KULASZKA: I'm saying when you
3 wrote your chapter, and it was published in 2000, you
4 said you did research into this and you published the
5 work. And I'm saying to you that this indicates that
6 you have not updated this during the past seven years.
7 You are still referring to George Burdi, who had left
8 the movement the year after you wrote your chapter in
9 that book.

10 So I'm asking you, what research --
11 did you do any research to update material regarding
12 white power music for your report?

13 DR. MOCK: And my answer to that was
14 yes.

15 MS KULASZKA: What did you do?

16 DR. MOCK: I have been at
17 presentations from the Simon Wiesenthal Centre, I have
18 scanned some of their -- that new CD they came out
19 with, I have been to various websites and been aware of
20 white power music.

21 MS KULASZKA: What websites have you
22 seen?

23 DR. MOCK: (No response)

24 THE CHAIRPERSON: Answer the
25 question.

1 DR. MOCK: I've been to Stormfront
2 recently; I've been to Anti-Defamation League website;
3 Simon Wiesenthal website where there are recordings and
4 so on of these materials.

5 MS KULASZKA: Yes, I thought you said
6 you had been to websites. I thought you meant white
7 power music websites.

8 DR. MOCK: No, I don't visit
9 specifically white power music websites on a regular
10 basis.

11 MS KULASZKA: But to prepare this
12 report for the Tribunal.

13 DR. MOCK: No, I didn't specifically
14 visit white power music websites for this report.

15 MS KULASZKA: Have you given expert
16 testimony in previous proceedings where you claim to be
17 an expert in white power music?

18 DR. MOCK: I haven't been qualified
19 as an expert in white power music, no.

20 MS KULASZKA: Song lyrics that might
21 be?

22 DR. MOCK: Yes. I've been asked to
23 interpret lyrics of songs to -- because one of my areas
24 in which I have been qualified as an expert is racism
25 and hate activity.

1 MS KULASZKA: And what case was that?

2 DR. MOCK: The case in Elms.

3 MS KULASZKA: Any others?

4 THE CHAIRPERSON: Elms is spelled

5 how?

6 DR. MOCK: E-L-M-S.

7 THE CHAIRPERSON: That was before

8 which Tribunal?

9 DR. MOCK: This was not before the
10 Tribunal. It was before the court in Toronto, Toronto
11 Police.

12 MS KULASZKA: So it would be fair to
13 say that you really have no knowledge of the state of
14 white power music on the Internet today?

15 DR. MOCK: I don't -- no, I wouldn't
16 say that. I would say yes, I do have some knowledge of
17 it.

18 MS KULASZKA: What knowledge?

19 DR. MOCK: Knowledge that I have
20 gleaned from my review of the sources that describe the
21 nature and extent of this activity on the Internet, and
22 also having seen some of it myself. Do I know --
23 sorry.

24 MS KULASZKA: So your sources were
25 the Simon Wiesenthal Centre?

1 DR. MOCK: Primarily, recognized
2 reputable sources of people who actually are
3 documenting and monitoring this kind of activity on a
4 more full-time basis.

5 MS KULASZKA: Would you include rap
6 music as being hate music?

7 DR. MOCK: In general, no.

8 MS KULASZKA: Are you aware of some
9 rap music that calls for the killing of whites?

10 DR. MOCK: I have never heard that
11 music, but I am aware that people have described it.

12 MS KULASZKA: You've made no
13 investigation into that type of hate music on the
14 Internet?

15 DR. MOCK: No, not specifically.

16 MS KULASZKA: Has the Simon
17 Wiesenthal Centre done any kind of investigation or
18 monitoring of that kind of hate music?

19 DR. MOCK: I believe they have
20 included the monitoring of extremist sites of all
21 kinds. Again, I would have to see the list. I haven't
22 reviewed their CD thoroughly.

23 MS KULASZKA: So your own knowledge,
24 you don't have any knowledge really of that kind of
25 hate music on the Internet?

1 DR. MOCK: I don't have first-hand
2 knowledge of it.

3 MS KULASZKA: In fact, you haven't
4 even reviewed the CD of the Simon Wiesenthal Centre to
5 see if they have that kind of music on it?

6 THE CHAIRPERSON: Kind of?

7 MS KULASZKA: The rap music.
8 Possible hate music that's rap music calling for the
9 killing of whites? You don't have that knowledge, you
10 can't tell me that?

11 DR. MOCK: I can't tell it to you off
12 the top of my head. I know they have monitored the
13 extremist music and it wouldn't surprise me if it were
14 included there.

15 MS KULASZKA: But you have no
16 personal knowledge?

17 DR. MOCK: No. As I said a couple of
18 times, I have no personal knowledge of that. If I did
19 and if someone came to me and said, is this hatred?
20 And I saw there was calling for the killing of people
21 on the basis of their race, no matter what race, then I
22 would deem that to be the promotion of hatred.

23 MS KULASZKA: Is that what drives
24 your research, somebody has to come to you and complain
25 about something?

1 DR. MOCK: Yes. Actually at this
2 stage of my career, if I'm asked to look into something
3 I will do that. I am not at the present time in a
4 university and, you know, having to worry about how
5 many new publications I come up with, and so I am not
6 independently going after things or investigating them.

7 I will do what it is that I am asked
8 to do, or if someone comes to me with a complaint and
9 wants something validated, that is when I will look
10 into it.

11 MS KULASZKA: So unless someone came
12 to you and said, there is a song out there by a black
13 rapper, he's calling for whites to be killed, he's
14 calling for cops to be killed, unless someone actually
15 makes such a complaint to you, you don't investigate
16 it?

17 DR. MOCK: I'm not doing that on an
18 independent basis, you're right. There would have to
19 be a reason for me to go out and investigate it.

20 MS KULASZKA: Now, you were asked by
21 Mr. Vigna of the Commission to write this report. So
22 why didn't you do such an investigation for this report
23 for the Tribunal?

24 DR. MOCK: Was a matter of time for
25 one thing. And because also what I was focusing on

1 primarily was the notion of the protection and the
2 importance of protection of vulnerable minority groups
3 and looking at the notion of these laws and how it is
4 that the promotion of hatred, or the restriction on the
5 promotion of hatred is consistent with our Canadian
6 values to want to protect minority groups and to
7 prevent violence from occurring.

8 MS KULASZKA: Do you --

9 DR. MOCK: I believe there is a place
10 where I also speak about all groups.

11 MS KULASZKA: Do you investigate any
12 hate material that is not produced by whites?

13 DR. MOCK: Yes.

14 MS KULASZKA: What would that be?

15 DR. MOCK: Well, you are asking in
16 the present time. At the present time I'm not
17 investigating such material, but I have been asked in
18 the past. So, for example -- should I give an example,
19 sir?

20 THE CHAIRPERSON: Yes.

21 DR. MOCK: The nation of Islam, the
22 black nation of Islam in Louis Farrakhan, and the kind
23 of material that was promoted against Jewish people and
24 other religions. Absolutely.

25 I investigated that and at the

1 time -- you would be aware that at the time I was in
2 B'nai Brith and it was reported in the audit. We
3 definitely -- I definitely investigated that and spoke
4 out very vocally against hatred being promoted against
5 Jews by the black nation of Islam.

6 MS KULASZKA: Any others?

7 DR. MOCK: That I personally now am
8 investigating? No, not at the present time.

9 MS KULASZKA: Or in the past few
10 years going back to when you would first take the
11 position of the national director of the League.

12 DR. MOCK: Yes. If we had complaints
13 that there might have been something perpetrated by
14 people of other minority groups, I believe we had some
15 incidents then perpetrated by people who were alleged
16 to be Muslim, and we would have had that investigated
17 as well. So it would be all forms of hatred
18 perpetrated by any individuals or groups.

19 MS KULASZKA: While you were with the
20 League, of course the people -- what you were
21 interested in were hate acts against Jews, correct?

22 DR. MOCK: Not just Jews, but as a
23 Jewish organization much of our work and the research
24 was on anti-Semitic incidents, but as I mentioned the
25 other day, at the League we also took on cases or

1 assisted with education or intervened in cases when
2 there were other groups. So we took a case when
3 Muslim -- we assisted the Muslim community to file a
4 complaint when, in a Montreal school they didn't want
5 to allow little girls to wear the hijab, or we assisted
6 also in a case in Toronto and brought to the attention
7 of the police flyers that were being promoted in front
8 of a school against Muslims also.

9 The anti-black racist initiatives
10 we've had, the black Jewish dialogue I started, which
11 was also because of racism against blacks.

12 So many examples of at the League for
13 Human Rights, which is why I think our work was so
14 valued is because people knew that we would stand up
15 for the human rights of all the people.

16 MS KULASZKA: Would you agree a lot
17 of this activity was political?

18 DR. MOCK: No.

19 MS KULASZKA: Why not?

20 DR. MOCK: Because part of our role
21 is to protect people from human rights abuse. And most
22 of my activity was spent with victims, with
23 understanding the impact of the hatred on them, of
24 assisting them to find justice.

25 I was registered as what they call a

1 tier-two lobbyist, which means that for less than 10
2 percent of the time in keeping with the laws of this
3 land, I might be expected to approach government in
4 terms of policy or try to influence policy or
5 legislation in some way.

6 But no, I would not say that most of
7 my activity was political. Most of it was charitable,
8 educational, psychological, victim work and protective.

9 MS KULASZKA: If we go to the next
10 line after "vile alien hordes", you've got:

11 "Holocaust deniers exemplified
12 by such Nazi apologists as Ernst
13 Zundel."

14 Did you coin the term Holocaust
15 denier?

16 DR. MOCK: No.

17 MS KULASZKA: This is not an original
18 term for your report?

19 DR. MOCK: No, of course not.

20 MS KULASZKA: Where does the term
21 come from?

22 DR. MOCK: It's been used by many,
23 many, many authors.

24 MS KULASZKA: Do you know its origin?

25 DR. MOCK: No, actually I don't know

1 who coined it initially.

2 MS KULASZKA: Is this a psychological
3 term?

4 DR. MOCK: It's in the common
5 parlance. I don't know who coined it initially. I
6 don't think it was a psychologist, but I wouldn't know.

7 MS KULASZKA: So this isn't a term
8 you would see in sociology papers, psychology papers?

9 DR. MOCK: I might. I don't know.
10 There have been psychologists who have used the term.
11 There have been sociologists who have used the term. I
12 don't have documents of that. It's been used in -- for
13 many years.

14 MS KULASZKA: What does the term
15 mean?

16 DR. MOCK: It's applied to people who
17 minimize or actually outright deny the Holocaust or who
18 describe it as grossly exaggerated or who try to say it
19 was the fault of the Jews or -- you know, it comes in
20 many forms.

21 MS KULASZKA: The way it's used is
22 pejorative, correct?

23 DR. MOCK: The way it's used is
24 stating that this is activity in which someone is
25 engaged. It's not used as an evaluation. An

1 evaluation --

2 MS KULASZKA: If someone put on a
3 website that Karen Mock is a secret Holocaust denier,
4 would you be outraged?

5 DR. MOCK: I would, yes.

6 MS KULASZKA: Why?

7 DR. MOCK: Because that is not what I
8 have ever done. I have never minimized the Holocaust.
9 I have never tried to say it didn't happen or written
10 books that said that it was a hoax of the century or
11 any of that. So there is absolutely no evidence that I
12 have ever participated in any kind of Holocaust denial
13 activity, so therefore I would be outraged with the lie
14 that was posted.

15 MS KULASZKA: And it would also be
16 defamatory to you?

17 DR. MOCK: Yes.

18 MS KULASZKA: So why would it be
19 defamatory?

20 DR. MOCK: Because it's completely
21 untrue and based on absolutely zero evidence.

22 MS KULASZKA: Even if it were untrue
23 to be defamatory it goes beyond that, doesn't it? It
24 would have to be very damaging to your reputation.

25 DR. MOCK: Of course it would damage

1 my reputation. And, again, because it was a complete
2 lie.

3 MS KULASZKA: Why would it damage
4 your reputation?

5 DR. MOCK: I can only repeat, because
6 it would be the stating something that I had never done
7 and that in our society is considered to be outrageous
8 and false.

9 So if the Holocaust is a fact and if
10 someone is saying that I deny it, and I have never in
11 my life done anything that would even give any hint
12 that I have ever minimized or denied the Holocaust,
13 then I would be upset and that would defame my
14 character.

15 MS KULASZKA: Now, you stated in your
16 testimony that you were always balanced, listened to
17 both sides. Before you determined that Holocaust
18 denial is a bad thing, did you look into it?

19 THE CHAIRPERSON: Look into what?

20 MS KULASZKA: Did you look into what
21 people like Ernst Zundel were saying?

22 DR. MOCK: Yes.

23 MS KULASZKA: So you read his
24 writings?

25 DR. MOCK: Yes.

1 MS KULASZKA: What did you read?

2 DR. MOCK: Some of his publications
3 and things that were on his website and "Did Six
4 Million Really Die" and, you know, "The 36 Most
5 Commonly Asked Questions About the Holocaust", to name
6 a few.

7 MS KULASZKA: Did you ever read any
8 books by Dr. Arthur Butz?

9 DR. MOCK: Not that I recall, not in
10 their entirety.

11 MS KULASZKA: Do you know what he's
12 written?

13 DR. MOCK: I must admit, I just don't
14 have some of the titles in front of me. If you want to
15 give me a minute I can check it out. Sometimes my
16 memory -- especially for things that I have not studied
17 in depth -- I wasn't asked to report on Arthur Butz
18 but --

19 THE CHAIRPERSON: How is his name
20 spelled?

21 DR. MOCK: B-U-T-Z.

22 MS KULASZKA: B-U-T-Z.

23 DR. MOCK: Do you have something you
24 wanted to ask me?

25 MS KULASZKA: I thought you were

1 checking something.

2 DR. MOCK: I didn't bring all of my
3 materials to review.

4 THE CHAIRPERSON: You said you recall
5 reading some of Dr. Arthur Butz' material? Is what
6 that you said, Doctor?

7 DR. MOCK: Yes. But to be honest
8 with you, I'm just --

9 THE CHAIRPERSON: You don't recall?

10 DR. MOCK: There's so many things in
11 my mind at this point, I can't just pinpoint the exact
12 titles and so on. So I'm sorry --

13 MS KULASZKA: Did you ever read any
14 of the works Dr. Robert Faurisson?

15 THE CHAIRPERSON: What was that?

16 MS KULASZKA: Dr. Robert Faurisson,
17 F-A-U-R-I-S-S-O-N.

18 DR. MOCK: I recall reading some
19 articles and I read some of the secondary sources where
20 they are accurately quoted.

21 MS KULASZKA: You know that Dr.
22 Faurisson was a professor at Lyon in France and Dr.
23 Arthur Butz is a professor at, I believe, Northwestern
24 University?

25 DR. MOCK: I'll take your word for

1 it. I don't have their CVs in front of me.

2 MS KULASZKA: So you didn't know that
3 about Dr. Butz?

4 DR. MOCK: I did know that at one
5 time. It was more in my head. I haven't kept it all
6 there, it's information overload. My retrieval system
7 is not what it used to be, but certainly I recall
8 seeing some of that material over the last many years.

9 MS KULASZKA: Did you do a study of
10 this material or did you just reject it outright?

11 DR. MOCK: I have not done a specific
12 study on Holocaust denial, no.

13 MS KULASZKA: You recognize that the
14 German people -- and of course they're a minority in
15 Canada as well -- do have an interest in the history of
16 that event, correct?

17 DR. MOCK: Yes.

18 MS KULASZKA: Why would you,
19 therefore, use a very defamatory term, Holocaust
20 denial, when you talk about people who discuss this
21 event and raise questions about it?

22 DR. MOCK: Why would I use that term?

23 MS KULASZKA: Yes. You've used the
24 term Holocaust denier which you've admitted is a
25 defamatory term. Why would --

1 DR. MOCK: What I do as a human
2 rights specialist is I examine the body of the work and
3 there's a well-known concept in human rights of
4 differential treatment, and when I see that, you know,
5 if there are certain people who call themselves
6 historians and are only focusing on proving that one
7 particular event in history that has been well
8 documented, in fact even judicial notice has been taken
9 of the Holocaust, and there's a continued devotion to
10 suggesting that it didn't happen or that it was even
11 the idea and instigation and conspiracy of the
12 victimized murdered group that did it, and that
13 perpetrated it and is continuing to benefit from it and
14 there is not that same kind of questioning of the war
15 of 1812 or the Battle of the Plains of Abraham or the
16 War of the Roses, or any other incident or other wars
17 that took place on German soil, then to me that is
18 evidence that there is differential treatment and a
19 bias and that the whole goal is to deny, minimize,
20 trivialize, the Holocaust. And that is the definition
21 of Holocaust denial.

22 So that's why you -- you asked why
23 would I call people who do that, and whether they are
24 German or whether they are of any other ethnic or
25 racial background, that is why I would come to the

1 conclusion and use that term that is very well used and
2 in the common parlance for people who do that.

3 MS KULASZKA: But you yourself did
4 not, as you've just admitted, make any study of the
5 works such as those written by Butz or Faurisson?

6 DR. MOCK: That's correct. I'm
7 not -- I am not an expert in Holocaust denial per se.
8 Can I recognize it when I see it? Yes. And as I
9 indicated in my applied work, if information comes to
10 me, if someone gives me a book and says, what do you
11 think about this, or what do you think of these
12 writings or that writings, I would be in a position to
13 deem whether it was Holocaust denial. Have I ever
14 claimed to be an expert on Holocaust denial? No.

