

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

le plaignant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

la Commission

and/et

MARC LEMIRE

Respondent

l'intimé

and/et

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

Interested Parties

les parties intéressées

BEFORE/DEVANT:

ATHANASIOS D. HADJIS

CHAIRPERSON/
PRÉSIDENT

LINE JOYAL

REGISTRY OFFICER/
L'AGENTE DU GREFFE

FILE NO./N^o CAUSE:

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

HEARING HELD IN THE PARIS ROOM OF NOVOTEL HOTEL
3670 HURONTARIO STREET, MISSISSAUGA, ONTARIO
ON FRIDAY, FEBRUARY 23, 2007 AT 9:16 A.M. LOCAL TIME

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

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1 Toronto, Ontario

2 --- Upon resuming on Friday, February 23, 2007

3 at 9:16 a.m.

4 PREVIOUSLY SWORN: DR. KAREN MOCK

5 CROSS-EXAMINATION BY MS KULASZKA (Cont'd)

6 MS KULASZKA: Yes. Dr. Mock, on your
7 first report, you talk about Stormfront and some 50
8 links. Do you remember where that is? Stormfront had
9 50 links to websites. I'm just trying to find it here.

10 THE CHAIRPERSON: In the first
11 report, you said?

12 MS KULASZKA: It's the first report.

13 DR. MOCK: I believe it's in the
14 middle of page 4, under the title "Cyberhate", in the
15 bold quote.

16 MS KULASZKA: Have you had a look at
17 those 50 links? What are they?

18 DR. MOCK: I haven't had a look at
19 all 50 links, no. I was citing here, just for your
20 clarification, I was citing Don Black's comment of
21 how -- how important the Internet is to the far right
22 movement.

23 MS KULASZKA: So you never actually
24 went on-line and looked at the 50 links?

25 DR. MOCK: Not all 50, no.

1 MS KULASZKA: Have you been there
2 recently?

3 DR. MOCK: Yes, as recently as last
4 night.

5 MS KULASZKA: Did you see any links?

6 DR. MOCK: I saw various hot links.
7 I didn't follow them, no.

8 MS KULASZKA: How would you describe
9 the website today, of Stormfront? Is it just a
10 regular --

11 DR. MOCK: At the moment, if someone
12 asked me how would I describe it, the first thing that
13 would come to mind is personally intimidating, with
14 some attacks directed at me in recent postings that
15 describe this particular Tribunal. And so if someone
16 asks -- you are asking me how would I describe
17 Stormfront today, I would say extremely intimidating.

18 MS KULASZKA: Is it a website or is
19 it a very large message board?

20 DR. MOCK: Its main function today is
21 a forum actually, and people sign up to that forum, so
22 it's basically a -- an exchange, still with some
23 original material of Stormfront. But it's most used as
24 this forum. The Stormfront forum uses that website
25 primarily.

1 MS KULASZKA: So you'll agree that --

2 THE CHAIRPERSON: Are we talking
3 about Stormfront or FreedomSite?

4 MS KULASZKA: Stormfront, Uh-huh.
5 Yes, she's referring to Stormfront here on page 4 of
6 her report.

7 THE CHAIRPERSON: That's right. I
8 was just falling a little behind. The original comment
9 though, was with respect --

10 MS KULASZKA: To Stormfront.

11 THE CHAIRPERSON: Always? Okay.

12 MS KULASZKA: Yes. So you'll agree
13 that your statement on page 4, "Today, he links to more
14 than 50" is actually inaccurate, isn't it?

15 DR. MOCK: Well -- I'm quoting today.
16 If you'll notice I'm citing something, so when you
17 cite, you are doing it "verbatim" what was cited in
18 tab -- sorry, pardon me, in footnote 4. So David
19 Hoffman, in 1997, said today. So as of 1997, and this
20 was -- quote was just to illustrate how, even in just a
21 couple of years, how dramatically it had grown. So
22 today, there is many, many, many more postings and even
23 greater access to more hate sites. "Today" meaning
24 today in -- in the year 2007, making it even more
25 intimidating, in my view.

1 MS KULASZKA: Yes, so your report
2 isn't -- isn't an accurate reflection of what is
3 happening today, is it?

4 DR. MOCK: I'm sorry, it is a very
5 accurate reflection, and it is written in a very sound
6 style, such that when I make a citation, I will give a
7 verbatim quote of what -- what I am referencing. So --

8 MS KULASZKA: You're referencing a
9 work that's 10 years old, and Stormfront has completely
10 changed in 10 years?

11 DR. MOCK: Yes. I wouldn't say
12 completely, no, but it certainly has changed
13 significantly. But again, I'm citing a reference
14 there. I believe I elaborate in my second report.

15 MS KULASZKA: And where do you do
16 that?

17 DR. MOCK: I think footnotes 22, 23,
18 24, elaborate. And again, I was using this in the
19 context of the purpose of websites, as opposed to --

20 MS KULASZKA: So footnotes --

21 DR. MOCK: Currently there --

22 MS KULASZKA: -- 22, 23 and 24? So 22
23 is Abel David Schwabb, 1998, right --

24 THE CHAIRPERSON: Can you just give
25 me a moment to find it. I'm sorry.

1 MS KULASZKA: It's the second report,
2 second expert report. It'd be page 13.

3 THE CHAIRPERSON: We added the other
4 reports and now I can't find it. I will find it. Just
5 hang in, it's going to be a moment. Right, okay. So
6 footnote -- can you please repeat which footnotes?

7 MS KULASZKA: 22, 23 and 24. So
8 their first footnote is Abel David Schwabb, 1998, "The
9 Racist Next Door, New Times". What is that, "New
10 Times"?

11 DR. MOCK: It's a newsletter and
12 newspaper article.

13 MS KULASZKA: "New Times" is like a
14 newspaper?

15 DR. MOCK: Yes.

16 MS KULASZKA: Footnote 23 from the
17 Stormfront home page, 1996?

18 DR. MOCK: Yes.

19 MS KULASZKA: So that's some 11 years
20 ago?

21 DR. MOCK: If you would --

22 MS KULASZKA: Correct?

23 DR. MOCK: Yes.

24 MS KULASZKA: And footnote 24 is
25 "High-Tech Hate, Extremists' Use of Internet, 1997,

1 ADL", which is 10 years ago?

2 DR. MOCK: Yes, again, the academic
3 purpose of that, or their -- the rationale was to speak
4 about the purpose of using it, the rationale, and there
5 has been no evidence that I have found in recent years
6 that would discount that.

7 So had I found any change in the way
8 it's -- Don Black had cited that -- its importance,
9 then I would have included that. But in terms of the
10 literature, there has been nothing more recently said
11 that would discount this notion of why it's so
12 important to plant seeds for the future, and to attract
13 disaffected youth, and -- and so on, and to be a
14 resource. It still maintains that.

15 If you would like something I've
16 downloaded as recently as two days ago from Stormfront,
17 I would be happy to offer that into evidence.

18 THE CHAIRPERSON: Yes, just so that
19 I'm clear, so you've seen -- you have not seen anything
20 else with, for instance, Mr. Black having said anything
21 different or similar to what was stated in '97?

22 DR. MOCK: That's right. Or that
23 would discount that.

24 THE CHAIRPERSON: And how -- what
25 would discount it? I just want to understand your

1 answer properly.

2 DR. MOCK: Well, if he had said, no,
3 we don't think that the Internet is important and I
4 think you should stop using the Internet to promote our
5 ideology and so on, then that would have discounted
6 that.

7 But I was citing it here because of
8 the issue of perpetrators, and what is it that they use
9 it for. So the notion of the major breakthrough, you
10 know, the planting seeds for the future, attracting
11 disaffected youth and hard core supporters to build a
12 community.

13 This was offered to assist the chair
14 to comment on or to evaluate Dr. Persinger's report,
15 and Dr. Persinger had commented that it's not words
16 that -- that lead to violence. There needs to be a
17 social context and a sense of community.

18 And so I offer this citation, which
19 has been repeated and quoted and elaborated. I didn't
20 go into -- it's -- it was based on a much longer
21 discourse that Black had given of why this was such a
22 huge breakthrough so that we could promote white pride,
23 and continue to demonize men as Jews, while victory
24 meant creation of ethnically-cleansed politically --
25 political enclaves.

1 So -- so that's -- I offered it in
2 that regard, as to the sense of social community that
3 Dr. Persinger referred to was so important in -- in
4 giving a sense of belonging, so that people would, in
5 fact, perpetrate what it was suggesting.

6 MS KULASZKA: You've got, in that
7 paragraph:

8 "His goal was clearly expressed
9 in the words of the Stormfront
10 logo 'white pride worldwide'.
11 This site is meant to be a
12 "white nationalist resource
13 page, a resource for those
14 courageous men and women
15 fighting to preserve their white
16 Western culture, ideals, and
17 freedom of speech and
18 association. A forum for
19 planning strategies and forming
20 political and social groups to
21 ensure victory'".

22 THE CHAIRPERSON: I'm sorry, where
23 did you read from just now?

24 MS KULASZKA: That's from page 7.

25 THE CHAIRPERSON: Page 7 of?

1 MS KULASZKA: Of the second expert
2 report.

3 THE CHAIRPERSON: Oh, the second --
4 we were talking about Don Black. Okay. All right.

5 MS KULASZKA: Is there something
6 wrong with people organizing ethnically?

7 DR. MOCK: No.

8 MS KULASZKA: Taking pride in their
9 culture?

10 DR. MOCK: No.

11 MS KULASZKA: Freedom of speech and
12 association?

13 DR. MOCK: No.

14 MS KULASZKA: Then I don't see what
15 is wrong here with that statement.

16 DR. MOCK: In isolation and out of
17 context, there wouldn't be anything wrong with it. In
18 terms of what that site and what others go on to
19 explain is involved, there is, because of the hatred
20 and the demonization and dehumanization of minority
21 groups that that involves. There's some recent
22 postings, if you'd like, as I said, from --

23 MS KULASZKA: Well, I haven't had
24 them disclosed so I -- I can't use them. If you can
25 turn to tab 10 of R-4.

1 DR. MOCK: Tab 10?

2 MS KULASZKA: Tab 10 of R-4.

3 DR. MOCK: Yes, I have it.

4 MS KULASZKA: Turn to page 13. I was

5 wondering if you had a chance to read this article?

6 It's from the Canadian Jewish News, and it's entitled

7 "Amiel Rips Militant Islam in the United Nations."

8 DR. MOCK: Yes, I glanced at it. If
9 there's a part you would like me to look at, I would
10 review it.

11 MS KULASZKA: Well, starting --

12 THE CHAIRPERSON: Can you wait forme
13 to get there?

14 MS KULASZKA: Oh, sorry.

15 THE CHAIRPERSON: It might be
16 helpful -- look up every so often and see if I've
17 reached the --

18 MS KULASZKA: Oh, okay.

19 THE CHAIRPERSON: I'm trying to take
20 notes and then trying to follow these tabs. So what
21 tab are we at now?

22 MS KULASZKA: We're at tab 13 -- or
23 sorry, 10, page 13.

24 THE CHAIRPERSON: Tab 10, page 13.

25 MS KULASZKA: This is about a speech

1 that Barb Amiel gave, correct?

2 DR. MOCK: Yes.

3 MS KULASZKA: And she starts -- at
4 the bottom, it starts:

5 "A British immigrant to Canada,
6 she said that Jews today are the
7 victims of love, assimilation,
8 hate and anti-semitism.
9 Paraphrasing the philosopher
10 Beirut Spinoza, Amiel said that
11 anti-Semitism has kept Jews
12 together 'so it can be argued
13 perversely that the current wave
14 of anti-Semitism is good for
15 Jews.' Although Jews face
16 challenges, she -- or they
17 should know that Jewish identity
18 cannot be erased. 'Go home and
19 procreate', she urged her
20 listeners, saying that Jewish
21 birthrate is too low at
22 present."

23 And then further on, down about three
24 paragraphs, she said:

25 "But Jews need Israel, 'a

1 miraculous, magnificent
2 construction' to maintain their
3 Jewish identity, Amiel observed.
4 Decrying the post-Zionist call
5 for a multicultural secular
6 Israel, she said that Israel's
7 Judaic character must be
8 maintained."

9 So would you agree that what Amiel
10 stated in that speech is pretty close to what you would
11 find on Stormfront?

12 DR. MOCK: Two items. Again I --I'm
13 a little frustrated when it's newspaper articles. I'm
14 not sure if she actually said that, but if she did,
15 then you could find comparable isolated statements.

16 But I'm -- I'm not reading anything
17 in here that is hateful against any other group. So in
18 isolation, there are some statements on Stormfront and
19 other hate sites that could be deconstructed and -- and
20 show that they are nationalist or -- or you know, "pro"
21 their own culture. But again, that would be out of
22 context. I'm not hearing anything in there that
23 vilifies, demonizes, or promotes hatred against any
24 other group.

25 MS KULASZKA: No, I didn't allege

1 that.

2 DR. MOCK: No, I understand that but
3 you -- yes.

4 MS KULASZKA: No, but you --

5 DR. MOCK: The simple answer is yes,
6 you will find some statements on Stormfront that could
7 be similar to this.

8 MS KULASZKA: And that actually is a
9 pretty typical -- you could find many articles like
10 this in the Canadian Jewish News, would you agree?
11 They're -- they're talking about Jewish pride, they --
12 Jewish identity. There's nothing different from sites
13 that -- that talk about white pride, white identity;
14 isn't that true?

15 DR. MOCK: I would not agree with
16 that, no. That is not true. There's a great
17 difference between the website of the Canadian Jewish
18 Congress or --

19 MS KULASZKA: No, I wasn't talking
20 about websites. I was talking about the --

21 DR. MOCK: No, no, you said --

22 MS KULASZKA: -- the same ideas. The
23 idea of Jewish pride, Jewish identity.

24 DR. MOCK: That I will grant you,
25 that there are positive things that are said on their

1 websites about their own culture.

2 MS KULASZKA: So there's nothing
3 inherently hateful about talking about white pride,
4 white identity, white culture; is there?

5 DR. MOCK: No, not inherently.
6 Although it is a misunderstanding. It is not that
7 there is a specific white culture. There are many
8 cultures of white societies. So -- although -- there
9 may be -- I won't quibble over the wording, but if you
10 are including all whites as having the same culture, no.

11 But if -- if one should be proud of
12 their own racial identity, if you are speaking about
13 people who are white and Caucasian and others not
14 having a lowered self-esteem because of their colour,
15 that's fine, good to talk about being proud of your
16 race and your -- and your racial identity. No one
17 should feel ashamed for being white.

18 MS KULASZKA: And of course, Amiel,
19 just on a humorous note, of course noted that she's
20 married to a dedicated Roman Catholic. So it was more
21 of a case of "Do as I say, not as I do".

22 DR. MOCK: No, I don't think she's
23 saying here that -- my interpretation is not that she's
24 saying that people should never inter-marry.

25 MS KULASZKA: Oh, no, no, I wasn't

1 saying that. Just ignore that. I was just pointing
2 that out. It was a -- she was being humorous herself.

3 DR. MOCK: I think she was pointing
4 out that --

5 MS KULASZKA: She -- I'll read it:
6 "Clad in a chic black outfit,
7 Amiel, an elegant, impossibly
8 slim woman, confessed that her
9 shortcomings are all too
10 apparent. As she succinctly put
11 it, she neither speaks Hebrew
12 nor prays, and is married to a
13 dedicated Roman Catholic."

14 DR. MOCK: And the question?

15 MS KULASZKA: I just noted that as a
16 bit of humour --

17 DR. MOCK: Oh, okay.

18 MS KULASZKA: That Amiel -- was more
19 a case of "Do as I say, not as I do".

20 If we can go to your second expert
21 report.

22 THE CHAIRPERSON: What do we do with
23 this article?

24 MS KULASZKA: It's the second expert
25 report.

1 THE CHAIRPERSON: No, what do we do
2 with the article?

3 MS KULASZKA: Oh, we can produce it.
4 I think Dr. Mock has read it.

5 THE CHAIRPERSON: Any objections to
6 the -- it looks like it's a genuine article from --
7 which newspaper? Canadian Jewish News.

8 MS KULASZKA: The Canadian
9 JewishNews, of November 23rd, 2006.

10 THE CHAIRPERSON: Okay.

11 DR. MOCK: Sorry, you mentioned we
12 are going back to my other report?

13 MS KULASZKA: We ended off the other
14 day -- we were dealing with anti-racist action, the
15 Mock binder, which is R-4.

16 DR. MOCK: I'll add a little humour,
17 not to be confused with the real binder about Dr.
18 Persinger.

19 MS KULASZKA: I think we left off at
20 tab 7, page 17. This is a letter to you from
21 Anti-Racist Action, and it states that:

22 "Several organizations and
23 individuals have contacted us in
24 the last few days to express
25 concern with some passages that

1 appear on our Internet site. We
2 thank you for your concerns and
3 suggestions, and to inform you
4 that as of today, we have
5 removed the editorial comments
6 that you cited as problematic".

7 How did you learn of these
8 problematic comments on the website?

9 DR. MOCK: Janice Deumbo of the
10 Mayor's Committee alerted me to them.

11 MS KULASZKA: And what did she say to
12 you?

13 DR. MOCK: I don't remember verbatim,
14 but it was -- she called me and it was something to the
15 effect, have you seen their website? It's full of all
16 kinds of profanities, and so on.

17 MS KULASZKA: Had you not seen their
18 website before?

19 DR. MOCK: I had seen parts of the
20 website before and objected strongly to some of the
21 things that were on it, which is why I had been invited
22 to come to the workshop.

23 MS KULASZKA: Which is why?

24 DR. MOCK: To speak about lawful,
25 non-violent strategies to counter racism.

1 MS KULASZKA: Yes, because by 1996,
2 ARA had a pretty -- pretty violent record already,
3 didn't it?

4 DR. MOCK: They were alleged to have
5 committed certain acts.

6 MS KULASZKA: If you turn to page 18,
7 it's a letter which you sent to Metro Chairman Alan
8 Tonks.

9 You said:

10 "Dear Mr. Tonks. I'm writing to
11 voice my support for the
12 continued funding of anti-racist
13 educational initiatives in
14 Metro. The League for Human
15 Rights Youth League, which
16 promotes non-violent,
17 anti-racist activities, has
18 conducted several successful
19 projects and programs with the
20 partial financial assistance of
21 Metro."

22 And then in the next paragraph to
23 that:

24 "And I've been invited and have
25 agreed to appear at the

1 Anti-Racist Actions Conference:
2 Youth Against Hate on Sunday,
3 June 23rd, 1996."

4 Then you go on to the next paragraph:
5 "While we do not agree with all
6 of the ARA strategies, this is
7 an important opportunity for
8 people in responsible leadership
9 roles to access this youth group
10 and to help them channel their
11 energy in a positive direction.
12 It is important that we develop
13 in Metro more people who have
14 the skill to counter the impact
15 of such groups as the Heritage
16 Front, Church of the Creator,
17 and Racist Skinheads, and the
18 influence of their white
19 supremacist leaders such as
20 Ernst Zundel, Wolfgang Droege
21 and Paul Fromm, and others of
22 their ilk."

23 What did you think ARA was going to
24 do to those people? How were they going to counter
25 them?

1 DR. MOCK: I can't read their minds
2 but -- so I don't know what they were planning to do.

3 MS KULASZKA: Well, by that time,
4 Ernst Zundel's house had -- had burned down, pursuant to
5 an arson; isn't that right?

6 DR. MOCK: Yes. I don't know if it
7 burned down. There had been a fire. And various
8 people claimed responsibility for that, as I recall. I
9 don't know that it -- I don't know that -- I don't
10 recall if it was found that ARA people had actually
11 committed that act.

12 MS KULASZKA: Was anyone found
13 responsible for that arson?

14 DR. MOCK: Are you -- are you asking
15 me --

16 MS KULASZKA: To our knowledge, was
17 anyone charged with that arson of Ernst Zundel's house?

18 DR. MOCK: I don't recall.

19 MS KULASZKA: Did you denounce that
20 arson and the violence involved?

21 DR. MOCK: Yes.

22 MS KULASZKA: Where?

23 DR. MOCK: Certainly at the youth --
24 this -- I was --

25 MS KULASZKA: No, no, I mean -- I'm

1 talking about the arson of Ernst Zundel's house. It was
2 a very major event, it was front page news. Did you or
3 B'nai Brith, the League, ever have a press conference to
4 denounce that type of political violence?

5 DR. MOCK: As I recall, at our
6 various press conferences about the audit and so on, we
7 denounced -- we denounced violent strategies. I do not
8 recall that we held a specific press conference to --
9 to denounce that incident, but then that isn't the
10 style. That wouldn't have been unusual. That isn't
11 the style of B'nai Brith to hold press conferences
12 about various incidents. You asked where I -- I didn't
13 have a chance to answer where I did denounce that kind
14 of activity. Should I?

15 THE CHAIRPERSON: If you are saying
16 at that conference, where you spoke?

17 DR. MOCK: No, no. Not just that
18 conference. It's when I --

19 THE CHAIRPERSON: The question was
20 specific. So if there's further elaboration required,
21 I'll ask the other counsel. The question was specific.
22 Where did you denounce the arson of Mr. Zundel's house?

23 DR. MOCK: We denounced it at a
24 different program, which is where we first met some of
25 the ARA people. The League for Human Rights of B'nai

1 Brith becoming very concerned about way some youth were
2 behaving in the city. There were a couple of other
3 organizations as well, not just ARA. We mounted a
4 program. It's referred to in this letter.

5 THE CHAIRPERSON: In the letter at
6 page 18?

7 THE WITNESS: Yes. Sorry, I just
8 have to read it again to find the exact line. The
9 League created a youth group and we had open forums
10 where we invited people of all racial and religious
11 backgrounds to come to seminars on learning anti-racism
12 activist strategies, and that is -- you know, we would
13 have them on a Sunday afternoon, a pizza afternoon or
14 whatever, and that is where I and some of my colleagues
15 at the League for Human Rights of B'nai Brith helped
16 them.

17 Not just -- there were a couple
18 people that showed up from there and that is how we
19 first came into contact with them. It was on that
20 basis and on the training programs that I was giving to
21 the wider youth where I denounced in speeches violent
22 strategies such as the alleged arson. And it's on that
23 basis that some of those young people invited me to be
24 on that panel for their conference. Similarly, Muslim
25 youth were at this conference and they asked me to come

1 to their organizations and speak. And African-Canadian
2 youth were there, and I went to their organizations to
3 speak.

4 So when ARA asked, it was a good
5 opportunity, as this letter indicates, to bring that
6 message more widely.

7 THE CHAIRPERSON: Ms Kulaszka?

8 MS KULASZKA: If you can go onto page
9 19. Have you seen this letter before?

10 DR. MOCK: Just in this binder. I
11 don't recall ever seeing it before.

12 MS KULASZKA: Can you turn to page
13 20? This is a letter by Marvin Kurz. In it, he
14 endorses the funding of the ARA conference, states:

15 "There is real value in bringing
16 groups such as ARA into the
17 mainstream of the fight against
18 racism."

19 That was the official position of the
20 League, was it not?

21 DR. MOCK: Yes.

22 MS KULASZKA: If you can turn to the
23 next page, this is another memo. It states, "The ARA
24 received \$8,000" -- to your knowledge, did they receive
25 \$8,000 in funding?

1 DR. MOCK: I believe they did. You'll
2 notice....

3 MS KULASZKA: Did you appear in front
4 of Metro Council, and you gave a speech, urging them to
5 give the funding?

6 DR. MOCK: Yes, I did. The reason
7 being that it had been promised to them, and because
8 complaints were made, they on good faith had the
9 conference.

10 You'll notice that there is a date
11 differential here. The actual conference was on June
12 23rd, I believe. Yes, Sunday, June the 23rd. But
13 because there had been complaints filed through Metro,
14 alleging that this was a terrorist organization and
15 should not be funded, they withheld the funds. So
16 these young people, who really did not have funds at
17 all, had already gone out on a limb with the promise of
18 those funds, and had held the conference, and were
19 greatly in arrears. So this was my attempt to say this
20 is not how we're going to build the trust, that these
21 students should be -- and young people should be
22 learning how the system works, how to work within the
23 confines of the system and the law, and use the
24 mainstream vehicles, such as appearing at Metro Council
25 or appearing in -- sending out messages, holding

1 conferences, learning seminars. So this was an appeal
2 to say, don't violate that trust now and then turn
3 around and have these young people say, we did this
4 because we were taking your advice, and now we're out
5 \$8,000 because of it. So that was the role that I
6 played.

7 MS KULASZKA: I wonder if we could
8 produce most of this tab?

9 THE CHAIRPERSON: Yes, I was
10 wondering what's happening with that. Has any of it
11 been produced?

12 MS KULASZKA: No.

13 THE CHAIRPERSON: None of it?

14 MS KULASZKA: No, we've just been
15 going through it.

16 THE CHAIRPERSON: What parts have we
17 viewed? That's the other question. I haven't been
18 keeping track on that. I think pages -- have we gone
19 through each page, systematically?

20 MS KULASZKA: Almost every page, yes.
21 These were -- we've discussed almost everything.

22 THE CHAIRPERSON: These are often
23 copies of articles from mainstream newspapers?

24 MS KULASZKA: Yes.

25 THE CHAIRPERSON: The Globe & Mail,

1 Toronto Star.

2 MS KULASZKA: Yes, for example, page
3 3 and 4. Dr. Mock is quoted there.

4 THE CHAIRPERSON: Right.

5 MS KULASZKA: Five, up to 8 and 9,
6 that was the controversy she was well aware of
7 concerning the invitation to the University of Toronto
8 of Wolfgang Droege. And several -- there's several
9 articles, just -- well, the comment by Bernie Farber,
10 up to page 11.

11 THE CHAIRPERSON: That was from --

12 MS KULASZKA: And then there's a
13 series of letters to Karen Mock or from Karen Mock or
14 Marvin Kurz, concerning the ARA grant.

15 THE CHAIRPERSON: Have you reached
16 page 14 yet? Are you still at page 13?

17 MS KULASZKA: Yes, I think we went
18 through pages 14 and 15 together. I read that.

19 THE CHAIRPERSON: Yes, we did. I'm
20 trying remember the source of this. This was a
21 printout?

22 MS KULASZKA: That -- that's on
23 the -- it's from Anti-Racist Action, their website.

24 THE CHAIRPERSON: Now, was that
25 something that had --

1 MS KULASZKA: ARA Toronto.

2 THE CHAIRPERSON: Had that been
3 recognized by the witness?

4 MS KULASZKA: Dr. Mock, can you go to
5 page -- to tab 7, page 14 and 15. This is a printout
6 from ARAToronto.com? Did you ever see that?

7 DR. MOCK: Again, in this binder, I
8 saw this. I don't recall seeing it when they had it.
9 But again it's very old. We may have been sent a copy,
10 I wouldn't now. I don't remember.

11 THE CHAIRPERSON: I have some
12 difficulty with this one, Ms Kulaszka. Maybe you can
13 have a witness, or maybe you can -- you can go in on
14 consent. I don't know.

15 MS KULASZKA: Do my friends have any
16 objection?

17 MR. FOTHERGILL: I have no difficulty
18 with the authenticity of the document. It's
19 obviously -- the relevance is a matter that I --

20 THE CHAIRPERSON: All I'm talking
21 about is authenticity here.

22 MR. VIGNA: Same comment. Only
23 the -- the content.

24 THE CHAIRPERSON: Have you seen it,
25 Mr. Kurz?

1 MR. KURZ: Unfortunately, I never got
2 a binder. I saw it yesterday, or the other day, when I
3 was with Mr. Vigna.

4 THE CHAIRPERSON: Okay, why don't you
5 look at it --

6 MR. KURZ: I'll just take a -- I
7 don't think I'm going to be objecting. I'll just take
8 a quick look.

9 THE CHAIRPERSON: Fine. And the next
10 one, then was a letter from --

11 MS KULASZKA: ARA to Karen Mock.

12 THE CHAIRPERSON: So, Ms. Mock, you
13 received this letter?

14 THE WITNESS: Yes, that I -- that I
15 do recognize.

16 THE CHAIRPERSON: And page 17,
17 there's also a letter from you?

18 THE WITNESS: My handwriting's on it,
19 too.

20 MS KULASZKA: Eighteen is a letter
21 from Karen Mock.

22 THE CHAIRPERSON: Right.

23 THE WITNESS: Yes, all those I
24 recognize.

25 THE CHAIRPERSON: Right. It's

1 also --

2 MS KULASZKA: And we get to 19, I
3 don't think Dr. Mock recognized this.

4 THE CHAIRPERSON: No, but it
5 certainly appears to be emanating from Metro Toronto.

6 THE WITNESS: Yes, from Charles
7 Smith's file.

8 THE CHAIRPERSON: So are you fairly
9 confident that it's --

10 THE WITNESS: Oh, yes. Yes, that's
11 his handwriting at the top, too.

12 THE CHAIRPERSON: Okay.

13 MS KULASZKA: Next page is a letter
14 from Marvin Kurz.

15 THE CHAIRPERSON: Right, so Mr. Kurz,
16 it's a letter, July --

17 MR. KURZ: My secretary appears to
18 have signed it.

19 THE CHAIRPERSON: It appears to be
20 yours, at least it's in your --

21 MR. KURZ: Yes, I don't deny it.

22 THE CHAIRPERSON: Okay.

23 MR. KURZ: And just with regard to 14
24 and 15, I assume, Ms Kulaszka, you downloaded that
25 yourself? Because I'll take your word. If you say

1 that that's what you did, then that's fine with me.

2 THE CHAIRPERSON: Somebody did it --

3 MR. KURZ: Because it looks like --

4 MS KULASZKA: No, I didn't download
5 that.

6 THE CHAIRPERSON: No, it looks like
7 it's been faxed to Ms Kulaszka.

8 MS KULASZKA: Yes.

9 MR. KURZ: Oh, I see. Because it
10 looks like it's been downloaded on that -- the upper
11 right-hand corner --

12 THE CHAIRPERSON: And the date that
13 you'll see is only a few days ago --

14 MS KULASZKA: Yes.

15 THE CHAIRPERSON: -- 2/14/2007, at the
16 bottom, so it was on Valentine's Day.

17 MR. KURZ: It appears -- I'm not
18 objecting.

19 THE CHAIRPERSON: Okay.

20 DR. MOCK: No, not at all.

21 THE CHAIRPERSON: So -- and then page
22 21 --

23 MS KULASZKA: We're at 21.

24 THE CHAIRPERSON: Appears to be Metro
25 Toronto again.

1 MS KULASZKA: That's another memo by
2 Robert A. Richards, Chief Administrative Officer.

3 THE CHAIRPERSON: Right.

4 MS KULASZKA: And it just states the
5 ARA had received it.

6 THE CHAIRPERSON: That's right, and
7 the witness testified on that just now, so yes, I'm
8 fairly confident of that product.

9 MS KULASZKA: And the last product,
10 Mr. Fromm can identify that. This is a letter he sent.
11 And he can explain what he did.

12 THE CHAIRPERSON: Right. For some
13 reason, I've already ticked off. Has it been produced?
14 The page is right. But the last part I had, for --
15 yes, the Heritage Front report, 1994, last two pages
16 were produced by the -- were entered.

17 MS KULASZKA: Yes, she recognized the
18 two -- I think she recognized the two posters.

19 DR. MOCK: No, I didn't actually.

20 MS KULASZKA: Did you not?

21 DR. MOCK: No.

22 MS KULASZKA: You had never seen
23 those posters?

24 DR. MOCK: I don't remember.

25 MS KULASZKA: One is called "rock

1 against terrorists" and the other one is called "shut
2 the Nazi down"? Have you ever seen those posters
3 before?

4 DR. MOCK: I don't remember. I don't
5 remember seeing those.

6 MS KULASZKA: Then, if we could just
7 produce from pages 1 to 21, through Dr. Mock.

8 THE CHAIRPERSON: Yes.

9 MS KULASZKA: If you can just turn to
10 tab 12. Did you have a chance to look through these
11 articles? They are all articles from newspapers. Are
12 you familiar with those articles? You probably saw them
13 or maintained a file on them yourself.

14 DR. MOCK: No, I didn't at the time at
15 all. I may have seen them as a citizen, but you'll
16 notice that they're from 1983, I think, till -- well,
17 the ones -- the ones that would have been before 1989,
18 I would not have been clipping or --

19 MS KULASZKA: So after --

20 DR. MOCK: -- you know, keeping in
21 any file. But you know, I likely, as a citizen and
22 someone who was a -- quite a consumer of news --

23 MS KULASZKA: When did you --

24 DR. MOCK: -- was aware of some of
25 these.

1 MS KULASZKA: When did you start
2 working for B'nai Brith?

3 DR. MOCK: September 1st, 1989.

4 MS KULASZKA: We could go to page 31.
5 So that would be tab 12, page 31.

6 DR. MOCK: Uh-huh.

7 MS KULASZKA: Do you recognize those
8 articles?

9 DR. MOCK: Yes.

10 MS KULASZKA: And what was that
11 about?

12 DR. MOCK: This was about our call
13 and the call of many people in the community from
14 different racial and ethnic groups, a call that charges
15 should be laid against Ernst Zundel for the promotion
16 of Holocaust denial and the promotion of hatred against
17 Jews and other minority groups.

18 MS KULASZKA: And the date is
19 September 11th, 1992 and he in fact had been acquitted
20 the month before of all of the false news charges by
21 the Supreme Court of Canada; is that correct?

22 DR. MOCK: As I -- as I recall, and
23 again I'm not a lawyer. It was that the false news
24 section was struck down as -- as unconstitutional, but
25 he had been, as I recall, found guilty by two lower

1 courts and it was the constitutional challenge that
2 struck it down. So we were asking that he be laid
3 under different -- charges be laid under a different
4 section.

5 MR. VIGNA: Mr. Chair, I understand
6 this leeway, but there's a whole bunch of questions on
7 the Zundel case. We are not here to retry the Zundel
8 case and --

9 THE CHAIRPERSON: And most certainly,
10 we will not be retrying the Zundel case.

11 MR. VIGNA: And I'm questioning --

12 MS KULASZKA: I don't think we're
13 retrying it.

14 MR. VIGNA: I'm questioning the
15 relevance here.

16 THE CHAIRPERSON: Well, let's see
17 where it's going. I consider this introductory
18 information, at least that's how I'm taking it. Where
19 is it going, Ms Kulaszka? Or even just the page?

20 MS KULASZKA: Ernst Zundel's a major
21 part of her -- of her expert report. She -- she --

22 THE CHAIRPERSON: Oh, that's where
23 you're going.

24 MS KULASZKA: And -- but it is
25 nowhere in her expert report that in fact she lobbied

1 very hard for a long time to have him charged under the
2 hate law.

3 THE CHAIRPERSON: So it's part of
4 your general questioning with regard to the
5 weighting --

6 MS KULASZKA: It's just -- it's just
7 for disclosure of her background.

8 THE CHAIRPERSON: Yes, okay.

9 MS KULASZKA: And so the -- the
10 article states -- it has a quote from you:

11 " 'Holocaust denial is an illegal
12 activity,' Karen Mock, B'nai
13 Brith Canada National Director,
14 said at a news conference in its
15 North York office yesterday."

16 And you were calling for charges to
17 be laid under the hate propaganda laws; is that right?

18 DR. MOCK: We were calling for
19 charges to be laid, again, given the nature of the
20 media to use different words. Even when they are in
21 quotes, I can't be sure that I used exactly that
22 language.

23 THE CHAIRPERSON: Okay, but in your
24 recollection, you said --

25 DR. MOCK: Yes. Oh, yes.

1 THE CHAIRPERSON: -- other charges
2 could be laid given --

3 DR. MOCK: Yes, absolutely.

4 THE CHAIRPERSON: -- the striking
5 down of the other provision?

6 DR. MOCK: Yes.

7 THE CHAIRPERSON: Okay, I understand.

8 THE WITNESS: It was the position of
9 the organization.

10 MS KULASZKA: And it says:

11 "The coalition is concerned that
12 if Ontario fails to prosecute
13 Zundel and others under hate
14 propaganda laws, it will result
15 in a proliferation of Nazi
16 skinheads and other racist
17 groups".

18 Was that your position?

19 THE CHAIRPERSON: Where did -- where
20 did you just read from? I'm sorry.

21 MS KULASZKA: That's about the fourth
22 paragraph down, "The coalition is concerned..."

23 THE CHAIRPERSON: Yes.

24 MS KULASZKA: Was that the -- is that
25 an accurate statement of the coalition's position?

1 DR. MOCK: Yeah, that would be a
2 paraphrase, a pretty accurate position, a statement, a
3 paraphrase of our position.

4 MS KULASZKA: And the Urban Alliance
5 president stated -- or warned Zundel and his supporters
6 that they "will increasingly face community groups from
7 all racial backgrounds standing side-by-side together."

8 Is that right? Did he say that?

9 DR. MOCK: He would have said
10 something to that effect.

11 MS KULASZKA: And you stated that:

12 "There was widespread support
13 from the community in her
14 organization's fight. The
15 coalition now plans to meet
16 Hampton and hold discussions
17 with the federal Justice
18 Department in an effort to
19 strengthen the Criminal Code and
20 carefully monitor racist groups
21 to prepare guidelines for
22 community groups to respond to
23 the hate mongering."

24 Is that correct -- a correct report?

25 DR. MOCK: Yes, that's, as I

1 mentioned yesterday or the other day, part of what I
2 do -- or did.

3 MS KULASZKA: Now, Howard Hampton was
4 the Attorney General of Ontario at that time, I
5 believe, with -- of the NDP government? He was
6 the Attorney General of the time?

7 DR. MOCK: Yes, I believe so.

8 MS KULASZKA: Did you meet with Mr.
9 Hampton?

10 DR. MOCK: I don't recall meeting
11 with him personally, but members of the organization
12 may have. It's a volunteer grassroots-based
13 organization.

14 MS KULASZKA: To your knowledge, did
15 anyone meet with Howard Hampton, from B'nai Brith?

16 DR. MOCK: I believe so.

17 MS KULASZKA: And who was that?

18 DR. MOCK: To be honest, I can't
19 remember. It was in 1992 that we had this coalition.
20 And in fact, when I read this article, I kind of began
21 to remember Oudi Darmalingim and you know, the work
22 that we did. But I -- I again would have to look back
23 in the records to remember who met with whom on what
24 date in 1992.

25 THE CHAIRPERSON: I think the witness

1 has said it wasn't her, Ms Kulaszka.

2 MS KULASZKA: And hold discussions
3 with the federal Justice Department in an effort to
4 strengthen the Criminal Code. Did you have any --or
5 did you participate in any such discussions?

6 DR. MOCK: I likely did. Most of the
7 discussion would have been through our audited
8 anti-Semitic incidents, and recommendations that we
9 would make in that document each year. And any time
10 the senior officials of B'nai Brith would meet in
11 Ottawa, they would -- they would likely be the ones to
12 have had personal meetings at that time.

13 MS KULASZKA: So you yourself cannot
14 remember any meetings with federal justice officials?

15 DR. MOCK: I don't even remember who
16 was the federal justice minister in 1992.

17 MS KULASZKA: Do you remember what
18 kind of changes you wanted in the Criminal Code?

19 DR. MOCK: There was -- there is a
20 position in B'nai Brith, and was at the time, that
21 Holocaust denial should be made a criminal offence. And
22 also that -- as I recall, that desecration of religious
23 institutions should be included as well.

24 MS KULASZKA: Did you want truth
25 removed as a defence?

1 DR. MOCK: I don't remember. I
2 didn't review the position papers from that day. But --

3 MS KULASZKA: I wonder if I could
4 produce --

5 DR. MOCK: But I --

6 MS KULASZKA: Oh, sorry.

7 DR. MOCK: Go ahead.

8 MS KULASZKA: I wonder if I could
9 just produce that document as we go long, then there's
10 no -- no confusion.

11 THE CHAIRPERSON: There won't be a --
12 right. So just page 31.

13 MS KULASZKA: Yes.

14 THE WITNESS: Do you have transcripts
15 there that I could look at?

16 THE CHAIRPERSON: Well, no I mean --

17 THE WITNESS: That you're -- oh, I
18 didn't -- I don't --

19 THE CHAIRPERSON: We're just dealing
20 with the article here right now.

21 THE WITNESS: Oh, just the newspaper?

22 THE CHAIRPERSON: She just asked me
23 if the -- if the newspaper article can be introduced,
24 and it seems to be a genuine article. It doesn't seem
25 to be only an excerpt. There's no indication that it

1 continues. This is the whole article, it seems, from
2 Friday, September 11th, 1992.

3 MS KULASZKA: Next page, page 32, is
4 an article from the Canadian Jewish News of September
5 17th, 1992, and it's headed "B'nai Brith Ethnic Groups
6 Press For New Zundel Charges", and there's a picture of
7 you. Have you seen this article before?

8 DR. MOCK: Yes.

9 MS KULASZKA: You held, I think --
10 it's about the same press conference, isn't it? And in
11 this case, over in the far side at the top on the
12 right, outlining the League's response to the court
13 decision which erased a conviction and nine-month jail
14 sentence against Zundel, Mock said:

15 "B'nai Brith had launched a
16 campaign to mobilize grassroots
17 support for new charges against
18 the pro-Nazi publisher. 'We are
19 opening' - or 'organizing a
20 phone-in campaign to get the
21 Attorney General to act without
22 delay', Kurz says."

23 And that's Marvin Kurz, correct?

24 DR. MOCK: That's correct.

25 MS KULASZKA: And what was the

1 phone-in campaign?

2 DR. MOCK: To urge the Attorney
3 General to act without delay and lay charges under
4 the -- what, in our view, would be the correct section
5 of the Criminal Code.

6 MS KULASZKA: At the bottom of the
7 page in the middle, it says:

8 "If Zundel is not prosecuted, it
9 will be open season for bigots
10 of the worst sort", she said.

11 Was that also the position of the
12 League?

13 DR. MOCK: Yes, and it was based on
14 evidence that we had in the -- in terms of documenting
15 the rise in anti-Semitic incidents in jurisdictions
16 where various decisions had been overturned.

17 MS KULASZKA: Okay, and on the next
18 page, page 33. This is an ad which appeared in the
19 Canadian Jewish News, September 10th: "Help stop
20 Zundel. Ernst Zundel is a hate monger. Call now."

21 Oh, maybe we can just produce
22 that last page.

23 THE CHAIRPERSON: Sure.

24 MS KULASZKA: That would be page 32.

25 THE CHAIRPERSON: Yes.

1 MS KULASZKA: Was this an ad
2 sponsored by the League for Human Rights?

3 DR. MOCK: It appears to be from the
4 B'nai Brith Canada newspaper, yes.

5 MS KULASZKA: Actually, it's from the
6 Canadian Jewish News of September 10th, 1992, but
7 you'll see at the bottom, it says, "League for Human
8 Rights of B'nai Brith Canada."

9 Is this part -- was this part of the
10 phone-in campaign? It says, "Call now".

11 DR. MOCK: Yes.

12 MS KULASZKA: Do you know how
13 successful it was?

14 DR. MOCK: It wasn't successful in
15 having hate charges laid under that -- those sections
16 of the code, the Criminal Code. And I have no idea, I
17 wouldn't know how successful or how many people phoned.
18 We would have had no way of knowing that.

19 MS KULASZKA: It states in the third
20 bullet down -- it says:

21 "The League for Human Rights of
22 B'nai Brith Canada has fought
23 Zundel for years. We know him,
24 so do you."

25 Is that a correct statement, you

1 had -- that the League had fought Zundel for years?

2 DR. MOCK: Yes.

3 MS KULASZKA: Would you agree that
4 the impact of this statement on the Jewish community is
5 that they are in danger, justice has not been done, the
6 legal system wasn't serving them?

7 DR. MOCK: Yes.

8 MR. KURZ: Mr. Chair, I -- there's no
9 question that Ms Kulaszka has the right to
10 cross-examine Dr. Mock about anything that she said or
11 did that may be relevant to whether she has some
12 element of bias, which appears to be where all of this
13 is leading. But when she -- when her cross-examination
14 becomes basically a cross-examination about the
15 workings of B'nai Brith, about the propriety of what
16 B'nai Brith did, rather than what Dr. Mock did, then,
17 in my respectful submission, it strays from the narrow
18 purpose for which she's entitled to cross-examine Dr.
19 Mock on these, and it becomes, in effect, a
20 cross-examination about B'nai Brith.

21 THE CHAIRPERSON: I understand that
22 she's focusing on periods of time when Dr. Mock was the
23 director, national director. Are you not, Ms Kulaszka?

24 MS KULASZKA: Yes, the -- just
25 articles we just went through, Dr. Mock announces this

1 phone-in campaign, and this -- this was part of the
2 phone-in campaign. Dr. Mock just said so.

3 THE CHAIRPERSON: So in that context,
4 her involvement is there. Perhaps in her capacity as
5 national director, but I don't sense from the witness
6 that she did not share the views that she expressed on
7 behalf of the organization.

8 MR. KURZ: Oh, no, I understand that
9 and -- but to the extent that she's dealing with what
10 Dr. Mock did, then that's fine. But to the extent that
11 she's talking about -- again, I don't care about the
12 fact that I happen to be mentioned, but that's --
13 that's -- what I'm saying is that what I had to say or
14 any other person had to say, is irrelevant in the
15 context of this kind of a cross-examination. That's my
16 point.

17 THE CHAIRPERSON: I see your point.
18 But you must understand that there is some grey zone
19 there because she was the director, and so I mean, of
20 course, there are shared activities, but as director,
21 you sometimes have to take responsibility for the
22 conduct of the organization. I guess that's where it's
23 coming from.

24 DR. MOCK: Mr. Chair?

25 THE CHAIRPERSON: Yes?

1 DR. MOCK: I would like to clarify my
2 role in that organization.

3 THE CHAIRPERSON: Okay, that would --
4 that would be helpful, I think, in understanding the --

5 DR. MOCK: I think that would -- now
6 I'm -- now I'm seeing where I could be helpful to you
7 in clarifying that.

8 THE CHAIRPERSON: Okay, please.

9 DR. MOCK: I was an employee of B'nai
10 Brith Canada, so if you had the org chart, I'm kind of
11 down here and called national director of this
12 committee, which is the League for Human Rights.

13 THE CHAIRPERSON: Okay.

14 DR. MOCK: Up here is the executive
15 director of B'nai Brith Canada, who is the CEO of the
16 League for Human Rights as well. I am bound, as I was
17 even when I was hired and I was challenged, to uphold
18 the policies of the organization for which I was
19 employed. Did I write this ad, did I have the control
20 over what was in the content, did I come up with the
21 idea for the phone in campaign? This was not --

22 MR. CHRISTIE: Well, Mr. Chairman, we
23 are --

24 THE CHAIRPERSON: I want this
25 answered, sir.

1 MR. CHRISTIE: All right.

2 DR. MOCK: No, but I need to clarify
3 that.

4 THE CHAIRPERSON: Yes. No, I'm
5 asking this question.

6 DR. MOCK: When -- when I was hired,
7 I was even challenged by the executive -- the executive
8 director of B'nai Brith Canada, who is also there by
9 the CEO of the League for Human Rights. His point was,
10 you're used to be considered an expert in this area and
11 a president of organizations, and a spokesperson. What
12 if your view was different from the view?

13 And I say, well, I would be bound --
14 I would hope I would still have a free platform to be
15 able to express my views and provide my expertise to
16 the board and to the organization and to my boss. But
17 that I would, of course, be bound by the policies.

18 So the executive director and CEO of
19 B'nai Brith is also the CEO of the advertising
20 department, and everything else and so --

21 THE CHAIRPERSON: Okay. So two quick
22 answers then -- two quick questions, two quick answers.
23 You were not involved in setting up this advertising
24 campaign?

25 DR. MOCK: Not the ad campaign, no.

1 THE CHAIRPERSON: But you -- you did
2 not disapprove of this advertising campaign?

3 DR. MOCK: No, I did not disapprove
4 of this.

5 THE CHAIRPERSON: And in fact, you
6 would have endorsed it?

7 DR. MOCK: Yes, I would have endorsed
8 it.

9 THE CHAIRPERSON: Okay. Please
10 proceed.

11 MS KULASZKA: Maybe we could produce
12 that page as well, just page 33.

13 THE CHAIRPERSON: Again, it appears
14 to be straight out of the Canadian Jewish news. I can
15 see it at the top. I don't think there's a problem.

16 MS KULASZKA: Yes, I think -- Dr.
17 Mock, you're familiar with that ad, are you not?

18 DR. MOCK: Yep.

19 MS KULASZKA: Okay, the next page is
20 page 34, "Groups plan clearinghouse to fight bigotry".
21 This is September 22nd, 1992.

22 It was a conference sponsored by the
23 League for Human Rights of B'nai Brith Canada. It was
24 called to deal with the implications for Canada of the
25 rise of racism and anti-Semitism. Were you involved in

1 this conference?

2 DR. MOCK: Yes.

3 MS KULASZKA: The recommended actions
4 were -- and you can see that on the right-hand side
5 where these little squares are at the bottom:

6 "Making Holocaust denial a legal
7 offence, developing new models
8 of policing in coordination with
9 various ethnic communities,
10 launching a national advertising
11 campaign on anti-racism and
12 human rights, increasing
13 anti-racism education, including
14 compulsory training of teachers
15 in anti-bigotry techniques."

16 Were you involved -- first of all,
17 did you approve of those recommendations?

18 DR. MOCK: Yes.

19 MS KULASZKA: And were you involved
20 in the -- in implementing them later?

21 DR. MOCK: Implementing the
22 recommendations?

23 MS KULASZKA: Correct.

24 DR. MOCK: Well, certainly everything
25 to do with education and clearinghouse. In fact, as I

1 mentioned the other day, only ten percent of the time
2 was spent on advocacy, and most of my time was spent in
3 education, research, training, and developing resources
4 and materials.

5 MS KULASZKA: So you were -- you
6 were, in actual fact, the co-chairperson of
7 the conference? I see that on the -- on the left-hand
8 column, you'll see it near the bottom.

9 It says:

10 "The form of the information
11 clearing centre would take has
12 not been decided,' said Karen
13 Mock, conference co-chairperson,
14 'but could include a fax number
15 to get the message out.' 'We
16 want all people in the community
17 who are fighting racism to fight
18 racism and not each other', Mock
19 said, in summing up the
20 conference's recommendations."

21 Is that an accurate report?

22 DR. MOCK: Yes.

23 MS KULASZKA: And this is very close
24 to the statement you made before the anti-racist
25 conference in later 1996, that you -- you have to have

1 solidarity, and you don't fight each other in public;
2 is that right?

3 DR. MOCK: Similar.

4 MS KULASZKA: If I could producethat
5 page.

6 THE CHAIRPERSON: Yes, it's from the
7 Toronto Star. There's another page to the left of that
8 that you didn't consult. Does it reference the same
9 event?

10 MS KULASZKA: This is the "Ontario
11 Plan to Action against anti-Semitism". Are you
12 familiar with that document, Dr. Mock? It's dealing
13 with the League for Human Rights guidelines for
14 community action. The spokesperson seems to be Frank
15 Diamond?

16 DR. MOCK: He's the executive
17 director and CEO of B'nai Brith.

18 MS KULASZKA: At that time?

19 DR. MOCK: And still.

20 MS KULASZKA: So you are familiar
21 with that article? This was a -- obviously a campaign
22 that B'nai Brith was involved in?

23 DR. MOCK: Yes.

24 MS KULASZKA: If I could produce that
25 page?

1 THE CHAIRPERSON: And it's from the
2 Globe & Mail, for its authenticity, I should say.

3 MS KULASZKA: The next page is
4 thecover of The Covenant. The title is "'Arrest this
5 Man', says B'nai Brith. Coalition campaigns for new
6 charges against Zundel".

7 And there is -- if you turn the page,
8 in September 1992, it reads:

9 "Thousands of 'Stop Zundel'
10 posters produced by the League
11 for Human Rights hit the streets
12 earlier this month. They were
13 designed to pressure Ontario
14 Attorney General Howard Hampton
15 into laying criminal charges
16 against Canada's most known
17 Holocaust denier. Last month, a
18 Supreme Court of Canada ruled
19 unconstitutional with the Code's
20 prohibition against promoting
21 false news. The League
22 immediately called for Zundel's
23 arrest under the Code's hate
24 propaganda section."

25 Do you know what that poster looked

1 like?

2 DR. MOCK: I believe this is just the
3 organization's own newspaper talking about exactly the
4 same posting that we just talked about.

5 MS KULASZKA: Okay, the one on page
6 33?

7 DR. MOCK: I would think so.

8 MS KULASZKA: So this was actually
9 posted around Toronto?

10 DR. MOCK: Yes.

11 MS KULASZKA: By the League For Human
12 Rights? Do you know who -- it says "thousands of
13 posters". Do you know who put those posters up?

14 DR. MOCK: Volunteers mostly.

15 MS KULASZKA: Okay, if I could
16 produce that, those two pages? It would be page 35 and
17 36.

18 THE CHAIRPERSON: Okay, if I
19 understand correctly, Dr. Mock, The Covenant is the
20 newsletter of B'nai Brith.

21 DR. MOCK: At the time, it was called
22 The Covenant. It's now called the Jewish Tribune.

23 THE CHAIRPERSON: Okay.

24 MS KULASZKA: Okay, turning to page
25 37. This is another article in which you were quoted.

1 It states in the second paragraph:

2 "Minorities must develop planned
3 action, and not just a plan of
4 action, when racially motivated
5 crimes or attacks occur."

6 Then further down, "League director
7 Karen Mock" --

8 THE CHAIRPERSON: Could you tell us
9 where? I'm always hunting to find the sections that
10 you read from.

11 MS KULASZKA: Oh, sorry. That would
12 be -- that would be the second paragraph, starts,
13 "Minorities"...

14 THE CHAIRPERSON: Okay.

15 MS KULASZKA: I read that paragraph,
16 and I'm skipping down a paragraph. The next one
17 starts:

18 "League director Karen Mock said
19 a national strategy is needed to
20 combat racism and bigotry.
21 Racism and hate groups are on
22 the rise. 'Enough is enough.
23 Let's do something,' Mock told
24 the conference's concluding
25 session."

1 Is that an accurate report?

2 DR. MOCK: Yes.

3 MS KULASZKA: And going down one?

4 THE CHAIRPERSON: Paragraph?

5 MS KULASZKA: Paragraph.

6 "Excuses and inaction by
7 community leaders give rise to
8 racism. Participants heard
9 ethnic groups must move to a
10 smarter battle by influencing
11 public opinion, lobbying for an
12 entrenchment of equality rights,
13 and consulting aboriginal
14 groups".

15 Is that an accurate statement of the
16 conference?

17 DR. MOCK: Of that conference. Would
18 it help the Chair if I explained which conference this
19 was, or why --

20 MS KULASZKA: Certainly, go ahead.

21 THE CHAIRPERSON: Ms Kulaszka?

22 MS KULASZKA: Certainly.

23 THE CHAIRPERSON: Yes, sure. I mean,
24 I can read it if it says -- it's the conference
25 entitled, "Equality and Justice Implications For Canada

1 and the Rise of Racism". I can read that.

2 MS KULASZKA: Then there are several
3 recommendations, a national advertising campaign. I'm
4 at the top of the second column: More anti-racism
5 education, making Holocaust denial a legal offence,
6 harsher punishments for racially-motivated crimes, and
7 pressing for the establishing of a long-awaited
8 Canadian race relations foundation. So several of those
9 recommendations -- did you help lobby for any of those
10 recommendations?

11 DR. MOCK: Afterwards?

12 MS KULASZKA: Yes.

13 DR. MOCK: At the time, I was the
14 chair of what is called the Canadian Multicultural
15 Advisory Committee, having been appointed by the
16 federal minister, who was the Secretary of State for
17 multiculturalism then, the Honourable Gerry Weiner. And
18 that committee itself was a 35-person committee of
19 people from across the country. It's under that
20 auspices, and I served in that role for four years,
21 from 1990 to 1994, as far as that -- CMAC.

22 It was not a lobby group, but we
23 considered recommendations from all over the country,
24 and then we advised the Secretary of State. So this
25 would have been part of the -- that program, and

1 advising the government on strategies to educate the
2 public and enhance equality rights for all Canadians.
3 It was not a lobby group. That's the conference that
4 this is about.

5 MS KULASZKA: And did it advise for
6 harsher punishments for racially-motivated crimes?

7 DR. MOCK: Yes.

8 MS KULASZKA: And that was
9 subsequently enacted, was it not?

10 DR. MOCK: Yes.

11 MS KULASZKA: And pressing for the
12 establishment of the Canadian Race Relations
13 Foundation, did you help -- did you advise for that?

14 DR. MOCK: The Act had already been
15 passed by then, by Parliament in 1990, but it was not
16 proclaimed. And so we were part of the pushto say this
17 resource and this clearinghouse, and an educational
18 facility to assist all ethnic and racial groups and
19 targeted groups, needed to be proclaimed so that it --
20 it could move forward.

21 THE CHAIRPERSON: So the proclamation
22 did occur later on because the organization agreed?

23 DR. MOCK: The proclamation occurred
24 in 1996, yes.

25 THE CHAIRPERSON: Okay.

1 MS KULASZKA: And were you the first
2 director of the -- of that foundation?

3 DR. MOCK: No, I was not.

4 MS KULASZKA: But you did become a
5 director?

6 DR. MOCK: The first -- the first
7 director was Moy Tam, from 1996 to 2000, and I was
8 appointed by the next government as -- further to a
9 search process, as the -- as the second executive
10 director.

11 MS KULASZKA: Okay, if I could
12 produce that document?

13 THE CHAIRPERSON: Yes.

14 MS KULASZKA: Is it time for a break?

15 THE CHAIRPERSON: Could be. It's an
16 early break but if you feel that you need one.

17 MS KULASZKA: No, we can keep going.
18 That's all right.

19 THE CHAIRPERSON: Another 15 minutes,
20 okay? Yes, 15 minutes I think would be better.

21 --- Discussion off the record

22 --- Recess taken at 10:23 a.m.