15 MR. CHRISTIE: Excuse me. Sir, the
16 process is now becoming that the witness asks herself a
17 question and answers it, then she asks herself --

18 THE CHAIRPERSON: I was going to go
19 one step behind that and say, Ms Kulaszka, you've asked
20 a lot of questions on this one. It's clear. I've got
21 the answers in this area. Maybe we could just move
22 onto the next.

23 MS KULASZKA: My next question is,
24 you haven't made a study, you actually really don't
25 know anything about the topic, and yet you are and have

1 been one of the foremost proponents of jailing people
2 such as Ernst Zundel or anyone else that you decide is
3 a Holocaust denier or to have them subject to section
4 13 of the Canadian Human Rights Act.

5 DR. MOCK: What is the question?

6 THE CHAIRPERSON: There's no question
7 there.

8 MS KULASZKA: Is that true?

9 DR. MOCK: No.

10 THE CHAIRPERSON: Before you got up,
11 sir....

12 MS KULASZKA: Do you believe
13 Holocaust denial is hate under section 13?

14 DR. MOCK: I believe --

15 MR. KURZ: Her view of the law is
16 irrelevant, isn't it, Mr. Chair? Whether her view the
17 section 13, whether it encompasses --

18 MS KULASZKA: I'll change my question
19 then I'll --

20 MR. KURZ: If I may?

21 THE CHAIRPERSON: What did you say?

22 MS KULASZKA: Do you regard Holocaust
23 denial as hate?

24 THE CHAIRPERSON: That's within the
25 realm of her --

1 MR. KURZ: I'm not objecting to that
2 question.

3 DR. MOCK: I regard the repetitive
4 Holocaust denial and deliberate targeting of a
5 particular minority group as hate and the behaviour of
6 Holocaust deniers, such as the ones that I have named
7 who promote this and promote anti-Semitism and
8 vilification.

9 MS KULASZKA: I did not ask you about
10 anti-Semitism or vilification.

11 DR. MOCK: I'm trying to. It's not a
12 simple yes or no answer.

13 MS KULASZKA: Well, this sentence --

14 MR. CHRISTIE: I think --

15 THE CHAIRPERSON: On this one, I want
16 to hear the answer.

17 MR. CHRISTIE: I do too.

18 THE CHAIRPERSON: Everyone does.

19 DR. MOCK: May I give more than a yes
20 or no answer?

21 THE CHAIRPERSON: Provided you don't
22 get circuitous.

23 MS KULASZKA: I just want to point
24 out that the sentence doesn't go on and on about
25 promoting. It just says "Holocaust deniers

1 exemplified". So my question is actually quite simple:
2 Do you regard Holocaust denial as hate?

3 DR. MOCK: And my answer is, that if
4 someone who made one statement that questioned the
5 Holocaust because perhaps it -- and it happens over and
6 over again, someone might say, oh, I've heard that this
7 happened or didn't happen. Tell me something about it,
8 or maybe writes one time and doesn't realize they may
9 have written something that could be interpreted as
10 Holocaust denial. But if and of itself, are not doing
11 that to promote hatred against a group.

12 So one incident of Holocaust denial
13 might not be regarded as hatred, but Holocaust deniers
14 and those who deliberately over and over again promote
15 hate propaganda and vilify a specific group and by the
16 differential treatment find that by promoting that or
17 trying to vilify and put Jews in contempt, then yes, I
18 think that -- I believe that that is and should be
19 considered against the law and is the promotion of
20 hatred.

21 THE CHAIRPERSON: I understand the
22 answer. Go on.

23 MS KULASZKA: In fact, you attempted
24 quite a few times, you and Mr. Kurz and the League,
25 together with other Jewish organizations, to have Ernst

1 Zundel charged under the hate provisions of the
2 Criminal Code, correct?

3 DR. MOCK: Yes.

4 MS KULASZKA: Were you successful?

5 DR. MOCK: Well, there's a time
6 differential there because prior to --

7 MR. KURZ: How is that question about
8 whether she's been successful not relevant to this
9 issue? Mr. Zundel is history. We have Mr. Zundel's
10 legal team sitting here. The history of Mr. Zundel's
11 legal travails even being in the newspaper last week is
12 well-known.

13 She's not -- her evidence on whether
14 she was successful -- the record speaks for itself. So
15 to go through that with this witness -- what she's
16 presumably trying to do is say that she's biased
17 against Ernst Zundel. But she's already said she
18 called for him to be charged. So how much further --

19 THE CHAIRPERSON: Yes. I think the
20 answer to that first question was sufficient for the
21 purposes of which you're trying to pursue this line.

22 MS KULASZKA: I'm looking at her
23 expert report to this Tribunal and this is part of her
24 report.

25 THE CHAIRPERSON: And it's almost a

1 matter of public record of what the situation has been
2 with Mr. Zundel. You keep saying short. You don't
3 have to get it out of her mouth to tell me that Mr
4 Zundel --

5 MS KULASZKA: You may not have been
6 aware of her role --

7 THE CHAIRPERSON: Which was the first
8 question, and that's all we're driving at. To move
9 things quicker, one question might be enough; the three
10 questions may not be necessary.

11 MS KULASZKA: Did you ever meet with
12 Attorneys General to try to get charges laid?

13 DR. MOCK: Me personally?

14 MS KULASZKA: Yes.

15 DR. MOCK: No.

16 MS KULASZKA: Did you ever meet with
17 police, crown attorneys?

18 DR. MOCK: Yes, police, to provide
19 evidence.

20 MS KULASZKA: When was that?

21 MR. VIGNA: I don't see the
22 relevance.

23 DR. MOCK: All I said here is that --
24 are very active on the web. To be honest, again -- I'm
25 sorry, Chair --

1 THE CHAIRPERSON: I don't need any
2 more answers.

3 DR. MOCK: My memory doesn't remember
4 the year.

5 MS KULASZKA: You go on and you quote
6 Deborah Lipstadt:

7 "Holocaust denial is at the
8 centre of the web of hate."

9 THE CHAIRPERSON: Where is that?

10 DR. MOCK: Top of page 5.

11 MS KULASZKA: Top of page 5 of the
12 expert report. I just want you to turn to binder R-4
13 and turn to tab 1, page 5. Large binder. Maybe
14 Mr. Vigna can help you. R-4.

15 THE CHAIRPERSON: Tab 1.

16 MS KULASZKA: 1. So look at tab 1,
17 page 5. This is an article, recent one. It was an
18 interview done with Deborah Lipstadt. They asked her
19 about whether or not she agreed with the proposed
20 Europe-wide ban on Holocaust denial and other forms of
21 genocide denial. And she is totally against it.

22 Turn to page 6. If you look at the
23 second paragraph:

24 "Lipstadt is also worried about
25 the way in which debate about

1 the Armenian experience might be
2 closed down. During the first
3 World War, as Ottoman and
4 Turkish forces fought against
5 the Russians, some of the
6 Armenian minority in Eastern
7 Anatolia sided with Russia."

8 She goes on about that. Then the
9 next paragraph she states:

10 "This is another body-blow to
11 academic debate, says Lipstadt.
12 'I know serious historians who
13 do not deny for a minute what
14 happened to the Armenians but do
15 not deny the severity or
16 barbarity of what happened to
17 them. But they questioned, they
18 ask intellectually, was this a
19 genocide or was it a horrendous
20 massacre?'"

21 If you turn to page 7, second
22 paragraph:

23 "To the 'befuddlement' of her
24 colleagues, Lipstadt is also
25 opposed to laws outlawing actual

1 Nazi Holocaust denial. Such
2 laws already in exist in
3 Germany, Australia, Belgium,
4 France, the Czech Republic,
5 Lithuania, Poland, Romania and
6 Slovakia, and under Germany's
7 proposal, these will be extended
8 to the rest of the EU and will
9 also cover genocide and war
10 crimes denial. She points out
11 that there is a huge difference
12 between those historians who
13 legitimately debate something
14 like the Armenian experience and
15 the charlatans who distort the
16 truth in order to show that this
17 Holocaust didn't happen and 'the
18 Jews' are all liars.

19 Where 'genocide denial' laws
20 might frustrate serious academic
21 debate, Holocaust denial laws
22 are only aimed at punishing
23 weird and malicious
24 pseudo-historians. Yet she's
25 against the censorship of those

1 charlatans too, she said. 'I'm
2 opposed to Holocaust denial laws
3 for three reasons', she said.
4 'First because I believe in free
5 speech. Government should make
6 no laws limiting free speech
7 because it is never good when
8 that happens. Second, because
9 those laws turn Holocaust
10 deniers into martyrs. Look what
11 happened to David Irving when he
12 was released from jail in
13 Australia.'"

14 THE CHAIRPERSON: Austria.

15 MS KULASZKA:

16 "'Austria. He became a media
17 darling, given room to spout his
18 misinformation. We should
19 ignore them rather than chasing
20 them down. And thirdly and most
21 importantly, such laws suggest
22 that we don't have the history,
23 the documentation, the evidence
24 to make the case for the
25 Holocaust having happened. They

1 suggest we don't trust the
2 truth. But we do have the
3 evidence and we should keep on
4 developing it and deepening it
5 and we should trust it.'"

6 I would like you to comment on what
7 Professor Lipstadt said in that article. I know you
8 probably haven't read it, I'm not sure whether you were
9 given the book and you were able to read this.

10 We will prove this article after, but
11 those are the major points she made about Holocaust
12 denial. I wonder if you could comment on that.

13 DR. MOCK: She and I have differing
14 views on the absolutism of freedom of speech. I would
15 agree it's important in the right context and in the
16 right environment to have legitimate historical
17 research and have historians in the university, herself
18 and others, where they could look at facts and so on,
19 again, in a reasonable and not stiffling legitimate
20 research and legitimate discourse.

21 But -- and she lives in a country
22 where there is an absolute prohibition. But again, it
23 isn't even that absolute because there is some speech
24 there that is limited.

25 But if I'm asked to comment on this

1 article, I think she has done a tremendous job of
2 refuting and even in a court of law where she didn't
3 have to do any debating but where the facts were able
4 to speak for themselves, that that is very, very
5 important to have that vehicle.

6 Having said that, in this country I'm
7 asked to comment on this article, I believe that the
8 laws that we have, especially because I'm asked to
9 comment on section 13, the Human Rights Code, of
10 limiting hate speech on the Internet, do not stifle
11 legitimate debate, but in fact are a reasonable
12 limitation in order to ensure that this forum that she
13 is providing isn't confused with the promotion of hate
14 propaganda and having it do disproportionate harm. So
15 I disagree in our Canadian context and when we're
16 looking at hate on the Internet with this view.

17 THE CHAIRPERSON: Ms Kulaszka, next
18 question.

19 MS KULASZKA: If you could turn to
20 page 6.

21 THE CHAIRPERSON: Of the report?

22 MS KULASZKA: Of the report.

23 THE CHAIRPERSON: You'll be producing
24 that article with someone else?

25 MS KULASZKA: Yes, I think we will

1 through somebody else, unless Dr. Mock has read the
2 whole thing.

3 THE CHAIRPERSON: You never read this
4 article before?

5 DR. MOCK: Which one?

6 THE CHAIRPERSON: The one we just
7 looked at, Deborah Lipstadt.

8 DR. MOCK: Yes, I had this binder to
9 review and I had reviewed this. I think it's a
10 newspaper article, if I'm not mistaken.

11 THE CHAIRPERSON: Is there any
12 objection to this document? Then it is truly the
13 article that was written.

14 MR. VIGNA: Not on the article but
15 perhaps on -- the content should be taken with a
16 certain weight.

17 THE CHAIRPERSON: It's just an
18 article.

19 DR. MOCK: Newspaper article, not her
20 book.

21 THE CHAIRPERSON: Keep the record
22 complete. Just those three pages, 5, 6, 7.

23 MS KULASZKA: What role does truth
24 play in whether something should be regarded as hate or
25 not?

1 DR. MOCK: What role does it play?

2 THE CHAIRPERSON: Perhaps she doesn't
3 understand the question. Be more specific, Ms
4 Kulaszka.

5 MS KULASZKA: If you state something
6 that is the truth, should that be an absolute defence
7 to any allegation of hate?

8 DR. MOCK: No. And as I understand,
9 it isn't.

10 MS KULASZKA: Yes. I'm not asking a
11 legal question. I'm asking it as you as an expert.

12 DR. MOCK: No.

13 MS KULASZKA: And why not?

14 DR. MOCK: Well, the promotion of
15 hatred, in my view, isn't really about truth or
16 falsehood or the person's understanding of whether
17 something is or isn't true or false, but it's the
18 promotion of material that is likely to expose a person
19 from a vulnerable community or on the basis of their
20 immutable characteristics to contempt or hatred.

21 Now, if you are asking me what role
22 does it play -- over-generalizations and repetition of
23 half truths and even lies, it's all part of propaganda
24 and hate propaganda. In fact Goebbels himself said
25 propaganda has absolutely nothing to do with truth.

1 THE CHAIRPERSON: That wasn't the
2 question, though.

3 MS KULASZKA: No, that's not the
4 question.

5 We'll go to defamation. You know
6 that truth is an absolute defence to defamation?

7 DR. MOCK: Again, the law --

8 THE CHAIRPERSON: Thank you. It's a
9 legal question. She seems not to be able to answer a
10 legal question.

11 MS KULASZKA: In your work, would you
12 say the pursuit of truth is your goal?

13 DR. MOCK: I would -- is that a
14 question?

15 THE CHAIRPERSON: What was the
16 question? Is pursuit of truth --

17 MS KULASZKA: I'll put it this way:
18 Can truth promote hatred?

19 DR. MOCK: I never actually thought
20 about it in that way, can truth promote hatred.

21 When we teach about stereotyping we
22 say sometimes there is an historical context or kernel
23 of truth that even leads to a stereotype, so someone
24 might take something that is truth and use it and
25 repeat it and over-generalize it and use very

1 strategically to actually promote hatred and --
2 Goebbels taught him well, but a quote I'm --

3 MR. CHRISTIE: She's no expert in
4 Goebbels. This is the second time she's quoting
5 Goebbels. I object --

6 THE CHAIRPERSON: I don't know if
7 she's an expert or not --

8 DR. MOCK: I'm not an expert.

9 MR. CHRISTIE: To allow an -- this is
10 what happens when we don't limit qualifications. If an
11 expert can start telling us what Goebbels said, not
12 only is it beyond the scope of her expertise, it
13 invites and requires consideration of collateral
14 matters. It should be stopped, because if that happens
15 there is no limit to it.

16 MS KULASZKA: It's actually quite a
17 simple question. It was: Can truth promote hatred?

18 MR. FOTHERGILL: I have some sympathy
19 for Mr. Christie's objection as expressed in this
20 context, because I'm not sure which aspect of the
21 witness's expertise is being brought to bear on the
22 subject. It's a very interesting social policy
23 discussion and I think one that we'll likely get into
24 in the context of argument.

25 But this is a witness who is

1 testifying about a number of things, but chiefly to do
2 with her expertise as a psychologist and I'm not sure
3 how this line of questioning --

4 THE CHAIRPERSON: She testified as an
5 expert --

6 MR. FOTHERGILL: Hate on the Internet
7 and strategies for combatting that Phenomenon. It's
8 not clear to me how this line of questioning relates to
9 an area of her expertise.

10 THE CHAIRPERSON: I have her answer.
11 Ms Kulaszka, I have her answer on it already. She's
12 saying if you use truth in a certain way and repeat it
13 and over-generalize it, it could end up being hate. I
14 understand the point of your question, move on please.

15 MS KULASZKA: Well, I didn't
16 understand it.

17 THE CHAIRPERSON: I understand
18 exactly what she's trying to say. Stereotyping often
19 has a kernel of truth and its repeated use and
20 over-generalization may lead to hate. That's what she
21 said.

22 MS KULASZKA: You've been qualified
23 as an expert in race relations and multiculturalism.
24 Many people come to this country and they have a lot of
25 baggage when they come here, isn't that right? A lot

1 of the ethnic groups and -- they have long, very
2 hostile histories and isn't it important that each
3 group be able to debate matters of importance to them
4 concerning their history, their previous relations
5 openly so that truth may be arrived at without a threat
6 that what they are doing is promoting hatred?

7 MR. KURZ: What's the question?

8 THE CHAIRPERSON: Shouldn't these
9 people with all that introductory statement have the
10 opportunity to debate their history in Canada?

11 MS KULASZKA: I'll break it down.
12 You've been qualified as an expert in race relations
13 and multiculturalism.

14 DR. MOCK: Yes.

15 MS KULASZKA: You agree that today we
16 have many ethnic groups in Canada, correct?

17 DR. MOCK: Yes.

18 MS KULASZKA: Would you agree that a
19 large part of your business deals with the -- must deal
20 with the fact that many of these groups don't get
21 along, otherwise there wouldn't be a race relations
22 business?