23 --- Upon resuming at 10:44 a.m.

24 THE CHAIRPERSON: For the record, I
25 received a letter from Mr. Fromm excusing himself

1 because I believe he has some business today that
2 involved Mr. Warman, he said in the letter. I don't
3 know any other details, other than that. And he said
4 if I need any input from CAFE, I could speak to Mr.
5 Kulbashian about that.

6 Do you wish to --

7 MR KULBASHIAN: Actually, just
8 through my talks with him, I'm going to be effectively
9 taking his place and doing any objections on his behalf
10 and any kind of -- so basically representing CAFE for
11 the time that he's not available, because he'll be in
12 Ottawa until Wednesday, and returning on Thursday.

13 THE CHAIRPERSON: Okay. Fine, unless
14 anyone has any serious objections.

15 MR. KULBASHIAN: It's not going to be
16 overly abusive or -- in any way. Like, as I said, I
17 haven't said anything so far. I'm just pretty much --

18 THE CHAIRPERSON: I notice Mr.
19 Fromm's policy on a lot of the questioning has not to
20 get overly involved.

21 MR. KULBASHIAN: Yes, I've -- I'm --

22 THE CHAIRPERSON: I'm trying to keep
23 the process quick so -- I won't say anything else.
24 I'll just leave it at that. In the appearance form, he
25 had not included your name. He had included the name

1 of another individual.

2 MR. KULBASHIAN: Mr. Wheeler --

3 THE CHAIRPERSON: Yes.

4 MR. KULBASHIAN: -- is not available
5 as well. The major thing -- this is kind of a last
6 minute situation. He wasn't aware that the hearing
7 would actually be proceeding on Monday, and therefore
8 he had somewhat of a last minute scramble to prepare
9 for the hearing in Ottawa from Monday to Wednesday.
10 And therefore, he's prettymuch at this point told me to
11 go ahead on his behalf.

12 THE CHAIRPERSON: I hear you, and
13 we'll play it as we go along, okay, Mr. Kulbashian.

14 MR. KULBASHIAN: Fine, okay.

15 THE CHAIRPERSON: I mean, because
16 you're like -- the third person down the line, but I
17 don't have any objection at this time that you be in
18 the room. You've always been in the room. You've been
19 following -- but do others have objections now?

20 MR. VIGNA: I don't have an objection
21 at this point in time for practical reasons, but if
22 the -- I notice that the debate gets a little bit
23 personal because of Mr. Kulbashian's own case. I might
24 have objections later on but --

25 THE CHAIRPERSON: All right. I want

1 to point out that I'm not familiar at all with what
2 happened after Mr. -- with Mr. Kulbashian's file after
3 my decision in that matter.

4 All right, now I understand --
5 somebody mentioned, I think, somewhere along the way,
6 that there was a judicial review and such. I know
7 nothing about that. But we have to be careful about
8 that, Mr. Kulbashian. Because you were a party in a
9 case that I heard and so --

10 MR. KULBASHIAN: So I just want to --

11 THE CHAIRPERSON: And that's where it
12 can be a bit sensitive. But for the time being, I
13 mean, I think -- I appreciate that someone is here from
14 CAFE in case I need an input from the organization, I
15 can at least speak to Mr. Kulbashian and get a message
16 to Mr. Fromm or to the organization. Okay, so --

17 MR. KULBASHIAN: I just --

18 THE CHAIRPERSON: The letter is very
19 formal and proper, that Mr. Fromm sent me. I don't
20 know if it was CC'd to the other parties. Okay, well,
21 we can show it to you if you like. It was addressed to
22 the Tribunal, asking that he be excused due to the
23 other matter.

24 MS KULASZKA: I just -- I just want
25 to state that I'm here, I guess, on behalf of CAFE and

1 not on behalf of myself. It would be -- I'd be fully
2 adhering to CAFE's policy in this case, as well as
3 their involvement. So it would not be my issue, as
4 opposed to Mr. Fromm's issue.

5 THE CHAIRPERSON: Fine, Mr.
6 Kulbashian.

7 MR. KURZ: I have nothing to say about
8 that point.

9 THE CHAIRPERSON: Okay.

10 MR. KURZ: I'm just wondering if Mr.
11 Kulbashian could let me know, or let the Tribunal know,
12 when Mr. Fromm will be available, when his
13 cross-examination --

14 THE CHAIRPERSON: The letter
15 specified, what did it say, Wednesday?

16 MR. KULBASHIAN: On Thursday,
17 actually.

18 THE CHAIRPERSON: Oh, Thursday.

19 MR. KULBASHIAN: The hearing is from
20 Monday to Wednesday. It's something that kind of came
21 up last minute for him. Therefore, he won't be back
22 until Thursday.

23 MR. KURZ: Just to be -- so that I --
24 because I -- I won't be here for a number of days next
25 week. Others will.

1 THE CHAIRPERSON: Yes.

2 MR. KURZ: We've tried to make sure
3 somebody's here every day, from our point of view. But
4 I would like to be here when Mr. Fromm is available for
5 cross-examination, so I'd just like to know, so I can
6 schedule around that.

7 THE CHAIRPERSON: Yes, okay. The
8 letter was clear about Thursday. I'm just looking at
9 the other witnesses who are testifying. I have it here
10 somewhere.

11 MR. KURZ: That's the other issue,
12 yes. My understanding is Professor Tsesis on Monday,
13 Professor Downs on Tuesday.

14 THE CHAIRPERSON: Yes, 26 and 27.

15 MR. KURZ: And -- and I'm not sure
16 how we are scheduled for the rest of the week. And the
17 rest --

18 THE CHAIRPERSON: Right. For the
19 rest of the week it was -- we had Mr. Livingston, and
20 the end of Mr. Fromm, and there was one other witness?

21 MS KULASZKA: I don't know when Mr.
22 Fromm is going to get back, because, of course, he's in
23 Ottawa with the libel trial. Richard Warman sued him
24 for libel so --

25 THE CHAIRPERSON: Oh, the details.

1 MS KULASZKA: So I don't know how
2 long the trial could be. I think --

3 THE CHAIRPERSON: But he deliberately
4 did not mention those details in his letter, by the
5 way. He just said, "I'm taking in business with Mr.
6 Warman" but --

7 MS KULASZKA: I think it was
8 mentioned previously, actually, at the beginning of the
9 hearing.

10 THE CHAIRPERSON: Okay, okay. I
11 don't want to interfere with what he may or may not
12 have wanted me to know, Mr. Fromm. But he's available
13 Thursday or Friday even, so --

14 MS KULASZKA: Well, hopefully, he
15 will be.

16 THE CHAIRPERSON: Oh, so but -- it's
17 in answer to the question of Mr. Kurz, that's why --
18 you can't answer if it's going to be Thursday or
19 Friday.

20 MS KULASZKA: No.

21 MR. KURZ: I'm just -- I'm wondering
22 if somebody could let me know if they have a clearer
23 idea of when Mr. Fromm will be --

24 THE CHAIRPERSON: Oh, Mr. Kulbashian
25 will be able to tell us.

1 MR. KULBASHIAN: That's why -- that's
2 why I -- he will be available on Thursday.

3 THE CHAIRPERSON: He will be? Okay.

4 MR. KULBASHIAN: The hearing's
5 scheduled from Monday till Wednesday?

6 THE CHAIRPERSON: Yes.

7 MR. KULBASHIAN: And therefore, if it
8 finishes earlier, then he'll be back on Wednesday, but
9 as far as I know, right now it's Thursday.

10 THE CHAIRPERSON: He's targeting
11 Thursday? He's targeting Thursday.

12 MR. KULBASHIAN: He's targeting
13 Thursday.

14 THE CHAIRPERSON: Thank you, Mr.
15 Kulbashian.

16 That will be helpful for me
17 because we have to finish that evidence. We can't leave
18 it out there. And that left -- there was one other
19 witness, was there -- was there not, Ms Kulaszka?

20 MS KULASZKA: There's Mr. Newmann.

21 THE CHAIRPERSON: Oh, yes, Mr.
22 Newmann. But these were all supposed to be quick
23 witnesses, I understood from your -- relatively
24 speaking, right?

25 MS KULASZKA: Well, hopefully, we'll

1 be able to get through next week, those --

2 THE CHAIRPERSON: Yes, it does -- it
3 sounds like we might be able to get through everybody.

4 MR. KURZ: Is Mr. Fromm
5 finished in-chief, Mr. Chair?

6 THE CHAIRPERSON: I believe not.

7 MS KULASZKA: No.

8 MR. KURZ: Okay.

9 THE CHAIRPERSON: Barely -- like, I
10 think there's a little bit left in-chief, and then we
11 are about to go into cross-examination, right?

12 MS KULASZKA: Right. We are -- we're
13 still in-chief.

14 THE CHAIRPERSON: But, yes, there
15 wasn't -- it seemed that we had progressed
16 significantly in his evidence in-chief, right?

17 MS KULASZKA: And I think the experts
18 next week, it seems they both want to be one day each,
19 but we'll see how that goes.

20 THE CHAIRPERSON: Well, it worked
21 yesterday, yes, Mr. Tsesis and Mr. -- I'm willing to
22 accommodate. I just --

23 MR. KURZ: Thank you, Mr. Chair.

24 THE CHAIRPERSON: Yes.

25 MR. VIGNA: I just want to mention,

1 in relation to Mr. Fromm, there's a -- I see that
2 there's a -- the little binder I prepared for him so
3 that he can be made aware of it by Mr. Kulbashian, it's
4 on his desk, as I see. It's rightthere. That's it.
5 And the CD-ROM, I think I gave it to him already.
6 And --

7 THE CHAIRPERSON: Oh, so you would
8 like -- oh, this is for his cross-examination?

9 MR. VIGNA: Yes.

10 THE CHAIRPERSON: All right. Can you
11 get that material to him, Mr. Kulbashian, somehow?

12 MS KULASZKA: Actually, his material
13 is all here so I will speak -- I'll be speaking --

14 THE CHAIRPERSON: Yes, that -- advise
15 him there's new stuff there that he has to see in
16 preparation for his cross-examination.

17 MR. VIGNA: And I'm preparing nothing
18 new in terms of content. It's -- he had a summary of
19 cases that he had mentioned, and he gave us a chart. I
20 compiled all the cases in two case books, and I'm going
21 to give that on Monday morning. If he wants it earlier,
22 I can provide it earlier.

23 THE CHAIRPERSON: Oh, you'll have
24 that on Monday? Okay.

25 MR. VIGNA: Yeah. If he wants it

1 earlier, I -- but I don't think he'll need it before
2 he -- because it's all cases he's mentioning and --

3 THE CHAIRPERSON: Well, he's -- he
4 seems to be familiar with all the cases.

5 MR. VIGNA: Yes.

6 THE CHAIRPERSON: I think there --
7 it's for marking the -- perhaps it would be an
8 advantage, yes.

9 MR. VIGNA: Okay.

10 MS KULASZKA: Okay, Dr. Mock, I think
11 we were -- we finished off at page 37 of tab 12. If we
12 can go to page 38. This was October 15th, 1992. There
13 was a very large rally held. It was called, the
14 article states, "Rally calls on government to stop
15 Holocaust deniers".

16 The first paragraph:

17 "Several hundred people who
18 recently attended an emotional
19 emergency rally were urged to
20 demand from the government that
21 their rights be protected".

22 Were you present at that rally?

23 DR. MOCK: I don't remember.

24 MS KULASZKA: If you read it over,
25 you can't remember if you were there?

1 DR. MOCK: I really don't. I don't
2 know if -- I don't think I'm quoted, and usually, if I'm
3 asked to speak at any of these things, they quote me.
4 It may have been either on a time when I was not
5 available or just someone -- some other organization's
6 rally.

7 MS KULASZKA: Were you familiar with
8 this article at all?

9 DR. MOCK: When I saw it in the book
10 here, I read it.

11 MS KULASZKA: No --

12 THE CHAIRPERSON: It is authentic.

13 MS KULASZKA: It is authentic, yes.

14 THE CHAIRPERSON: Yes, it's just that
15 I don't know what relevance it is if the witness wasn't
16 even involved in that rally.

17 DR. MOCK: I -- I just can't recall.

18 MS KULASZKA: This -- I wanted to ask
19 if she had been there, because it was a very large
20 rally.

21 THE CHAIRPERSON: So just in response
22 of whether she was there or not? Okay, so --

23 MS KULASZKA: But she says she can't
24 remember if she was there. Okay. Okay, turn to page
25 39 --

1 THE CHAIRPERSON: We'll produce it.
2 I mean but -- but I'm mindful of the fact the witness
3 said she was not there -- or does not recall.

4 DR. MOCK: I don't --

5 MR. KURZ: Mr. Chair?

6 THE CHAIRPERSON: Yes?

7 MR. KURZ: May I say -- what may be a
8 helpful suggestion is, all the newspaper articles,
9 we're -- I don't think we're challenging any of them.
10 So if the question is just to have Dr. Mock identify
11 them, whether she's seen them or not is irrelevant, we
12 accept that, from what I can see, and perhaps we'll
13 take a minute, just to save time, just to say that
14 they're all acceptable --

15 THE CHAIRPERSON: That would be
16 helpful.

17 MR. KURZ: -- they're all admissible
18 as newspaper articles, subject to --

19 THE CHAIRPERSON: And if I can go one
20 step further, Ms Kulaszka, I sort of alluded to this
21 the other day. I mean, the extent of Dr. Mock's
22 involvement and positions on this point, I mean, I'm
23 seeing a common theme through everything here. So if
24 that's the point of all this evidence, I mean, I can
25 read the articles. Any references to Dr. Mock are

1 clearly going to be hers and -- and we know where she
2 stands on all these points, right? I --

3 MS KULASZKA: I really feel I have to
4 ask if it's an accurate report though, because she's
5 stated in other instances, it was not an accurate
6 report of what she said.

7 THE CHAIRPERSON: That's true, I'm
8 not --

9 MS KULASZKA: Fair -- fair to a
10 witness to ask.

11 THE CHAIRPERSON: I know, you've got
12 that point, but it's just -- it's a recurring theme,
13 and she's not really dissociating herself with a lot of
14 what's going on here, at least those that reference
15 her.

16 MS KULASZKA: Well, she did yesterday
17 state that some things weren't accurate.

18 THE CHAIRPERSON: She did. But
19 for -- well, it's up -- it's up to the witness. Have
20 you been through this material? Have you -- have you
21 looked at it all?

22 DR. MOCK: I'm -- I'm very
23 comfortable with them including all these materials. If
24 I might add, the -- the one where I felt that I read
25 needed -- because it was so current, was the National

1 Post article, where I knew what I had said because it
2 was just a little while ago, so I called the reporter
3 to check on that. And some of these other pieces that
4 were in -- like students -- you know, an ARA student's
5 account, or paraphrases of what I might have said that
6 are so obvious because there are certain of my articles
7 where I know exactly how I would have worded something.
8 But I'm --

9 THE CHAIRPERSON: So the remainder of
10 these articles all -- that emanated from fairly
11 reliable type sources --

12 DR. MOCK: Uh-huh.

13 THE CHAIRPERSON: -- Toronto -- Globe
14 & Mail, Toronto Sun, Toronto Star --

15 DR. MOCK: Yeah, I mean, Ottawa
16 Citizen are quoting the Ottawa staff there and --

17 THE CHAIRPERSON: And you're --

18 MS KULASZKA: Well, if we can just
19 produce the tab, that -- that would be all right with
20 me then.

21 THE CHAIRPERSON: That's fine.
22 Perhaps there's only one thing that I would ask on --
23 the rest of the articles, you know, speak for
24 themselves. But I notice at page 47 is an ad, an
25 advertisement. So that one, perhaps we should ask the

1 witness about. The remaining material appears to be
2 articles.

3 MS KULASZKA: Okay, Let me get to
4 that and --

5 THE CHAIRPERSON: Well, I'd like you
6 to jump forward, I mean, Ms Kulaszka.

7 MS KULASZKA: Oh, okay.

8 THE CHAIRPERSON: I mean, she's
9 accepting it.

10 MS KULASZKA: Dr. Mock --

11 THE CHAIRPERSON: She's accepting
12 what's -- everything that's been written in the
13 articles, so she is not going to try and deny the
14 manner in which they may present her statements in
15 these articles. But I do notice that there's this
16 advertisement, kind of distinct from the other
17 material.

18 MS KULASZKA: Dr. Mock, yes, if you
19 could turn to page 47. This is an ad, it was sponsored
20 by a number of organizations, including B'nai Brith
21 Canada. Do you see that? Do you remember that ad
22 or --

23 DR. MOCK: I don't remember this.
24 But, I mean -- no, I -- I simply don't remember it. I'm
25 not questioning that it might not have been

1 co-sponsored. You know, people list all kinds of
2 organizations that are part of --

3 MS KULASZKA: Do you remember -- do
4 you ever remember being involved in its preparation?

5 DR. MOCK: No, I -- I wouldn't have
6 been involved in this preparation.

7 THE CHAIRPERSON: You would not have
8 been, you said?

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

10 THE CHAIRPERSON: I'll leave it to
11 you to do what you want to do with it. Right now, I
12 don't see it as being identified sufficiently for
13 production, unless somebody -- unless again, I get some
14 sort of an acknowledgement from the other side.

15 MS KULASZKA: I -- we could -- we can
16 leave that out and get it identified later.

17 THE CHAIRPERSON: That's fine.

18 MS KULASZKA: It's from Excalibur.

19 THE CHAIRPERSON: Okay, so --
20 soeverything but page 47 in this tab has been produced.

21 MS KULASZKA: Okay.

22 THE CHAIRPERSON: You're keeping
23 track of this, too, Ms Kulaszka, or Mr. Lemire, so that
24 you can get back to it later on, if you need to?

25 MS KULASZKA: Okay, Dr. Mock, just

1 going through them, page 40, is an article, "B'nai
2 Brith Urges Action to Head Off Hate Crimes". It also
3 refers to Ernst Zundel, that was --

4 THE CHAIRPERSON: Ms Kulaszka, my
5 goal in getting everything produced was to sort of not
6 have to go through this process. She's acknowledging
7 that --

8 MS KULASZKA: Oh, okay, I --

9 THE CHAIRPERSON: -- every single
10 thing that it says about her, she -- she admits.

11 MS KULASZKA: I am heading to
12 something.

13 THE CHAIRPERSON: Okay, that's fine.

14 MS KULASZKA: And I won't go through
15 it word-for-word. I just want to ask her about that --
16 you'll see that article, February 23rd 1993; is that
17 right?

18 DR. MOCK: Uh-huh.

19 MS KULASZKA: And then page 41, CJC,
20 which of course, is the Canadian Jewish Congress,
21 "Zundel charges," that was March of 1993, correct?

22 DR. MOCK: Uh-huh. Yes.

23 MS KULASZKA: And the same with page
24 42, 43. And then on page 44, there's an article, it
25 was March of 1993, and it concerns -- it's -- or the

1 title is "O.P.P. Won't Press Zundel Charges". Do you
2 know what that was about? Do you remember what that
3 was about?

4 DR. MOCK: Yes.

5 MS KULASZKA: That was the -- after
6 Ernst Zundel was acquitted in August of '92 -- see if
7 this is correct -- the Canadian Jewish Congress and
8 other Jewish groups attempted to get hate charges laid
9 against Ernst Zundel, and in March of 1993, the O.P.P.
10 announced that they would not be laying charges.
11 That -- that's what it's about, correct?

12 DR. MOCK: Yes.

13 MS KULASZKA: Okay, and then on page
14 45, the police, the Canadian Jewish Congress was
15 outraged that the charges were not laid. That -- do
16 you remember that?

17 DR. MOCK: Uh-huh. And I notice that
18 I'm not quoted in any of the articles that you've
19 mentioned so -- so far, of this --

20 MS KULASZKA: No, but --

21 DR. MOCK: Of this batch. But yes,
22 that's true.

23 THE CHAIRPERSON: You recall it?

24 MS KULASZKA: Yes, you recall it.

25 And -- and the position of your -- of the League was

1 the same as the Canadian Jewish Congress, wasn't it?

2 DR. MOCK: Yes, we -- we wanted the
3 charges to be laid --

4 MS KULASZKA: Yes, if you can look at
5 page --

6 DR. MOCK: -- if there was enough
7 evidence, at the time.

8 MS KULASZKA: -- page 46, you can see
9 there's a quote on the right-hand column by Mark
10 Sandler of the League For Human Rights.

11 MR. KURZ: Which page are you on?

12 THE CHAIRPERSON: Forty-six.

13 MS KULASZKA: Forty-six. And they
14 echoed the hope that the door to prosecution was
15 not closed. So the League had the same position?

16 DR. MOCK: Yes.

17 MS KULASZKA: And I think we'll skip
18 page 47, because that's not been recognized by you.

19 We get to page 48, some three months
20 later, after that decision was made by the O.P.P., a
21 mob attacked Ernst Zundel's home, and that was
22 Anti-Racist Action. It states that:

23 "A rampaging mob of close to 300
24 anti-racists trashed the" -- or
25 sorry, this was Gary Schipper --

1 "the rented East Toronto home of
2 a prominent racist last night".

3 And that was Gary Schipper:

4 "They tossed smoke bombs, paint
5 bombs, rocks and bags of
6 excrement through the front
7 door."

8 Who is -- whom is Gary Schipper?

9 DR. MOCK: I think he was a member of
10 Heritage Front, I believe and --

11 MS KULASZKA: And he was the voice on
12 the taped telephone messages that were the subject of a
13 Section 13 hearing, under the Canadian Human Rights
14 Act, correct?

15 DR. MOCK: Uh-huh. Yes.

16 MS KULASZKA: Were you aware of this
17 riot that took place in June of 1993, by Anti-Racist
18 Action?

19 DR. MOCK: From the newspaper
20 reports, I was.

21 MS KULASZKA: And then if you turn to
22 page 49, there was an article, they interviewed various
23 leaders of the anti-racist movement, one of them was
24 Bernie Farber.

25 If you look at the -- the column,

1 second from the right:

2 "Farber attacked lack of
3 government action against groups
4 like the Heritage Front, which
5 preached white supremacy. 'The
6 problem is the police and the
7 Attorney General's office, that
8 have not been cooperating. They
9 have not used the anti-hate
10 legislation as a means to stop
11 hate mongering.' He said,
12 'Young people understandably get
13 very frustrated, and wrongly
14 take the law into their own
15 hands'".

16 Would you agree with that statement?

17 DR. MOCK: Yes, the operative word
18 being "wrongly".

19 THE CHAIRPERSON: You know, you
20 jumped ahead again. You didn't let me catch up. I
21 don't know what you read from again, Ms Kulaszka.

22 MS KULASZKA: Oh, I'm sorry. It's
23 page 49, it's the second from the right column, of the
24 middle of the page, "Farber attacked".

25 THE CHAIRPERSON: All right. I heard

1 what you said, but I wanted to be able to follow. Go
2 on.

3 MS KULASZKA: So the mob attacks
4 because the police just aren't doing enough, and the
5 hate law is not being used; is that right?

6 DR. MOCK: Sorry, could you please
7 repeat the question?

8 MS KULASZKA: Basically, Bernie
9 Farber's justifying the violence, saying it's
10 understandable because Attorney Generals and the police
11 will not lay hate charges -- crime charges.

12 DR. MOCK: No, I would -- with
13 respect, I would not agree with that. In no way do I
14 read this to say that Bernie Farber is justifying
15 violent attacks. He says "wrongly". So he is not
16 justifying the attacks. He is saying that they may be
17 provoked and frustrated, and then take the law in their
18 own hands, which is a position on which I also agree.
19 But it's wrong, and categorically wrong.

20 MS KULASZKA: But he also attacked
21 the police and the Attorney General's office. He
22 states:

23 "They have not used anti-hate
24 legislation as a means to stop
25 hate mongering".

1 DR. MOCK: I wouldn't call it an
2 attack, but yes, he points out the fact that they have
3 not used that legislation in this case.

4 MS KULASZKA: But in this case, they
5 had used the legislation. The Heritage Front -- Gary
6 Schipper was part of the Heritage Front, and the
7 Heritage Front was subject to a Section 13 hearing.

8 DR. MOCK: I don't believe that would
9 be called the anti-hate laws in the Criminal Code,
10 under which the organizations were hoping that-- that
11 Mr. Zundel would be charged. So I mean, the gist,
12 perhaps, may be similar but no, I don't agree with your
13 interpretation.

14 MS KULASZKA: Okay, we'll turn to
15 page 50, Simon Wiesenthal Centre set up what is called
16 a Truth Squad, with -- with respect to the Holocaust.
17 That was in May of 1993. And turning the page to 51,
18 the North American Jewish Students Network -- this is
19 the bottom article -- they succeeded in meeting with
20 the Ontario Attorney General. They wanted charges laid
21 against Ernst Zundel. And then at the top, it's just
22 another article about the Simon Wiesenthal Centre.

23 Then on page 52:

24 "Zundel Off Air But Cancellation
25 Deals a Hard Blow to Efforts By

1 the League".

2 And it seems that satellite broadcast
3 by Ernst Zundel had been cancelled, but the League For
4 Human Rights had been monitoring the broadcast. You
5 can see at the bottom of the first column, they were
6 hoping:

7 "Zundel would provide enough
8 information for the Attorney
9 General to lay a charge under
10 the hate laws".

11 And then on -- a couple of columns
12 over, at the bottom paragraph:

13 "Despite this setback, the
14 League is continuing to work
15 closely with the various
16 jurisdictions of law enforcement
17 on this issue, and both Metro
18 Police and the Attorney --
19 Ontario Attorney General's
20 office have committed to a
21 continued investigation of
22 Zundel's activities".

23 Is that an accurate statement of the
24 League's activities in 1993?

25 DR. MOCK: Yes.

1 MS KULASZKA: And turning to page 53,
2 it's just an article about the Canadian Jewish News --
3 or Canadian Jewish Congress trying to block a radio
4 show by Ernst Zundel. And next page, same thing. Now
5 on page 55, this is dated November of 1993. And this
6 was -- this concerns a demonstration by hundreds of
7 people in front of Ernst Zundel's house. They hurled
8 eggs, red paint at his house, and it was organized by
9 Anti-Racist Action. Were you aware of this
10 demonstration when it took place?

11 DR. MOCK: Again, only through the
12 newspaper accounts.

13 MS KULASZKA: It was -- the newspaper
14 article states, on the right-hand side, the second
15 paragraph from the bottom:

16 "Yesterday's protest was called
17 to coincide with the court
18 appearance of four Heritage
19 Front members, and that was in
20 respect to a contempt of court
21 charge in connection with a
22 hotline recording".

23 And that would be under Section 13 of
24 the Canadian Human Rights Act.

25 Do you -- so you remember this, this

1 very violent demonstration that occurred?

2 DR. MOCK: I -- yes, I remember this
3 account. I remember that this happened.

4 MS KULASZKA: Okay, if you can turn
5 to page 56. This is December 2nd, 1993. This is
6 just -- it'd be several days after that event in front
7 of Ernst Zundel house. It's an article in the Canadian
8 Jewish News. If you can look on the -- the right-hand
9 column, around the middle of the column, they are
10 quoting you:

11 "We cannot condone unlawful
12 means of getting the message
13 across, but continuing
14 anti-racist demonstrations of
15 this nature appear to be the
16 result of the frustration felt
17 by many young people because of
18 perceived law enforcement and
19 government inaction," said Karen
20 Mock.

21 Is that accurate?

22 DR. MOCK: Yes.

23 MS KULASZKA: Then you went on:

24 "They can see the hate groups
25 recruiting openly in schools and

1 on campuses, and gaining support
2 for their racist cause, but they
3 are at a loss to know what to do
4 about it, except draw attention
5 by raising a ruckus, that can
6 easily get out of hand."

7 Would you agree that, at that very
8 time, Gary Schipper and the Heritage Front and Wolfgang
9 Droege were actually in front of the federal court at
10 the time?

11 DR. MOCK: Sorry, what did you say
12 right at the end?

13 MS KULASZKA: The Heritage Front was
14 subject to legal proceedings at that very time. If you
15 look in the left hand column, in the middle, you can
16 see:

17 "While demonstrators associated
18 with Anti-Racist Action were
19 pelting Zundel's house with
20 paint and eggs, the Canadian
21 Human Rights Commission was
22 asking a federal court judge to
23 find Wolfgang Droege, head of
24 the Heritage Front, as well as
25 Gary Schipper and Ken Barker, in

1 violation of a court order
2 preventing the Front from
3 running telephone messages".

4 These -- did you see that?

5 DR. MOCK: I was aware of that, but
6 my -- if I might explain.

7 THE CHAIRPERSON: Go ahead.

8 DR. MOCK: As you can see in the --
9 in my quote, I and others might be aware of the legal
10 situation and the appropriate non-violent strategies,
11 but their frustration is because of their -- the
12 perceived law enforcement inaction. And that's only one
13 example that you are citing of where there was
14 something happening in the courts.

15 But these young people, I go on to
16 say, see all kinds of other things happening, and they
17 recount it to us, for example, how they might report
18 something at school, and then -- I'll never forget this
19 example -- they report something in school, and then
20 they're dealt with more harshly, and the principal
21 walked out with his arm around the perpetrator, saying,
22 you know, we know how difficult these things are, that
23 the young frustrated kids, their system was boiling".
24 So this incident is exactly why I mounted, with my
25 staff, that other program I was telling the Chair

1 about, of -- at B'nai Brith, at the League, over pizza
2 and whatever else, there was even a session on, how do
3 you plan a rally, with the cooperation of law
4 enforcement, such that you can spot who might be
5 getting out of hand, and isolate them.

6 We had someone come and help them see
7 that they could say that there is going to be a
8 demonstration, they could work with the police, they
9 could make sure that they had proper security. They
10 could isolate people who were starting to use violence,
11 and so on. So it's exactly that that -- that led us to
12 say that. The kids are frustrated, they're angry. And
13 we say, you never use the tactics of the perpetrator to
14 promote violence, to -- you know, even in your posters,
15 don't use this kind of provocative incitement kind of
16 language. That's --

17 MS KULASZKA: If someone gave that
18 same kind of advice to the Heritage Front, should they
19 be condemned, because they gave that advice, associated
20 with the Heritage Front?

21 DR. MOCK: No. I would commend
22 someone who gave the advice to the Heritage Front of
23 how to always behave, even in their speech and their
24 posters and their websites, in a lawful way that does
25 not incite violence or promote hatred against minority

1 groups. I would commend that language.

2 MS KULASZKA: If you can turn to page
3 60, this was a report about the audit, and there is a
4 quote on the right-hand side from Frank Diamond, about
5 the middle of the page, which of -- the title is --

6 DR. MOCK: There's two articles
7 there.

8 MS KULASZKA: -- is called
9 "Anti-Semitic Incidents Up 11 Percent".

10 DR. MOCK: Is this 57 you're one?

11 MS KULASZKA: Sixty.

12 DR. MOCK: Oh, I'm sorry.

13 THE CHAIRPERSON: There are still two
14 articles, but it's in the first article at the top,
15 right?

16 DR. MOCK: I have it.

17 MS KULASZKA: It's the -- it's
18 article at the top, in the column on the right-hand
19 side.

20 DR. MOCK: I have it.

21 MS KULASZKA: And it's -- about the
22 middle, it starts, "He blasted". They are talking
23 about Frank Diamond.

24 DR. MOCK: Uh-huh.

25 MS KULASZKA: "He blasted both the

1 federal and provincial government for not prosecuting
2 Zundel for what he described as flagrant violations of
3 the Criminal Code."

4 That -- that was the position taken
5 by the League.

6 DR. MOCK: Yes, he's the CEO of the
7 League.

8 MS KULASZKA: And that was in 1995,
9 March of 1995?

10 DR. MOCK: Uh-huh. Yes.

11 MS KULASZKA: Turn to page 63, two
12 months later. In May of 1995, an arsonist struck at
13 the Zundel house. The first paragraph:

14 "The home of Holocaust denier
15 Ernst Zundel struck by arson
16 early yesterday in an attack
17 that anti-racists suggest was
18 meant to commemorate VE Day."

19 THE CHAIRPERSON: Hold on, I didn't
20 catch up to you. What page were you at?

21 MS KULASZKA: Sixty-three.

22 THE CHAIRPERSON: Sixty-three, okay.

23 MS KULASZKA: The first paragraph.

24 And turning the page, another article about that,
25 "Cheer Zundel's Home Blaze". Do you remember seeing

1 these articles at the time?

2 DR. MOCK: Yes.

3 MS KULASZKA: Okay, we'll turn the
4 page to 66. States:

5 "A Shadowy Offshoot of the
6 Jewish Defence League Has
7 Claimed Responsibility For
8 Sunday's Arson".

9 Did you ever learn whether that was
10 in fact true?

11 MR. VIGNA: Mr. Chair, the problem I
12 have with the line of questioning regarding the arson
13 at the Zundel house is that we -- I don't think anybody
14 was ever charged, and we can't, in this process, try to
15 associate anybody to the events by mere speculation or
16 suspicion.

17 THE CHAIRPERSON: I'm sorry, because
18 again, I was trying to follow the material. The
19 question was with regard to page 66?

20 MS KULASZKA: Yes, it states on 66,
21 the first paragraph:

22 "A Shadowy Offshoot of the
23 Jewish Defence League Has
24 Claimed Responsibility For
25 Sunday's Arson Attack".

1 THE CHAIRPERSON: And your question
2 was?

3 MS KULASZKA: I asked whether she had
4 heard whether that was true.

5 THE CHAIRPERSON: Do you have any
6 knowledge of that?

7 DR. MOCK: Knowledge that they
8 claimed?

9 THE CHAIRPERSON: Knowledge that they
10 claimed, or knowledge of actual involvement, Ms
11 Kulaszka?

12 MS KULASZKA: Of the claim.

13 THE CHAIRPERSON: Of the claim.

14 DR. MOCK: I only accepted what was
15 in the newspaper. I didn't interact with the Jewish
16 Defence League. We -- there have been times when we
17 had denounced their tactics as well.

18 MS KULASZKA: If you can turn to page
19 68. This is May 22nd, 1995. This is just two weeks
20 later. Title, "Police Explode Parcel BombMail to
21 Zundel Last Week". And there are several articles
22 about that, on page 69, "Terror Cell Targeting Far
23 Right."

24 Page 70, page 71. Do you remember
25 that whole incident? It was -- it went on in the

1 newspapers for quite a long time.

2 DR. MOCK: Yes.

3 MS KULASZKA: And do you remember
4 what happened, what went on?

5 DR. MOCK: No, I would have to review
6 these newspaper articles to remind myself.

7 MS KULASZKA: Do you remember that
8 actually several -- several organizations and
9 individuals were targeted with these pipe bombs? If
10 you don't remember, just --

11 MR. KURZ: Mr. Chair?

12 DR. MOCK: I'll take your word for
13 it. But again, I denounced these tactics over and over
14 and over again. I don't know what else to say.

15 MR. KURZ: My question is, what
16 tangential relevance has this got to do with Karen
17 Mock's bias, or even her conduct as the director of
18 B'nai Brith League For Human Rights.

19 THE CHAIRPERSON: Especially since I
20 haven't seen any connection to the witness. Shesays
21 she denounced the tactics and she wasn't involved.

22 MS KULASZKA: Well, I haven't seen
23 any articles of Karen Mock denouncing any of this
24 violence.

25 DR. MOCK: I -- may I -- if -- would

1 it help --

2 THE CHAIRPERSON: Just because it's
3 not in the newspaper, Ms Kulaszka, doesn't mean she
4 didn't. She said she denounced it. You want to know
5 how? How did you denounce it? We're getting an answer
6 now. Get ready. Go ahead.

7 DR. MOCK: I denounced it directly to
8 them, if people spoke to me I denounced it. We mounted
9 training programs for young people so that we could
10 denounce it. And as I mentioned in the other -- the
11 other day, when newspapers would speak to us and we
12 would speak about the non-violent -- in fact, we even
13 let the media know that we were doing these training
14 programs to teach non-violent strategies -- you don't
15 see those reported. The reporters are interested in
16 this kind of, you know, flamboyant -- you know,
17 violent -- and even making more of it sometimes than it
18 is. So they don't report on -- on the rest of it.

19 You would have to look in our audits
20 of anti-Semitic incidents. At the back, there is a
21 whole section in each of them of all of the strategies
22 that we are using to counter racism and hatred,
23 proactive strategies, educational strategies. And
24 every audit of anti-Semitic incidents has the whole
25 last section of giving practical strategies, which is

1 most of the raison d'etre of what we do. And the only
2 thing is is that -- what -- the only thing reported
3 here is a very small proportion of what the work was
4 about.

5 MS KULASZKA: Well, if you could turn
6 to page 73, this is an article entitled, "Cyberhate
7 Spread on Internet Group". It's an -- about the audit
8 published that year. If you look in the first column,
9 you're quoted. It starts:

10 "It's something that will
11 require a great deal of
12 attention" -- oh, that's
13 Frank -- sorry, that's Mr.
14 Diamond.

15 You're next, in the paragraph -- in
16 the next paragraph:

17 "...added Karen Mock, the
18 group's national director,
19 'Words lead to action, that's
20 how we feel they are
21 interrelated'".

22 My question to you about all of this
23 is, after Ernst Zundel was acquitted in 1992, your
24 organization became -- began campaigns, phone-in
25 campaigns, posters, thousands of posters, constant

1 articles denouncing the -- the authorities basically,
2 saying the laws don't work.

3 Did it ever occur to you that your
4 words were actually inciting the young people to this
5 type of violence?

6 DR. MOCK: May I -- may I comment? I
7 don't recall that -- that said the laws don't work, in
8 the materials that we just reviewed. I recall that we
9 were asking -- B'nai Brith was asking that charges be
10 laid under a specific section of the Criminal Code. If
11 I understood it correctly, B'nai Brith had wanted that
12 to happen originally as well.

13 So could you rephrase or -- I don't
14 understand your question, because it -- it says that
15 the premise was based on something --

16 THE CHAIRPERSON: Well, it can be done
17 in a more simple way. We saw the campaigns that were
18 conducted by the League in -- in earlier material. So
19 I think the question is, did it occur to you that
20 whatever these campaigns were, as we've seen them in
21 the evidence, that might invite -- or incite violence
22 against Mr. Zundel?

23 DR. MOCK: No, it didn't. The -- the
24 training and the advice that one has is to ensure that
25 the language is such that it doesn't. And -- and it

1 says, "write a letter." It doesn't say, you know,
2 smash something or -- it had -- it is "write a letter,
3 make a phone call" and in no way is written to incite
4 violence, or in no way ever has been what could be
5 called the kinds of words that lead to violence. I
6 mean, if there's some -- sorry.

7 MS KULASZKA: If you can turn to page
8 74, this is from March, 1996, so about a year later.
9 This is an article titled "Zundel Charge Nixed". And
10 can you tell me what this is about?

11 DR. MOCK: I think it's the same
12 thing we were referring to earlier.

13 MS KULASZKA: This is where Sabina
14 Citron attempted to lay two criminal charges against
15 Mr. Zundel, and the Attorney General withdrew them; is
16 that correct?

17 DR. MOCK: Yes.

18 MS KULASZKA: Due to insufficient
19 evidence?

20 DR. MOCK: Yes.

21 MS KULASZKA: And on the column on
22 the right, it states:

23 "Karen Mock, Director of the
24 League of B'nai Brith Canada
25 Supported Citron's Call For New

1 Charges. 'We have the hate laws
2 in place', said Mock. 'We call
3 on them to be implemented and
4 for the proper charge to be laid
5 against this man'."

6 That's correct, right? It's a
7 correct report?

8 DR. MOCK: Yes.

9 MS KULASZKA: And this was on the
10 steps of the courthouse that you met Mr. Zundel and you
11 became very angry because the press went to talk to
12 him. Is that what you testified before?

13 DR. MOCK: Yes.

14 MS KULASZKA: And you would agree
15 that your organization was never successful in getting
16 hate charges laid against Ernst Zundel, wasit?

17 DR. MOCK: That's correct.

18 MS KULASZKA: If you could turn to
19 page 76. This is an article about "Zundel Internet
20 Hearing Nears End". This was the hearing under section
21 13, and in the bottom of the first column, it states:

22 "Zundel has refused to attend
23 the proceedings in Toronto and
24 was not represented during
25 closing arguments. His lawyer,

1 Doug Christie, of Victoria,
2 B.C., didn't attend yesterday
3 and has said the Tribunal has no
4 control over messages emanating
5 from the website."

6 That just -- I think will confirm
7 that Mr. Zundel was not represented -- Paul Fromm did
8 not represent him, but I think you admitted that
9 earlier in your testimony; is that correct?

10 DR. MOCK: I -- I understood, when I
11 was in that session, that Paul Fromm had said that he
12 was representing him in the same way as Mr. Kulbashian
13 today is representing Mr. Paul Fromm. So that -- that
14 was my understanding.

15 THE CHAIRPERSON: What was your
16 understanding?

17 DR. MOCK: He -- I -- so if I had the
18 legal -- is this -- is this Doug Collins of the North
19 Shore News? Is this the --

20 THE CHAIRPERSON: No, no, it's
21 another article. It's -- it's page 76.

22 DR. MOCK: Page 75?

23 THE CHAIRPERSON: No, we're at 76.

24 DR. MOCK: Oh, I'm sorry, I was -- I
25 was looking at page 75.

1 MS KULASZKA: No, no, this is 76.
2 It's entitled, "Zundel Internet Hearing".

3 THE CHAIRPERSON: Bottom left --
4 bottom left paragraph.

5 DR. MOCK: I'm sorry. I guess I --

6 THE CHAIRPERSON: No, not that one.

7 DR. MOCK: I know but I -- I'm sorry.

8 MS KULASZKA: Do you have a page 76?

9 DR. MOCK: We -- we -- we accepted
10 all of these. I hadn't noticed that was there. I
11 would like to review this -- that one as well to see if
12 everything gets put into evidence.

13 THE CHAIRPERSON: Well, it's not up
14 to you -- it's not up to you to accept.

15 DR. MOCK: Oh, I'm sorry. I'm sorry.
16 I'm sorry, I'm --

17 THE CHAIRPERSON: The parties -- the
18 parties have accepted the authenticity of all the
19 articles.

20 DR. MOCK: Okay, yes. So
21 authenticity, yes, okay. Sorry.

22 MS KULASZKA: Dr. Mock, can you just
23 go to page 77?

24 DR. MOCK: I'm -- did I miss
25 something on 76? 77?

1 THE CHAIRPERSON: Well, the question
2 that was asked of you, but I don't think much flows
3 from that, is simply your recollection of what
4 transpired at the Zundel hearing --

5 DR. MOCK: Yes, yes.

6 THE CHAIRPERSON: -- was perhaps
7 different than what in law was occurring -- but I don't
8 think much flows from that.

9 MS KULASZKA: If you turn to page 77,
10 this is a very recent article that was in the Canadian
11 Jewish News. It was about a rally of 4,000 people, and
12 it was to condemn Holocaust denial in Iran. Did you
13 attend that rally?

14 DR. MOCK: No.

15 MS KULASZKA: Did you -- were you --
16 did you read this article at all?

17 DR. MOCK: In here I did, yes.

18 THE CHAIRPERSON: "In here", meaning
19 in the binder for this hearing?

20 DR. MOCK: In the binder, yes.

21 MS KULASZKA: If -- if you look at
22 this article --

23 THE CHAIRPERSON: Is there a date on
24 this article? There it is, January 11th, 2007.

25 MS KULASZKA: Yes, it is. Yes, it's

1 very recent, January 11th, 2007.

2 DR. MOCK: I was just looking to see
3 where I was that day.

4 MS KULASZKA: And this -- if we just
5 have a look at this article on page 78.

6 THE CHAIRPERSON: Page 78, okay.

7 MS KULASZKA: Just below the big
8 picture, of people sitting in a hall on -- so start over
9 at the right-hand column. It starts "Dershowitz
10 called." Do you see that?

11 DR. MOCK: Below his picture?

12 MS KULASZKA: No, it's -- just look
13 at the right-hand column at the top, and go to the
14 bottom of that -- left hand, sorry -- "Dershowitz
15 called" --

16 THE CHAIRPERSON: Oh, okay.

17 MS KULASZKA: -- "Iran's President,
18 Mohammad Ahmadinejad, the Hitler of the 21st Century, a
19 dictator who denies one Holocaust in order to bring
20 about another Holocaust. He challenged United Nations
21 and the International Court of Justice in the Hague, to
22 take action against the Iranian president".

23 And that was basically the tone of
24 this -- this rally, and various actions they could take
25 to counter Iran. You can see the -- the headline

1 there.

2 I want to put to you, Dr. Mock,
3 you -- you worked for many years to try and have Ernst
4 Zundel charged under various laws. You took -- I mean,
5 you've -- you've done many things.

6 There was the section 13 hearing
7 against him for Holocaust denial, and probably other
8 people this -- at this time. And I want to ask you,
9 how successful were those laws in containing this idea,
10 that you term Holocaust denial?

11 MR. VIGNA: I don't know if she's in
12 a position to comment on that. It's more a legal
13 question, or a question that goes beyond the expertise.

14 THE CHAIRPERSON: Holocaust denial is
15 a legal question?

16 MR. VIGNA: No, "how successful were
17 those laws"?

18 THE CHAIRPERSON: Well, she's been
19 qualified. I have to go back and find her expertise.

20 MR. VIGNA: I will -- I'll --

21 THE CHAIRPERSON: But she's an expert
22 on -- on the area of hate, and this is an area,
23 allegedly, of hate, right? So how successful -- in the
24 big picture, not in the legal sense, but how successful
25 have --

1 MS KULASZKA: This is the big picture.

2 THE CHAIRPERSON: Yes -- have these
3 attempts and the use of laws been, containing Holocaust
4 denial in Canada or elsewhere, because you've
5 referenced --

6 MS KULASZKA: In the world.

7 DR. MOCK: In the world. I believe
8 there has been some measure of success. For example,
9 the German government itself has enacted legislation,
10 and followed through on it, that has limited the
11 promotion of hatred via Holocaust denial, and there had
12 been other -- other pieces of legislation. The big
13 picture is such that the laws do -- do serve as a
14 deterrent, and -- and send that strong message.

15 Here in Canada, there is very, very
16 limited case law. Their law has not been used very
17 often at all, and I think what, there may be 25 cases
18 in all where it's ever even been -- ever used or --
19 variations.

20 Section 13, not being the Criminal
21 Code, but has enjoyed -- has had some measure of
22 success recently.

23 THE CHAIRPERSON: But these -- I just
24 want to be clear. The reference just made to the law,
25 of the 25 cases, were under Criminal Code?

1 DR. MOCK: Yes.

2 THE CHAIRPERSON: Okay.

3 DR. MOCK: Yes.

4 THE CHAIRPERSON: Sorry, go on, on
5 section 13. You were saying?

6 DR. MOCK: So with section 13, there
7 has been some measure of success. Hate lines have been
8 shut down, there has been cease and desist orders
9 advanced, some websites have been -- have been removed,
10 at least modified. There have been several websites
11 where, either fearing charges to be laid or once
12 charges have been laid, or -- is it called charges?
13 Yes, when --

14 THE CHAIRPERSON: Yes. Complaints.

15 DR. MOCK: Yes. Where -- where there
16 has been modification after the complaint. So in the
17 big picture sense, in the big picture of -- of serving
18 as a deterrent in -- in ensuring that, or in trying to
19 ensure, that people don't cross that line, there has
20 been some measure of success.

21 MS KULASZKA: I would suggest to you
22 there's been success in putting some people injail, or
23 subjecting them to complaints under the Human Rights
24 Act, but you have not been able to contain the idea.

25 DR. MOCK: I don't recall that anyone

1 was put in jail because of the Human Rights Act, so it
2 makes --

3 MS KULASZKA: No, I made an "or" --

4 DR. MOCK: "Or". It -- I understand
5 that there have been people put in jails because they
6 have been found in contempt, but not because of the
7 Act. So what was the question?

8 MS KULASZKA: Would you agree that
9 you've been successful -- Ernst Zundel did spend time
10 in jail, you know that?

11 DR. MOCK: Not because --

12 MS KULASZKA: Under the false news
13 charges. Every time he was convicted, he would end up
14 spending time in jail before getting bail.

15 My question to you is, the law is
16 successful in -- in perhaps subjecting individuals to
17 legal proceedings, but it has not been successful in
18 countering or containing ideas.

19 DR. MOCK: I believe it has been
20 successful in containing some of those ideas.

21 MS KULASZKA: Then why was there a
22 rally in January of 4,000 people getting extremely
23 upset because -- to condemn the spread of Holocaust
24 denial? And it isn't just Ernst Zundel now. Now it's
25 the president of Iran.

1 DR. MOCK: Can I -- I -- is the
2 president of Iran subject to section 13? I don't --

3 MS KULASZKA: I'm trying to get a
4 discussion, Dr. Mock, of how successful are laws
5 against ideas and thoughts.

6 DR. MOCK: One cannot control what
7 someone thinks. Law are not successful in controlling,
8 and they are not designed to control what someone
9 thinks or feels. Our laws are designed, and in my view
10 have been successful, and there is evidence of their
11 being successful, in sending the message that we will
12 not tolerate hatred in modifying people's behavior,
13 such that they do preempt behaviour that can, and has
14 been shown time and time again historically,
15 internationally, nationally and locally, to lead to
16 violence. So it actually has served that deterrent
17 effect. We know that there are some young people
18 because we've talked to them, and we -- there's
19 evidence that when people do find out that certain
20 things are against the law, they do restrict their
21 language.

22 And so yes, in my view, we do need
23 those laws, and they have been successful, and we want
24 them to continue to be successful for all people.

25 MS KULASZKA: Who is "we"?

1 DR. MOCK: People who believe in
2 social justice, "we" being myself and like-minded
3 educators, psychologists, others. "We", who believe
4 that all Canadians are entitled to -- to have the
5 freedom to live without fear, and to -- to thrive, to
6 be secure, to be safe, not to be afraid to go out of
7 their house, or that they might be assaulted. That's
8 the "we", so you'll forgive me if I'm using the
9 collective "we".

10 MS KULASZKA: Are you aware that ARA
11 still -- is still active, still does demonstrations,
12 still tries to threaten people in their homes?

13 DR. MOCK: I'm aware that it still
14 exists as an organization. I'm not aware of their
15 activities.

16 MS KULASZKA: I would just like to
17 hand Dr. Mock a letter she wrote in these proceedings.
18 Do you recognize that letter?

19 DR. MOCK: Yes, I wrote it.

20 MS KULASZKA: And it was concerning
21 what was on the Freedom site, concerning you?

22 DR. MOCK: Yes.

23 MS KULASZKA: If you look at the
24 second last paragraph, the last sentence, the sentence
25 started:

1 "Second, anyone who may in the
2 future be interested in my
3 services will be able to find a
4 defamatory description, and a
5 grotesque cartoon of me posted
6 in relation to my testimony
7 before the Tribunal."

8 Did you write that?

9 DR. MOCK: Yes.

10 MS KULASZKA: And didn't you give us
11 testimony this week that in fact, you found it kind of
12 funny?

13 DR. MOCK: I -- I don't remember.
14 You'd have to remind me exactly what I said, and in
15 what context. I found it ridiculous. But I also
16 recall -- I don't know exactly what words I used.
17 I found it very upsetting and intimidating.

18 MS KULASZKA: If you can turn to --

19 THE CHAIRPERSON: What do you want to
20 do with the letter? Produced as an exhibit?

21 MS KULASZKA: Oh, yes, if I can
22 produce that? It doesn't have three holes in it.

23 THE CHAIRPERSON: No, so we can just
24 put it in as a separate item. We don't have to -- yes.

25 THE REGISTRAR: The letter from Dr.

1 Mock, addressed to Mr. Vigna, dated August 21st, 2006
2 will be filed as respondent Exhibit R-6.

3 EXHIBIT NO. R-6: Letter dated
4 August 21, 2006 from Dr. Mock to
5 Mr. Vigna

6 MS KULASZKA: If you could turn to
7 another binder. It should be there. It's a smaller
8 binder, it's HR-3.

9 DR. MOCK: Yes.

10 MS KULASZKA: It should be green.

11 DR. MOCK: I have a blue one.

12 MS KULASZKA: There should be a small
13 green one, a little bigger than that one.

14 DR. MOCK: Oh, there it is. HR, I
15 have it.

16 MS KULASZKA: And if you turn to --
17 go to tab D, and go to the -- right to the end of that
18 tab, and then count back three pages.

19 DR. MOCK: To the cartoon?

20 MS KULASZKA: There -- there's the
21 cartoon.

22 DR. MOCK: Yes.

23 MS KULASZKA: And the words that are
24 written:

25 "Hysterical zealot who has

1 attacked Ernst Zundel for
2 years".

3 Wouldn't you say that's fair comment?

4 DR. MOCK: No.

5 MS KULASZKA: But did you attack
6 Ernst Zundel for years?

7 DR. MOCK: Not attack in a personal
8 way.

9 MS KULASZKA: You were a supporter of
10 the terrorist Anti-Racist Action (ARA), would you agree
11 with that?

12 DR. MOCK: I wouldn't agree with the
13 term terrorist.

14 MS KULASZKA: You don't believe they
15 are terrorists?

16 DR. MOCK: I was upset because I saw
17 the word terrorist associated with me and my beliefs,
18 and my support, and I don't know what supporter means.
19 And I'm not a supporter of terrorist activities.

20 MS KULASZKA: But I asked you, do you
21 believe the ARA is a terrorist group?

22 DR. MOCK: If they use tactics that
23 are defined as terrorism and someone can show that they
24 do, then others may call them a terrorist group. I
25 don't like being associated as a supporter of

1 terrorism. I don't know if they are listed as a
2 terrorist group.

3 MS KULASZKA: And you'll agree the
4 next two statements are accurate?

5 DR. MOCK: Yes, the next statement is
6 accurate, and so is the next one.

7 MS KULASZKA: I think it's open to
8 people to define ARA as terrorist, given their actions,
9 don't you?

10 DR. MOCK: But it's not -- no, I'm
11 not -- I don't mean to argue. Yes, it would be --

12 THE CHAIRPERSON: Don't you -- it's a
13 question.

14 DR. MOCK: No. Well, it -- I would
15 agree that someone can choose to call groups or
16 individuals what they would like, as long as it doesn't
17 promote hatred or contempt against them?

18 MS KULASZKA: Did you ever work with
19 David Lethbridge?

20 DR. MOCK: He was on that panel, I
21 believe, and we have exchanged -- when I was with the
22 League For Human Rights of B'nai Brith, and since
23 British Columbia isn't within the jurisdiction of B'nai
24 Brith Canada, I worked via the e-mail and so on, with
25 British Columbia -- B.C.

1 MS KULASZKA: And who is -- who is
2 David Lethbridge?

3 DR. MOCK: He lives in B.C., and he
4 has -- I forget the name of his organization, and I
5 haven't -- I don't think I've spoken to him for several
6 years, but he would be described as part of the
7 so-called anti-fascist movement.

8 MS KULASZKA: And you did work with
9 him in compiling audits sometimes?

10 DR. MOCK: Yes.

11 MS KULASZKA: Is that right?

12 DR. MOCK: Yes, I would -- we needed
13 to corroborate, if people reported incidents to us.

14 MS KULASZKA: I want you to go to
15 tab 2 of -- of the binder, the bigger binder, R-4 that
16 we have been going through previously.

17 DR. MOCK: Tab 2?

18 MS KULASZKA: Tab 2 of R-4. Have you
19 got R-4? It's a big -- the big binder we were just
20 going through, just before we went to that smaller one.

21 DR. MOCK: Yes.

22 MS KULASZKA: Yes?

23 DR. MOCK: I have it.

24 MS KULASZKA: If you could go to
25 tab 2 in that binder.

1 DR. MOCK: Yes, I actually have the
2 original article for you, of the first one because it's
3 a download of -- from a website that isn't mine.
4 That's --

5 MS KULASZKA: And if you can go to
6 page 27.

7 DR. MOCK: Page 27?

8 MS KULASZKA: Yes, of tab 2.

9 THE CHAIRPERSON: Top right,
10 handwritten pages.

11 DR. MOCK: Yes, I've got it.

12 MS KULASZKA: And this is the 1996
13 annual audit?

14 DR. MOCK: Uh-huh.

15 MS KULASZKA: You'll see at the
16 bottom there, the far right, against anti-racists. The
17 far --

18 THE CHAIRPERSON: Where? I can't
19 find it.

20 MS KULASZKA: It's just at the
21 bottom. It's a headline that --

22 THE CHAIRPERSON: Oh, okay.

23 MS KULASZKA: "The Far Right Against
24 Anti-Racists", and it reads:

25 "The far right has also begun to

1 try to take advantage of legal
2 means to thwart the efforts of
3 anti-racist activists."

4 And it goes on then, about the middle
5 of that paragraph on the -- on the right, you see
6 "David":

7 "David Lethbridge, Director of
8 the Salmon Arm Coalition Against
9 Racism, is being sued for
10 defamation by Eileen Pressler of
11 the Council For Public Affairs.
12 Such cases require significant
13 amounts of money for legal
14 defence, but the libel chill
15 approach has not at all had the
16 effect of silencing the critics
17 of the far right. If anything,
18 it has strengthened the resolve
19 of anti-racists to network more
20 effectively with each other, and
21 to ensure a stronger legal
22 position against racist
23 hatemongers."

24 Do you see that?

25 DR. MOCK: Yes.

1 MS KULASZKA: That was a very strong
2 statement of solidarity with -- with David Lethbridge;
3 would you agree?

4 DR. MOCK: With -- not --

5 MS KULASZKA: David Lethbridge.

6 DR. MOCK: Not just with David
7 Lethbridge.

8 MS KULASZKA: With who as well?

9 DR. MOCK: With -- how did we word it
10 here? Anti-racists, to network more effectively; Urban
11 Alliance on Race Relations; Canadian Race Relations
12 Foundation, and so on, as well. But in this case,
13 people who would share information, education.