23 THE CHAIRPERSON: There was a
24 question there.

25 DR. MOCK: So what's the question?

1 MS KULASZKA: Is that right?

2 DR. MOCK: Many groups don't get
3 along, yes.

4 MS KULASZKA: Why don't they get
5 along?

6 DR. MOCK: For a variety of reasons.
7 Scarce resources, bringing over historical feelings of
8 whatever --

9 MS KULASZKA: That's right. That's
10 what --

11 DR. MOCK: -- their history.

12 MS KULASZKA: Many of these groups
13 have long histories, many of these groups have hostile
14 histories with other groups who now live here.

15 So my question is, shouldn't they be
16 allowed to debate and discuss the issues that they
17 perceive as arising between their different groups
18 openly and fully without any threat over them that what
19 they might be doing is promoting hatred?

20 DR. MOCK: Yes, as long as in fact it
21 doesn't promote hatred. All groups should be entitled
22 to recount their narrative to tell their story, to
23 document their history, to live in safety and security,
24 and in safety that there will not in the telling of
25 that story by another group be hatred promoted against

1 them. So the answer is yes with a qualification as
2 long as it doesn't promote hatred against another
3 group.

4 MS KULASZKA: Well, let's turn to tab
5 12 of the large binder and turn to page 39.

6 THE CHAIRPERSON: The large binder?

7 MS KULASZKA: Of the Mock binder,
8 R-4. Tab 12, page 39. That's a letter written by
9 Ernst Zundel, was published in London Free Press.

10 DR. MOCK: Tab 12 a newspaper article
11 from The Toronto Star.

12 MS KULASZKA: Page 39?

13 DR. MOCK: I'm sorry, okay.

14 MS KULASZKA: Would it be accurate to
15 say that this article was a plea by Ernst Zundel that
16 he be allowed to discuss events of World War II without
17 threats of criminal proceedings, violence or
18 intimidation? You'll see at the end, he says:

19 "My hope now is that this issue
20 can finally be discussed
21 rationally without threat of
22 criminal proceedings, violence
23 or intimidation."

24 That's all he wanted.

25 MR. KURZ: Where's the question in

1 that and how is Dr. Mock supposed to get into the head
2 of Ernst Zundel when he wrote a letter --

3 MS KULASZKA: Because --

4 MR. KURZ: If I could finish my
5 objection. He wrote a letter to the London Free Press
6 14 years ago.

7 MS KULASZKA: Because Dr. Mock agreed
8 with me that groups have to be allowed to openly
9 discuss matters of concern to them, particularly
10 multiculturalism society.

11 THE CHAIRPERSON: But where does that
12 get us with this letter?

13 MS KULASZKA: So this letter is an
14 example of what you call Holocaust denial. This sets
15 out Ernst Zundel's position. He goes through the
16 evidence and at the end he says that all he hopes for
17 is that this matter can be discussed rationally without
18 threats because, of course, he was constantly being
19 threatened with criminal proceedings.

20 I come back to this example because,
21 Dr. Mock, you'll agree he is probably the biggest
22 example of the victims of hate laws in this country.

23 MR. VIGNA: Mr. Chair --

24 DR. MOCK: Did you want me to
25 comment --

1 MR. VIGNA: Mr. Chair, I object to
2 the question. We're dealing with the specific case of
3 Mr. Zundel, which is not the case before you today.
4 And if my colleague wants to bring an illustration
5 maybe she could give us something less controversial.

6 THE CHAIRPERSON: I don't care about
7 the controversy. I don't know where this is --
8 everybody sit down.

9 MR. CHRISTIE: I really insist
10 that -- you know, if you wish me to leave, I will.

11 THE CHAIRPERSON: I won't ask you to
12 leave. I'm trying to deal with Ms Kulaszka.

13 MR. CHRISTIE: There's a question on
14 the floor that I would like to speak to when you will
15 hear me, if you will hear me.

16 MR. FROMM: Should the witness be
17 asked to leave while this discussion goes on?

18 THE CHAIRPERSON: I don't know where
19 it's going. The objection is what, Mr. Vigna? That
20 this is no question? Because I didn't hear a question
21 at the end of that discussion.

22 MR. VIGNA: There's repeated
23 questions about the Ernst Zundel case, and I don't see
24 how that is relevant to this case.

25 THE CHAIRPERSON: And the relevance,

1 sir, Mr. Christie?

2 MR. CHRISTIE: This case at the
3 moment is about the nature of these laws and whether
4 they are a reasonable limit on freedom of expression.
5 The Zundel case was a human rights prosecution referred
6 to in the witness's own expert report as the one and
7 only other instance where these laws were applied
8 against the Internet.

9 It is entirely germane to show how
10 these laws affect the free expression of ideas. And
11 that letter, with all due respect, whether it's Ernst
12 Zundel or Adam and Eve, makes no difference. It
13 pertains to this --

14 THE CHAIRPERSON: The problem is I
15 didn't quite get a question at the end of --

16 MR. CHRISTIE: That's all --

17 MR. KURZ: I thought I heard a
18 question which was, isn't Ernst Zundel the victim of
19 hate laws?

20 THE CHAIRPERSON: She used the term
21 victim. She didn't put the question that way.

22 MR. KURZ: That's how I heard it.
23 That's not a proper question for this witness who's not
24 in a position to say anything about it.

25 MS KULASZKA: I think that was an

1 answer to the objections that we're starting, Mr. Kurz.

2 THE CHAIRPERSON: You know what?

3 This could be all boiled down very quickly, Ms
4 Kulaszka, and everyone.

5 The question that is being put to
6 you, Dr. Mock, is simple: This type of letter
7 indicates someone who sets out questions about the
8 Holocaust and then, in the end, says it's part of a
9 rational -- attempt at a rational discussion on the
10 issue.

11 Letters like this, do you perceive
12 that as hate?

13 DR. MOCK: The letter itself is
14 hatred?

15 THE CHAIRPERSON: Yes.

16 DR. MOCK: No, not the letter which
17 was published in a newspaper.

18 MS KULASZKA: Is that why it's not
19 hatred, it got published in the newspaper?

20 DR. MOCK: Does it actually publish
21 lies? Does it disguise something as if there were
22 expert reports that people have even had eyewitness
23 that there were no gas chambers? I think it was
24 misguided that they put this into the London Free
25 Press. But he doesn't -- in my view he's not asking

1 for a platform for legitimate discourse. He is asking
2 for a platform to promote hatred against Jews because
3 of -- it pains me even to read this.

4 MS KULASZKA: So you get very
5 emotional reading this letter.

6 DR. MOCK: I do. It hurts.

7 MS KULASZKA: So you would agree that
8 you identify very, very strongly as a Jew.

9 DR. MOCK: I identify strongly as a
10 Jew. I identify strongly as someone who is very
11 committed to ensuring that all people are protected. I
12 identify strongly as someone who knows what the pain is
13 of someone who has lost relatives and to have someone
14 hide behind their freedom of speech as being limited
15 when it's that kind of pain that's being inflicted.

16 I am, I believe, objective in my
17 analysis that the intention here is not just freedom of
18 speech and certainly isn't for social justice. You
19 asked earlier is that what is my quest. It is for
20 social justice. And I believe that legitimate
21 limitations can and should be put on freedom of speech
22 to protect people from that kind of pain and
23 vilification.

24 MS KULASZKA: Now, when you refer to
25 an article by Boeckmann, "Hate Speech: Asian American

1 Students' Justice Judgements and Psychological
2 Responses" --

3 THE CHAIRPERSON: Where is that
4 reference?

5 MS KULASZKA: This is one of the
6 articles that she has referred to in -- with her second
7 report.

8 THE CHAIRPERSON: Should we go there?

9 MS KULASZKA: If you could go to page
10 369.

11 THE CHAIRPERSON: Of the article
12 itself?

13 MS KULASZKA: Yes. Have you got
14 that?

15 DR. MOCK: I just have to find it.
16 Yeah.

17 MS KULASZKA: One of the factors they
18 took into account in measuring how someone responds to
19 something is social identification. And they used a
20 measure of the participant's psychological investment
21 in their Asian American social identity.

22 So if I have this correct, what they
23 were trying to determine as a factor was how strongly
24 someone identifies with their ethnic group. Because
25 this would have a very strong correlation to how they

1 reacted to what we could term hate speech, is that
2 right?

3 DR. MOCK: Where are you on the page?

4 MS KULASZKA: It's the second full
5 paragraph that starts, "Social identification."

6 DR. MOCK: Uh-huh.

7 MS KULASZKA: Crocker and Luhtanen.

8 DR. MOCK: I see it. It's a
9 measurement. There's a measurement of how strongly
10 someone identifies with their social group.

11 MS KULASZKA: So they would ask
12 questions like, in general, others respect the ethnic
13 group that I'm a member of. I often regret that I
14 belong to the ethnic group I do belong to.

15 Have you ever considered the fact
16 that you identify so strongly with your own group that
17 this is affecting your judgment?

18 DR. MOCK: No.

19 MS KULASZKA: Perhaps -- do you think
20 you should take that into account?

21 DR. MOCK: I do. I ask myself at
22 times, when you often -- they call it making sure
23 nobody -- in my work they call it make sure it's not
24 your hot buttons that are being pressed. But I get
25 just as upset if I'm arguing or having a discussion

1 with someone unreasonably about anti-black racism and
2 they are so incensed about something, and I can then
3 demonstrate that it's merely a stereotype of their own
4 hatred.

5 I've never taken this test they
6 describe in the study.

7 MS KULASZKA: But obviously that's a
8 very important factor, isn't it, in determining how
9 someone will actually react to something, whether as
10 hate or not?

11 DR. MOCK: In terms of their
12 psychological reaction? Yes. I believe that in fact
13 is what this study has shown.

14 MS KULASZKA: In the other article it
15 was "Racist Incident-Based Trauma", if you could look
16 at that. Look at page 481. It was the second
17 Bryant-Davis article, page 481, the top -- just under
18 the chart there.

19 The first sentence:

20 "Individual differences and
21 personality, resilience coping
22 style, unique personal
23 experiences, strength of ethnic
24 self-identification, family
25 closeness, et cetera, may buffer

1 or immediate responses to
2 psychologically toxic events".

3 Do you agree with that?

4 DR. MOCK: Yes, I've even mentioned
5 something similar in this paper that you have called
6 "Combatting Racism and Hate in Canada Today". In more
7 simple terms --

8 MS KULASZKA: This paper again
9 recognizes strength of ethnic self-identification.
10 It's a very important variable in how someone will
11 react to material as hate or not. Would you agree?

12 DR. MOCK: Yes.

13 MS KULASZKA: So if someone is black
14 and someone -- if they read something which could be
15 perceived as hate material, in fact how they react to
16 that depends on how they perceive themselves. So --

17 DR. MOCK: It would be one factor.

18 MS KULASZKA: So one black person
19 might be very, very -- identify him or herself very
20 strongly as a black person, whereas another person it
21 doesn't matter to them they are black. They are black
22 but it's not a huge part of their identity. And they
23 simply wouldn't see it as hate, correct?

24 DR. MOCK: That might happen. So I'm
25 going to go back to that letter by Ernst Zundel on page

1 39, and I'm going to suggest to you that your reaction
2 to this as hate in fact --

3 MR. KURZ: Her answer wasn't it --
4 hate. One of the objections -- I'm sorry, I keep
5 standing up, and I apologize. It's really important
6 that when a witness's answer is repeated that it be
7 accurately repeated. If it happened, I wouldn't stand
8 up as much.

9 THE CHAIRPERSON: Could you just go
10 straight to your question as opposed to trying to
11 repeat what the witness said. I'm not going to start
12 re-running tapes here, rest assured of that.

13 MS KULASZKA: Well, just briefly,
14 Dr. Mock, you said you were very emotional reading this
15 letter.

16 THE CHAIRPERSON: That's true, I
17 recall that.

18 DR. MOCK: Yes. Because --

19 THE CHAIRPERSON: No.

20 MS KULASZKA: I'm going to propose to
21 you that most people reading this letter would not have
22 an emotional response to it. It's an extremely dry
23 letter. No emotion in it. It's just a very dry
24 setting out of various statements. There is nothing in
25 here that would evoke a lot of emotion in most people.

1 THE CHAIRPERSON: Do you agree with
2 that proposition?

3 DR. MOCK: I believe many people
4 would be very upset by this letter, but to the point
5 that someone would want to lay a hate charge? No, and
6 that's why I said it wasn't hate.

7 THE CHAIRPERSON: I don't think that
8 was the question. Do you believe people would be as
9 upset as you --

10 DR. MOCK: Many would.

11 THE CHAIRPERSON: Others may not?

12 DR. MOCK: Others may not be the
13 least upset.

14 MS KULASZKA: Do you know of any
15 studies that -- we would say scientific studies that
16 wrote measure this type of thing so that -- I'll give
17 you an example of a study. They are shown a letter
18 like this, given various tests about their emotional
19 responses, their ethnic identity and so on. They are
20 given this material, such as this letter, and their
21 response is measured. And then they are compared
22 according to the different variables. Do you know of
23 any such study?

24 DR. MOCK: Yes, that's why I gave you
25 the one on the Asian students, because that's exactly

1 what was done there.

2 MS KULASZKA: But they were all
3 Asian.

4 DR. MOCK: And the article makes it
5 clear that it's important to do further research of
6 this nature. There are other articles that have dealt
7 with other populations.

8 I gave this as an example of a
9 well-designed study showing that the disproportionate
10 harm that exists when one's identity is attacked even
11 when they are reading secondary information or reading
12 about an incident that happened to someone else. So
13 that's --

14 THE CHAIRPERSON: I think the
15 question was, this study only had an Asian sample
16 group. It didn't have other groups. So if that same
17 material was shown to non-Asian persons and how they
18 would have reacted, did that take place in that study?

19 DR. MOCK: I would have to examine
20 the results. No, they didn't --

21 THE CHAIRPERSON: It focused on
22 Asians and how they reacted -- Asian Americans.

23 DR. MOCK: There's another study with
24 African Americans --

25 THE CHAIRPERSON: So the question

1 being asked of you, are you familiar with any study
2 that would have made this type of a comparative
3 research?

4 DR. MOCK: Not off the top of my
5 head. I would have to review the material that I
6 looked at.

7 MS KULASZKA: Would you agree a study
8 like that would go a long way in showing that in fact
9 it's personal characteristics that determine whether a
10 person perceives something as hate or not? And by
11 personal characteristics, I mean the strength of their
12 ethnic identity, things like that.

13 DR. MOCK: Again, that is one factor
14 that is a predictor. And the studies that we cited
15 earlier on the relationship between racism and stress
16 and being a victim of -- and depression and so on,
17 there are definitely other studies that show that. But
18 it is one factor only. Personal history is another.
19 There are many factors.

20 THE CHAIRPERSON: It's 3:00 clock.
21 Good time for a break.

22 --- Recessed at 3:00 p.m.

23 --- Resumed at 3:20 p.m.

24 MS KULASZKA: Dr. Mock, if you go to
25 your first report to the sources, footnotes. I think

1 they start on page 12, or 11. It starts at the bottom
2 of page 11. I think your first statement there that
3 this was update from the chapter in "Human Rights on
4 the Internet", correct? That's at the bottom of page
5 11 of your first expert report.

6 DR. MOCK: Yes. I would like to find
7 it in the witness book because the copy I have has the
8 Baily reference omitted from 2006. Thank you.

9 MS KULASZKA: If you just look at the
10 bottom of page 11.

11 DR. MOCK: Yes.

12 MS KULASZKA: So you're just stating
13 that this is an updated version of "Human Rights in the
14 Internet"?

15 DR. MOCK: Yes.

16 MS KULASZKA: The next page you start
17 giving your sources for this paper?

18 DR. MOCK: Uh-huh.

19 MS KULASZKA: So the first source is
20 yourself and Lisa Armony.

21 DR. MOCK: Yes.

22 MS KULASZKA: "Hate on the Internet"?

23 DR. MOCK: Yes.

24 MS KULASZKA: And the second source
25 is David Matas, and that is published by B'nai Brith

1 Canada?

2 DR. MOCK: Yes.

3 MS KULASZKA: And is he counsel for
4 B'nai Brith Canada?

5 DR. MOCK: Yes.

6 MS KULASZKA: Does he have any other
7 function at B'nai Brith Canada?

8 DR. MOCK: I don't know now what his
9 function is, but he's a member and a volunteer.

10 MS KULASZKA: Next one is Carmen
11 Glenda. And who is she?

12 DR. MOCK: She was a person who
13 worked with Bernie Farber. I made the citation from --
14 this is at Canadian Jewish Congress.

15 MS KULASZKA: Did she work for the
16 Canadian Jewish Congress?

17 DR. MOCK: I don't know if she
18 actually worked for them or was commissioned to do this
19 section, or the policy paper for them. This is -- I'm
20 citing it from a secondary source, as I've indicated,
21 from the report called "Marches to Modems" by
22 Mr. Farber.

23 MS KULASZKA: And he holds a position
24 with the Canadian Jewish Congress, does he?

25 DR. MOCK: That's right.

1 MS KULASZKA: The next one is David
2 Hoffman and it was published by B'nai Brith Canada,
3 correct?

4 DR. MOCK: Yes. This was based on
5 his speech and his presentation.

6 MS KULASZKA: Who is David Hoffman?

7 DR. MOCK: He worked for the
8 Anti-Defamation League in the United States and was
9 their webmaster, and person who did their research on
10 hate on the Internet.

11 MS KULASZKA: And the next notice is
12 also David Hoffman. The next one is Deborah Lipstadt,
13 and I think we've dealt with her. She's a Jewish
14 professor, correct?