14 MS KULASZKA: And this was very much
15 a part of your philosophy of solidarity with
16 anti-racists and other anti-racist groups, correct?

17 DR. MOCK: Solidarity to the extent
18 that they -- on issues and tactics on which we were
19 like-minded.

20 MS KULASZKA: Which would be
21 anti-racism, correct?

22 DR. MOCK: There are many forms of
23 it, yes. It would be --

24 MS KULASZKA: Well, is it --

25 DR. MOCK: -- legal, nonviolent

1 strategies to counter racism.

2 MS KULASZKA: Did you know what the
3 Lethbridge case was about when you wrote that?

4 DR. MOCK: As I recall. I don't have
5 all the facts of the case in front of me, but as I
6 recall, David Lethbridge had accused Eileen Pressler,
7 or had documented some incidents of Eileen Pressler, and
8 I think it was her husband, and their role in
9 sponsoring various speakers like David Irving and
10 others. And she sued -- and he -- she sued him for
11 defamation.

12 MS KULASZKA: And do you know what
13 happened in that case?

14 DR. MOCK: I don't remember.

15 MS KULASZKA: Do you know the
16 allegations she actually made against him?

17 DR. MOCK: We would have had a --
18 this is incomplete, I guess. We probably would have
19 had the resolution of it written in here somewhere. But
20 I -- I just --

21 MS KULASZKA: The resolution wasn't
22 until two years later --

23 DR. MOCK: Well, I -- I just don't
24 know --

25 MS KULASZKA: -- but obviously, the

1 case was already ongoing. So you --

2 MR. KURZ: Mr. Chair, how is this
3 relevant?

4 DR. MOCK: I just don't remember.

5 THE CHAIRPERSON: I'm waiting to see
6 how it will be relevant.

7 MR. KURZ: We -- we go very, very far.
8 Dr. Mock is not a lawyer. She doesn't know the
9 detail -- she said she doesn't know the details of this
10 case.

11 If -- if there's a legal authority in
12 the Pressler lawsuit that Mr. Christie acted on, which
13 went, as I believe, to the British Columbia Court of
14 Appeal, she could file it as a case. But to ask Dr.
15 Mock about the fact that the League mentioned this
16 lawsuit in an audit in 1996 is of absolutely no value
17 to you.

18 THE CHAIRPERSON: After her previous
19 answer, I don't know where you are going with the
20 question, Ms Kulaszka, because she --

21 MS KULASZKA: The --

22 THE CHAIRPERSON: -- she's told you
23 that she doesn't recall what happened with the outcome.

24 MS KULASZKA: Well, the -- the
25 relevance is that in the audit, she makes a statement

1 of very strong solidarity with David Lethbridge, and in
2 fact, what David Lethbridge had done was basically --

3 THE CHAIRPERSON: Was he ultimately
4 found liable for defamation?

5 MS KULASZKA: Oh, yes,
6 absolutely. He --

7 THE CHAIRPERSON: So the impeachment
8 that you're trying to do -- for the -- this witness, is
9 that she supported --

10 MS KULASZKA: I'd like to --

11 THE CHAIRPERSON: -- she supported an
12 individual who is ultimately found to have defamed
13 another individual with these types of statements,
14 right?

15 MS KULASZKA: My point is she
16 supported an individual who had gone right -- right
17 over the edge, and from what I can tell through my
18 questioning, Dr. Mock really even didn't know what the
19 case was about yet, she -- she made a very strong
20 statement of solidarity with him in the audit.

21 DR. MOCK: No.

22 MR. VIGNA: Mr. Chair, statements
23 like "made a very strong statement of solidary in the
24 audit", she was only linked to the audit to the extent
25 that she was national director.

1 THE CHAIRPERSON: That's in final
2 submissions. I mean, the --

3 MR. VIGNA: But even the --

4 THE CHAIRPERSON: -- the intent
5 of support is there. It's on the paper.

6 MS KULASZKA: Well, Dr. Mock, in the
7 1996 annual audit, would you not be the national
8 director of the League at the time?

9 DR. MOCK: Yes.

10 MS KULASZKA: And you -- would you be
11 the editor of the audit, or did -- did you write this?

12 DR. MOCK: Yes.

13 THE CHAIRPERSON: It's been
14 established. And I know -- the extent of her support
15 is right there, black and white. I can read it.

16 DR. MOCK: Is -- may I ask a question
17 of this?

18 THE CHAIRPERSON: No. No, you
19 should -- ask a question of me?

20 DR. MOCK: I'm sorry. I'm sorry, no,
21 to offer assistance by asking for some clarification.

22 MS KULASZKA: I would like to file --

23 DR. MOCK: Just for that --

24 THE CHAIRPERSON: No, it's okay.

25 DR. MOCK: Okay.

1 MS KULASZKA: I would like to file
2 the Pressler versus Lethbridge decision. It's a --

3 THE CHAIRPERSON: And leave it at
4 that. Because at this point, I have all the
5 information I need to know with respect to the
6 credibility of the witness on this point. Any
7 objection? It's jurisprudence. I mean, I won't --
8 I'll file -- should I file it as authority or evidence?

9 MR. KURZ: It's not evidence, Mr.
10 Chair.

11 THE CHAIRPERSON: Jurisprudence.

12 MR. KURZ: I don't see it as being --

13 THE CHAIRPERSON: Authority.

14 MR. KURZ: -- evidence. I don't
15 object to it being filed, but it's not evidence.

16 THE CHAIRPERSON: No, it's not
17 evidence, no. Look, sometimes -- I'll tell you, when
18 we do some cases -- "ordinary" human rights cases, and
19 we have decisions of the arbitrators or something,
20 we'll file it, not so much as authority but as an
21 exhibit. That's why I'm -- I'm posing the question.
22 But I can see it's an excerpt from Quicklaw.

23 MS KULASZKA: To be fair, Dr. Mock,
24 did you write this paragraph about David Lethbridge?

25 DR. MOCK: I did. But in no way, in

1 my view, does this indicate the extent of our support,
2 and that was where I was seeking some clarification,
3 because when we write this and we're saying there is
4 libel chill, and so the only support is that we're
5 vowing to keep informed, try to keep information
6 up-to-date. So I'm not going to -- when it says that
7 this sentence -- you indicated that this shows very
8 strong support, and as if we're -- I came down on a
9 decision of guilt or innocence, that would not have
10 been the style, and I'm not sure that is what is
11 reflected or interpreted by this comment. It was merely
12 a statement that there were these various cases out
13 there that the other side was increasingly using
14 accusations --

15 MS KULASZKA: Libel chill.

16 DR. MOCK: Yes, exactly. That's
17 all --

18 THE CHAIRPERSON: Ms Kulaszka, I can
19 read it. I can read. Please, move on.

20 MS KULASZKA: Were you aware
21 that David Lethbridge had made it very clear in 1993
22 that his goal was to destroy the Presslers and to force
23 them out of town and destroy their business?

24 THE CHAIRPERSON: No? No. She
25 doesn't.

1 DR. MOCK: Not that I recall.
2 MS KULASZKA: Okay.
3 DR. MOCK: I know these were the
4 allegations.
5 MR. CHRISTIE: What was that last
6 comment?
7 THE CHAIRPERSON: That the witness
8 said?
9 MR. CHRISTIE: Yes.
10 THE CHAIRPERSON: I thought it was
11 just mumbling. I didn't hear it.
12 MR. CHRISTIE: I heard part of it.
13 MS KULASZKA: Okay, Dr. Mock, the --
14 one last thing. I wanted to look at tab 14.
15 DR. MOCK: In the same binder?
16 MS KULASZKA: Yes. These are a
17 series of responses given to an article in Haaretz. Do
18 you know what Haaretz is?
19 DR. MOCK: No.
20 MS KULASZKA: Haaretz is the
21 dailynewspaper.
22 DR. MOCK: Haaretz? Oh, yes, I do.
23 MS KULASZKA: How do you say that?
24 THE CHAIRPERSON: I'm sorry. Tab 14?
25 MS KULASZKA: Tab 14.

1 THE CHAIRPERSON: Of R-4?

2 MS KULASZKA: Yes.

3 THE CHAIRPERSON: All right, I have
4 some kind of computerized forms.

5 MS KULASZKA: Do you have a tab 14?

6 THE CHAIRPERSON: Okay, is it this?

7 MS KULASZKA: Yes.

8 THE CHAIRPERSON: What is it?

9 Haaretz?

10 MS KULASZKA: They are -- it's in
11 Haaretz.

12 THE CHAIRPERSON: A what? Arets?

13 MS KULASZKA: Is that how you say it,
14 Dr. Mock?

15 DR. MOCK: Haaretz, I believe. I
16 don't know what this is, I've never seen --

17 MS KULASZKA: Yes, they'll have to be
18 proven afterward, but you'll have to take my word for
19 it at this point. But these are a series of -- kind of
20 messages that were posted in response to an article on
21 the -- on the newspaper's website.

22 DR. MOCK: On what --

23 MS KULASZKA: And the article can be
24 seen on page 15 of that tab. And it's titled:

25 "Diplomats, EU Still Divided

1 Over How to Handle Holocaust
2 Denial."

3 THE CHAIRPERSON: Tab 15 is Lowell
4 Green.

5 MS KULASZKA: No, page 15.

6 THE CHAIRPERSON: Oh, page 15, sorry.
7 Haaretz, okay.

8 MS KULASZKA: Yes, so this -- it's an
9 article that appears on the on-line version of this
10 Israeli newspaper, and then people get the opportunity
11 to -- to make postings in response to the article.
12 Have you ever gone on their website?

13 DR. MOCK: No. I've had people send
14 me links and so on, but -- or sorry, copies of articles
15 from time to time. But I've never actually gone to
16 their website.

17 MS KULASZKA: So you are not familiar
18 with their -- their message board system?

19 DR. MOCK: No.

20 THE CHAIRPERSON: Just for the record
21 from -- Haaretz is a newspaper from Israel, is it?

22 MS KULASZKA: Yes. Dr. Mock, do you
23 know that?

24 DR. MOCK: Yes.

25 MS KULASZKA: Yes, it's a -- it's a

1 very large newspaper in Israel.

2 DR. MOCK: And this is a Reuters
3 article that would have been in it?

4 MS KULASZKA: Yes, but I'm not really
5 going to ask you about the article. It's the -- the
6 postings that appear under the article. And if you
7 look at page one, people are making comments. One says:

8 "Hope this is a warning for all
9 Europeans who think they can get
10 away with it".

11 And he's talking about Holocaust
12 denial.

13 DR. MOCK: I would -- if -- I would
14 need to read the article.

15 MS KULASZKA: Yes, but I'm just --
16 I'm just going through the messages. Page two:

17 "You can have freedom of
18 expression, insult other Islam
19 and Muslims, as long as you
20 don't question the Holocaust".

21 And on page 3, he talks about, "Will
22 they blame the Jews?"

23 And he says:

24 "The problem with Jews is they
25 are so blatant in their annoying

1 demands. They know nothing about
2 subtlety, and then they cry,
3 'Wow is me'"

4 I think they mean woe is me:

5 "Wow is me. Everyone always
6 persecutes me. It's like a thief
7 always complaining that he's
8 always being persecuted. Then
9 on the -- then when there is a
10 lull in the persecution, he goes
11 back to thieving".

12 Would you recognize this as
13 anti-Semitism? It's a comment on the haaretz.com
14 website. It's a reader responding to the article.

15 DR. MOCK: Uh-huh.

16 MS KULASZKA: You would?

17 DR. MOCK: Yes, I would -- I would
18 recognize parts of it as anti-Semitic.

19 MS KULASZKA: And yet, that major
20 Israeli newspaper doesn't delete this. It leaves the
21 message and allows people to talk freely about what
22 they think about the article. Do you recognize that?

23 DR. MOCK: Yes.

24 MS KULASZKA: Would you support that?

25 DR. MOCK: Well, I -- I don't -- I

1 don't know enough about the way they do that to know if
2 they in fact are posting ones that -- in -- could be
3 called anti-Semitic but not hateful. I don't know what
4 their editing system is for their -- I don't know
5 anything about this talkback thing.

6 There are some websites that post
7 absolutely anything anybody writes, and others that
8 have a moderator or an administrator, that screens them
9 to make sure. I don't know if they --

10 MS KULASZKA: If this was in Canada,
11 would you say that violates section 13? Would you see
12 this as a hate message?

13 DR. MOCK: Which -- which one?

14 MR. KURZ: Her view of --

15 MS KULASZKA: Page 3.

16 MR. KURZ: Her view of what violates
17 section 13 is -- is not a relevant issue. Her view of
18 what is anti-Semitism perhaps, or hate speech may well
19 be, but to offer a legal opinion is not a proper
20 question.

21 THE CHAIRPERSON: Yes, we haven't --
22 if we -- we've followed that line with regard to this
23 witness from the beginning. But certainly, we have
24 some -- hate speech would fall within her expertise.

25 MS KULASZKA: Yes, it's -- would you

1 see that as hate speech, the message on page 3?

2 THE CHAIRPERSON: Page 3? Yes, okay.

3 DR. MOCK: Page 3? I would have to
4 see the extent to which this is repeated over and over.
5 If they're --

6 MS KULASZKA: Oh, it's not repeated.

7 DR. MOCK: If they're saying -- if --
8 if the site itself keeps carrying on about -- they
9 always do this, they always do that, Israel will be
10 lost. And then -- and then there were further postings
11 by this individual or others inciting people to -- to
12 be part of the overthrow, then I would say that that
13 was incitement. But an analysis of this would likely
14 not be -- would not likely to be deemed to be hateful.
15 It would be deemed to be anti-Semitic. It's not like
16 comparing Jews to rodents or vermin, and therefore okay
17 to step on them or eliminate them in any way, or at
18 least using Dr. Persinger's, you know, A equals B,
19 therefore B -- you know, and B equals C, therefore A
20 equals C. I don't see that in there.

21 MS KULASZKA: Well, it compares -- it
22 says "thieving". If you go back to there, thieving --

23 DR. MOCK: Sorry, which one are we
24 on? Still 3?

25 MS KULASZKA: Page 3.

1 DR. MOCK: Going back to what?

2 MS KULASZKA: It -- it says, "It's
3 like a thief, always complaining that he is being
4 persecuted, but when there is a lull in the
5 persecution, he goes back to thieving. Then he's
6 slapped down again and again, he cries "Woe is me. Woe
7 is me", endless cycle. Israel will be lost and the
8 wandering Jew will return. Peace."

9 DR. MOCK: As I said, I would deem in
10 isolation, this statement to be anti-Semitic and --

11 MS KULASZKA: Okay, if you could
12 go --

13 DR. MOCK: And -- and there are
14 distortions. They're, you know, disproportionately
15 international bankers in question and so on. I mean,
16 there are stereotypes but --

17 MS KULASZKA: Okay.

18 DR. MOCK: But I -- I take very
19 seriously and -- you know, the analysis of what is and
20 isn't hate. This is definitely anti-Semitic.

21 MS KULASZKA: Okay, if you turn to
22 page 4, this is another posting under the same article.
23 And this is -- this is someone who's threatening legal
24 action against the newspaper. Haaretz:

25 "Why do you allow the postings

1 of these liars, of blatant
2 anti-semites, and whom, while
3 you censor all who might dare to
4 question the same people using
5 similar writing styles, choice
6 of words, et cetera. Here you
7 have allowed a post of someone
8 who is using the international
9 banker smear, the stereotype of
10 a pushy Jew, who refers to the
11 Jew as a thief, and yet you run
12 this garbage."

13 This is a very angry person. And --
14 and then, if you look to page 5, he comes back again,
15 and he's so mad, he -- he has to send another post.

16 DR. MOCK: Well --

17 MS KULASZKA: To page 6, you can --
18 you can leaf through these and you can see that the
19 people are going back and forth, arguing.

20 Would you agree with that, that this
21 is what people do in these types of postings?

22 MR. KURZ: It's not for her to
23 characterize what people do in postings.

24 THE CHAIRPERSON: No, but she's --

25 DR. MOCK: Yes.

1 THE CHAIRPERSON: -- she's qualified
2 as an expert for the purposes of observing the
3 Internet.

4 DR. MOCK: Yes.

5 THE CHAIRPERSON: So she may do so.
6 Go on.

7 DR. MOCK: And -- and I recognize
8 that this is exactly what people do with postings but
9 I'm also -- and I would need a little bit more time to
10 analyze all of them, given the questions that you are
11 asking. But this is a very clear -- so far, the ones
12 that you've shown me, are very clear that the line
13 looks as if it is being drawn between what is hateful
14 and what is offensive, and those are two different
15 things. So that it looks to me, when you just show me
16 those first few, that in Israel where they do have
17 similar laws to us and -- in terms of human rights and
18 that, that -- that they are not going to restrict
19 people's freedom of speech beyond a reasonable limit.
20 And so putting the work of liars up there, or blatant
21 anti-semites, you know, anti-Semitism, lying, things
22 that are racist, and so on, as long as they -- and
23 again, I'm just basing it on these two articles.

24 If I were asked to judge this on a
25 Canadian website, to say, okay. I would have to look

1 at how much of a pattern was there and so on.

2 But comparing someone to a thief is
3 not calling them a weasel or vermin, or people who can
4 be -- and then making that AB, BC, AC analogy. Well,
5 if vermin can -- and rodents can be exterminated,
6 that's the dehumanization. I don't see dehumanization
7 and vilification there, and it shows that this fear
8 of -- I mean, I know I --

9 MS KULASZKA: Which one are you
10 talking about?

11 DR. MOCK: I'm talking about why
12 somebody in a free and democratic society, would allow
13 speech that -- that was racist, without being hatred.
14 You see, that's -- it's that distinction. It's the --
15 it's the reasonable limit. So -- so there's this
16 discourse that is happening, and you say, well, just
17 like a thief. Well, in Israel and in this country, we
18 don't exterminate thieves. You see? You see there, it
19 may seem to be a subtle distinction, but the law is
20 very clear on that, that -- that vilification,
21 dehumanization language that could lead to murder or
22 extermination, is different from people expressing
23 opinions. And they can be deemed to be anti-Semitic.
24 That's why I flagged that other one, the -- the Doug
25 Collins article you had in there.

1 An isolated article was deemed to be
2 anti-Semitic, that he wrote, "Schindler's List is
3 Swindler's List". It wasn't until, in that case, the
4 North Shore News and that -- that journalist, was shown
5 to have a pattern of continuous vilification and
6 continuous repetition of anti-Semitic lies and -- and
7 deceit and so on, as well as the same kind of language
8 against blacks and Vietnamese, and this pattern of
9 behaviour was deemed to expose minorities to contempt
10 or hatred. So that's -- that's the -- the difference
11 here. And when I'm asked to judge what is hate, and to
12 use my expertise in that, in terms of its impact,
13 that's the distinction that I make.

14 The distinction between, you know, I
15 mean, someone can say a stereotype and -- you know, but
16 I -- I'm not seeing here blood libels, and I'm not
17 seeing -- you know, I -- again, I would have to read
18 all of them. I would have to say --

19 THE CHAIRPERSON: So in your view,
20 stereotypes, repeating stereotypes, may not necessarily
21 be hate? Repeating stereotypes that lead to
22 vilification or -- I'm not trying to put words in your
23 mouth. If someone says a stereotype of -- of a group,
24 we know they exist, any group, that may not necessarily
25 be hate but --

1 DR. MOCK: That's right.

2 THE CHAIRPERSON: What makes it hate,
3 in your mind?

4 DR. MOCK: What makes it --

5 THE CHAIRPERSON: As a -- I'm asking
6 you now as a -- as a person who's an expert in race
7 relations, multiculturalism, psychological impact of
8 hate propaganda on its victims. So what is hate then,
9 that would affect a victim?

10 DR. MOCK: Again, this is why we --
11 we belabour over it so long and have to use the
12 reasonable limits, and why we need the Attorney's
13 General consent for this, so we don't go on that
14 slippery slope. Being offensive is not the same as
15 being hateful, in terms of the law, and in terms of --
16 of what speech we might want to limit. There are -- and
17 this is -- now, there are those who might say, well,
18 there's a context in which hate occurs, so that's why
19 we made the distinction in -- in the report of the Hate
20 Crimes Community Working Group between offensiveness
21 or -- or hateful incidents, and that which would be
22 against the law, you see? So -- so the repetition,
23 the --it's like the difference between somebody in a
24 workplace who says something offensive and then they
25 apologize, and then they don't say it again. That's

1 not called harassment. It becomes harassment when they
2 know it's offensive, they keep at it, they have been
3 asked to stop, and it goes to the very core of the
4 identity of a person.

5 THE CHAIRPERSON: Because -- yes,
6 that's because it poisons the work environment.

7 DR. MOCK: Yes.

8 THE CHAIRPERSON: But what we're
9 looking for here -- let me put it to you another way.

10 We've had evidence here of -- of
11 jokes that have been published on the Internet that
12 are -- are based on stereotypes. They were defined
13 even, and they had headings on them, "black jokes,"
14 "gay jokes", things like that. And for all I know,
15 there's -- these are things that may be published in
16 books and we've -- sometimes you see humourists using
17 them. Now is that hate, as such?

18 DR. MOCK: Some of those jokes can be
19 hate, others would be racist, offensive, anti-Semitic.
20 So for example, when I see a joke that speaks about,
21 you know, that the punch line really means, it's okay to
22 murder Jews, or to put them in gas chambers and have
23 their ashes, you know, there, that's hateful. If you
24 see a joke -- I don't know, a funny joke that might
25 have to do with, I don't know, I can think of some --

1 have to forgive me, I'm not -- can't think quickly
2 enough about one that might be deemed to be
3 anti-Semitic or offensive.

4 THE CHAIRPERSON: I'll think of a
5 scenario -- so if it was a joke that said, a Greek in a
6 kitchen of a restaurant. I'm of Greek origin, so this
7 is one stereotype that's often associated that -- that
8 we're all in the restaurant business. So if someone
9 made that kind of a -- a joke that would be --

10 DR. MOCK: That wouldn't be hateful.

11 THE CHAIRPERSON: That wouldn't be
12 hateful. It's just stereotyping us as being all
13 restaurant workers.

14 DR. MOCK: Uh-huh, uh-huh. And the
15 reality is it may even be what might be called "ethnic
16 humour". There might be something that a Greek person
17 might understand, and it in fact, isn't really
18 offensive. Ethnic humour means you have to have a
19 special understanding of the culture, even to be able
20 to get the joke. So it doesn't necessarily mean, even
21 because they are going to build it on a stereotype,
22 that it's even offensive. It could actually be very
23 funny.

24 THE CHAIRPERSON: It could be. It
25 could also be offensive, people who don't like to be

1 stereotyped as always being --

2 DR. MOCK: Exactly. Exactly, but
3 then it's offensive, and then they would point it out
4 as offensive, and the person who didn't deliberately
5 want to offend, provoke, promote hatred in the
6 environment, would apologize, and likely, in the
7 presence of that person, wouldn't say it again, because
8 their intention wouldn't be to offend.

9 THE CHAIRPERSON: Okay. That's
10 one-on-one. What if it's happening on a global nature?
11 Is it humorous making network types of jokes about --

12 DR. MOCK: I think in a free and
13 democratic society, we still have to make those
14 distinctions, and say, you've got the choice to just
15 turn off the TV station, or not go to YukYuks, or what
16 have you. And again, because the content, in and of
17 itself, is not inciting violence, is not demonizing, is
18 not exposing -- is not exposing the Greek community or
19 person to contempt or hatred. That's the difference.
20 Yesterday, there was a posting about me on Stormfront,
21 in the context of a report on this hearing, that
22 compared Jews to rodents. That's not what's here.

23 THE CHAIRPERSON: When you say
24 pointing "here", you are pointing to what?

25 DR. MOCK: Haaretz, that

1 particular --

2 THE CHAIRPERSON: Yes, okay.

3 DR. MOCK: So that's why -- I was
4 asked as an expert to evaluate, would I lay a hate
5 charge against this one piece of paper? And my answer
6 is, no. Would I say it's offensive, would I say -- but
7 then again, it's a posting. And now, the next one
8 says, hey, this is a lie.

9 THE CHAIRPERSON: Has someone stood
10 up?

11 MR. KULBASHIAN: I didn't have a
12 proper objection, it's just that she's going -- kind of
13 going off on a rant.

14 THE CHAIRPERSON: My question.

15 MR. KULBASHIAN: Well, no, the
16 specific -- she's jumping from topic to topic, down
17 line. I understand -- and to answer your question. But
18 then there's also a point where there's going to be
19 some kind of constraints to the way she's testifying.
20 For example, just adding random examples in --

21 THE CHAIRPERSON: My question.

22 MR. KULBASHIAN: And another issue is
23 the issue of accuracy, where there wasn't a question as
24 to whether or not she'd file a hate charge, from Ms
25 Kulaszka so --

1 THE CHAIRPERSON: I didn't get that.
2 But in any event, I appreciate what you're saying. But
3 these are my questions. I need -- I need to understand
4 what she's saying. This is helping me understand.

5 MR. KULBASHIAN: Thank you.

6 THE CHAIRPERSON: Next question, Ms
7 Kulaszka. Although we are at 12:10 --

8 MS KULASZKA: Okay, if we go to --

9 THE CHAIRPERSON: Can we take a break
10 at this time?

11 MS KULASZKA: Maybe we can just take
12 lunch.

13 THE CHAIRPERSON: Yes, lunch. That's
14 what I meant, lunch. But I need to know how we are
15 doing on time.

16 MS KULASZKA: Maybe an hour.

17 THE CHAIRPERSON: An hour on your
18 part? Mr. Christie, will you be asking any questions?

19 MR. CHRISTIE: Yes, I have some
20 questions pertaining to the report.

21 THE CHAIRPERSON: To the report? Keep
22 in mind my policy that I adopted yesterday about the
23 material that was -- the answers that were provided to
24 the questions on expertise, with respect to Mr.
25 Fothergill's comments yesterday, applied to your

1 questioning earlier as well, so I don't think you have
2 to go back to those points, okay?

3 MR. CHRISTIE: No, I appreciate that.
4 Thank you.

5 MR. FOTHERGILL: Can I just point out
6 that I expect that those of us on this side of the room
7 will probably have about half an hour in redirect, and
8 if that could be worked into the -- the remaining
9 schedule.

10 THE CHAIRPERSON: I want everyone to
11 accommodate that. This witness -- we have to be done
12 with this witness at the end of this day, and we all
13 have flights to catch and so on. So I'm going to ask
14 you, please, if you could, without necessarily
15 restricting your role, but so far it's gone well. But
16 I just -- if you can shorten it up, that's great.

17 MS KULASZKA: Maybe we could just
18 have a short lunch hour of an hour.

19 THE CHAIRPERSON: Yes, that's what I
20 was going to suggest, one hour. We'll be back at
21 12:10, 12:15. Okay? Sorry, 1:15.

22 --- Recess taken at 12:15 p.m.

23 --- Upon resuming at 1:15 p.m.

24 THE CHAIRPERSON: Next. Ms Kulaszka.

25 MS KULASZKA: Yes, I've finished my

1 cross-examination of Dr. Mock.

2 THE CHAIRPERSON: Thank you.

3 So Mr. Christie?

4 MR. CHRISTIE: Yes.

5 CROSS-EXAMINATION BY MR. CHRISTIE

6 MR. CHRISTIE: Dr. Mock, in the
7 questions that Ms Kulaszka asked you, even you as an
8 expert, had difficulty identifying where the line could
9 be drawn between hate speech and ethnic humour, right?

10 DR. MOCK: I hope it didn't come
11 across as difficulty in drawing the line. I think
12 it's -- it's a complicated issue. But I don't have any
13 difficulty in drawing the line. And I've thought of a
14 couple of jokes actually now. It was just not being
15 able to think of a few that were based on stereotypes,
16 but were not hateful.

17 MR. CHRISTIE: Uh-huh. So my
18 question is, is it going to require an expert to make
19 these distinctions in fine cases?

20 DR. MOCK: Yes.

21 MR. CHRISTIE: And so I guess the
22 only way that a person who wanted to avoid breaching
23 Section 13(1), and having websites or anything on the
24 Internet, they would have to pre-screen it through an
25 expert to see if it breached?

1 DR. MOCK: Not necessarily.

2 MR. CHRISTIE: You just said it would
3 require an expert to determine --

4 DR. MOCK: No, you said "in fine
5 cases". I thought you meant in cases of law, to
6 determine whether in fact, it were hateful and
7 therefore hate charges should be laid.

8 MR. CHRISTIE: Oh. My question was
9 very simple. "In fine cases", did you know what I
10 meant?

11 DR. MOCK: No, then, I didn't.

12 MR. CHRISTIE: Well, why did you
13 answer the question, if you didn't know what I meant?

14 THE CHAIRPERSON: That won't get us
15 anywhere but --

16 MR. CHRISTIE: All right. Clearly,
17 you answered the question understanding "fine"
18 questions to be, what I've suggested is, namely, cases
19 where it's difficult to tell on which side of the line
20 it would fall. In those cases, you agree with me that
21 an expert's opinion would seem to be the only necessary
22 and only available means?

23 DR. MOCK: Yes, if you wanted to be
24 sure that you weren't breaking the law.

25 MR. CHRISTIE: And to know just where

1 a fine case exists or a close case, as opposed to an
2 extreme case, is there any common sense rules that
3 you've seen published to guide us?

4 DR. MOCK: Yes, many.

5 MR. CHRISTIE: What are they?

6 DR. MOCK: There are many examples,
7 both on the website and in the literature, of
8 guidelines.

9 MR. CHRISTIE: What website?

10 DR. MOCK: I'm sorry, I meant on the
11 Internet. Thank you --

12 MR. CHRISTIE: Oh, so --

13 DR. MOCK: Thank you for correcting
14 me. I meant on the Internet, so --

15 MR. CHRISTIE: So we have to go onto
16 the Internet to look for websites to give us the
17 guidelines between the fine and the extreme cases?

18 DR. MOCK: No, sir.

19 MR. CHRISTIE: Is that what you mean?

20 DR. MOCK: No, sir.

21 MR. CHRISTIE: Where do we go to
22 find --

23 THE CHAIRPERSON: Please let her
24 finish that answer.

25 MR. CHRISTIE: Yes, thank you.

1 THE CHAIRPERSON: Go ahead.

2 DR. MOCK: Okay, some of the places
3 that one can look are in school boards, because there
4 would be policies that they have, are in guidelines that
5 have been published by police services, guidelines by
6 the Media Awareness Network, guidelines by the
7 Anti-Defamation League, guidelines even, you know,
8 simple explanations of what the law is, and how to
9 ensure that you're within it. I mean, there are many,
10 many sources of where someone who was publishing on a
11 regular basis, would want to look to see if they were
12 within the law.

13 There is -- there is guidelines for
14 journalists, there's the CRTC, there's the press
15 councils, there's the ethical guidelines, many places
16 where you would find simple ways of determining what
17 was offensive versus what was actually against the law.

18 MR. CHRISTIE: Are they -- are they
19 all authoritative?

20 DR. MOCK: I couldn't say if they are
21 all authoritative, but if you would like me to review
22 the --

23 MR. CHRISTIE: No, no, I asked the
24 question. It's not what I'd like you to review.

25 DR. MOCK: There are many --

1 MR. CHRISTIE: Are they all
2 authoritative?

3 DR. MOCK: There are many
4 authoritative sources that explain the law in very
5 simple terms.

6 MR. CHRISTIE: Are there? And they
7 all agree, do they? Where they disagree -- I assume,
8 from your lack of answer, that you can't answer. But
9 where they disagree, who is a -- an honest person
10 supposed to believe?

11 DR. MOCK: Most reasonable people and
12 honest people would believe those that are considered
13 to be bona fide and expert opinions.

14 MR. CHRISTIE: Bona fide expert
15 opinions. Is there a list of the bona fide expert
16 opinions on what is legitimate under Section 13(1)?

17 DR. MOCK: There would be case law.
18 There would be, as I mentioned earlier, various
19 guidelines put out by various sources, the -- the
20 Canadian Human Rights Commission, for one, has -- has
21 their educational sources. You know, some of these
22 publications that we have been discussing and
23 referencing have them, non-profit organizations,
24 police, Attorney Generals, many authoritative sources.

25 MR. CHRISTIE: So how many should you

1 consult before you publish?

2 DR. MOCK: Well, I would assume -- I
3 would assume that the person who was the publisher
4 might have to consult only a few and especially, you
5 would want to consult your counsel.

6 MR. CHRISTIE: Oh, so you have to
7 get --

8 DR. MOCK: That's -- if you are
9 asking me what I would do, then that's what I would do.

10 MR. CHRISTIE: No, I didn't ask you
11 what you should -- you would do. I asked you if --

12 DR. MOCK: There's no -- there would
13 be no way --

14 MR. CHRISTIE: I'll make my question
15 very clear.

16 DR. MOCK: Thank you.

17 MR. CHRISTIE: Where is there a list
18 of the authoritative rules to follow in publishing on
19 the Internet?

20 DR. MOCK: Where is there an
21 authoritative list of how to publish on the Internet?
22 Is that what you want?

23 THE CHAIRPERSON: Of how to publish
24 within the parameters of acceptability of --

25 MR. CHRISTIE: Of Section 13(1), for

1 instance. Do you know of any?

2 DR. MOCK: I'm not aware of what you
3 might call a list, but I am aware of guidelines
4 existing in the various places I've mentioned.

5 THE CHAIRPERSON: Another question.
6 By saying section 13, you've triggered a -- let's
7 listen to her expertise, which is hate propaganda on
8 the Internet.

9 MR. CHRISTIE: Okay. Do you accept
10 the authority of the 1996 Annual Audit of Antisemitic
11 Incidents as persuasive to you?

12 DR. MOCK: Authority?

13 MR. CHRISTIE: Do you agree with it?

14 DR. MOCK: I accept its authenticity.
15 I accept --

16 MR. CHRISTIE: Authority -- well,
17 you're one who believes that it's right, don't you,
18 the -- you said that many people put high store in it,
19 and it's recognized and respected by the police and
20 others?

21 DR. MOCK: Yes, and it was written in
22 good faith.

23 MR. CHRISTIE: Uh-huh. Well,
24 I'm looking at the 1996 Annual Audit of Antisemitic
25 Incidents.

1 THE CHAIRPERSON: Which one is that?
2 MR. CHRISTIE: Page 2, and it's --
3 it's in --
4 THE CHAIRPERSON: R-4, was it not?
5 MR. CHRISTIE: Perhaps. R-4, it's --
6 THE CHAIRPERSON: Tab 2.
7 MR. CHRISTIE: -- tab 2, page 26.
8 THE CHAIRPERSON: Okay. So let's
9 everyone read that page before the particular question.
10 MR. CHRISTIE: I just asked her if
11 she agreed with it.
12 THE CHAIRPERSON: No, but I want to
13 be able to follow you, sir.
14 MR. CHRISTIE: Okay. Looking down
15 under "Hate on the Internet" in that first paragraph,
16 third line from the bottom of that paragraph begins:
17 "Unfortunately, it is extremely
18 difficult to measure the real
19 impact of the Internet in terms
20 of hate recruitment."
21 Is that what it says?
22 DR. MOCK: Yes.
23 MR. CHRISTIE: Do you agree with it?
24 DR. MOCK: Yes.
25 MR. CHRISTIE: What's the definition

1 of a bigot?

2 DR. MOCK: I believe that I cited the
3 definition of --

4 MR. CHRISTIE: I can quote -- I can
5 quote what you said, and see if I've got it right:

6 "Someone who stubbornly holds to
7 a firmly fixed opinion, even
8 after provided with the
9 contradictory evidence".

10 Would you agree?

11 DR. MOCK: I -- the definition that I
12 read into the record was:

13 "One stubbornly or intolerantly
14 devoted to one's biased opinions
15 and prejudices".

16 MR. CHRISTIE: Okay. Apparently,
17 they don't even need to be presented with contradictory
18 evidence, but if they stubbornly hold to their
19 prejudices. Is that the way you see it? Or biases.
20 Yes?

21 DR. MOCK: Or intolerantly holding to
22 them.

23 MR. CHRISTIE: I see. Do you
24 remember the -- that case, Finta?

25 DR. MOCK: The case of Imre Finta --

1 MR. CHRISTIE: Yes.

2 DR. MOCK: -- who was an alleged war
3 criminal?

4 MR. CHRISTIE: You call him an
5 alleged war criminal?

6 DR. MOCK: Well, that's what I
7 believe the case was about.

8 MR. CHRISTIE: Yes. Do you remember
9 the case?

10 DR. MOCK: Not all of the facts of
11 it, but yes, I remember there was a such a case.

12 THE CHAIRPERSON: What is the
13 spelling of Mr. Finta's name?

14 MR. CHRISTIE: F-I-N-T-A. Do you
15 know -- do you know what happened, the outcome of the
16 case?

17 DR. MOCK: You would have to remind
18 me of it. I --

19 MR. CHRISTIE: Okay, well --

20 DR. MOCK: -- did not review that in
21 preparation for my testimony.

22 MR. CHRISTIE: It was a nine-month
23 trial in the City of Toronto. You lived there at that
24 time, 1990?

25 DR. MOCK: 1990?

1 MR. CHRISTIE: Uh-huh.

2 DR. MOCK: Yes.

3 MR. CHRISTIE: And it made the front
4 page of most newspapers on many occasions, and one
5 particular occasion was in June, I believe, or May
6 rather, of 1990. Do you remember when the verdict came
7 in, what the verdict was on all eight counts?

8 THE CHAIRPERSON: And the counts were
9 what, exactly, are you --

10 MR. CHRISTIE: War crimes and crimes
11 against humanity, four of each.

12 DR. MOCK: I'm sorry, I don't
13 remember the way you would, sir, what I --

14 MR. CHRISTIE: You don't -- you don't
15 remember the verdict --

16 DR. MOCK: I could not quote it
17 accurately, and I would not want to --

18 MR. CHRISTIE: Oh, well --

19 DR. MOCK: -- without having reviewed
20 it to -- to do that so --

21 MR. CHRISTIE: Well, let me put it to
22 you this way: Do you know whether the verdict was
23 guilty or not guilty?

24 MR. KURZ: What is her -- this is not
25 a memory test. Mr. Christie acted for Mr. Finta. The

1 result is --

2 MR. CHRISTIE: Now, I'm -- there's no
3 reason for this objection.

4 MR. KURZ: If I may, the result is a
5 matter of public record. I'm not even -- for the sake
6 of this, in case you disagree with me, I won't even say
7 what the verdict was. But how does that get us
8 anywhere, other than to try to push the witness around?

9 MR. CHRISTIE: Obviously --

10 MR. KURZ: Could it help --

11 MR. CHRISTIE: Obviously --

12 MR. KURZ: Could --

13 MR. CHRISTIE: Obviously, my learned
14 friend is not willing to wait for the question.

15 THE CHAIRPERSON: Well, let's get --
16 we're on a schedule.

17 MR. KURZ: There was a question. Do
18 you remember what -- he asked her already --

19 THE CHAIRPERSON: And where is this
20 going, if it's going --

21 MR. CHRISTIE: Oh, I know exactly
22 where it's going.

23 THE CHAIRPERSON: Well, I would like
24 to know, too.

25 MR. CHRISTIE: Would you? So should

1 I tell the witness -- in front of the witness or --

2 THE CHAIRPERSON: No, no.

3 MR. CHRISTIE: -- in the absence of
4 the witness.

5 THE CHAIRPERSON: It would be in the
6 absence, or if you are getting to the question, just
7 get to the question.

8 MR. CHRISTIE: Okay, I do have to
9 explore whether she knew what the verdict was.

10 THE CHAIRPERSON: We've established
11 she doesn't recall the verdict.

12 MR. CHRISTIE: Did she say that?

13 DR. MOCK: I would be worried that I
14 wouldn't get it exactly right and then he would --

15 THE CHAIRPERSON: Okay, now what's
16 your recollection? I won't --

17 DR. MOCK: My recollection is that at
18 that time, he was not found on those charges.

19 MR. CHRISTIE: So he was found --

20 DR. MOCK: That was my recollection.

21 MR. CHRISTIE: He was found -- I put
22 it to you he was found not guilty and you knew that,
23 right?

24 DR. MOCK: But that was my
25 recollection.

1 MR. CHRISTIE: Yes, thank you. All
2 right, let's look at the anti -- Audit of 1997 of
3 Antisemitic Incidents, page 34 of tab 2. It has there,
4 page -- paragraph 3:

5 "Douglas Christie, best known as
6 legal counsel to Malcolm Ross,
7 James Keegstra, Nazi war
8 criminal Imre Finta".

9 I'll stop there. Is that what it
10 says?

11 MR. KURZ: What page are we on?

12 MR. CHRISTIE: One more time, 34.

13 THE CHAIRPERSON: Page 34.

14 MR. CHRISTIE: Is that what it says?

15 DR. MOCK: Sorry, what line are you
16 at?

17 MR. CHRISTIE: First line, third
18 paragraph:

19 "Douglas Christie, best known as
20 legal counsel to such people as
21 Malcolm Ross, James Keegstra,
22 Nazi war criminal Imre Finta --"

23 I stop there. Is that what it says?

24 DR. MOCK: Yes, that's what it says.

25 MR. CHRISTIE: Right. You knew in

1 1996 or '7 when this was issued, that Imre Finta had
2 been acquitted in 1990, didn't you? That's why you
3 called him an alleged war criminal, isn't it?

4 DR. MOCK: Yes.

5 MR. CHRISTIE: And -- did you know
6 that he had a trial that lasted nine months in front of
7 a jury? Did you know that?

8 DR. MOCK: Yes.

9 MR. CHRISTIE: Yes. Did you know
10 that it went to the Court of Appeal, and there was no
11 change in the verdict? It went to the Supreme Court of
12 Canada. Did you know all that? Because I think as
13 national director of the B'nai Brith, you would know
14 that. Did you know that?

15 DR. MOCK: At the time, yes.

16 MR. CHRISTIE: And you see, this is
17 printed off the website for B'nai Brith, indicated at
18 the bottom, on the 12th day -- or the 28th day of the
19 12th month, 2006, I'll -- I'll put it to you that
20 that's the state of the B'nai Brith website in December
21 of 2006. That's probably true, isn't it?

22 DR. MOCK: Is there --

23 MR. CHRISTIE: Is a shrug an answer
24 or can you say yes?

25 DR. MOCK: Is there a question?

1 MR. KURZ: Well, I didn't hear a
2 question.

3 DR. MOCK: I don't know what the
4 question is.

5 THE CHAIRPERSON: What's your
6 question?

7 MR. CHRISTIE: I said,
8 "That's probably true, isn't it"?

9 THE CHAIRPERSON: Oh, is it not true
10 that it was on the website? Well, it appears --

11 DR. MOCK: Yes, it's --

12 MR. CHRISTIE: All right.

13 DR. MOCK: If -- if you have it here,
14 we're trusting that this is an accurate look at what's
15 on the website.

16 MR. CHRISTIE: Okay. Why would you
17 not agree that B'nai Brith is a bigoted organization
18 who, knowing full well that someone has been acquitted,
19 still calls them. And I note it's "Nazi war criminal",
20 sixteen years after they have been acquitted? I put it
21 to you that's the sign, symptom and example of a
22 bigoted organization.

23 DR. MOCK: I would have to disagree.

24 MR. CHRISTIE: Yes, you would have
25 to, but the truth is --

1 DR. MOCK: I would have to disagree
2 that if -- this should have been written with the word
3 "alleged" before.

4 MR. CHRISTIE: Why would it be
5 written with the word "alleged" because --0

6 DR. MOCK: If -- if I understand
7 there were other proceedings, and again, I did not
8 review the entire Finta file, which I understood there
9 were some issues around deportation and other -- other
10 things that had gone into this later, but again, if
11 this is a question of careless editing --

12 MR. CHRISTIE: No, not just "this is
13 a question of" --

14 DR. MOCK: You, sir --

15 MR. CHRISTIE: Why is it not bigotry?

16 DR. MOCK: -- I would like -- I would
17 like to finish the question.

18 THE CHAIRPERSON: Fine, go ahead.

19 MR. CHRISTIE: The question or the
20 answer?

21 THE CHAIRPERSON: I want to hear the
22 answer.

23 DR. MOCK: I would like to finish the
24 question.

25 MR. CHRISTIE: Well, what was the

1 question?

2 DR. MOCK: Is this an example of
3 bigotry?

4 MR. CHRISTIE: Yes.

5 DR. MOCK: My answer, categorically,
6 is no.

7 MR. CHRISTIE: Uh-huh.

8 DR. MOCK: This is not an example of
9 people holding to stubbornly held beliefs in spite of
10 being presented with the evidence.

11 MR. CHRISTIE: Okay.

12 DR. MOCK: Had someone in -- I mean,
13 again editors need editing. We need proofreading all
14 the time.

15 MR. CHRISTIE: Who was the editor?

16 DR. MOCK: I was. I was, as
17 executive director. We have several pairs of eyes
18 looking over all of this. And when you're -- when
19 you're writing and you're meeting deadlines, we all
20 know it is not bigotry to have -- to --

21 MR. CHRISTIE: Is the 1997 audit --

22 THE CHAIRPERSON: Let her finish.

23 MR. CHRISTIE: Well, the --

24 THE CHAIRPERSON: Have a
25 conversation, sir.

1 DR. MOCK: I was -- I was asked the
2 question, is this an example of bigotry, and proof that
3 B'nai Brith is a bigoted organization. And
4 categorically, my answer is no.

5 MR. CHRISTIE: Mr. Chairman, the
6 witness is being argumentative and not directing her
7 answer to the question.

8 THE CHAIRPERSON: I just wanted to
9 hear an end to an answer. If she is, as soon there's a
10 stop or a break somewhere in her answer, then tell me
11 that. But when I hear both of you talking at the same
12 time, I lose my whole train of thought. I didn't get
13 the answer you wanted, I didn't get the answer she
14 wanted to tell me. I get nothing. So let's do it
15 one -- one step at a time. Keep your answers short,
16 answer his questions.

17 DR. MOCK: I'm sorry.

18 THE CHAIRPERSON: But let her
19 complete those answers. Thank you.

20 So where were we? See, I'm lost.
21 Start again.

22 MR. CHRISTIE: So it's not an example
23 of bigotry because?

24 THE CHAIRPERSON: Go ahead. Complete
25 your answer.

1 DR. MOCK: Because it is not an
2 example of deliberate prejudice or intolerant bias, in
3 the sense that bigotry is usually defined.

4 MR. CHRISTIE: Would you, in
5 1997, have been possessed of the knowledge you have now,
6 that Imre Finta was acquitted?

7 DR. MOCK: I thought I had answered
8 yes.

9 MR. CHRISTIE: Well, then, I can't
10 accept, nor can I understand your explanation, that you
11 would have allowed this to be published, and remain
12 published until 2006. Can you tell me how you explain
13 that? Did you not know it was there?

14 MR. KURZ: Mr. Chair, she's not
15 responsible for -- the issue isn't whether B'nai Brith
16 is a bigoted organization, although it may well be the
17 people on that side of the table would like to make
18 that an issue the trial. Nor is she responsible for
19 answering for B'nai Brith right now, in terms of why
20 B'nai Brith does or does anything, five or six years
21 after she left the organization.

22 THE CHAIRPERSON: Yes, I understand.
23 You made that point earlier. I take all this
24 questioning as being related to this expert witness's
25 personal credibility as editor of this document, and

1 not any further than that, that's for sure.

2 MR. KURZ: But she's been asked why
3 it's still being done right now.

4 THE CHAIRPERSON: Yes.

5 MR. CHRISTIE: So as someone who
6 wants to avoid bigotry, do you undertake to advise them
7 to remove that reference to Mr. Finta, as a "Nazi war
8 criminal"?

9 DR. MOCK: I would advise them to
10 have their counsel review this, and to see if there are
11 any inaccuracies at this date.

12 MR. CHRISTIE: Oh, okay.

13 DR. MOCK: As I recall, we didn't
14 have the -- the web at that time.

15 MR. CHRISTIE: You didn't have the
16 web at that time?

17 DR. MOCK: And I don't know what -- I
18 don't know what condition this is in. There's other
19 things that are changed on there as well. There's -- it
20 says Ruth Klein is the national director of advocacy.
21 There's a --

22 MR. CHRISTIE: Well, I didn't ask you
23 about that.

24 DR. MOCK: There's a new heading on
25 here so --

1 MR. CHRISTIE: I didn't ask you about
2 that either.

3 DR. MOCK: But I would advise that--
4 you know, just as I would advise any organization, yes,
5 these things need to be reviewed and reviewed again,
6 and make sure that they are completely accurate and
7 beyond reproach. And --

8 MR. CHRISTIE: So -- so can --

9 DR. MOCK: You know, I'm glad this is
10 being brought to attention and I --

11 MR. CHRISTIE: Uh-huh.

12 THE CHAIRPERSON: Okay, the main
13 thing -- you ran a little long there.

14 DR. MOCK: I'm sorry. I'm sorry,
15 it's just a --

16 THE CHAIRPERSON: I got the message.

17 DR. MOCK: -- a bad habit.

18 THE CHAIRPERSON: You would have --
19 the revise of the -- and the reference you made, is
20 because, as we see from the top header of this, says it
21 was printed out in 2006, at page 33, the individuals
22 that appear there, if I understand you correctly, are
23 not the people who were there in 1997; is that correct?

24 DR. MOCK: Some were, some weren't.

25 THE CHAIRPERSON: So are these

1 thecurrent people in 2006, to your knowledge?

2 DR. MOCK: No. I think --

3 THE CHAIRPERSON: So this --

4 MR. CHRISTIE: I'm not interested in
5 that. I mean, who is the current person --

6 THE CHAIRPERSON: That's not what I'm
7 trying to establish. She said earlier in her
8 evidence -- and I can ask my questions, too.

9 MR. CHRISTIE: Oh, of course, Chair.

10 THE CHAIRPERSON: She -- she said in
11 her evidence before that this document contains
12 information that is more up-to-date within the
13 document. And I wanted to understand that, because I
14 don't see the name of this witness as the national
15 director anywhere on the top here. So is it -- is the
16 letterhead at page 33, as it would have appeared in
17 1997?

18 DR. MOCK: No.

19 THE CHAIRPERSON: It's more current
20 or different or what, what is it?

21 DR. MOCK: It's in between.

22 THE CHAIRPERSON: In between?

23 DR. MOCK: Michelle Wellner and Steve
24 Scheinberg are no longer president andnational chair.
25 Frank Diamond is now still chief executive officer.

1 THE CHAIRPERSON: I'm asking you did
2 it -- does it look like it looked in '97?

3 DR. MOCK: No.

4 THE CHAIRPERSON: So there has been
5 subsequent -- the document has -- had some updating
6 since 1997?

7 DR. MOCK: Yes.

8 THE CHAIRPERSON: Of some sort or
9 another?

10 DR. MOCK: Yes.

11 THE CHAIRPERSON: And that goes to
12 some of the questioning that had been made earlier.
13 Fine, go ahead.

14 MR. CHRISTIE: And I just want to
15 make clear then, that the reference to "Nazi war
16 criminal", is that the way it was in '97, when you were
17 editor?

18 DR. MOCK: Likely it was. I would
19 have to look at the original and see if it matches, and
20 I would advise one says "alleged" --

21 MR. CHRISTIE: Well, even in '97, it
22 was no longer alleged, was it? Was it?

23 DR. MOCK: I believe at that
24 time, there were still various proceedings happening.
25 It might have been worded differently.

1 MR. CHRISTIE: What made you believe
2 that?

3 DR. MOCK: Again, you'll have to
4 refresh my memory around calls for deportation and
5 cases that were happening around that time, but I'm
6 sorry, I really am not an expert in that particular
7 area. We rely on all kinds of sources of information
8 and contributions and --

9 MR. CHRISTIE: Well --

10 DR. MOCK: -- I'm not an expert on --
11 on the Finta case.

12 MR. CHRISTIE: Well, you published a
13 statement that was unequivocal on that subject at that
14 time, and you are responsible for it, aren't you?

15 DR. MOCK: Yes.

16 THE CHAIRPERSON: We had that
17 evidence.

18 MR. CHRISTIE: In answer to my
19 learned friend, Ms Kulaszka, you said that the
20 definition that distinguished an ethnic joke or ethnic
21 humour from racist humour, from hate speech, the latter
22 being the most serious, was "if it incited violence,
23 demonized, or did not -- or exposed to hatred or
24 violence." And you gave the example of Jews as
25 rodents. Do you remember that?

1 DR. MOCK: Yes, hatred or contempt.

2 MR. CHRISTIE: No, you didn't use the
3 word contempt until now. I want to ask you about that.
4 If section 13(1), which I'm not asking you to give a
5 legal opinion on, does not require violence,
6 demonization or either of those two whatever they may
7 mean, but contempt, is there a clear guideline that
8 enables us to know where contempt arises and valid
9 criticism ends?

10 MR. VIGNA: Mr. Chair, I'm not sure
11 she's in a position to answer a legal question that is
12 being answered by courts in the Taylor decision and --
13 on the definition of hate and contempt.

14 MR. CHRISTIE: Well, there's -- there
15 is -- there's a clear indication this witness is an
16 expert in hate on the Internet.

17 Now, this section, which we're
18 supposed to be considering in terms of whether it's
19 demonstrably justifiable in a free and democratic
20 society, uses words like contempt.

21 DR. MOCK: There is --

22 MR. CHRISTIE: And so --

23 THE CHAIRPERSON: She can answer
24 that. It touches on her area of expertise. It's not
25 the legal definition I'm looking for this -- from this

1 person.

2 MR. CHRISTIE: How do you --

3 THE CHAIRPERSON: It's her
4 psychological -- from her expertise in psychology and
5 the other areas that she's indicated.

6 DR. MOCK: Yes.

7 THE CHAIRPERSON: So -- Yes what?

8 DR. MOCK: Well, I -- I'm sorry.

9 MR. CHRISTIE: So how do we draw the
10 line between contempt and valid criticism?

11 DR. MOCK: Well, I use the term the
12 way the decision of the Supreme Court in Taylor used
13 the term.

14 MR. CHRISTIE: Well, I didn't ask you
15 about that.

16 DR. MOCK: Does that --

17 MR. CHRISTIE: I'm asking you as an
18 expert.

19 DR. MOCK: As an expert, I use as my
20 guideline -- I think part of that question said "what
21 are the guidelines" --

22 MR. CHRISTIE: No.

23 DR. MOCK: -- to determine what is --

24 MR. CHRISTIE: I said how do you
25 define the term "contempt", and differentiate it from

1 valid criticism --

2 DR. MOCK: Okay. Well, valid
3 criticism --

4 MR. CHRISTIE: -- as a psychologist.

5 DR. MOCK: -- valid criticism, as a
6 psychologist, would be legitimate or appropriate
7 commentary based on the evidence at hand. Contempt
8 would, you know, on the -- in contrast to that, suggest
9 looking down on -- on an individual in particular, not
10 valid criticism, let's say, of an idea or a person's
11 behaviour. It would be looking down on them or
12 treating them as inferior or an object -- as an object,
13 dehumanizing and so on. So that's -- that's how I look
14 at the difference. There's a sense of superiority
15 or -- or something that actually attacks the identity
16 of the person, as opposed to criticism of their
17 behaviour.

18 MR. CHRISTIE: Of the groups that do
19 acts that are evil in actual fact, groups identified by
20 race, religion, ethnic origin, do they ever do things
21 collectively that are evil or wrong or morally
22 justifiable to criticize?

23 DR. MOCK: Yes.

24 MR. CHRISTIE: Okay, for example, the
25 Air India bombing, the largest mass murder in Canadian

1 history. I'll use it as an example. Is it legitimate
2 to comment on the fact that it was probably committed
3 by Sikhs, in the name of being Sikhs? Is that okay?
4 Is that valid criticism or is it holding them up --

5 DR. MOCK: Similarly, you could say,
6 alleged to have been committed by. You could use the
7 same kind of language.

8 MR. CHRISTIE: Why would you need to
9 say that? If you honestly believe that it probably was
10 committed by Sikhs, in the name of being Sikhs, for the
11 cause of Sikhism, why shouldn't you be allowed to say
12 that? Why wouldn't that be valid criticism?

13 DR. MOCK: You're allowed to say
14 that.

15 MR. CHRISTIE: Are we? How do we know
16 that?

17 DR. MOCK: You are allowed to make
18 assumptions based on evidence, based on -- but --
19 well --

20 MR. CHRISTIE: But what?

21 DR. MOCK: But, to then turn that --
22 to carry that further and attack Sikhism, or to vilify
23 Sikhs, or to continue to use language that would
24 promote contempt against them by speaking, you know,
25 comparing them to rodents, or that it would therefore

1 be legitimate, you know, to -- to take some illegal
2 action against them, would be promoting hatred, to say,
3 on the basis of evidence or -- that there are those who
4 are alleged to have done X or there is an assumption
5 that someone has done Y, based on evidence, then that
6 is not the promotion of hatred.

7 MR. CHRISTIE: You said -- you say so
8 many things, it's hard to identify which one you mean
9 most, but you did say to attack -- to attack Sikhism as
10 a result would be to hold them up to contempt. Did you
11 say that?

12 DR. MOCK: It could be --

13 MR. CHRISTIE: Could be?

14 DR. MOCK: -- depending on how it was
15 attacked, yes.

16 MR. CHRISTIE: So again, it's a
17 sensitive issue, and you can't tell me how you could
18 legitimately attack them, and where the line would be
19 drawn if you were basing your criticism on valid
20 evidence?

21 DR. MOCK: I -- I can tell you that,
22 and I was attempting to do that. It isn't easy to do
23 very succinctly because Mr. Christie is quite right,
24 this is a complicated area and it's why we are so
25 careful not to limit people's freedom of speech in a

1 way that's unreasonable.

2 MR. CHRISTIE: That's your opinion,
3 is it?

4 DR. MOCK: That's my opinion, based
5 on my expertise --

6 MR. CHRISTIE: Right, well --

7 DR. MOCK: -- in evaluating what is
8 and isn't hateful.

9 MR. CHRISTIE: Okay, well, let me ask
10 you this. Is it possible that your opinion of what is
11 valid evidence might be wrong?