15 THE CHAIRPERSON: What does that
16 mean, Jewish professor?

17 MS KULASZKA: I'm going through all
18 these sources and so far each one -- I don't want to
19 say what I'm going to say, but Deborah Lipstadt is
20 Jewish, is she not?

21 DR. MOCK: I believe so, yes.

22 MS KULASZKA: Go to the next
23 footnote. And this is an article, "Law Enforcement
24 Response and Bias-Motivated Crimes". And that's
25 published by the Office of International Criminal

1 Justice, right?

2 DR. MOCK: By Garafalo and Martin.

3 MS KULASZKA: That's right.

4 DR. MOCK: Question?

5 MS KULASZKA: Not yet.

6 DR. MOCK: Oh, sorry.

7 MS KULASZKA: The next one is "Hate
8 Crimes 101". And it comes from something called
9 youthwebon-line.com.

10 DR. MOCK: Website.

11 MS KULASZKA: What kind of website is
12 it? Who promotes it?

13 DR. MOCK: I'm not sure. I would
14 have to go back to look up whose site that is.

15 MS KULASZKA: Is it an organization?

16 DR. MOCK: I would have to check that
17 again.

18 MS KULASZKA: Is it targeted towards
19 youth?

20 DR. MOCK: Yes, there was an
21 explanation of in layman's terms so that young people
22 could understand what hate crime is.

23 MS KULASZKA: The next source is
24 Julian Roberts, published by the Department of Justice,
25 Canada.

1 Next one is Sanderson, published by
2 Office of International Criminal Justice.

3 Next one Levine, "Devet Hate Crimes".

4 The next source is yourself, again.

5 The next source is Time Magazine.

6 Was that just an article?

7 DR. MOCK: Yes.

8 MS KULASZKA: Next source is David
9 Matas again, published by B'nai Brith.

10 The next source is -- is this a
11 study? It's "Antisemitism on the Internet". Seems to
12 be published by Inter-Parliamentary Council Against
13 Antisemitism. What is that?

14 DR. MOCK: This is a British
15 organization.

16 MS KULASZKA: Is it part of the
17 British government?

18 DR. MOCK: I'm not sure, frankly. I
19 believe it's different levels. It may be an ad hoc
20 organization that deals with inter-ministerial,
21 inter-department affairs.

22 MS KULASZKA: Then again David
23 Hoffman, published by Anti-Defamation League. And I
24 believe you said he works for the Anti-Defamation
25 League?

1 DR. MOCK: Yes.

2 MS KULASZKA: And the Anti-Defamation
3 League, is this like a sister organization with B'nai
4 Brith Canada?

5 DR. MOCK: It's affiliated -- the
6 League for Human Rights, it's not actually a sister
7 organization but the League for Human Rights is --
8 disseminated a lot of their information. It's an
9 American organization and the League for Human Rights
10 originally started as an office of the ADL, but since
11 the early '80s has been -- '70s rather, has been a
12 completely separate Canadian organization so they work
13 cooperatively but are not part of the same
14 organization.

15 MS KULASZKA: What is the purpose of
16 the Anti-Defamation League?

17 DR. MOCK: To protect citizens and
18 residents against defamation; to speak out against
19 anti-Semitism; to document anti-Semitism; to be an
20 educational facility and a resource for law
21 enforcement, education, and so on. Very similar to the
22 mandate of the League for Human Rights of B'nai Brith
23 Canada.

24 MS KULASZKA: The next source is
25 yourself again.

1 And the last source is Professor
2 Tsesis.

3 If you look at your sources, you're
4 going to see that 10 of your sources at least are
5 people who would probably or people who come from
6 either Canadian Jewish Congress, B'nai Brith Canada, or
7 the Anti-Defamation League. That's a very large
8 amount. Would you agree with that?

9 DR. MOCK: It's a large amount but it
10 wouldn't be unexpected given the nature of who has
11 actually done a lot of the early work in this area.

12 MS KULASZKA: Would you agree that
13 people affiliated with these organizations would
14 probably very strongly identify as being Jews?

15 DR. MOCK: Yes.

16 MS KULASZKA: Would you agree that
17 there would be other Jews who do not so strongly
18 identify as Jews. Not every Jew who -- not every Jew
19 could very strongly identify as being Jewish.

20 DR. MOCK: As in every ethnic group,
21 that's correct.

22 MS KULASZKA: When you were at B'nai
23 Brith was it ever discussed that this very strong
24 ethnic identification may be biasing how you were
25 perceiving material as being hate or not?

1 DR. MOCK: No.

2 MS KULASZKA: Now, we'll go back to
3 page 6 of your first report. You're talking there
4 about the Canadian human rights test case and that was
5 the case of Ernst Zundel. Did the League for Human
6 Rights intervene in that case?

7 DR. MOCK: Yes.

8 MS KULASZKA: Has the League
9 intervened in any other cases involving the hate law?

10 DR. MOCK: Yes.

11 MS KULASZKA: Could you tell us which
12 ones?

13 DR. MOCK: I don't have the whole
14 list in front of me again, but it has intervened in
15 several.

16 THE CHAIRPERSON: Do any spring to
17 your mind easily?

18 DR. MOCK: Intervenor and Zundel.

19 THE CHAIRPERSON: Any other ones
20 spring to your mind?

21 DR. MOCK: Official intervenors, on
22 hate on the Internet?

23 THE CHAIRPERSON: I understood it to
24 be section 13, right?

25 DR. MOCK: Is it hate on the

1 Internet? No, not that I recall. Now, I wouldn't know
2 in the last few years if there have been any other
3 interventions. During my watch I don't recall that
4 there were any other hate on the Internet in which
5 there were intervenors.

6 MS KULASZKA: Did they intervene in
7 the case of Taylor?

8 DR. MOCK: Yes, I believe so.

9 MS KULASZKA: I think you know they
10 intervened in this case, that's why Mr. Kurz is here.

11 DR. MOCK: The present one, yes.

12 MS KULASZKA: Under section 319 of
13 the Criminal Code, did they intervene in the Keegstra
14 case?

15 DR. MOCK: Yes.

16 MS KULASZKA: What position did the
17 League take in the cases that you have knowledge about?

18 DR. MOCK: As an interested third
19 party they took the position of countering the hatred
20 and speaking out that in fact to deem the material and
21 the promotion of hatred as anti-Semitic, and took the
22 position that this should not be allowed.

23 MS KULASZKA: They intervened also to
24 uphold the hate laws under the Criminal Code and under
25 section 13 of the Canadian Human Rights Act, correct?

1 THE CHAIRPERSON: In Keegstra?

2 MS KULASZKA: In Keegstra, yes, it
3 was to uphold the criminal hate law.

4 THE CHAIRPERSON: Criminal, yes. I
5 thought you --

6 MS KULASZKA: And.

7 DR. MOCK: And/or, in the
8 collectivity of cases, yes, that the hate propaganda
9 laws should be upheld.

10 MS KULASZKA: Do you see -- do you
11 differentiate hate as defined in the Criminal Code and
12 hate under section 13?

13 MR. KURZ: That's a proper object
14 of -- objection.

15 THE CHAIRPERSON: Please, microphone.

16 MR. KURZ: That should be objected
17 to. We've gone through this before. She can't give
18 legal opinion about the difference under section 13 as
19 opposed to 319 of the Criminal Code.

20 MS KULASZKA: I'm not asking her for
21 legal opinion. I'm asking her as an expert. She's
22 been qualified as an expert in hate propaganda.

23 DR. MOCK: In terms of the
24 psychological --

25 THE CHAIRPERSON: I want to hear the

1 question again. What's your question?

2 MS KULASZKA: Do you differentiate
3 between what would be considered hate under section 13
4 and hate under section 319 of the Criminal Code?

5 THE CHAIRPERSON: You know, there's a
6 certain -- I'm now addressing you, Mr. Kurz. Yesterday
7 we had a big discussion in your absence about the use
8 of the word hate crimes in her report. She repeatedly
9 used that and then qualified it as having a broader
10 meaning than strictly Criminal Code violation. So I
11 think in that context there's some relevance.

12 MR. KURZ: The problem is the context
13 of putting it to distinguish the Code and the Act.
14 That's the only problem that I have.

15 THE CHAIRPERSON: I understand. My
16 sense is that the question is going in the broader
17 sense of her expertise. Is that not where you are
18 going, Ms Kulaszka?

19 MS KULASZKA: That's correct.

20 THE CHAIRPERSON: In that context
21 I'll allow it.

22 DR. MOCK: As I'm often even
23 sometimes called upon for victims to try to
24 differentiate the two, the sections of the Criminal
25 Code would deal very specifically with advocating

1 genocide and so on. They're very specific definitions
2 of what is included, very limited.

3 Section 13 would be more broad and
4 would include what we might call non-criminal or hate
5 incidents. That's the only difference. But in terms
6 there is no difference between the impact often for the
7 victim or for the person who is vilified in terms of
8 their own psychological reaction to the two.

9 THE CHAIRPERSON: I think the first
10 part of the question is a legal question. I'm not
11 really taking that into account. It was later part is
12 more on point with the nature of that question. That's
13 fine.

14 MS KULASZKA: At page 7 you've given
15 the definition or set out the definition of hatred as
16 was given in the Keegstra case, 1990.

17 DR. MOCK: The first full paragraph?

18 MS KULASZKA: It would be the last
19 paragraph on that page. You've just set out an excerpt
20 from the Keegstra case.

21 DR. MOCK: Yes, I see.

22 MS KULASZKA: Now, when you were
23 doing the audit you would use -- you were monitoring
24 hate, correct? You would talk about hate on the
25 Internet, hate propaganda and Holocaust denial. Is

1 this the definition of hate that you were using when
2 you wrote the audit?

3 DR. MOCK: I'll say yes. It's
4 hatred. There are various definitions of hatred. Here
5 we're looking at hate propaganda in Keegstra, and in
6 the audit we use it also in the broader term, because
7 we describe anti-Semitic incidents, not just crime.

8 MS KULASZKA: Do you equate
9 anti-Semitism with hatred?

10 DR. MOCK: No.

11 MS KULASZKA: How are they different?

12 DR. MOCK: Well, again, there can be
13 anti-Semitic incidents or anti-Semitic articles or --
14 one example of an anti-Semitic event that may be deemed
15 to be prejudice against Jews or racism against Jews as
16 an incident but without a pattern or without the
17 repetition it may be deemed not to be hateful.

18 There is an example of that very
19 clearly when, in the Collins cases on the matter of one
20 article that was raised, it was deemed to be
21 anti-Semitic but not the promotion of hatred. But when
22 a pattern could be shown there was continually this
23 pattern against different minority groups, Jews over
24 and over again, that pattern of behavior was deemed to
25 be the promotion of hatred. So more than just an

1 anti-Semitic incident. It's --

2 THE CHAIRPERSON: That's good.

3 MS KULASZKA: If we go to the top
4 paragraph, you're describing in the latter part of that
5 paragraph -- it starts:

6 "As he went on and on about how
7 persecuted and harassed his
8 client was. Christie failed to
9 point out, of course, that
10 moments before the hearing began
11 Zundel and some of his cronies,
12 including Paul Fromm, Max
13 French, Marc Lemire and others
14 marched in front of the
15 courthouse with placards bearing
16 anti-Semitic slogans."

17 I would ask you to try and remember,
18 are you sure there was a protest out there on that day?

19 DR. MOCK: Yes, I saw it.

20 MS KULASZKA: You are not getting
21 this mixed up with some other day?

22 DR. MOCK: Uh-uh.

23 MS KULASZKA: What were the
24 anti-Semitic slogans?

25 DR. MOCK: Again, it's interesting

1 because when I reviewed this material last night, and
2 regrettably I was the hotel room so I didn't have
3 access to material. I was just, you know, reviewing my
4 own notes and my own report. I regretted that I didn't
5 have a photograph. But I can't remember verbatim what
6 the slogans were.

7 MS KULASZKA: Were those anti-Semitic
8 slogans reported in the paper the next day?

9 DR. MOCK: Possibly, I don't recall.
10 There may have been photographs. I really don't
11 remember.

12 MR. CHRISTIE: Could I ask where that
13 last reference was in the report, please?

14 THE CHAIRPERSON: Page 7 near the
15 top, the first incomplete paragraph.

16 MR. CHRISTIE: Thank you.

17 MS KULASZKA: We'll try and find that
18 after.

19 How do you know what Marc Lemire
20 looked like?

21 DR. MOCK: How do I know?

22 MS KULASZKA: Yes. You said that
23 Marc Lemire was marching in front of the courthouse
24 with a placard bearing an anti-Semitic slogan. How did
25 you know what he looked like? How did you recognize

1 him?

2 DR. MOCK: Someone may have pointed
3 him out to me.

4 MS KULASZKA: Do you remember or are
5 you speculating?

6 DR. MOCK: And I had seen photographs
7 of him.

8 MS KULASZKA: Where did you see the
9 photographs? Where did you see the photographs?

10 DR. MOCK: On websites, on some of
11 the Heritage Front material.

12 MS KULASZKA: Then the next
13 paragraph, the last sentence:

14 "The Federal Court found in
15 favor of the Human Rights
16 Commission on the matter of
17 jurisdiction of the Canadian
18 Human Rights Commission over the
19 Internet because at that time
20 the applicable section of the
21 Code referred to the use of
22 telephonic transmissions and
23 e-mail and the Internet utilized
24 the telephone wires."

25 Are you certain about that?

1 DR. MOCK: This was just around the
2 time of the transition to cable, as I recall, and the
3 original section spoke about telephonic devices and
4 electronic communication. And as I recall, there was a
5 huge wrangling over whether there was jurisdiction.
6 And it was deemed that the Code -- the Act had -- the
7 Commission had jurisdiction because this was electronic
8 and telephonic transmission.

9 MS KULASZKA: Are you sure the
10 Federal Court held that?

11 DR. MOCK: I may not -- sure as I can
12 be that they did find in favor that there was
13 jurisdiction when there was an appeal made. I may have
14 the wrong name of the court or whatever, that could be.
15 But as I recall, there was a decision made after there
16 was an appeal because there was -- the jurisdiction of
17 the Commission was challenged and it was deemed that
18 the Commission did have jurisdiction.

19 MS KULASZKA: If you could turn to
20 tab 1 in R-4, and turn to page 8. This is a decision
21 in Federal Court of Canada, Zundel versus Canada. If
22 you look on page 9.

23 DR. MOCK: Which tab?

24 MS KULASZKA: Tab 1 of R-4 and it's
25 page 8. Look at the top of the page. You'll see some

1 numbers and circles.

2 DR. MOCK: Oh, yes.

3 MS KULASZKA: If you go over to page
4 8, legal case, Zundel versus Canada.

5 DR. MOCK: Yes.

6 MS KULASZKA: If you turn to page at
7 the bottom you'll see the issue being discussed, the
8 communicate telephonically.

9 DR. MOCK: Yes.

10 MS KULASZKA: If you just go over two
11 pages to page 11 --

12 DR. MOCK: Yes.

13 MS KULASZKA: -- this is the ruling
14 of the Federal Court on that issue:

15 "Therefore, on a consideration
16 of the language of the Act, the
17 evidence and the interpretive
18 approach to be taken to human
19 rights legislation, it cannot be
20 said that the position adopted
21 by the Commission on
22 interpretation of the word
23 'telephonically' lacks rational
24 basis. Whether it is correct in
25 law is not for me to decide in

1 this proceeding. That will be
2 for the court before which any
3 application for judicial review
4 of the Tribunal's decision is
5 brought. Meanwhile, the
6 Tribunal must be permitted to
7 make findings of fact about
8 technical aspects of Internet
9 communication on the evidence
10 before it and to give its
11 considered interpretation of
12 section 13 in light of the
13 arguments of counsel and its own
14 my understanding of the purposes
15 of the Act."

16 Do you know what that means? Do you
17 understand the holding of the Federal Court?

18 MR. KURZ: Mr. Chair, I've objected
19 before when legal issues are put to an expert who
20 doesn't claim to be a lawyer. So she got it wrong.
21 The Federal Court said, I'm not going to decide, I'm
22 going to let the Tribunal decide and the Tribunal make
23 the decision. So she misunderstood it. She didn't
24 claim --

25 THE CHAIRPERSON: I'm not going to

1 read beyond that. The fact is, it's quite clear that
2 she did get it wrong in the report, perhaps, that it
3 was the Tribunal that said it, Ms Kulaszka. Could we
4 move beyond that at this point?

5 MR. CHRISTIE: Unfortunately, she did
6 say it in the report, so it had to be corrected.

7 THE CHAIRPERSON: You know what?
8 I've identified it. Don't try to score points amongst
9 yourselves. Score the points with me. You brought it
10 to my attention. I saw it there, then you brought out
11 the Federal Court decision. I can see that. There's
12 an error there. Let's move to the next step.

13 MS KULASZKA: Yes, I'm just doing my
14 duty.

15 THE CHAIRPERSON: I understand. But
16 because we're a little constrained -- we've got your
17 expert is coming tomorrow and you don't need to go any
18 further than that.

19 MS KULASZKA: No, that's as far as I
20 was going.

21 THE CHAIRPERSON: Okay. You know,
22 let's produce it. It's just an extract of Quicklaw.

23 MS KULASZKA: Quicklaw.

24 THE CHAIRPERSON: It's kind of odd
25 that we would be producing it because it's part of the

1 binder.