12 DR. MOCK: Yes.

13 MR. CHRISTIE: So what is actually
14 supported by valid evidence, you might consider to be
15 not supported by valid evidence, right? Because you
16 are not an expert in what is or isn't valid evidence,
17 are you?

18 DR. MOCK: That's correct.

19 MR. CHRISTIE: So there's no expert
20 in the world that can tell us what is or isn't valid
21 evidence, is there?

22 DR. MOCK: I don't -- I wouldn't
23 know. I --

24 MR. CHRISTIE: Well, do you know of
25 any? Do you know of any experts who can tell us what

1 is valid evidence and not valid evidence?

2 DR. MOCK: By name? I would think
3 that those who are trained as triers of fact have to
4 take training in what is and isn't --

5 THE CHAIRPERSON: I'm not quite sure
6 what you mean by "valid evidence", valid --

7 DR. MOCK: I don't understand what
8 that means.

9 MR. CHRISTIE: You don't know what I
10 mean by valid evidence?

11 THE CHAIRPERSON: Before the court.
12 Is that what you mean?

13 MR. CHRISTIE: No. This is a term
14 she uses as an expert to define what is
15 legitimate criticism from contempt.

16 THE CHAIRPERSON: So she means "valid
17 evidence" in her sense?

18 MR. CHRISTIE: That's right.

19 THE CHAIRPERSON: Okay.

20 MR. CHRISTIE: And in that sense, I
21 trust she'll admit that she could be wrong. She did
22 admit that.

23 THE CHAIRPERSON: She said that.

24 MR. CHRISTIE: And in that case, it's
25 not possible to refer to the court all matters for

1 consideration of what is or isn't valid evidence before
2 you choose to publish a document. So I'm trying to
3 find out if there is an expert in the world that you
4 could refer your thoughts about what is valid evidence
5 for determination before you publish, because that's an
6 issue that might be necessary if this law is to be
7 upheld. So that's why the question was asked.

8 So putting it bluntly, Doctor,
9 wouldn't you be the first to admit that what is or
10 isn't valid evidence is always debatable?

11 DR. MOCK: Yes, it's debatable.

12 MR. CHRISTIE: And in the course of
13 the debate, either side has to be able to explain the
14 reasons why they think their evidence is valid, right?

15 DR. MOCK: Yes, in a court of law or
16 a tribunal.

17 MR. CHRISTIE: Not necessarily in a
18 court of law. In the court of public opinion, we have
19 the expression of criticism, do we not? It's quite
20 often common, we allow this in a free society?

21 DR. MOCK: Yes.

22 MR. CHRISTIE: Even in a society
23 which complies with your view of how it should be?

24 DR. MOCK: Yes.

25 MR. CHRISTIE: We might have an issue

1 of great controversy. Take for example, the Air India
2 bombings. Take for example, the allegation, at least
3 supported in part by evidence, that Sikhs, in the name
4 of Sikhism, committed the act. Let's take that as a
5 possible, valid piece of evidence, possible.

6 Can you tell us how far a person is
7 allowed to go in criticizing Sikhism, before it becomes
8 contempt? How do we do that?

9 DR. MOCK: We examine the words that
10 are used, we examine the pattern of behaviour, we --
11 whether there's a pattern of those words, we examine
12 whether Sikhs as individuals and collectively are
13 vilified, dehumanized, likely to be objects or exposed
14 to -- to hatred, or to raise that kind of emotion, of
15 vilification, is their identity being attacked, is
16 it -- is it lies that are being promoted. There is an
17 extensive evaluation --

18 MR. CHRISTIE: Truth is a factor, is
19 it? Is truth a factor in whether it's criticism or
20 contempt?

21 DR. MOCK: Is truth a factor in
22 whether it's criticism or --

23 MR. CHRISTIE: Yes, you just -- you
24 just used the word as to whether it's lies or not, so
25 then I said, is truth a factor in determining whether

1 it's contempt or criticism? Clearly --

2 DR. MOCK: If it -- no, no. If a
3 person believes that something is true --

4 MR. CHRISTIE: No, let's say it's
5 objectively true. That's a factor, Doctor, in whether
6 it's valid criticism or whether it's contempt, isn't
7 it?

8 DR. MOCK: Yes, if there is a fact --

9 MR. CHRISTIE: Yes, if it's true.

10 DR. MOCK: -- and if it's true and
11 it's valid data --

12 MR. CHRISTIE: Yes.

13 DR. MOCK: -- and someone continues
14 to promote lies, then --

15 MR. CHRISTIE: So clearly, Doctor, in
16 order to have a fair and reasonable determination of
17 whether a statement is contempt or valid criticism,
18 consideration must be given to whether this --

19 THE CHAIRPERSON: Excuse me, will
20 whoever has that phone, take it outside right now.

21 Everybody, turn your phones off right now.

22 Go ahead. I can't concentrate
23 with -- with music in the background.

24 MR. CHRISTIE: It's very distracting.

25 And mine's off.

1 THE CHAIRPERSON: Okay.

2 MR. CHRISTIE: Two things that have
3 to happen in the determination of a fair assessment of
4 whether a statement is contempt or is valid criticism.
5 First, we have to assess, at least in part, whether the
6 statement is true, don't we? Would you please answer
7 the question? Very simple. Truth is a factor in the
8 determination of whethersomething is contempt or valid
9 criticism? Surely, that's a scientific principle you
10 apply in any research you do, isn't it?

11 DR. MOCK: In terms of valid
12 criticism of -- of the facts and the evidence, one
13 would -- one would say yes, that truth is a factor. And
14 whether it's contempt that is the result of -- of
15 communication, no, truth isn't a factor.

16 MR. CHRISTIE: Truth isn't a factor?
17 Let's get this clear. I'm not sure --

18 DR. MOCK: To be someone -- in other
19 words --

20 MR. CHRISTIE: Woah, woah, woah. I've
21 got to understand what you are saying first. Truth is
22 not a factor in determining if it is contempt? If the
23 effect is contempt, or if it is actually contempt,
24 which is that?

25 DR. MOCK: No, what -- what I mean

1 is, someone can say that they believe that something is
2 true, and so therefore -- and they may even have their
3 own -- one bit of evidence that it -- something was
4 true to them, but that they may be generalizing that
5 then to others, and so they couldn't defend that, oh,
6 you know, that's not contempt against a person, because
7 I really believe that it was true, because if someone --

8 MR. CHRISTIE: Well, Doctor, in order
9 to determine if it is true or not, what they --

10 MR. KURZ: Mr. Chair, could Mr.
11 Christie please let Dr. Mock finish her answers. She --
12 there was a time before where she was trying to think
13 of an answer, and he asked the question over and over
14 again. And this time, she's in the middle of answering
15 and he interrupted her.

16 THE CHAIRPERSON: There was -- you
17 were saying something at that point.

18 DR. MOCK: Well, I was saying if --
19 if there was evidence that the communication contained
20 attacks on a person's identity, such that there was a
21 postulating that one person was inferior another, or a
22 whole race of people was inferior to another, then that
23 would be enough to determine that that exposed those
24 people to contempt. So I'm -- I'm not -- I'm not sure
25 what is really meant by your question. I really must

1 be very frank. I've -- I've attempted to answer to the
2 best of my ability. We --

3 THE CHAIRPERSON: Okay, if you have,
4 then stop.

5 DR. MOCK: I have one other example.

6 MR. CHRISTIE: Well, if you really
7 don't understand the question, I don't know how you can
8 give more examples. I'll try to be more precise.

9 In the assessment of whether a
10 statement is contempt or criticism, isn't it necessary
11 to hear what evidence they have for the truth of the
12 statement, to make an assessment as to whether it is
13 objectively true or not.

14 DR. MOCK: Yes, it usually is.

15 MR. CHRISTIE: Usually? It's
16 necessary.

17 DR. MOCK: You asked about criticism
18 there, not contempt.

19 MR. CHRISTIE: Well, to make the
20 distinction between criticism and contempt, you have to
21 decide whether it is factually true what they say, or
22 not, don't you?

23 DR. MOCK: I'm going to say yes to
24 move it on. I'm trying to think of some examples here
25 but, you know --

1 MR. CHRISTIE: Well, let me give you
2 an example. If I was to say that the perpetrators of
3 the Air India bombing were Sikhs, who conducted that
4 exercise and did that act for the purpose of punishing
5 the Indian government for invading the holy Golden
6 Temple at Amritsar, and that other Sikhs had identified
7 that as the reason for their assassination of Indira
8 Gandhi, if all those statements were true, and I said
9 as a result, we have to look carefully at the nature of
10 the Sikh religion, you would have to assess whether
11 what I said was true in my preamble or not, to
12 determine if the criticism was valid or not, wouldn't
13 you?

14 DR. MOCK: The conclusion, however,
15 that you are drawing --

16 MR. CHRISTIE: Uh-huh.

17 DR. MOCK: -- about now examining the
18 whole Sikh religion --

19 MR. CHRISTIE: Yes?

20 DR. MOCK: -- and if you were to
21 continue to -- if there were other --

22 MR. CHRISTIE: No, I didn't -- not if
23 I was to continue. If I was to stop there. Don't add
24 anything to my question.

25 DR. MOCK: Well, then I don't think

1 anyone would -- would say that you're -- that what you
2 had just said was the promotion of hatred.

3 MR. CHRISTIE: Thank you.

4 Now, in order -- if I was brought
5 before a human rights Tribunal for having said that,
6 and a Sikh said, well, I am -- I am wounded in my
7 religious conviction for what you said, and it has made
8 me feel bad about my Sikhism, wouldn't it be fair for
9 me to be able to prove the truth of the facts that I
10 used as a premise for my criticism?

11 Isn't it necessary to assess whether,
12 in determining if my criticism was contempt or valid
13 criticism, isn't it essential, as part of the
14 scientific method, to at least give me the opportunity
15 to prove the truth of the premises upon which I founded
16 by conclusion?

17 DR. MOCK: Yes, it would be
18 appropriate to give you the opportunity to attempt to
19 do that.

20 MR. CHRISTIE: Thank you. That's my
21 question. Now, do you realize that you're called as an
22 expert in hate on the Internet, of course. You know
23 that?

24 DR. MOCK: Yes.

25 MR. CHRISTIE: Did you also realize

1 that you are here as a witness on the issue of whether
2 section 13(1) is demonstrably justifiable in a free and
3 democratic society? Were you told that by Mr. Vigna,
4 who called you as an expert? Did he tell you that?

5 DR. MOCK: Well, that I was coming on
6 the constitutional part of the argument, yes.

7 MR. CHRISTIE: Yes. Okay, yes. I
8 assume he gave you a letter, telling you what he wanted
9 from you, did he?

10 DR. MOCK: I would have to look back
11 to see. Yes, I believe.

12 MR. CHRISTIE: Well, in due course,
13 please do. But I'm not going to disrupt you now.

14 DR. MOCK: I -- I know that he spoke
15 to me on the phone and I'd have to -- I'd have to
16 review the letter.

17 MR. CHRISTIE: You didn't get a
18 letter, a letter of retainment?

19 DR. MOCK: Yes, there was a letter.

20 MR. CHRISTIE: Okay.

21 DR. MOCK: I would just have to --

22 MR. CHRISTIE: At some point, I'd
23 like you to show me that. But here's the question. Did
24 you realize, in giving your evidence, that section 13(1)
25 does not allow an accused person to prove the truth of

1 the premises upon which they founded their opinion?

2 Did you realize that?

3 DR. MOCK: Well, I understood that it
4 wasn't a defence in that case, and --

5 MR. CHRISTIE: Oh, no. You are not
6 allowed to endeavour to prove the truth of it. And you
7 may be right, it's not a defence. But I just wondered
8 if you realized that when you gave your evidence? I
9 take it no, you didn't?

10 DR. MOCK: Well, yes.

11 MR. CHRISTIE: You did?

12 DR. MOCK: It's not -- it's --

13 THE CHAIRPERSON: Please speak up
14 when you give your answers, because it's recording.

15 DR. MOCK: I'm sorry. I'm sorry.

16 THE CHAIRPERSON: The answer was yes?

17 DR. MOCK: It's my understanding
18 that --

19 THE CHAIRPERSON: Yes. Truth is
20 not --

21 DR. MOCK: -- the defence of truth is
22 not --

23 THE CHAIRPERSON: -- available?

24 DR. MOCK: -- a factor or available.

25 MR. CHRISTIE: Now, there's a

1 statement that I wanted to ask you about, in the Audit
2 of Antisemitic Incidents in '96, I think, and '97, same
3 place we were before.

4 THE CHAIRPERSON: What page,

5 MR. CHRISTIE: Page 34, I guess,
6 would do. Looking down at "Hate on the Internet":
7 "Most of the ideologues of Canada's extreme right",
8 list of names "Paul Fromm, Ernst Zundel, and Doug
9 Christie, continue to maintain websites on the World
10 Wide Web."

11 What website are you referring to
12 under the term "Doug Christie". What website?

13 DR. MOCK: Ten years ago. I don't
14 remember the name.

15 MR. CHRISTIE: Well, what about --

16 DR. MOCK: Did it have something to
17 do with a Western Separatist Party? I don't -- I don't
18 recall exactly.

19 MR. CHRISTIE: Do you have any
20 reference to a name or a website that was maintained by
21 a Doug Christie?

22 DR. MOCK: Not here with me, no, sir.
23 I have mentioned before, when it comes to data that is
24 10 and 12 and 15 years, I simply do not have that
25 information with me to review.

1 MR. CHRISTIE: I suggest to you there
2 is no website maintained or operated in the name of
3 Douglas Christie before 2002. Would you agree or
4 disagree?

5 DR. MOCK: I'm sorry, sir. I -- I
6 couldn't verify that at this point.

7 MR. CHRISTIE: Okay. Now, what is
8 your position here about hate on the web? Is it your
9 position that Holocaust denial per se is a crime, or is
10 that what you want to be the case?

11 DR. MOCK: Sorry? Could you repeat
12 the question? I was just looking back at that
13 information about web pages, as opposed to websites.
14 But sorry -- I'm sorry, what was your question?

15 THE CHAIRPERSON: The question was,
16 is Holocaust -- in your view, Holocaust denial a crime,
17 or is that you want it to be?

18 MR. KURZ: Sorry, Mr. Chair, I'm
19 rising for the same reason I keep rising before.
20 I mean, this is -- again, what's her view of the law.
21 And that's not a relevant --

22 THE CHAIRPERSON: Unless it goes to
23 the fact that she frequently used the term crimes,
24 "hate crimes" when --

25 MR. CHRISTIE: No, she's talking

1 about it as the "hate crime". She's used it
2 interchangeably. I mean, she --

3 THE CHAIRPERSON: In particular -- I
4 have to say, Mr. Kurz, on that first day when you
5 weren't here, it was -- she frequently used the word
6 "hate crime" and then corrected herself to mean the
7 broader term. So if it's in that context --

8 MR. KURZ: But -- if she's already
9 corrected herself, that's not -- and for Mr. Christie
10 to ask her about her definition, how she uses the term,
11 that's fine. But he keeps coming back to asking her
12 what are in effect --

13 THE CHAIRPERSON: Legal questions.

14 MR. KURZ: -- legal questions, and he
15 shouldn't do that.

16 THE CHAIRPERSON: Well, I'm -- okay,
17 I mean, is it your view that if -- that Holocaust
18 denial is a crime under the Criminal Code.

19 DR. MOCK: No, it isn't.

20 THE CHAIRPERSON: Would you want it
21 to be?

22 DR. MOCK: I would like to see it
23 not --

24 MR. CHRISTIE: I'm trying to -- yeah,
25 okay.

1 THE CHAIRPERSON: Okay. Which we
2 established earlier because she had adopted that
3 position in that forum that she attended --

4 MR. CHRISTIE: Am I correct in
5 understanding you're engaged in and participate in
6 educating judges, police forces and media about racism?

7 DR. MOCK: Yes.

8 MR. CHRISTIE: And have you assisted
9 in educating members of the Canadian Human Rights
10 Tribunal about racism?

11 DR. MOCK: No.

12 MR. CHRISTIE: Never participated in
13 panels for that purpose?

14 DR. MOCK: For the Tribunal, no.

15 MR. CHRISTIE: Any member of the
16 Tribunal?

17 DR. MOCK: I don't know of anyone
18 whoever attended any -- any sessions at the Commission
19 ever became a member of a Tribunal. I would have no
20 way of knowing that.

21 THE CHAIRPERSON: For the record, she
22 has never participated in any training session that
23 I've been at.

24 MR. CHRISTIE: Okay. I suggest to
25 you that as a result of the long series of articles

1 that Ms Kulaszka put to you, the fact is that you
2 desire stricter laws, as soon as one of your perceived
3 enemies is acquitted, or the laws are struck down. You
4 call for more enforcement and charts them again, right?

5 You've done that repeatedly. Isn't that true?

6 DR. MOCK: It isn't true that --
7 we've asked for them to be charged under the same law,
8 but for other aspects, other laws or policies or codes
9 to be enacted.

10 THE CHAIRPERSON: You have sought for
11 modifications to the legislation --

12 DR. MOCK: Yes.

13 THE CHAIRPERSON: -- after some
14 people have been acquitted that you --

15 DR. MOCK: Yes.

16 THE CHAIRPERSON: Okay.

17 DR. MOCK: That's correct.

18 MR. CHRISTIE: So does association
19 with racist organizations make you a racist, in your
20 book of values?

21 DR. MOCK: It would be a strong
22 predictor.

23 MR. CHRISTIE: Yes. You see, here
24 the situation I couldn't help observing in hearing your
25 evidence, and thinking back to the days of McCarthyism.

1 What is the distinction that we could make between you
2 saying that those who associate with racists are
3 therefore racists, and McCarthy saying, "Those who
4 associate with communists are therefore communist,
5 too." What is the different method you use?

6 MR. KURZ: How unfair a question can
7 that be? What's the difference between you and Joe
8 McCarthy?

9 MR. CHRISTIE: What is this, an
10 objection or --

11 MR. KURZ: Yes, it is an objection.
12 Because she --

13 MR. CHRISTIE: It's an argument --

14 MR. KURZ: No, because --

15 MR. CHRISTIE: It's an
16 argument, because the very core of this case boils down
17 to biases. And she's got some very strong biases.

18 THE CHAIRPERSON: I know where you
19 are going with the questioning, and it's an interesting
20 way that you put it, sir. But you could perhaps put it
21 in a way that she can answer in a more direct fashion.

22 MR. CHRISTIE: All right.

23 THE CHAIRPERSON: Is it
24 appropriate -- I'll rephrase it. Is it appropriate, in
25 your view -- and I'm -- your question --

1 MR. CHRISTIE: Uh-huh.

2 THE CHAIRPERSON: -- that a person be
3 identified as being -- having certain characteristics,
4 on the basis of the groups with which she associates?

5 DR. MOCK: And my answer was not
6 always, but it would be -- it sometimes is used as a
7 predictor.

8 MR. CHRISTIE: Well, you used it
9 repeatedly, and in the -- the B'nai Brith annual audit,
10 you do that with people like Paul Fromm, like Marc
11 Lemire, like me, with -- can I use the term "gay
12 abandon"? Don't you?

13 DR. MOCK: The information on various
14 websites and the control under which they are, as well
15 as speeches and various other ways of evaluating
16 peoples attitudes, people's behaviours, do lead to
17 those conclusions.

18 MR. CHRISTIE: Do you call that guilt
19 by association?

20 DR. MOCK: No.

21 MR. CHRISTIE: You associated with
22 the ARA, you advocated for funds for them, you attended
23 their meetings, you counselled them on how to conduct
24 themselves in a more lawful fashion. Wouldn't that be
25 associating with ARA?

1 DR. MOCK: Yes.

2 MR. CHRISTIE: So whatever --

3 DR. MOCK: This is why I suggested
4 that it isn't always the case, and one should not
5 always assume guilt by association. You're quite
6 right.

7 MR. CHRISTIE: Well, what are you --
8 what makes you --

9 DR. MOCK: -- on the body of
10 evidence, one can make certain assumptions.

11 MR. CHRISTIE: What makes you think
12 that those who you call on the extreme right, might not
13 have been trying to moderate and advise and counsel
14 people to do things differently? What makes you think
15 that?

16 DR. MOCK: The body of speeches,
17 works, writings, and not finding anywhere where these
18 had been denounced.

19 MR. CHRISTIE: Oh, yeah, just like
20 you never denounced the ARA publically?

21 DR. MOCK: I did not say that.

22 MR. CHRISTIE: Did you? Can you show
23 us anywhere you denounced the ARA?

24 DR. MOCK: I cannot show you in
25 newspaper articles.

1 MR. CHRISTIE: Okay, we've been
2 around that.

3 DR. MOCK: But I will be able to, in
4 other places.

5 MR. CHRISTIE: Okay, I'll restrict it
6 to newspaper articles, or any public place that you can
7 say --

8 DR. MOCK: That I have categorically
9 denounced the behaviours and the actions, and all
10 violent and non-lawful ways of countering racism? Yes,
11 over and over. By the way, including in several of
12 those newspaper articles, categorically.

13 MR. CHRISTIE: Well, anything in
14 particular you would like to refer me to?

15 DR. MOCK: I don't want to go over
16 them all again but I could --

17 MR. CHRISTIE: Okay, well, we won't
18 go over them all again, and --

19 DR. MOCK: We went over many places
20 where in the newspaper, they reported that I had
21 denounced all of those activities.

22 THE CHAIRPERSON: I recall the
23 evidence on all the points, and how specific --

24 MR. CHRISTIE: I appreciate that.
25 I'll move on.

1 THE CHAIRPERSON: -- or not specific
2 they may have been.

3 MR. CHRISTIE: I'm going to move on.
4 Now, we've asked you to define contempt in
5 psychological terms, and being an expert in hate on the
6 Internet, does that make you also an expert in
7 ridicule? How do we define ridicule?

8 DR. MOCK: The act of making one
9 appear ridiculous.

10 MR. CHRISTIE: Uh-huh. Can it be
11 justified? Is it legitimate in a free society,
12 according to you?

13 DR. MOCK: Yes, I suppose, yes.

14 MR. CHRISTIE: Have you ever read it?
15 Have you ever read section 13(1), ever?

16 DR. MOCK: Yes.

17 MR. CHRISTIE: Does it have the word
18 "ridicule" in it, to your knowledge?

19 MR. KURZ: At times, these rhetorical
20 questions are very unfair and unhelpful. If you -- if I
21 may --

22 MR. CHRISTIE: Why are they unfair?
23 They're relevant.

24 MR. KURZ: If I may, because all --
25 it's like, do you remember this, do you know this, did

1 you read this? All that they do is to serve to attempt
2 to ridicule, to use the term, the witness, to harass
3 her, to try to make her feel bad, to try to make her
4 feel stupid. That's what this is aimed at. This isn't
5 a memory contest.

6 If he wants -- if Mr. Christie wants
7 to put section 13 to the witness, let him do that,
8 without putting it in that way.

9 THE CHAIRPERSON: There's one
10 problem, Mr. Christie. Ridicule arises from the
11 jurisprudence, but it don't appear in the statute, does
12 it?

13 MR. CHRISTIE: I don't know. I
14 thought it did.

15 DR. MOCK: I -- I thought he was
16 referring to the cartoon about me.

17 THE CHAIRPERSON: Ridicule is --
18 jurisprudential interpretation.

19 MR. CHRISTIE: Okay.

20 THE CHAIRPERSON: I sensed where you
21 were going but it's not from there.

22 MR. CHRISTIE: Well, I'm glad you
23 reminded me --

24 THE CHAIRPERSON: You covered off the
25 words that are in the statute, hate and contempt.

1 MR. CHRISTIE: Okay. Well, do you --
2 do you think that ridicule is a word that we can
3 identify with any psychological significance?

4 DR. MOCK: Someone who was ridiculed
5 psychologically would be made to feel ridiculous. And
6 to be honest, I began to myself, which is why I became
7 flustered a few minutes ago, when you asked about
8 section 13, is I thought the direction you were going
9 was to justify the ridicule to which I had been put in
10 the cartoons, and that -- in the website. And that --
11 in the website, that was where I thought the next
12 logical thing to go --

13 MR. CHRISTIE: Well, I'm not
14 progressing --

15 DR. MOCK: So psychologically, one
16 who is subjected to ridicule would be made to feel
17 ridiculous.

18 MR. CHRISTIE: Uh-huh.

19 DR. MOCK: But that's all I would be
20 prepared to say at the present time.

21 MR. CHRISTIE: Do you agree and
22 accept that in the Audit of Antisemitic Incidents,
23 there is the use of a guilt by association?

24 DR. MOCK: In the -- no, I wouldn't,
25 in the -- in the same way as we can use the term

1 "racist" or "racism" to describe all kinds of
2 behaviours, that was the same kind of language that was
3 used.

4 MR. CHRISTIE: Did you at any time,
5 ever have some qualification as an expert in politics
6 at all?

7 DR. MOCK: In what?

8 MR. CHRISTIE: Politics?

9 DR. MOCK: No.

10 MR. CHRISTIE: So why do you use
11 terms like extreme right? Is that a -- I mean, you used
12 it. You published with that term. How do you define
13 it?

14 DR. MOCK: We use that terminology in
15 the same way perhaps as Dr. Persinger accepts certain
16 things in his Intro Psych 101 lectures.

17 MR. CHRISTIE: No, no. Don't --
18 don't refer to Mr. -- Dr. Persinger. Just define it,
19 if you would.

20 DR. MOCK: Most people -- it's being
21 used in the way -- in the popular culture and in for --
22 how many -- the origins of the term actually came from,
23 I believe, people used to actually sit on the right and
24 the left in the French parliament, and so those who
25 were highly conservative were called the -- the right.

1 Those who were -- who were sitting on the other side of
2 the house, were the left.

3 But these terms have come in the
4 popular language to mean those who are on the extreme,
5 extremist kind of thinking. We call it "right wing
6 thinking", and the far right has been associated with
7 Naziism and so on.

8 MR. CHRISTIE: So "extreme right" is
9 a pejorative term associated with Naziism, right?

10 DR. MOCK: It can be.

11 MR. CHRISTIE: Well, that's how it's
12 used in the popular parlance, and that's how you used
13 it, isn't it?

14 DR. MOCK: Yes.

15 MR. CHRISTIE: So how do you define
16 and categorize people as far right? Do you talk to
17 them, or do you just hear people talk about them?

18 DR. MOCK: Well, most of the time,
19 one looks at published works, one looks at the
20 behaviours, one looks at, are they denying the
21 Holocaust, are they apologizing for Hitler, are they
22 saying that even discussing the Holocaust may be
23 pejorative against Germans and hate against Germans.
24 And so one starts to look at the kinds of cartoons, the
25 kinds of terminology, the kinds of language that is

1 used that is reflective of what one might have seen
2 in -- in other publications, or reflective of what we
3 would call Nazi ideology or Nazi propaganda.

4 MR. CHRISTIE: You've used that term
5 in relation to people who never exhibited one single
6 item of those, didn't you?

7 DR. MOCK: Well, may have said that
8 they associated with such.

9 MR. CHRISTIE: No, you -- you've
10 called them "on the extreme right", and we understand
11 what you mean by that. And you haven't -- you've used
12 that term repeatedly in regard to people for whom not
13 one of those indicia applied, haven't you?

14 DR. MOCK: I don't believe so.

15 MR. CHRISTIE: Have you ever talked
16 to the people you write about, to inquire whether your
17 accusations have any merit?

18 DR. MOCK: Some, yes.

19 MR. CHRISTIE: Did you talk to Paul
20 Fromm about your allegations in the audit?

21 DR. MOCK: Yes.

22 MR. CHRISTIE: Did he agree with you
23 on them?

24 DR. MOCK: The allegation?

25 MR. CHRISTIE: In the audit, that he

1 was of the extreme right.

2 DR. MOCK: Oh, I thought -- I thought
3 you meant of that one word in the audit about him.

4 MR. CHRISTIE: No, I wasn't talking
5 about that. The use of the term "extreme right", which
6 I trust you confirmed with him.

7 DR. MOCK: No, I would never have
8 discussed my use of the term "extreme right" with Mr.
9 Fromm.

10 MR. CHRISTIE: Or any of the people
11 you wrote about, did you talk to any one of them about
12 it?

13 DR. MOCK: No.

14 MR. CHRISTIE: Did you ever ask them
15 to give you an answer to a questionnaire, as to where
16 they stood in political issues?

17 DR. MOCK: No.

18 MR. CHRISTIE: Did you know that some
19 of the people you wrote about are called
20 "libertarians"?

21 DR. MOCK: By some, they are.

22 MR. CHRISTIE: Really? Do you know
23 whether that is true or not?

24 DR. MOCK: I wouldn't call them civil
25 libertarians. I would --

1 MR. CHRISTIE: No, libertarians. Do
2 you know what a libertarian is?

3 DR. MOCK: Someone who believes in
4 freedom.

5 MR. CHRISTIE: Oh, you -- do you know
6 who Ayn Rand is? Well, you write about thesethings.
7 Do you --

8 DR. MOCK: I've read novels by Ayn
9 Rand.

10 MR. CHRISTIE: Novels? Oh, I see,
11 okay. So you do know who a -- what a libertarian is,
12 do you? Someone who follows the philosophy of Ayn
13 Rand, and the minimization of government, the
14 maximization of liberty for the individual. Do you
15 know what I mean by that?