2 DR. MOCK: Where in my report was she
3 referring?

4 THE CHAIRPERSON: In your report you
5 said the Federal Court found in favour of the
6 Commission on the matter of jurisdiction.

7 DR. MOCK: No, I didn't. I said the
8 Tribunal found --

9 THE CHAIRPERSON: No, I just read it
10 from your report, Dr. Mock.

11 DR. MOCK: I'm looking at the wrong
12 place where I put Federal Court.

13 THE CHAIRPERSON: Perhaps. That was
14 the point. That's fair. In cross-examination they are
15 pointing on the errors in the report. It may be a
16 minor error.

17 MR. KURZ: It doesn't need to go in.
18 It's conceded that the Federal Court found what Ms
19 Kulaszka said and that the Tribunal -- we don't need to
20 it to litter the record --

21 THE CHAIRPERSON: It's in the binder
22 anyways. It doesn't bother me. It's going to be
23 brought to my attention in final argument probably as
24 well.

25 DR. MOCK: Ah, I see. I mentioned

1 the Federal Court in another place in the report also.
2 That's where I was confused.

3 MS KULASZKA: If you go to the next
4 paragraph you stated, "The Tribunal --" this is just
5 near the middle:

6 "The Tribunal which sat on and
7 off for almost four years with
8 almost countless appeals to the
9 Federal Court found in favor of
10 the complainants even after
11 Zundel had left the country to
12 join Rimland in the U.S. leaving
13 Paul Fromm to represent him and
14 give final arguments."

15 Do you realize that's not correct?

16 DR. MOCK: Again, as a lay person
17 when it comes to the law, sitting and observing, my
18 recollection -- I didn't know that that was incorrect.
19 My recollection was that before the end, Mr. Zundel had
20 left the country and Mr. Fromm carried on for the legal
21 team. It was during the time of the final arguments.

22 MS KULASZKA: Do you realize
23 Mr. Fromm represented an intervenor, the Canadian
24 Association for Free Expression?

25 DR. MOCK: As I recall sitting there

1 I thought I heard him say that he would be representing
2 Mr. Zundel at the time in addition to that, and was the
3 only one there at the time who was speaking and
4 standing in for the legal team. If I misinterpreted
5 that, it was only as a lay person who was there
6 observing the proceedings.

7 MS KULASZKA: So you were there
8 during the final arguments in the Zundel hearing?

9 DR. MOCK: Some of them. I can
10 recall Mr. Fromm on that day asking that because the
11 respondent wasn't there that the whole thing should be
12 dismissed. And the person who headed the Tribunal --
13 this was in the last days of the Tribunal saying no,
14 after this many years, especially -- as well by law --
15 the respondent didn't have to actually be there on that
16 day and that they were going to continue. It was an
17 attempt to get it thrown out, as I understood. That's
18 what I recall on that day. And Mr. Fromm was the one
19 representing the legal team at that time.

20 So in future, if this report is going
21 to appear anywhere else I will make sure that I correct
22 for the record the exact legal language. I'll have a
23 lawyer review it.

24 THE CHAIRPERSON: Thank you.

25 MS KULASZKA: Now, in that -- the

1 paragraph on page 7 which starts, "The three main
2 issues", near the middle it says that:

3 "The Zundel site was supposedly
4 operated by Ingrid Rimland from
5 San Diego in an attempt to
6 circumvent the Canadian hate
7 laws."

8 Do you know is the Zundel site still
9 operating?

10 DR. MOCK: Hmm, I haven't gone it to
11 lately, or tried to.

12 MS KULASZKA: You didn't review it
13 for this report?

14 DR. MOCK: In this section of the
15 report I was reporting on the background of the history
16 of hate on the Internet, and the evolution of the --
17 some evolution of the case law. That's all I was using
18 that for. I didn't feel it was necessary for me to go
19 see if there were any pages still -- I still see Zgrams
20 and different things like this from time to time. But
21 to be honest, I'm not interested in continuing to
22 review and examine all of this.

23 MS KULASZKA: When would be the last
24 time you saw the Zundel site on-line?

25 DR. MOCK: Gosh, I don't remember.

1 Maybe just secondary links and so on to pages that are
2 still posted. I really don't remember.

3 MS KULASZKA: Could you give us some
4 idea?

5 DR. MOCK: At the time when it was
6 more active it would have been around that time, in the
7 nineties, late nineties.

8 MS KULASZKA: About 10 years ago?

9 DR. MOCK: This is only what I was
10 reporting on here.

11 MS KULASZKA: So in fact this section
12 that begins on page 6, Canadian Human Rights Test Case,
13 right to the bottom of page 7, in fact that's an
14 article you wrote in 1997, isn't it?

15 DR. MOCK: No, I'm just reflecting
16 for purposes of this group and in the other, when I
17 began to have an interest in hate on the Internet and
18 when I began to write about it, and I've cited that
19 article I believe that I even wrote. It was at the
20 time, I believe, published in a journal by the Canadian
21 Human Rights Commission.

22 MS KULASZKA: Yes, it was published
23 in something called The Forum.

24 DR. MOCK: Yes, that's a publication,
25 or it was at the time. I don't know if they still have

1 it, of the Canadian Human Rights Commission.

2 MS KULASZKA: Did they ask you to
3 write that article?

4 DR. MOCK: Yes. They had a little
5 magazine called Forum, and they had a feature that the
6 feature at that time was called Human -- they also
7 focused on human rights and the Internet and asked me
8 to write brief article on hate on the Internet as it
9 was a fairly new phenomenon.

10 MS KULASZKA: So you'll agree that
11 the part starting "Canadian Human Rights Test Case"
12 almost to the bottom or starting on the middle of page
13 6 right to the bottom to the next page is basically
14 that article that was written in the summer of 1997?

15 DR. MOCK: Yeah, parts of it are from
16 there, and cited accordingly. The information hasn't
17 changed. That's -- what I was citing that and giving
18 historical perspective.

19 MS KULASZKA: But this report was to
20 be a report in the year 2006, and now we're in 2007 and
21 you are giving information to this Tribunal that is 10
22 years old.

23 DR. MOCK: Maybe I misunderstood the
24 purpose of the report. I understood that I was asked
25 to even show how is it at the time of the enactment of

1 this legislation that the Canadian Parliament would
2 have considered that the enactment of this kind of
3 legislation was consistent with the rights and freedoms
4 and values of Canadian society, of previous policies,
5 of legislation such as multiculturalism, how does it
6 reflect the nature and desire, you know, of why it is
7 that we need to have such laws and that is why -- that
8 is how I wrote the report, to show the evolution of it,
9 to show the kind of harm, to show that such laws are
10 necessary to protect minority groups in keeping with
11 the values of Canadian society. I wrote --

12 MS KULASZKA: With respect, Dr. Mock,
13 your information here is frozen in time from almost 10
14 years ago.

15 DR. MOCK: Well, I believe that when
16 one does write a historical analysis one does do what
17 the record showed and how the evolution leads to that.
18 So I would not have changed the information of what
19 happened that lead to the enactment of the legislation
20 or modifications or updating of section 13. That's
21 exactly what I was asked to do.

22 And as an expert, I also thought --
23 and perhaps I'm certainly learning certain lessons
24 here. I thought that showing I had already been asked
25 as an expert and a scholar and someone with information

1 based on my experience and my own study, I thought,
2 okay, put -- cite some of the earlier works that you
3 have done and show the evolution historically of why it
4 is that Parliamentarians, in my view in their wisdom,
5 would enact these laws.

6 That's what I was asked to do and I
7 hope, with all due respect, that I have done it in a
8 way that is considered to be professional and accurate.

9 MS KULASZKA: Would you consider it
10 relevant to your report to have told the Tribunal that
11 the Zundel site was never taken down and is operational
12 today?

13 MR. KURZ: How is that relevant?

14 MS KULASZKA: That's what I'm asking
15 Dr. Mock.

16 MR. KURZ: How is that relevant to
17 her expertise? She doesn't purport to be an expert on
18 whether the Zundel site is up or not. The Zundel site
19 was the subject of a previous case.

20 THE CHAIRPERSON: Expert on presence
21 of hate on the Internet today. That's her second
22 report. So I'll allow it. Go ahead.

23 In your view, would it have been
24 relevant to our discussion, particularly with respect
25 to the second report, to know whether the Zundel

1 site --

2 DR. MOCK: As the site itself --

3 THE CHAIRPERSON: -- post section 13
4 complaint and decision is still up?

5 DR. MOCK: Yes.

6 THE CHAIRPERSON: It's relevant to
7 know that?

8 DR. MOCK: It's relevant to --

9 THE CHAIRPERSON: Do you know if it
10 is, though?

11 DR. MOCK: -- access.

12 THE CHAIRPERSON: Do you know if it
13 is?

14 DR. MOCK: I know that I can reach
15 the information. Sometimes I reach it through other
16 ways, and whether I'm actually looking at a Zundel site
17 that exists and is being promoted from here or being
18 mirrored from some other place and so on is something I
19 wouldn't be aware of or, if it was old postings -- I
20 don't have enough information on the technology. So
21 I'm not an expert on computers themselves. I know that
22 the presence of the Zundel material is there and that I
23 read Zundel grams from time to time and so on.

24 But I, myself, am not regularly going
25 to seek it out and go directly to the Zundel site. I

1 think I indicated that earlier, that I don't
2 actually....

3 MS KULASZKA: So you agreed it would
4 be relevant, did you, Dr. Mock?

5 THE CHAIRPERSON: She did.

6 DR. MOCK: Yes.

7 MS KULASZKA: So why didn't you put
8 that --

9 DR. MOCK: I felt in my report that
10 the most relevant part of the description of the Zundel
11 site is that it was deemed to be promotion of hatred
12 and that as such the order to Mr. Zundel and to his web
13 mistress had been to cease and desist in the production
14 of it.

15 If someone else has chosen to have
16 access to it, then in fact that that would be deemed to
17 be promotion of hatred. I was citing the historical
18 reasons why the decision had been made by Parliament to
19 create the legislation to put reasonable limits on free
20 speech.

21 MS KULASZKA: Well, I'm going to
22 suggest to you the fact that the Zundel site is still
23 operational and available, notwithstanding the order of
24 the Tribunal under section 13 is very relevant to your
25 report because it goes to the effects of the law in

1 banning hate messages on the Internet. Would you agree
2 with that?

3 DR. MOCK: Yes. So the fact that it
4 does exist is very relevant and whoever has -- whoever
5 posts it through their servers and other would be
6 promoting hatred.

7 THE CHAIRPERSON: Assuming that the
8 material is similar to what was there before?

9 DR. MOCK: Yes.

10 MS KULASZKA: How much time do you
11 spend on the Internet?

12 DR. MOCK: How much time? Daily
13 basis?

14 MS KULASZKA: Yes.

15 DR. MOCK: I guess an hour or two a
16 day at least, sometimes a lot more. I include e-mail
17 and I include the use of it for research and so on. So
18 I do spend quite a bit of time on the Internet.

19 MS KULASZKA: When you are on the
20 Internet what are you doing primarily?

21 DR. MOCK: Primarily I am answering
22 e-mail and doing research and seeking information, but
23 primarily I'm using it for e-mail.

24 MS KULASZKA: What kind of websites
25 would you regularly look at?

1 MR. VIGNA: Mr. Chair, I think it's a
2 little bit irrelevant to specify -- pose the question
3 the way it's posed, but I'm not going to make a major
4 objection.

5 MS KULASZKA: It's not a personal
6 question. It's how much Dr. Mock uses the net, how is
7 she using it. She said primarily for research, that's
8 what --

9 THE CHAIRPERSON: The extent of her
10 knowledge for the purposes of her expertise.

11 MS KULASZKA: Yes.

12 THE CHAIRPERSON: Go on. The
13 question was?

14 MS KULASZKA: So what kind of
15 websites would you be accessing primarily?

16 DR. MOCK: I access the website of
17 the Anti-Racist Multicultural Educators Network of
18 Ontario; the Canadian Race Relations Foundation on a
19 regular basis; the Anti-Defamation League; from time to
20 time I will go to Simon Wiesenthal Centre; I will use
21 it to Google information and then go to university
22 libraries or various articles that would be there that
23 would be relevant to areas of my research; and I use
24 it -- I did, of course, go to the FreedomSite a few
25 times once I was asked to do this and then linked to a

1 couple of the sites that they had up there.

2 MS KULASZKA: Now, in the audits you
3 mentioned Marc Lemire several times. If you could go
4 to tab 1, tab 2; R-4, tab 2.

5 Do you know when the FreedomSite
6 first started operating?

7 DR. MOCK: I would, if I could look
8 at the -- I wasn't sure I was going to be asked on the
9 FreedomSite and its history. In fact, I thought I was
10 told I wasn't to go.

11 MS KULASZKA: No, I wasn't asking you
12 about the merits of the case. It's just in relation to
13 the audits.

14 DR. MOCK: I'll look in there.

15 MS KULASZKA: Is it important whether
16 she has knowledge or --

17 DR. MOCK: Was it 1997? I don't
18 remember the --

19 THE CHAIRPERSON: Can you put the
20 date to her, Ms Kulaszka?

21 MS KULASZKA: No, I don't know where
22 it -- I think it was 1996.

23 THE CHAIRPERSON: Just put it to her.

24 DR. MOCK: Around '96 or '97. Here,
25 in 1996 under the rubric of webmaster Marc Lemire. I

1 guess you knew the answer. It's on page 34 under "Hate
2 on the Internet". So we spoke about 1997 being a
3 watershed year for the formulation of strategies to
4 deal with it, and in 1996 is when Marc Lemire's
5 FreedomSite took to the Internet in a big way.

6 MS KULASZKA: You also mentioned him
7 in the audit of 1995. If you go to page 15 at the very
8 last paragraph.

9 MR. VIGNA: Which tab?

10 THE CHAIRPERSON: Tab 2, R-4.

11 MS KULASZKA: Tab 2.

12 MR. KURZ: Which page?

13 MS KULASZKA: Page 15. Bottom of the
14 page. It states starting in the middle of that
15 paragraph:

16 "In addition, neo-Nazis and
17 Holocaust deniers such as
18 Canadians Marc Lemire...."

19 And it goes on. Why did you call
20 Marc Lemire a neo-Nazi?

21 DR. MOCK: Moved in those companies.

22 MS KULASZKA: Did he publish
23 something that could be considered neo-Nazi?

24 DR. MOCK: Again, given that this is
25 the audit of 1995, which is 13 years ago now, I would

1 have to see the information on which we base that
2 conclusion. I could not quote you verbatim what he
3 would have indicated.

4 As I recall, there may have been
5 pictures and the Heritage Front and various others and
6 Sieg Heiling, and what have you, but my memory doesn't
7 serve me as well as it did --

8 MS KULASZKA: So you are
9 speculating --

10 DR. MOCK: -- so if you would like to
11 have that -- I think one is only obligated to save this
12 kind of data for seven years legally. I have no idea
13 where that would be at the present time. But at that
14 time, as I told you, these audits of anti-Semitic
15 incidents had been highly regarded because the
16 information in there was only based on bona fide
17 information.

18 MS KULASZKA: Who are these audits
19 sent to?

20 DR. MOCK: The audits typically are
21 distributed to media people that ask for them, to
22 government organizations, to schools, to members,
23 people who request them, in the same way that many
24 research reports would be.

25 MS KULASZKA: They would also be sent

1 to police?

2 DR. MOCK: I don't know whether they
3 actually have police on the mailing list, but if police
4 would request a copy we would certainly give it to
5 them.

6 MS KULASZKA: Also to human rights
7 commissions across the country?

8 DR. MOCK: Again, if they requested
9 it. There's not a budget to send a wide mailing. Now,
10 if....

11 MS KULASZKA: Do you recognize that
12 what you said about Marc Lemire here was defamatory?

13 DR. MOCK: No.

14 MS KULASZKA: Can you point to one
15 publication, one writing that Marc Lemire has made that
16 would term him a neo-Nazi or a Holocaust denier?

17 MR. VIGNA: Mr. Chair, there was a
18 specific objection again yesterday about Marc Lemire
19 and now there's --

20 MS KULASZKA: I'm talking about the
21 1995 audit. That's year ago.

22 MR. VIGNA: I didn't object to an
23 extent, but now it's going a bit further than what was
24 predicted.

25 THE CHAIRPERSON: Does it prevent

1 you -- if I let you explore it afterwards tomorrow does
2 it bother you? Does it create a problem?

3 MS KULASZKA: I'm talking in terms of
4 the 1995 audit.

5 THE CHAIRPERSON: Ms Kulaszka, there
6 was a unified reaction, don't ever associate the
7 respondent with anything in your questions yesterday.
8 That was the approach you had adopted. Now -- you're
9 putting these questions on the exact same point to this
10 witness. So at the bear minimum Mr. Vigna now has the
11 door open.

12 MS KULASZKA: The FreedomSite wasn't
13 even on-line in 1995.

14 DR. MOCK: This isn't --

15 MS KULASZKA: The audit talked about
16 1994, which the three years before the FreedomSite was
17 even on-line.

18 THE CHAIRPERSON: Anyways, there will
19 be some latitude tomorrow when Ms Kulaszka re-examines.
20 Go ahead, Ms Kulaszka.

21 So the question was, do you recognize
22 this as being defamatory, or was that answered already?

23 MS KULASZKA: She said no.

24 THE CHAIRPERSON: Go to your next
25 question then.

1 MS KULASZKA: Do you recognize that
2 these audits and these type of statements about
3 individuals damage those individuals? Do you recognize
4 that they damage the reputation of those individuals?

5 DR. MOCK: Not necessarily.

6 MS KULASZKA: How many times has
7 B'nai Brith been sued by individuals?

8 DR. MOCK: I don't know.

9 MS KULASZKA: To your knowledge.

10 DR. MOCK: To my knowledge, twice.

11 MS KULASZKA: Do you have insurance
12 for defamation suits at the time you were national
13 director?

14 DR. MOCK: B'nai Brith is insured by
15 the Insurers of B'nai Brith. Yes, and employees.
16 There's director's insurance.

17 MS KULASZKA: Dr. Mock, I want to
18 take you to tab 7.

19 THE CHAIRPERSON: Of?

20 MS KULASZKA: The same binder.

21 THE CHAIRPERSON: Which page?

22 MS KULASZKA: If you turn to page 2.
23 Now, these are a series of media articles, we'll see if
24 you recognize them.

25 This is an article from the Globe &

1 Mail, Tuesday January 26, 1993, entitled:

2 "The Heritage Front hearing ends
3 in muddle. Police on horseback
4 clear paths for protestors
5 outside courthouse."

6 As you can see, this is an account of
7 the human rights hearing under section 13 of the
8 Canadian Human Rights Act where members of the Heritage
9 Front were attempting to get into the courthouse and a
10 riot ensued when they were met by protestors from the
11 ARA. Were you present at that demonstration?

12 DR. MOCK: No.

13 MS KULASZKA: Did you watch it?

14 DR. MOCK: One of the staff people
15 observed it from afar.

16 MS KULASZKA: Were you in the
17 vicinity?

18 DR. MOCK: No.

19 MS KULASZKA: Turn the page to page
20 3. I think that's a further account of this riot.
21 Then if you go to page 5, this was an article that
22 appeared on January 27th and you're quoted here right
23 in the middle of the page.

24 THE CHAIRPERSON: January 27 of?

25 MS KULASZKA: 1993. This was an

1 article entitled, "Anti-Racist Court Rally Was Wrong
2 Groups Say."

3 You were quoted as saying:

4 "There are those jumping on
5 bandwagon using as high profile
6 anti-racist initiative to
7 attempt to create disorder and
8 take the law into their own
9 hands."

10 Were you criticizing ARA?

11 DR. MOCK: Yes, and all others who
12 use violent and non-lawful strategies to counter
13 racism. That may be a paraphrase of what I actually
14 said, but yes we spoke out against -- as I always have,
15 against using violent tactics.

16 THE CHAIRPERSON: That was in The
17 Toronto Star, for the record.

18 DR. MOCK: Yes.

19 MS KULASZKA: If you go to tab 8.

20 THE CHAIRPERSON: What do we do with
21 the articles?

22 MS KULASZKA: We'll come back to
23 them.

24 THE CHAIRPERSON: In terms of
25 production, I meant. Are you going produce them?

1 MS KULASZKA: Maybe we could produce
2 the entire tab later as we go through them.

3 THE CHAIRPERSON: Fine. Which page?

4 MS KULASZKA: Dr. Mock, if you go to
5 tab 8.

6 DR. MOCK: Yes.

7 MS KULASZKA: Page 22.

8 DR. MOCK: Yes.

9 MS KULASZKA: What that is, if you go
10 to page 2 you'll see what this is. It's the Conference
11 Report of Youth Against Hate, ARA, from June of 1996.
12 So it starts on page 2 and it continues on, and I would
13 like to refer you to page 22. Are you familiar with
14 this document?

15 DR. MOCK: I reviewed it last night
16 in the binder. I thought --

17 MS KULASZKA: And you participated in
18 this conference, Youth Against Hate. You were a
19 panelist, were you not?

20 DR. MOCK: Yes, I was.

21 MS KULASZKA: If you go to page 22
22 someone asked you about that article in The Toronto
23 Star. Question from the floor, the second paragraph:

24 "In your remarks earlier about
25 the ARA demonstration on January

1 25th, 1993 you made clear your
2 reaction to the CBC following
3 you. Did you not also say to
4 the Toronto Star that the
5 organizers of the demonstration
6 were jumping on a bandwagon and
7 using this high profile
8 anti-racist initiative to create
9 disorder and take the law in
10 their own hands?"

11 And they have:

12 "'Karen responds: Is that the
13 quote that they lump together,
14 Jewish organizations have said
15 the following or something to
16 that effect? It was in The
17 Toronto Star but there is
18 something again I want to
19 suggest. One of the edicts that
20 we follow is that whenever there
21 is anything reported in the
22 media by any individual or by
23 any group we always check with
24 the source not with the media
25 because all of us here know when

1 DR. MOCK: This is, again, not a
2 simple yes or no answer and I would like to clarify
3 something if I may.

4 THE CHAIRPERSON: Go ahead.

5 DR. MOCK: This is the transcript
6 written by one of the participants, a teenager, I
7 believe, or one of the members of ARA, and at the
8 beginning I believe there was a disclaimer that said
9 that the microphone didn't work so well so that
10 sometimes there's paraphrasing. So that's one piece.

11 And secondly -- but the point that I
12 recall I was making there is where it says -- you see
13 the paragraph you read earlier about the CBC following
14 me, you remember I mentioned I was not actually at the
15 incident in front of the courthouse. In fact, I had
16 denounced the posters that they had that were
17 advertising it and that advised people not go.

18 But it was the next day that the CBC
19 was following me with a microphone trying to put words
20 in my mouth. This was on the panel. This was a
21 scenario I was describing about how sometimes the
22 media, because violence is newsworthy and divisiveness
23 is newsworthy, not people working together being
24 newsworthy.

25 So I made the point when he was

1 trying to get me to say things that were basically
2 trashing some of the initiatives. I turned around and
3 I said to him, "Where were you when we put out a press
4 release saying Jews and blacks and Muslims work
5 together to counter racism?" And his response was,
6 "Boring."

7 So at that time I would have said to
8 the -- this ARA group and even to the Toronto Star,
9 that I get concerned when there are groups that want to
10 take the law into their own hands. I would have
11 probably, because I see it over and over again, you
12 know, fall into the trap that I was describing earlier
13 in my testimony of being so provoked that they crossed
14 that thin blue line and break the law.

15 And I said, so at all times I will
16 speak out against that. And there are groups that do
17 try to do that. I said, having said that, there are
18 other ways to get your voices heard and then I did go
19 on to explain.

20 So on the one hand I said something
21 to that effect to the Toronto Star. On the other hand,
22 I was not going to fall into their trap of wanting to
23 create this huge divisiveness --

24 THE CHAIRPERSON: Bear trap being
25 the --

1 DR. MOCK: The media again, pushing,
2 you know, what do you think, and then pushing us to say
3 things that they would come back with and back and
4 forth. I said, if you want to, we sit down, discuss it
5 and we say look you don't take the law into your own
6 hands, you don't put up posters that say, "Go smash
7 Nazis."

8 If you want to be activists you need
9 to be smart activists and not take the law into your
10 own hands.

11 So that would have been the gist of
12 that panel. That -- if there was a tape, likely you
13 would hear the rest of what was said. And so in
14 response to the complaints of some of these youngsters,
15 nobody ever listens to them, they can't get there are
16 voices heard. I said, well, I'm being asked to go on
17 Metro Morning tomorrow to discuss this. Would you like
18 to come and set the record straight, if you can?

19 And at that time even on the radio we
20 denounced violence and we denounced -- but at the same
21 time I was careful in my choice of language so that I
22 would not create the appearance of a lot of
23 divisiveness. Do I disagree with their -- sorry.

24 THE CHAIRPERSON: See, you are asking
25 yourself a question.

1 DR. MOCK: I'm sorry, it's just a
2 habit and I have to stop myself.

3 MS KULASZKA: So showing solidarity
4 with the anti-racism movement is very important to you?

5 DR. MOCK: On the right principles,
6 yes.

7 MS KULASZKA: If you turn to page to
8 page 23. This is the continued quote that they have
9 for you. This is you speaking:

10 "And we fleshed out how we got
11 lumped in again with this
12 divisiveness that was trying to
13 be festered among the
14 anti-racist movement. I perhaps
15 said something to the effect
16 that I would be the first one to
17 denounce violent tactics, but at
18 the same time I denounced the
19 over use of force by the police
20 and really came down hard and
21 criticized the police for the
22 actions that they took in the
23 altercation. So I'm glad that
24 you are offering this
25 opportunity for clarification,

1 because right after that several
2 of us got our heads together and
3 clarified what had really
4 happened, so I appreciate your
5 raising that issue."

6 So in the top you said:

7 "We got lumped in again with
8 this divisiveness that was
9 trying to be festered among the
10 anti-racist movement."

11 So it's very important for you to
12 show solidarity in the anti-racist movement; is that
13 correct?

14 DR. MOCK: On the correct issues,
15 yes.

16 MS KULASZKA: If you turn to page 13.
17 If you turn -- perhaps go back to 12 and you'll see,
18 "Karen Mock, executive director for the League for
19 Human Rights of B'nai Brith."

20 This is a summary of your
21 presentation at the conference. In the middle of the
22 page you state:

23 "Essential to coalition building
24 she said are honest
25 partnerships. She specifically

1 referred to an incident
2 regarding B'nai Brith, ARA and
3 the media after an ARA
4 demonstration in January 1993.
5 ARA demonstrators had tried to
6 prevent a Nazi march on the
7 courthouse at 361 University
8 Avenue. Police escorted the
9 Heritage Front across Nathan
10 Philips Square and right towards
11 the 600 strong demonstration and
12 attacked the anti-racist group
13 with horses in order to bring
14 the front into the building.
15 Several complaints were made to
16 the police and a report of
17 several hundred pages was
18 released months later exonerated
19 the police for any wrongdoing
20 despite the unprovoked nature of
21 the attack and the injuries to
22 several anti-racists. As Karen
23 said, 'Real partners don't say
24 I'll be a partner with you as
25 long as you do it my way. Real

1 partners do find that common
2 ground. Real partners don't
3 stab each other in the back or
4 get co-opted by the media to
5 denounce each other. Real
6 partners turf it out behind the
7 scenes though. You only go
8 public if you want a divorce.'"

9 DR. MOCK: I made the analogy to
10 public and private space, yes, but they left out in the
11 transcript the whole middle of what I would have said
12 in terms of telling them about what was wrong about
13 what they had done. I put a little arrow in here last
14 night when I was reviewing some of my own notes in the
15 hotel room.

16 MS KULASZKA: Did you say:
17 "Real partners don't stab each
18 other in the back or get
19 co-opted by media to denounce
20 each other. Real partners turf
21 it out behind the scenes
22 though"?

23 DR. MOCK: Yes, I even made the
24 analogy to the police, with their partner if they have
25 a disagreement, they make sure that they work it out

1 and they find the common ground. And they did not find
2 common ground, and at this conference I also pointed
3 that out.

4 So I think in this binder you have
5 other material and letters where they are even
6 apologizing to me because I was, to them, saying that
7 they had behaved in a way that was badly on their
8 website and whatever else.

9 MS KULASZKA: So you agree you see
10 yourself as part of a movement, and it's important to
11 show solidarity with that movement and not to stab
12 other members of the movement in the back in public?

13 DR. MOCK: I'm not a part of the
14 anti-fascist movement in that sense, but there are
15 people who are even in anti-racism organizations, black
16 organizations, Chinese organizations, other
17 organizations, and I have said this time and time again
18 to them as well: If we are going to stand up for
19 proper legal non-violent strategies, if we are going to
20 speak out for human rights for Jews, we need to speak
21 out for blacks, need to speak out for others, and you
22 don't turn around and stab each other in the back, have
23 placards to say yes, solidarity and, you know,
24 brotherhood and sisterhood and turn around and figure
25 out ways to undermine each other.

1 So this was just -- I was using
2 metaphors, I was using the notion, in sociology, of
3 public and private space. I described it the
4 divorce -- this is a very shortcut transcript,
5 remember. They are not getting the nuances in here in
6 this transcript of some of the things I said and
7 analogy with the divorce is -- you know, when you have
8 company and you are in your front space --

9 THE CHAIRPERSON: I understand. Ms
10 Kulaszka, I think I understand the entire line of
11 question on this point.

12 MS KULASZKA: If you go on to next
13 paragraph:

14 "Most you remember what happened
15 with the horses and police in
16 front of the courthouse in early
17 1993. There was a guy from the
18 CBC running after him. He had
19 crossed the City Hall courtyard
20 saying, 'What do you think about
21 the use of violence?' I wouldn't
22 give him the right 30-second
23 sound byte that he was looking
24 for. Finally, I turned around
25 said, 'Excuse me, would you turn

1 that thing off and I'll say
2 something.' And he turned off
3 and I said to him ..."

4 It and goes on.

5 But the point about that paragraph,
6 are you sure you were not there? You say that the
7 reporter from the CBC was running after you across City
8 Hall. Of course, that's where the riot was.

9 DR. MOCK: As I mentioned a few
10 minutes ago, they have left out information. That took
11 place on -- I forget what day it is.

12 THE CHAIRPERSON: Another day.

13 DR. MOCK: Then the next day a
14 reporter wanted to interview me. I was going to be at
15 the Sheraton because I was giving a talk at the
16 Sheraton on a totally separate matter, and the reporter
17 from the CBC said, oh, can I --I want -- that's right
18 from City Hall. Can I have a camera out there and he
19 kept -- that's where we were, on the tarmac of the City
20 Hall --

21 THE CHAIRPERSON: Ms Kulaszka --

22 DR. MOCK: -- the next day after --

23 THE CHAIRPERSON: I heard that answer
24 before. Ms Kulaszka, please move on.

25 MS KULASZKA: I was wondering if we

1 could break for five minutes?

2 THE CHAIRPERSON: I would like to
3 see, if we can, to go to 5:30 to maximum time we could
4 use. Is that okay?

5 MS KULASZKA: I hope so.

6 THE CHAIRPERSON: With a quick break
7 of 10 minutes, please.

8 --- Recessed at 4:23 p.m.

9 --- Resumed at 4:34 p.m.

10 MR. VIGNA: I just wanted to ask
11 before I forget at the end of the hearing today,
12 because in all likelihood Dr. Mock won't be finished
13 her cross-examination, and we need her for the
14 assistance for Dr. Persinger and to help us in that
15 matter. So we would like to get an exception to be
16 able to talk to her about Dr. Persinger despite the
17 fact that she will not have finished her
18 cross-examination. That is what I suspect at this
19 point. It's a request I'm making in common with the
20 Attorney General.

21 THE CHAIRPERSON: What I would like
22 to do -- it's reasonable but I want to do it in a
23 prudent way. Once we hear -- do you need to speak to
24 her before Dr. Persinger testifies?

25 MR. VIGNA: Not at length, no.

1 THE CHAIRPERSON: What I'm going to
2 suggest --

3 MR. VIGNA: We spoke briefly about
4 his qualifications but not at length.

5 THE CHAIRPERSON: Spoke to?

6 MR. FOTHERGILL: To clarify, we wish
7 to speak to --

8 THE CHAIRPERSON: About his
9 qualifications?

10 MR. FROMM: To help us understand Dr.
11 Persinger's curriculum vitae for the purposes of the
12 qualification.

13 THE CHAIRPERSON: I would like to put
14 some restrictions on the conversation. If it's
15 strictly on that purpose, for instance, that's fine.
16 Once he's testified tomorrow, again, we could perhaps
17 deal with the specific aspects of his testimony that
18 would be acceptable for you to speak to the witness
19 about.

20 MR. VIGNA: We'll try.

21 THE CHAIRPERSON: You've narrowed the
22 scope to the qualifications. I think that's
23 acceptable.

24 MR. FOTHERGILL: I think the
25 qualifications is the main focus, but if we could

1 narrow to the qualifications and perhaps some aspects
2 of his report as treated in her report and response,
3 but certainly nothing to do with the evidence.

4 THE CHAIRPERSON: We'll just be
5 hearing Dr. Persinger tomorrow, right?

6 MR. FROMM: Yes.

7 THE CHAIRPERSON: So I'm saying let
8 me hear it as well. I'll have a better understanding
9 of what evidence has come in and then we'll be in a
10 better position at the end of tomorrow's hearing to
11 define those other aspects. Can you postpone your
12 discussions with her with respect to the core of Dr.
13 Persinger's evidence until tomorrow night?

14 MR. FOTHERGILL: Not really, because
15 we were hoping for assistance to prepare for
16 cross-examination, which is why I would like leave to
17 be able to speak to his qualifications and the content
18 of his report.

19 THE CHAIRPERSON: Then it's fair
20 game. You are officers of the court. You have to be
21 very mindful of your obligations in this matter. As do
22 you as a witness in the middle of your
23 cross-examination. The focus will be entirely on Dr.
24 Persinger, not on anything you've been saying.

25 Yes, sir?

1 MR. KURZ: I just want to be clear.
2 How long does Ms Kulaszka expect Dr. Persinger to be
3 in-chief?

4 THE CHAIRPERSON: It has to be --

5 MR. KURZ: I understood all of his
6 evidence in-chief, cross and reply was going to be
7 tomorrow. And I'm not sure, I may have misunderstood
8 from your comments whether that's the case.

9 THE CHAIRPERSON: That's the hope,
10 that's the intention.

11 MS KULASZKA: What time are we
12 starting tomorrow?

13 THE CHAIRPERSON: I can start as
14 early as you like. There are many disadvantages of
15 being away from my home and family, but one of the
16 advantages is that I can start any time I feel like it.

17 So it's up to you, Ms Kulaszka. I
18 know this witness has travelled. You want to get this
19 witness done in one day, and I don't have any problem
20 with that. I would like to get through the evidence as
21 quickly as possible.

22 MS KULASZKA: I was going to suggest
23 8:00 o'clock.

24 THE CHAIRPERSON: That is early.

25 MS KULASZKA: 8:30?

1 THE CHAIRPERSON: No dice on this
2 part. 9:00?

3 MS KULASZKA: 9:00 and go late? Maybe
4 if we had more breaks. We don't have many breaks
5 actually.

6 THE CHAIRPERSON: If we stick to
7 them. My experiences has been breaks tend to run
8 longer than predicted. That's why I'm trying to not do
9 so many breaks.

10 I'll leave it to you. Ms Kulaszka,
11 that's why I'm asking you. You see, every so often you
12 make a point that I understand and -- read my eyes if
13 you like -- then move to the next one. You don't need
14 to ask that third or fourth question. The point has
15 been made. There's the fodder for your argument and
16 final submissions.

17 MS KULASZKA: Okay, Dr. Mock, if you
18 could go to tab 8. I think we are still on --

19 THE CHAIRPERSON: I'll say right now,
20 9 o'clock then.

21 MR. KURZ: Can I just indicate,
22 because of personal matters I will not be able to be
23 here at 9:00. I just want to make it clear. There's
24 no disrespect to the Tribunal. I probably won't get
25 here until 9:30 because of other responsibilities.

1 THE CHAIRPERSON: That's fine.

2 MS KULASZKA: Page 21 of tab 8, and
3 in the middle of the page it states:

4 "Karen suggests a very practical
5 strategy: Lobbying Attorney
6 General Runciman for stronger
7 SIU. We can put on different
8 costumes sometimes. We can play
9 the game and go and show that
10 the anti-racist have political
11 power as well. So I would have
12 to encourage us to get
13 letter-writing campaigns and
14 lobbying strategies and show
15 them that they'll be out of
16 office next time if more of us
17 get smart."

18 Is that an accurate reproduction of
19 what you said?

20 DR. MOCK: It may not be the exact
21 words, but it was my attempt to say that their energy
22 needed to be channeled into more constructive
23 strategies to get their information known or their
24 ideals known than to be using -- having costumes that
25 cover their face and, you know, suggest violence. But

1 put on a suit and tie and channel your energy into more
2 constructive ways of countering racism.

3 MS KULASZKA: You are using the term
4 "we". "We" can do this, and "us".

5 DR. MOCK: I'm a public speaker and
6 it's a way of talking about the way effective
7 anti-racism work can and should be done and effective
8 strategies that are legal, non-violent, and that is
9 what they must do. They must not be behaving in such a
10 way as might invite or look as if they are prepared for
11 something other than getting their points across and
12 countering racism and violence.

13 MS KULASZKA: What is ARA?

14 DR. MOCK: Well, at that time -- I
15 mean it's a short form for a group called Anti-Racist
16 Action.

17 At that time -- and it was going
18 through various stages of development, it was a group,
19 at least a local chapter of it, a group of young
20 people, primarily from Toronto and outlying areas that
21 I was aware of, who called themselves an anti-fascist
22 kind of organization and wanted to expose and counter
23 fascist kind of activities.

24 MS KULASZKA: By 1996 when you
25 appeared before them they had committed many, many

1 violent acts, hadn't they?

2 DR. MOCK: I think they're alleged to
3 have done so.

4 MS KULASZKA: You don't believe they
5 did?

6 DR. MOCK: I don't know, I wasn't
7 there and I wouldn't have had the evidence.

8 MS KULASZKA: Okay. Going back to --
9 maybe I could produce tab 8. The first document there
10 is a letter. Do you recognize that letter, Dr. Mock?

11 DR. MOCK: Yes.

12 MS KULASZKA: You've seen -- this is
13 just where you confirm you are going to the ARA
14 conference and the conference report thereafter. Do
15 you recognize both those documents?

16 DR. MOCK: I didn't recognize the
17 report but I recognize the letter and I'm trusting that
18 this is, I guess, their newspaper with their report.

19 THE CHAIRPERSON: How did you come to
20 get it, Ms Kulaszka?

21 MS KULASZKA: I got a copy of this
22 myself years and years ago.

23 THE CHAIRPERSON: So you don't
24 know -- didn't come out as part of the ordinary
25 disclosure.

1 Do I have any objection from any of
2 the other parties about the genuineness of this
3 document? Nothing from the Attorney General? What do
4 I hear from the other two tables? Just as a document
5 itself.

6 MR. KURZ: The only thing that's
7 subject to what Dr. Mock had to say about the
8 truthfulness of the repetition.

9 THE CHAIRPERSON: I have her
10 evidence.

11 MR. KURZ: It appears to be a
12 document created by this organization. Question of its
13 evidential value other than what she adopts.

14 THE CHAIRPERSON: Agreed. Okay, it's
15 produced. Go ahead.

16 MS KULASZKA: If you can go back to
17 tab 7. The first document is an article from the
18 Saturday Sun. It's from 1992, "Racists Clash With
19 Foes". And it describes an altercation between the
20 Heritage Front and Anti-Racist Action. In the end the
21 police had to cordon off a city block.

22 Were you aware of that event at the
23 time?

24 DR. MOCK: I was aware that it had
25 happened.

1 MS KULASZKA: And we've gone through
2 the next document -- documents. If we can go over to
3 page 7.

4 I think you've alluded to this
5 controversy. This was a commentary that appeared in
6 the Globe & Mail on April 20th, 1993 and it's by a
7 Professor Joseph Fletcher and he was a professor at the
8 University of Toronto. Were you familiar with what
9 this article is about?

10 DR. MOCK: Yes.

11 MS KULASZKA: What was it?

12 MS. MOCK: Professor Fletcher invited
13 Wolfgang Droege to speak, and I think as the
14 anti-racist voice he had only invited some of the
15 people from ARA. And I had objected to him that both
16 invitations -- you know, having the Anti-Racist Action
17 as the only credible voice.

18 First of all, it was misguided to
19 have an avowed white supremacist give the "other side",
20 but to have the only voice of reason and anti-racism,
21 because that's how he framed it to me. He did not
22 frame it to me at the time that he was providing both
23 extremes.

24 He said that he was going to allow an
25 anti-racist opportunity as well, and that in my view

1 did not have credible sources. So that's when I felt
2 that it was a misguided example. He held it after
3 hours too so students wouldn't feel intimidated and
4 coerced to being at the class.

5 MS KULASZKA: The course was called
6 "Politics and Psychology of Tolerance". Is that right?

7 DR. MOCK: I believe so.

8 MS KULASZKA: In this article
9 Professor Fletcher, of course, had come under
10 tremendous pressure. He was criticized very harshly,
11 was he not?

12 DR. MOCK: Yes.

13 MS KULASZKA: And he states, if you
14 go to page 8, and the right-hand column -- well, let's
15 go to the third column kind of under the graphic. He
16 talks about how much his students learned from having
17 the Heritage Front speak to them and Wolfgang Droege.
18 I'm reading here:

19 "In our discussion one student
20 said that after questioning the
21 leaders of the Heritage Front
22 himself he had changed his mind
23 about them. Before the class he
24 had written them off as a bunch
25 of fools. After listening to

1 them he realized how facile they
2 were with the truth and he
3 gained a new appreciation how
4 dangerous they might become.

5 What he and the other
6 students saw was the Front's
7 skill, plain, unattractive and
8 popular ideas of the ecology and
9 pride in one's ethnicity, all
10 the while reminding us of the
11 possibility of violence should
12 racial integration continue."

13 Then, if we go over to the right-hand
14 side, he spoke about the people who came from the
15 Anti-Racist Action and he states:

16 "We learned that neither these
17 anti-racists nor their
18 bodyguards use their full names,
19 nor do they reveal their
20 strategies. They did say that
21 ARA would never have permitted
22 the appearance of the Heritage
23 Front in our class had they
24 known about it. We also learned
25 these groups are deeply

1 committed to eradicating racism.
2 So committed, that the values of
3 independent inquiry, academic
4 freedom and liberal education
5 are of little concern. On the
6 topic of race and racism, their
7 explicit intention is to
8 suppress dialogue and quash
9 inquiry unless it occurs on
10 their terms and under their
11 guidance. These are the tactics
12 of fascists. At one point Simon
13 even allowed that he was working
14 toward a final solution to
15 racism."

16 Would you agree that that was the
17 attitude of ARA?

18 DR. MOCK: It may have been the
19 attitude of this individual. I don't know if -- I
20 wouldn't know if that was the attitude of everyone and
21 it's an attitude, in any case, that I had denounced and
22 even written about that one must never adopt the
23 behaviour of the perpetrators, which of course was also
24 the topic of my talk at their conference.

25 MS KULASZKA: Reading this article,

1 doesn't it show that this debate had a good effect on
2 the students and was a very educational experience?

3 DR. MOCK: It appears to me -- and I
4 don't know whether it was edited by the editors of the
5 newspaper, because again one has to evaluate that this
6 is -- even if it's authored by him there may have been
7 alterations to what he actually said. He isn't quoting
8 in here the studies who spoke to us about how upset
9 they were that they were being invited, that they
10 didn't want to sit there and hear racist and
11 anti-Semitic and horrific Holocaust denial, and so
12 either they didn't attend or they sat there and they
13 were so upset that some were moved to tears, how
14 reasonable they did sound.

15 So he hasn't quoted those students.
16 It's a view and it's in the newspaper and we take it
17 for what it's worth. And the aftermath, of course, was
18 that Wolfgang Droege on the Heritage Front hot line had
19 a whole diatribe about commending the University of
20 Toronto for upholding freedom of speech and for
21 agreeing with them and so on.

22 And the university itself was
23 somewhat upset that that was the way that they were
24 characterized, as if they were endorsing the Heritage
25 Front. And as I recall, they had two skinhead

1 bodyguards with them at the time --

2 MS KULASZKA: Isn't the point of
3 education --

4 DR. MOCK: -- as eyewitness account.

5 MS KULASZKA: Isn't the point of
6 education being able to control your emotions and to
7 deal rationally with knowledge and information?

8 DR. MOCK: I don't know that the
9 purpose of education is to control your emotions. I
10 wouldn't agree with that. The purpose of education is
11 to learn, is to understand, is to be able to evaluate
12 information and to conduct yourself accordingly; to
13 behave appropriately in society. There are many
14 purposes of education.

15 MS KULASZKA: Do you believe this
16 debate should not have taken place simply because some
17 students got upset?

18 DR. MOCK: In my view, had I been
19 Professor Fletcher, and as I described to him and we
20 had discussions and I even wrote an article, there were
21 other ways to present what is called the other side.
22 There were films, there were videos, there were essays,
23 there were many ways to present the rationality and how
24 the veneer of the other side. In my view, I would not
25 have invited known racist hate mongers and white

1 supremacists to present their views to a university
2 class. That's my view.

3 MS KULASZKA: Dr. Mock --

4 DR. MOCK: Professor Fletcher felt
5 differently and his right in an academic freedom
6 environment to do that.

7 MS KULASZKA: Dr. Mock, just listen
8 to what you said in your last answer. You were talking
9 about hate mongers, white supremacist. These are
10 labels, aren't they?

11 DR. MOCK: They're labels based on
12 the evidence of their writings and on their behaviors
13 and on the hot line and many others and in common
14 parlance the ideology of white supremacy, white
15 nationalism. There's even definitions of these. Even
16 from the mouths of Droege and others themselves of what
17 these concepts are, and --

18 MS KULASZKA: But you are a
19 professional, you are here as an expert. How does it
20 help the debate when you are constantly using words
21 that essentially are nothing more than loaded terms and
22 labels?

23 DR. MOCK: It's not designed, I
24 suppose, to help the debate. So I don't know what you
25 mean, how does it help the debate. We all use

1 terminology in science and in any other ways to
2 summarize and to -- we define terms and then the
3 behaviours that validate those terms are the evidence
4 that exists that those terms are valid mean that they
5 are then used in common parlance.

6 If I'm not mistaken, even in this
7 article I believe some of these terms are used. We to
8 have take a look and review it but --

9 MS KULASZKA: Aren't the terms you
10 just referred to pejorative terms?

11 MR. KURZ: We've been around that
12 block three or four times.

13 THE CHAIRPERSON: You already asked
14 that.

15 MS KULASZKA: I don't think we talked
16 about white supremacism.

17 THE CHAIRPERSON: You asked --

18 MR. KURZ: It was Mr. Fromm's
19 cross-examination, Mr. Chair. He went through that at
20 great length.

21 THE CHAIRPERSON: I'll tell you
22 exactly what you said, Ms Kulaszka. Is the term
23 pejorative? And that was the term, Holocaust deniers.
24 So which term are you referring to now?

25 MS KULASZKA: She was talking about

1 white supremacism.

2 THE CHAIRPERSON: So same question
3 with white supremacism. Is the term white supremacism
4 pejorative?

5 DR. MOCK: Do I use it in a
6 pejorative way? No, I use it to describe a certain
7 ideology and people who adhere to that.

8 MS KULASZKA: And people reading
9 that, would they see it as a defamatory term, a
10 pejorative term or would they see it as a neutral term?

11 DR. MOCK: People who read that who
12 knew what the term meant, would see it as a term
13 someone who believed in white separatism, white
14 racialism and the superiority of the white race.

15 MS KULASZKA: Turn to page 9. Here's
16 a letter, "Freedom Comes Obligation". Globe & Mail,
17 April 28th, 1993.

18 And it was a letter from -- the first
19 letter is from three professors, and it's in the middle
20 of the letter it says:

21 "However, all of these rights
22 and freedoms come with
23 responsibilities and
24 obligations. As teachers we
25 must ensure that the exercise of

1 our rights does not violate the
2 rights of others that are
3 freedoms, do not restrict the
4 freedoms of others. Professor
5 Fletcher has clearly articulated
6 his desire to protect his right
7 to academic freedom and free
8 speech at the expense of any
9 voices of dissent. And by
10 choosing to give the Heritage
11 Front the legitimacy of a
12 platform and university
13 classroom he has chosen to
14 ignore the norms and values of
15 Canadian society which
16 explicitly prohibit the
17 promotion of hate. The Heritage
18 Front is an organization that
19 actively promotes white
20 supremacy and hatred of people
21 colour Jews, gays and lesbians
22 and others who are different
23 from them."

24 DR. MOCK: Yes?

25 MS KULASZKA: So you would agree with

1 the position taken by those three professors?

2 DR. MOCK: On that point?

3 MS KULASZKA: Yes.

4 DR. MOCK: Yes.

5 MS KULASZKA: So when you debate
6 people, if you allow a debate as Professor Fletcher
7 did, you see it as giving credibility and legitimacy to
8 those individuals, correct? This is a big concern of
9 yours, that Wolfgang Droege and the Heritage Front was
10 invited to the University of Toronto, he was allowed to
11 speak and you were very concerned he was given
12 legitimacy and credibility.

13 DR. MOCK: Yes, and I wouldn't have
14 done it when I was a professor.

15 MS KULASZKA: Is that the reason why
16 you will never debate people that you consider to be
17 neo-Nazis or Holocaust deniers or white supremacists?

18 DR. MOCK: I will not debate people
19 who, in my view, are hate mongers and are presented --
20 going to present notions of white superiority and use
21 propaganda techniques, as the evidence is, in terms of
22 the arguments and the references and, you know,
23 conspiracy theories and all the rest to support their
24 arguments, no.

25 I have personally made that decision

1 I am not going to subject myself to that, or contribute
2 to the notion that those two points of view might be
3 considered equally credible. That's my point.

4 MS KULASZKA: So you don't believe in
5 dialogue?

6 DR. MOCK: I did not say that. I
7 very much believe in dialogue. I have the black Jewish
8 dialogue, the Muslim Jewish dialogue, people who are
9 fighting for human rights sometimes against each other
10 for other reasons. But it's only through real dialogue
11 when people sincerely want to know what the other
12 person is going through and is not there to scream and
13 yell and denounce in propaganda terms I will not --
14 invite to the black Jewish dialogue the black
15 racist. I refused to debate a black supremacy group
16 on television for the very same reason.

17 MS KULASZKA: How do you decide who
18 is sincere and who is not if you don't reach out to
19 people?

20 DR. MOCK: By the history of their
21 writings, by the kinds of arguments that are used, by
22 your knowledge and experience of watching them in
23 action.

24 It was easy to make the decision in
25 the case of Zundel or Droege or David Irving or the

1 black nationalist and black supremacist who -- I was
2 asked under the guise that the television station would
3 you come to debate and look at ways of countering
4 racism and so on. And they are going to bring somebody
5 up from the States.

6 And I said -- initially said yes,
7 then I said who is coming? And when they told me who
8 and I researched it, their view was that anybody was a
9 racist who was white and, therefore, it's legitimate to
10 promote violence and shoot people who are white because
11 they are part of a white -- you know, and I said no,
12 I'm sorry. They carry a white -- a black, rather,
13 supremacist view and are advocating tactics and -- I
14 watched videos of them and had looked at transcript of
15 their speeches. And I said no, I'm sorry, I will not
16 because Dr. Karen Mock is not to be presented with
17 these black racialists who are out to kill anybody and
18 everybody who may disagree with them.

19 MS KULASZKA: Well, did Ernst Zundel
20 ever threaten to kill Jews?

21 MR. KURZ: Are we back to -- we seem
22 to be back to two themes that have been explored at
23 great length today. One is why she won't debate with
24 right supremacists or their ilk. And whether Ms
25 Kulaszka or Mr. Fromm likes the answers, those are the

1 answers. I've heard them probably 10 times today. And
2 also the merits or demerits of Ernst Zundel, who is not
3 before us.

4 I question, Mr. Chair, whether at
5 this late hour is whether we're getting any further
6 ahead by going around that block.

7 THE CHAIRPERSON: Ms Kulaszka, I've
8 heard that answer many times already.

9 MS KULASZKA: I don't think Mr. Kurz
10 has been here long enough and hasn't read Dr. Mock's
11 report --

12 THE CHAIRPERSON: Ms Kulaszka, I have
13 been here and I've heard these answers. I know exactly
14 her position on all of these points. And the arguments
15 that you intend to raise on this point, the foundation
16 for that, is already there in terms of how you would
17 like to make your argument, so move on.

18 MS KULASZKA: I just want to suggest
19 to you, Dr. Mock, that the attitude you have is the
20 basis for hate laws. The basis for hate law is
21 dialogue doesn't work. Some people you cannot speak
22 to, the only thing you can do is either charge them
23 with hatred or bring them up under section 13.

24 DR. MOCK: Sir, am I asked to
25 respond?

1 THE CHAIRPERSON: Yes.

2 DR. MOCK: In my respectful view,
3 that is not the purpose of the hate law and that is not
4 what section 13 says. In my respectful view, and in my
5 view as a psychologist because of the impact, the
6 purpose of those laws is to send a very strong message
7 that the promotion of hatred and contempt against
8 people on the basis of their immutable characteristics
9 will not be tolerated in the country. That's number
10 one.

11 Number two, and I have repeated this
12 but perhaps for others who were not here, or to remind
13 you, I will stand by this.

14 Number two, another purpose is to
15 serve as a deterrent effect. So that -- because
16 history has shown us, and current events have shown us
17 that the promotion of hatred and hateful words and hate
18 speech actually do lead to not only prejudice,
19 stereotype, dehumanization, but to murder and even
20 genocide. It serves that purpose.

21 And three -- the pre-emptive purpose,
22 in other words. And three, it sends the strong message
23 that all citizens and residents and visitors to this
24 country regardless of their race, colour, creed,
25 religion, sexual orientation or any of the other

1 immutable characteristics will be protected and will
2 have the right to develop fully in full self-esteem and
3 every other way.

4 Those are the three purposes of the
5 law. And I have also said -- and you asked me -- I
6 think this is where the question was going. You
7 said -- and I don't believe in dialogue and I don't
8 believe in education and I -- to repeat again, in my
9 view there many tools and strategies. The law is only
10 one of them. For the most extreme who refuse to accept
11 the facts or education or learning or to in fact truly
12 dialogue as reasonable people and, therefore, continue
13 to perpetrate racism and hatred against groups but, in
14 my view, education and dialogue and community work
15 together, I've said are the keys are --

16 THE CHAIRPERSON: You've said that
17 in-chief too.

18 MS KULASZKA: Turn to page 10 and 11.
19 This was an article that appeared in the Toronto Star
20 in June of 1993. It asked --

21 THE CHAIRPERSON: I just want to be
22 clear. So far, it's always the same and the same as
23 going through all these articles. We see it and we're
24 getting the same answers as you show each of these
25 articles. I haven't looked at this one, but all the

1 previous ones there's a repetition there. We have time
2 constraints. They're yours and everyone's. So I ask
3 you just because you plan to ask the question because
4 it's in your book or it's in your preparation, at least
5 exercise some discretion to not engage in redundancy.
6 If you need to ask this question, ask it, but if it's
7 to give me the same answer about how -- repeating the
8 same views, then it really doesn't serve anyone's
9 purpose.

10 MS KULASZKA: I hope this article
11 will go onto a new point.

12 THE CHAIRPERSON: If it does fine.
13 It's just I found it under the same tab, that's why I'm
14 assuming we're going in the same direction.

15 MS KULASZKA: It's a quote from
16 Bernie Farber, and you'll see it on the right-hand
17 side, in a little box. And the full quote is just
18 under his photograph. "Farber and other mainstream --"

19 DR. MOCK: I may have something
20 different. I thought you said tab 10.

21 MS KULASZKA: No, page 10 and 11,
22 just on the next page.

23 THE CHAIRPERSON: Under tab 7.

24 DR. MOCK: Sorry, I went to tab 10.
25 I was optimistic we were moving forward. "What's

1 behind --"

2 MS KULASZKA: You see that picture of
3 Bernie Farber on page 11?

4 DR. MOCK: Yes.

5 MS KULASZKA: Just below it, it's a
6 quote:

7 "ARA didn't just come out of
8 nowhere, Farber said. Many of
9 these individuals have been
10 around for a long time and many
11 have been vocal on the
12 anti-racist front. Farber and
13 other mainstream anti-racism
14 activists are quick to distance
15 themselves from anti-racist
16 actions provoking of the enemy.
17 Although they say they
18 understand the sentiments that
19 led to the demonstration. 'It's
20 only been since January we've
21 seen this escalation by
22 Anti-Racist Action. My sense of
23 this is that they have not seen
24 proper action by the police on
25 these hot lines so they have

1 decided' --"

2 THE CHAIRPERSON: "Hate".

3 MS KULASZKA: "-- 'hate phone lines,
4 so they have decided to take the law into their own
5 hands.'" "

6 Haven't you expressed similar
7 sentiments yourself that in fact their violence was a
8 result of the failure of authorities to deal with hate
9 mongers?

10 DR. MOCK: Yes, at the same time as I
11 was denouncing their violence.

12 MS KULASZKA: Would you agree it
13 seems that where you don't turn violent because people
14 like Zundel weren't dealt with or the Heritage Front
15 properly in your opinion, in front of the courts, maybe
16 you don't turn violent but other people do, such as the
17 ARA?

18 DR. MOCK: That can happen when
19 people are frustrated. I don't understand the
20 question.

21 MS KULASZKA: Yes, you answered the
22 question. They become frustrated because the police
23 are not taking action under hate laws; isn't that
24 right?

25 DR. MOCK: (No response)

1 MS KULASZKA: So they have decided to
2 take the law into their own hands. So you would agree
3 that some people become violent if they feel the police
4 have not acted appropriately?

5 DR. MOCK: And they feel -- not only
6 feel but have evidence of themselves being harassed or
7 violated in some way, but that in fact it's wrong.

8 MS KULASZKA: If the hate laws didn't
9 exist maybe they wouldn't feel so justified in being so
10 violent. What do you think?

11 DR. MOCK: No, I don't think so. In
12 fact, if anything, the hate laws serve as a deterrent
13 to violence. And -- I'm not sure how to say that any
14 differently.

15 MS KULASZKA: If you turn to the next
16 page, it's an article about the mayor being very
17 distressed that ARA had apparently planned another
18 demonstration where they trashed the house of Gary
19 Schipper and they had used a Toronto building to plan
20 what essentially became a riot. Are you familiar with
21 what happened at Gary Schipper's house?

22 DR. MOCK: I'm familiar with the
23 newspaper reports of it but --

24 MS KULASZKA: Next page on 13 is a
25 debate chaos where anti-racist protestors shouted down

1 a candidate for mayor. Were you aware of that? They
2 allege someone was neo-Nazi and they said, "No free
3 speech for Nazis." Were you aware of this incident?

4 DR. MOCK: Is this the one where
5 Droege was running?

6 MS KULASZKA: No, it was someone
7 else.

8 DR. MOCK: I'm just reading the same
9 newspaper articles you are, so to the extent that --

10 MS KULASZKA: You weren't familiar
11 with that incident?

12 DR. MOCK: I don't remember it
13 specifically.

14 MS KULASZKA: Then on page 14 and 15
15 it's an On the Prowl from spring 1995. This is a
16 newsletter in ARA. Did you get ARA newsletters?

17 DR. MOCK: I think we may have got
18 some copies of it. Maybe some of them had been faxed
19 or whatever, but we didn't receive it on any regular
20 basis.

21 MS KULASZKA: When did you start
22 working with ARA?

23 DR. MOCK: I didn't actually work
24 with them. I was invited to this conference and to
25 speak there. And under new leadership there was a move

1 to tone down their behaviours, and as the people in the
2 municipal council said at the time that -- one of the
3 elected officials said, you know, if they build the
4 bridge people like Karen Mock can walk over it to try
5 to help these young people learn what they need to
6 learn about -- and take them seriously -- by the way,
7 in the same way as I took those kids in Oakville
8 seriously, to hear their concerns and channel them into
9 effective non-violent strategies. And that's how they
10 up speaking, in fact, one evening on the city hall to
11 explain why they were frustrated and being harassed and
12 nobody was taking them seriously because of their
13 socioeconomic status and their alternative dress or
14 they may used four-letter words and they felt that they
15 needed to be heard. And my job was to show them how
16 they could be heard in more effective ways.

17 MS KULASZKA: But you never tried
18 that with the Heritage Front?

19 THE CHAIRPERSON: Never what?

20 MS KULASZKA: You never tried that
21 with the Heritage Front?

22 DR. MOCK: I told you I did try it
23 with young people who were being recruited to the
24 Heritage Front, yes.

25 MS KULASZKA: No --

1 DR. MOCK: I had no interest in
2 sitting down with Wolfgang Droege.

3 MS KULASZKA: If you look at page 14
4 and 15 this is On the Prowl, and on page 15 this is May
5 7th, 1995. They put this up on their website. It's
6 about the fire, the arson at the Ernst Zundel house.
7 And Zundel immediately blamed ARA and the local
8 anti-Nazi neighbourhood group, C-CANON.

9 Third paragraph from the bottom of
10 that section:

11 "The fire caused considerable
12 damage although the basement
13 appears to be the last refuse of
14 this nearly homeless fascist.
15 Less than three weeks later
16 Zundel received a pipe bomb in
17 the mail. He didn't open the
18 suspicious package but drove it
19 around the neighborhood to the
20 cop shop balanced on a bag of
21 birdseed. Just think of all the
22 birds that would have been
23 denied lunch if the thing had
24 gone off. In short, it's
25 getting dangerous to be a

1 fascist in Toronto these days.
2 Shit happens, but of course it
3 didn't happen and, if it did, it
4 was the right idea."

5 Does that express the kind of
6 sentiments the ARA had with respect to violence?

7 DR. MOCK: It's expressed the
8 sentiments of whomever wrote that, and I think they're
9 very objectionable.

10 MS KULASZKA: Yet you still worked
11 with the group?

12 DR. MOCK: I accepted the invitation
13 to speak to the group about legal non-violent
14 strategies and how important that was to denounce their
15 activities to them and to attempt to build some of
16 those bridges and stop that kind of behavior. That is
17 the sole connection that I had with them.

18 MS KULASZKA: Obviously your efforts
19 to didn't have much effect, did they?

20 DR. MOCK: For that brief period of
21 time, I believe they did. As with many groups and
22 organizations, their leadership comes and goes. I
23 don't hear too much about Anti-Racist Action these days
24 but I can't --

25 MS KULASZKA: When did you stop

1 contact with ARA?

2 DR. MOCK: I can't recall. We
3 probably stayed touch a little, or at least with
4 individual members, for a few months after that. But I
5 haven't had -- I don't have any official contact with
6 that organization as a formal organization. I don't
7 know who are members of it.

8 MS KULASZKA: Turning to page 16.
9 This is a letter to you from Sunday Harrison for
10 Anti-Racist Action. It's about the Youth Against Hate
11 conference. You supported a grant to ARA, did you not,
12 for that conference?

13 DR. MOCK: I did.

14 MS KULASZKA: How much was it?

15 DR. MOCK: I don't recall. It was --
16 I didn't give the grant. It was -- I endorsed their
17 request to -- I think it was still the City of Toronto.
18 It may have been Metro at that time for a grant from --
19 to be able to fund that conference. It was hosted at a
20 school of the Toronto Board of Education that provided
21 the facilities as well.

22 So the municipality supported it. I
23 just -- that other letter that you read that had my
24 signature on it to Tim Reese, said, "Yes, I will be on
25 this panel." And that was it.

1 MS KULASZKA: If you turn to page 17,
2 this is another letter from Anti-Racist Action. It's
3 about expressions of concern you had made. Can you
4 tell us what this is about?

5 DR. MOCK: Yes. Their website
6 after -- you know, once this conference was being
7 planned, had some pretty outrageous language on it.
8 'F' the police, 'F' this one, 'F' that one. It was
9 pretty graphic. And myself and Janice Dembo, who was
10 with the mayor's committee and others -- I mean, I
11 remember Janice saying she spoke to them and said how
12 dare you show that kind of disrespect to people like
13 Karen Mock and others who are taking this seriously and
14 coming to work with you to assist to ensure that you
15 don't behave in this way.

16 So they apologized and they took that
17 language. It was, again, my pointing out that language
18 like, 'come and smash the Nazis' march on the courts,
19 is different from language of saying, you know, 'please
20 come out and support the rally' or whatever.

21 So removing violent language --
22 language that is objectionable, and that's what they
23 did.

24 MS KULASZKA: In fact, who was it who
25 alerted Metro to what was on the ARA website?

1 DR. MOCK: I don't know.

2 MS KULASZKA: Well, if you turn to
3 page 22, you'll see a letter from Paul Fromm. This was
4 a letter he wrote to all Metro counselors. He urged
5 them to reconsider the grant to ARA and asked them to
6 condemn it. And he included posters that the ARA had
7 put out called "Rock Against Racism". They had a
8 picture on this poster. You can see it on page 24. It
9 was "Rock Against Harris" and "Rock Against Racism
10 featuring drop dead beats, politikill incorrect, random
11 killing."

12 And they had a picture of Hitler,
13 George Wallace who, of course, was shot in a political
14 shooting, and Mike Harris.

15 And in the next poster on page 25
16 was, "Shut is the Nazi down." You were to come and
17 picket Ernst Zundel's house. "With speakers, music and
18 a kosher barbecue".

19 Did you realize that in fact it was
20 Paul Fromm who alerted Metro to ARA and what was on
21 their website?

22 DR. MOCK: No, I wasn't. May I have
23 a clarification? Was all of this on at the same time?
24 Are these pictures and attachments, were they part of
25 the same thing or is that separate, or --

1 MS KULASZKA: There was a very large
2 controversy going on about the grant.

3 THE CHAIRPERSON: No, I think the
4 question is, were these three sheets that follow
5 enclosures to Paul Fromm's letter? Is that your --

6 MS KULASZKA: The attachments were,
7 "Shut the Nazi down," and the "Rock Against Harris."
8 "Guru of Hate" is a separate poster.

9 DR. MOCK: In fact, once you alerted
10 them there was the very things that I objected to as
11 well. So I'm not sure what you are asking me.

12 THE CHAIRPERSON: Ms Kulaszka, it's
13 about 5:30.

14 MS KULASZKA: Okay.

15 THE CHAIRPERSON: So tomorrow we'll
16 begin at 9:00 with Dr. Persinger and you'll be
17 partially -- no, the witness will not in attendance
18 tomorrow?

19 DR. MOCK: I may be able to be
20 re-arrange part of my day to come in the morning. If I
21 can't --

22 THE CHAIRPERSON: I understand.

23 DR. MOCK: -- it won't be out of --

24 THE CHAIRPERSON: No, no. Okay.

25 MR. VIGNA: I think she'll be

1 available only in the morning, realistically speaking,
2 from what understood.

3 THE CHAIRPERSON: That's right.

4 Ms Kulaszka, I just noticed
5 something. Looking through the website, Exhibit HR-9.
6 The constitutional challenge this week hearing schedule
7 on FreedomSite, not that I should be relying on what
8 the schedule is, I noticed it indicated Friday was
9 supposed to be a fact witness, Paul Fromm and Jerry
10 Newmann, it says. Was that your intention, to call
11 those people on Friday?

12 MS KULASZKA: Hopefully.

13 THE CHAIRPERSON: I don't think so.

14 MS KULASZKA: Dr. Persinger will be
15 done.

16 THE CHAIRPERSON: This all has to be
17 done by the other Friday. I'm asking for efficiency
18 in --

19 MS KULASZKA: We have those witnesses
20 on hand.

21 THE CHAIRPERSON: Perhaps you can
22 coordinate with Mr. Fromm and Mr. Christie on all the
23 evidence so that we can do it in an efficient way. The
24 same goes for the Attorney General and Mr. Vigna for
25 re-examination. Try to coordinate your efforts,

1 please, so we can work faster.

2 --- Adjourned at 5:30 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 21st day of
February, 2007.

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Sandra Brereton

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Certified Shorthand Reporter

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Registered Professional Reporter

StenoTran