16 DR. MOCK: Yes.

17 MR. CHRISTIE: Okay. So if I use
18 that term to mean "libertarian", would you be -- do you
19 think it's fair to call them "extreme right", which I
20 suggest you've done repeatedly? Is that funny?

21 DR. MOCK: I typically wouldn't
22 call --

23 MR. CHRISTIE: Is that funny?

24 THE CHAIRPERSON: Could you please
25 complete your answer?

1 DR. MOCK: I'm --

2 THE CHAIRPERSON: You typically what?

3 DR. MOCK: No, you wouldn't -- you
4 wouldn't call someone with the -- if you describethose
5 characteristics, someone on the extreme right. You
6 might call them someone on the extreme left. You might
7 call them extremists of sorts, but --

8 MR. CHRISTIE: Okay, that's fine.

9 DR. MOCK: I didn't think that I was
10 here as an expert on the language, even --

11 MR. CHRISTIE: Well, I'm here asking
12 you -- I'm here asking about the labels you apply, and
13 you were responsible for applying, as editor of the
14 B'nai Brith Audit of Antisemitic Incidents.

15 And I'm -- I'm not going to go to a
16 particular page, but I'm going to suggest, if you wish,
17 I will -- but I'm going to suggest you've used the
18 label "extreme right" in regard to a number of people
19 several times, and I just wondered if it would be fair,
20 in your view, to have used that label if it turned out
21 they were actually libertarians. Is that your view
22 then?

23 DR. MOCK: In which case, we would
24 retract and call them a different type of extremist.
25 And most of the time, the word "extremism" that I've

1 used in most of my writing, is cited from sources that
2 also use the terminology. For example, "extremist use
3 of the Internet".

4 MR. CHRISTIE: Okay.

5 DR. MOCK: So I'm using it in common
6 parlance, and I would stand by my use of language --

7 MR. CHRISTIE: Okay. Thank you.

8 DR. MOCK: -- and my citations.

9 MR. CHRISTIE: In your report, the
10 second one, which deals with your response to Dr.
11 Persinger, and I'm dealing with page 8, you dedicate
12 two paragraphs to the analysis of the effects of
13 violence --

14 THE CHAIRPERSON: Can you hold on for
15 a sec, and just wait for everybody to catch up.

16 MR. CHRISTIE: Sorry.

17 THE CHAIRPERSON: You've gone to the
18 second report?

19 MR. CHRISTIE: Yes.

20 THE CHAIRPERSON: So that would be
21 at -- page 8, okay.

22 MR. CHRISTIE: Could you look at the
23 last two paragraphs, perhaps just read them to yourself
24 for a moment, please.

25 DR. MOCK: What page?

1 MR. CHRISTIE: Eight.

2 THE CHAIRPERSON: Page 8. Do you have
3 it? Of your second report.

4 DR. MOCK: Yes.

5 THE CHAIRPERSON: So he's asked you
6 to read -- when you mean "the last two paragraphs" sir,
7 do you mean from the word "contrary" or from the word
8 "supporting"?

9 MR. CHRISTIE: The last two
10 paragraphs, sir, beginning with the word "supporting".

11 THE CHAIRPERSON: That's right.
12 Because the other one continues to the next page,
13 that's why.

14 MR. CHRISTIE: Yes, well, the -- the
15 bottom one does continue to the next page.

16 THE CHAIRPERSON: So you want us to
17 read just until the next page?

18 MR. CHRISTIE: I would like you just
19 to quietly too read those two, and I have a couple of
20 questions about it.

21 DR. MOCK: Uh-huh.

22 MR. CHRISTIE: Do we today censor
23 media violence?

24 DR. MOCK: Some -- not censor. I
25 would call it edit.

1 MR. CHRISTIE: Who does that?

2 DR. MOCK: Well, usually it's
3 self-regulating, but there are also, you know, film
4 boards and -- and CRTC and so on, who would apply their
5 codes of conduct and their guidelines and the law,
6 to -- to reviewing material on which there have been
7 complaints.

8 MR. CHRISTIE: There's not -- there's
9 no censorship of violence in the movies, is there?

10 DR. MOCK: Well, that's why I said
11 it's -- it wouldn't be called censorship. It would be
12 called -- it would be called editing and responsible --

13 MR. CHRISTIE: There's lots of
14 violence in the media, on television, and in the
15 movies, isn't there?

16 DR. MOCK: Yes.

17 MR. CHRISTIE: And there's no
18 state-sanctioned censorship of that, is there?

19 DR. MOCK: Again, there are
20 state-sanctioned guidelines --

21 MR. CHRISTIE: What are they?

22 DR. MOCK: And rules and regulations
23 that limit --

24 MR. CHRISTIE: Where are they?

25 DR. MOCK: -- pornography, for

1 example.

2 MR. CHRISTIE: I'm not talking about
3 pornography. I'm talking about violence, because
4 that's what those two paragraphs talk about.

5 DR. MOCK: These --

6 MR. CHRISTIE: They say there's a
7 correlation between media violence and violent
8 behaviour, right?

9 DR. MOCK: Yes.

10 MR. CHRISTIE: We don't censor
11 violence in the movies, do we?

12 DR. MOCK: We put guidelines --

13 MR. CHRISTIE: Yes.

14 DR. MOCK: -- and regulations and
15 warnings.

16 MR. CHRISTIE: Well, you mean
17 classifications, right?

18 DR. MOCK: Yes, that's what I meant
19 by the guidelines and the limits.

20 MR. CHRISTIE: Oh.

21 DR. MOCK: And we don't allow certain
22 people in to see certain movies.

23 MR. CHRISTIE: Yes.

24 DR. MOCK: Or if there are --

25 MR. CHRISTIE: We have age

1 restrictions on --

2 DR. MOCK: Uh-huh.

3 MR. CHRISTIE: -- access to certain
4 violent movies, right?

5 DR. MOCK: Uh-huh. And if there are
6 complaints, and then the film board or the -- the
7 censoring board rules that something will not be shown,
8 or will be called "restricted" or they won't --
9 they'll -- perhaps it may be an attempt to put
10 something on the restricted list, the prohibited list
11 of imports, then they would make that ruling.

12 MR. CHRISTIE: Now, what are you
13 talking about, movies?

14 THE CHAIRPERSON: Sorry?

15 MR. CHRISTIE: I said, now what are
16 you talking about, movies or restricted imports? I'm
17 not -- I don't understand what you're talking about.

18 THE CHAIRPERSON: Are you talking
19 about movies of -- videos, is that what you mean, when
20 you say --

21 MR. CHRISTIE: Let's be very clear.
22 Commercial movies are not censored in Canada, no matter
23 how violent they are, are they?

24 DR. MOCK: They are -- they are
25 categorized.

1 MR. CHRISTIE: Classified.

2 DR. MOCK: They're classified.

3 MR. CHRISTIE: Right. So are you --
4 are you suggesting that we should censor movies, too?

5 THE CHAIRPERSON: Based on this
6 excerpt?

7 MR. CHRISTIE: Yes.

8 THE CHAIRPERSON: Based on this
9 excerpt --

10 MR. CHRISTIE: Yes, the -- the logic
11 in your analysis about the effects of violence in the
12 media would seem to suggest that it would be equally
13 justifiable, and for maybe better reason, to censor
14 violence in movies, since it causes violent conduct.
15 Do you advocate censoring movies as well?

16 DR. MOCK: I advocate in the area, or
17 the -- the logic that I'm applying -- remember that, if
18 I may explain --

19 THE CHAIRPERSON: Well, answer the
20 question.

21 DR. MOCK: -- to the Chair, I was
22 reacting to Dr. Persinger's report. This report was in
23 direct response to points that were made by Dr.
24 Persinger.

25 Dr. Persinger claimed that viewing or

1 seeing or hearing certain things would not have a
2 deleterious effect on victims, on the one hand, but
3 then would restrict creativity on the other, and I was
4 making the -- citing personality and social
5 psychological research that has shown that, in fact,
6 the impact of viewing certain things or hearing certain
7 things, and I went on with other studies as well, did
8 have such an impact. This was the purpose of this
9 section. And it was to determine because of what is
10 written in section 13 of the code, that in fact,
11 their -- by viewing certain material, by reading
12 certain material, by hearing certain material, that in
13 fact, there could be deleterious effect, including
14 being -- becoming desensitized to violence. There --
15 that was the purpose of this, and nothing more.

16 MR. CHRISTIE: Do you remember -- do
17 you remember the question? Because I will remind you.

18 DR. MOCK: Well, you asked me if --

19 MR. CHRISTIE: No, I'll tell you what
20 the question was.

21 DR. MOCK: Uh-huh.

22 MR. VIGNA: Mr. Chair --

23 MR. CHRISTIE: Do you advocate
24 censoring violent movies? That's the question.

25 MR. VIGNA: Mr. Chair --

1 MR. CHRISTIE: She didn't answer it.

2 MR. VIGNA: Mr. Chair, in reference
3 directly to the second last paragraph of paragraph 8,
4 the witness is trying to explain the second last
5 paragraph, and when you look at the paragraph before,
6 it seems to logically flow. So I -- all she's doing is
7 explaining the paragraph, and she's explaining that
8 it's in relation to Dr. Persinger.

9 MR. CHRISTIE: Okay. But that's not
10 the question.

11 MR. VIGNA: And Mr. Christie's coming
12 back and saying, "that's not the question". But the
13 question is directly related to page 8, in the second
14 last paragraph.

15 MR. CHRISTIE: Well --

16 THE CHAIRPERSON: Let me read it. Let
17 me read it.

18 MR. KURZ: Can I -- can I --

19 THE CHAIRPERSON: Give me a chance to
20 read, everybody.

21 MR. CHRISTIE: If they want to start
22 educating the witness, she should step outside.

23 THE CHAIRPERSON: Well, before anyone
24 steps outside, let me just finish reading the
25 paragraph. It's not quite exactly as you presented,

1 Mr. Vigna, if you read it properly. Are we going to
2 elaborate further?

3 MR. KURZ: Yes, I'm just -- I have,
4 in effect, a supplemental objection, if I may.

5 THE CHAIRPERSON: Then I may have to
6 ask the witness to leave.

7 MR. KURZ: Sure.

8 THE CHAIRPERSON: Step outside.

9 DR. MOCK: Okay.

10 --- Witness retires

11 THE CHAIRPERSON: I just want to
12 point out to Mr. Vigna's earlier comment, he's
13 partially right, but if one looks close at exactly what
14 the witness said, she says -- in dealing with Dr.
15 Persinger's view, she said:

16 "In fact, many studies and cases
17 support the conclusion that hate
18 speech"

19 She's talking about hate speech here:

20 "That hate speech confirms ideas
21 and social consciousness, plays
22 on people's doubts and fears,
23 and when presented repeatedly,
24 and usually with a credible
25 pseudo-scientific or academic

1 appearance, reinforces social
2 stereotypes and dehumanization.
3 It can and does lead to
4 violence. Supporting this view
5 is the extensive literature on
6 media violence." That is also
7 relevant. I mean, there's a
8 flow there. I mean, in part,
9 it's what she's -- and what
10 you've said, Mr. Vigna, but
11 it's also --

12 MR. CHRISTIE: She's correlating
13 media violence causing violence.

14 THE CHAIRPERSON: One point -- one --

15 MR. CHRISTIE: It's for argument. I
16 just asked --

17 THE CHAIRPERSON: It is --

18 MR. CHRISTIE: You know, the question
19 was very simple, "Do you advocate censoring violence in
20 the media?" And I would say she can answer yes or no
21 to that.

22 And then, if I want to argue later,
23 look, she -- she purports to say that there's a
24 correlation between media violence and hate speech, but
25 she can't, and doesn't advocate censoring violence in

1 the media, or I might argue, as I intend to, that --

2 THE CHAIRPERSON: It's somewhat of a
3 grey -- but I have her answer. I do want to say that.
4 I know where she's -- you've asked that question. I
5 have her answer on it. I don't know, what's -- what's
6 the next question?

7 MR. CHRISTIE: I didn't hear her
8 answer. She went on and on to explain why she put it
9 there, what it meant to her and -- but she --

10 THE CHAIRPERSON: No, but she also
11 acknowledged that there is no censorship. You asked,
12 "Is there censorship?", and the answer was "No."

13 MR. CHRISTIE: No. But I asked her,
14 "Do you advocate it?" You see, because here's the
15 situation. She's here an expert on hate on the
16 Internet. She's here saying that it's justified to
17 limit it, to advocate censoring it, in effect. Right?

18 Now she analogizes that violence in
19 the media is correlated to violence in action. So if
20 you don't advocate --

21 THE CHAIRPERSON: It would be argued,
22 depending on one's reading there.

23 MR. CHRISTIE: Yes, well, I think
24 it's quite clear that she's saying there's a
25 correlation --

1 THE CHAIRPERSON: Mr. Kurz?

2 MR. KURZ: For me, the problem is as
3 well that Dr. Mock doesn't come forward as an expert on
4 violence, or violence in the media. I recognize that
5 she made reference -- I understand that she made a
6 reference to that. But to take it astep further
7 where -- to ask her what her view of the law should be
8 about violence, when she doesn't claim to be an expert
9 on the area. She only makes that reference, takes --

10 THE CHAIRPERSON: I see. Look --

11 MR. KURZ: You've given her the grey
12 zone, and I didn't stand up with that. But it's --
13 you've gone past the grey zone into the black zone, by
14 asking her opinion on something that's of no merit
15 whatsoever.

16 THE CHAIRPERSON: No, no, I --

17 MR. KURZ: Not you, I'm saying
18 rhetorically -- I'm not saying it to you, obviously,
19 Mr. Chair.

20 THE CHAIRPERSON: Yes, it's -- Mr.
21 Christie, look, it's true. Whatever she thinks or
22 doesn't think about it, the fact is there is no
23 censorship of -- of this type of material.

24 MR. CHRISTIE: All right. All right.

25 THE CHAIRPERSON: So whether she

1 believes it -- even if she said she did, it wouldn't
2 make any difference to this point. I mean --

3 MR. CHRISTIE: Well, I thought it
4 might have some bearing on credibility. Let me put it
5 this way.

6 THE CHAIRPERSON: Well, I would --

7 MR. CHRISTIE: I would be prepared to
8 say, look, this is a person who is never satisfied with
9 one form of censorship. She wants to move to another,
10 too. But if you don't want to go there, I don't want
11 to go there either so --

12 THE CHAIRPERSON: Okay, let's not
13 belabour the point.

14 MR. CHRISTIE: All right. All right,
15 I'll move on.

16 THE CHAIRPERSON: Please bring her
17 in. Thank you.

18 MR. CHRISTIE: Okay.

19 THE CHAIRPERSON: I don't want to
20 restrict your cross-examination either.

21 MR. CHRISTIE: Well, all right.

22 THE CHAIRPERSON: But be mindful of
23 the time, if you can.

24 MR. CHRISTIE: I agree, I agree. I
25 am. I don't have anywhere to go, but I know other

1 people do.

2 THE CHAIRPERSON: It's a bit of that,
3 but it's also -- it's been a long week.

4 MR. CHRISTIE: I understand, and the
5 witness is understandably tired too.

6 THE CHAIRPERSON: So there will be
7 another question coming.

8 MR. CHRISTIE: In your second report
9 on page 9, you deal with something called Media
10 Awareness Network, which you quote with approval.

11 THE CHAIRPERSON: At the bottom of
12 that page?

13 MR. CHRISTIE: At the bottom of that
14 page, right. Who are the Media Awareness Network?

15 DR. MOCK: It's a group of people
16 in -- based in Ottawa, some of whom are educators,
17 others who have specialized in media. They're --

18 MR. CHRISTIE: Are they --

19 DR. MOCK: They are a non-profit
20 group, and they prepare guidelines for schools and for
21 parents on responsible use of the media.

22 MR. CHRISTIE: Do they have names?

23 DR. MOCK: Sorry?

24 MR. CHRISTIE: Do they have names?

25 Who's in charge?

1 DR. MOCK: I don't know right now
2 who's in charge.

3 MR. CHRISTIE: Well, whom used to be
4 in charge when you cited them?

5 DR. MOCK: Sorry, I don't have the
6 names in front of me.

7 MR. CHRISTIE: Well, I -- you are
8 quoting them. How did you find out what they think, or
9 what their studies were?

10 DR. MOCK: It's -- I have a document
11 here by them, with a lot of their studies in it --

12 MR. CHRISTIE: Oh, okay.

13 DR. MOCK: -- with some guidelines
14 and I -- on their website.

15 MR. CHRISTIE: Did it have a name
16 attached?

17 DR. MOCK: I'll to have look at that
18 for a moment.

19 MR. CHRISTIE: I didn't see a
20 footnote in that part of your report, was there a
21 reference to a particular study?

22 DR. MOCK: That's unusual. I
23 think -- what's number 38? Yes, reference 38, I
24 believe. There's a reference in there.

25 MR. CHRISTIE: Well, 38 is --

1 DR. MOCK: Nancy -- Nancy Willardis a
2 member of the Media Awareness Network, or at least, it
3 was a -- a publication by them. And she's done this
4 research that is -- that is there. I know that --

5 MR. CHRISTIE: Is she a psychologist?

6 DR. MOCK: I know that someone named
7 Jane Callan, who is an educator, used to be their
8 education director. That's the name that I can
9 remember most. She was the coordinator at the time
10 that I had more to do with them.

11 MR. CHRISTIE: Is Nancy Willard a
12 psychologist?

13 DR. MOCK: I don't know.

14 MR. CHRISTIE: Where did she publish
15 in 2005? Doesn't seem to be cited anywhere as
16 published anywhere.

17 DR. MOCK: On the Media Awareness
18 Network.

19 MR. CHRISTIE: Oh, on the web?

20 DR. MOCK: And there's a group called
21 The Responsible Netizen Institute --

22 MR. CHRISTIE: Oh, I see.

23 DR. MOCK: -- like it's a "net
24 citizen", in other words.

25 MR. CHRISTIE: Is that published on

1 the web then?

2 DR. MOCK: Yes.

3 MR. CHRISTIE: I see. And are these
4 people, in any way statistically qualified to make
5 judgments?

6 DR. MOCK: Yes.

7 MR. CHRISTIE: And are they
8 psychologists?

9 DR. MOCK: Again, I don't know. I
10 haven't looked at their CVs and their credentials. But
11 I know that they are qualified educators, and they have
12 done research, documenting how many -- I mean, I --
13 we're looking at the extent of Internet use.

14 MR. CHRISTIE: Is this a
15 self-reporting system, whereby the young people report
16 to them directly, or how are they selected, do you
17 know?

18 DR. MOCK: They did survey research.

19 MR. CHRISTIE: How did they do it?
20 Did they select a group of young people and ask them
21 questions, did they send out a questionnaire, did they
22 have a test group? What did they do?

23 DR. MOCK: I believe it was all of
24 the people. I will just have to check that. If you'll
25 give me a moment, I'll find the study. I'm afraid I

1 may not have printed out that whole thing. There are
2 some things that I downloaded, and it appears I
3 didn't --

4 MR. CHRISTIE: Well, can you tell me
5 the answer to the question as to how the test group of
6 people was selected, and how many they were?

7 DR. MOCK: I will have to find my
8 notes on that, I'm sorry, in order to give you the
9 exact information.

10 MR. CHRISTIE: Have you got the study
11 there?

12 DR. MOCK: No, I can't find it right
13 now. I can look it up on --

14 MR. CHRISTIE: All right. I'll move
15 on. I'll move on. Never mind. Time's --

16 THE CHAIRPERSON: My intention is to
17 take a break in about 10 minutes.

18 MR. CHRISTIE: Oh, okay.

19 THE CHAIRPERSON: No, not for 10
20 minutes, in 10 minutes.

21 MR. CHRISTIE: Okay.

22 THE CHAIRPERSON: Unless you would --
23 this is an inappropriate -- or this is a better time to
24 break right now but --

25 MR. CHRISTIE: No, fine with me.

1 THE CHAIRPERSON: -- I mean, my plan
2 was in 10 minutes. No, doesn't matter?

3 MR. CHRISTIE: Okay, this group
4 apparently defined racialism as "advocating the need to
5 protect white people, and to keep Canada white for
6 Canadians". Is that an adequate definition of
7 racialism?

8 DR. MOCK: Which group? I don't know
9 what -- where you are in --

10 MR. CHRISTIE: Okay, we'll go back to
11 the paragraph -- the bottom of page 9, the Media
12 Awareness Network, et cetera. If you go to the fourth
13 line down --

14 DR. MOCK: Oh, yes, I see it.

15 MR. CHRISTIE: All right, and it
16 reads:

17 "MNET found that the most common
18 strategies used by hatemongers
19 on the Internet that have been
20 experienced by young people
21 across Canada include:
22 Racialism - advocating the need
23 to protect white people and to
24 keep Canada white for Canadians;
25 pseudo-science and

1 intellectualism, historical
2 revisionism, extreme
3 nationalism, and/or hate
4 mongering under the guise of
5 patriotism, misinformation - the
6 hate site claiming to stand for
7 one thing, when in truth, it
8 stands for another" --

9 MR. KURZ: "It is another".

10 MR. CHRISTIE: I don't understand
11 what that was. Was that an objection?

12 MR. KURZ: "In truth, it is another",
13 not "stands for another". "The hate site claims" --

14 MR. CHRISTIE: That's okay.

15 MR. KURZ: -- "to stand for one thing
16 when in truth it is another". You used the word
17 "stand" twice.

18 THE CHAIRPERSON: Okay, moving on.

19 MR. CHRISTIE: Thank you.

20 Now, you agree with me that all of
21 these categories are value-laden, and based on the
22 opinions of the people creating the judgments?

23 DR. MOCK: These -- these categories
24 are based on the definitions of these terms and what
25 they heard from the young people, and also their

1 monitoring of these sites.

2 MR. CHRISTIE: I don't think you
3 understood my question. Pseudo-science is a
4 value-laden judgment, isn't it? Whether it's
5 pseudo-science or real science involves a value
6 judgment?

7 DR. MOCK: That term usually is meant
8 to -- to mean something that is made to appear to look
9 like science --

10 MR. CHRISTIE: I'm not ask --

11 DR. MOCK: -- when in fact it is not
12 using true scientific method.

13 MR. CHRISTIE: I'm not asking for a
14 definition of the term. But it involves a value
15 judgment as to what it is, does it not?

16 DR. MOCK: It involves an assessment
17 as to what it is, yes.

18 MR. CHRISTIE: Are any of these
19 people competent to make a judgment on that point?

20 DR. MOCK: Yes, I believe so.

21 THE CHAIRPERSON: The citizens who
22 are part of the network?

23 MR. CHRISTIE: Yes, the -- the
24 network.

25 DR. MOCK: I believe --

1 MR. CHRISTIE: You believe so? What
2 do you know about them?

3 DR. MOCK: I know that they have done
4 outstanding work, I know that their work has been
5 validated, I know that they have received awards for
6 their work, many times. I know that they are
7 considered one of the foremost authoritative groups
8 on -- on media literacy in all forms. I know that they
9 have -- have had programs --

10 MR. CHRISTIE: I'm going to stop you
11 there, just one at a time.

12 DR. MOCK: Well, you asked me what I
13 knew about them, so I don't know --

14 MR. CHRISTIE: Well, I'll never hear
15 the end of it, unless I ask you a question, and it just
16 goes on and on.

17 MR. KURZ: The witness should be able
18 to finish her --

19 MR. CHRISTIE: As many adjectives --

20 THE CHAIRPERSON: Yes, I know, I
21 know.

22 MR. CHRISTIE: As many adjectives as
23 you can create, right?

24 THE CHAIRPERSON: I've got the sense.
25 They've got many awards and they --

1 MR. CHRISTIE: Well, I want to ask
2 specifics, you see, and by the time she's finished
3 listing all her descriptive nomatives -- how do you
4 know they're highly regarded?

5 DR. MOCK: By the unusual markers
6 whereby we know that people are highly regarded.

7 MR. CHRISTIE: Oh, yeah.

8 DR. MOCK: And some of them -- some
9 of them, I have just mentioned.

10 MR. CHRISTIE: So their expert's
11 also -- enabled to decide what is intellectualism
12 apparently, which is also a guise for hatemongers,
13 according to this -- your report.

14 DR. MOCK: One of the tactics used.
15 Again, this is a summary statement.

16 MR. CHRISTIE: Yes. Well, extreme
17 nationalism is another strategy of hatemongers, you
18 say. Is that your opinion?

19 DR. MOCK: Yes, with a --

20 MR. CHRISTIE: Well, how do you that
21 the -- how do you know the nationalism is extreme? How
22 are you qualified to make that judgment, or are they?

23 THE CHAIRPERSON: If you can --

24 MR. CHRISTIE: How are you qualified
25 to make the judgment that nationalism is extreme, as

1 opposed to legitimate nationalism?

2 DR. MOCK: Usually, it's according to
3 the tactic that people are advocating. Usually, it's
4 a -- those little one percents on the margin that go
5 beyond reasonable lawful advocacy, and carry on into,
6 therefore, we will take up arms, and you know, defend
7 XYZ, or that's -- it's common parlance in recognizing
8 those whose behaviour is extreme and against the law.

9 THE CHAIRPERSON: Well, by that
10 definition -- by that definition, would this group --
11 would you be aware if this group, for instance, would
12 consider the websites of a group -- let's say, like the
13 FLQ, from the province that I come from, Quebec -- I
14 mean, there was a -- supposedly, there was a posting
15 recently by the FLQ, and some new wing that wanted
16 to -- promoted violence against English Quebecers.
17 Would they -- would they fall into this category?

18 DR. MOCK: They probably would, if
19 they were advocating letter bombs and -- and
20 kidnappings and whatever, fit into -- into -- as a
21 strategy that was being used. Now again, extreme
22 nationalism --

23 THE CHAIRPERSON: Yes, but are they
24 hate -- are they --

25 DR. MOCK: But -- well, I -- we'd

1 have to see what they were actually advocating.

2 THE CHAIRPERSON: That's true. True.

3 DR. MOCK: So I mean, this -- these
4 are just a bunch -- one -- one website may be guilty of
5 one thing, one against another. One guilty of another,
6 but this is the totality.

7 MR. CHRISTIE: You don't know the
8 criterion by which any of these judgments were made, do
9 you?

10 DR. MOCK: I regret I didn't bring
11 the entire study, and download it. Perhaps during the
12 break --

13 MR. CHRISTIE: You didn't -- you
14 don't know --

15 DR. MOCK: -- I can borrowsomeone's
16 computer and I'll pull up the -- the study.

17 MR. CHRISTIE: I didn't ask you what
18 you regretted. I just asked you whether you knew the
19 criterion under which any of these labels were
20 attached.

21 DR. MOCK: Off the top of my head,
22 no.

23 MR. CHRISTIE: And I suggest to you
24 that every single one of those labels is a value
25 judgment by somebody who as far as -- and you don't

1 even know who that person is, who made the judgment on
2 all these supposed websites, do you?

3 DR. MOCK: Supposed websites?

4 MR. CHRISTIE: Well, why do you pick
5 on the word -- do you know the identity of the person
6 who attributed all these you -- you --

7 DR. MOCK: I have -- I have the name
8 and I have the website, and if you wish, I will go
9 after the CV during the break. I -- I said --

10 MR. CHRISTIE: The name and the
11 website of what, MNET? Media --

12 DR. MOCK: Of this -- of this study
13 that I am citing.

14 MR. CHRISTIE: Oh, right. No, but all
15 these labels were attached to a number of distinctly
16 different websites. Is that what I am to understand
17 from your report?

18 DR. MOCK: Yes, they have a -- MNET,
19 the Media Awareness Network, has an extensive
20 publication, interactive resources on challenging
21 on-line hate. And so they have held hearings --

22 MR. CHRISTIE: Do you remember my
23 question?

24 DR. MOCK: Yes.

25 MR. CHRISTIE: My question was very

1 simple.

2 DR. MOCK: I thought this is what you
3 were asking me.

4 MR. CHRISTIE: You've answered it.
5 You said yes. Each of these labels was attached to a
6 distinct website. You agreed. Now, the next question
7 is, do you know who attributed these value judgments to
8 every one of those websites?

9 DR. MOCK: No, sir.

10 MR. CHRISTIE: Do you know how large
11 the websites were? Obviously, you don't --

12 DR. MOCK: What is --

13 MR. CHRISTIE: -- they could have
14 been a hundred pages or a thousand pages, correct?

15 DR. MOCK: Correct.

16 MR. CHRISTIE: And these judgments,
17 made by people you don't even know, are very
18 value-laden judgments on facts you don't have any
19 personal knowledge of; isn't that true?

20 DR. MOCK: I would disagree that I
21 don't have personal knowledge of --

22 MR. CHRISTIE: Did you look at the
23 websites?

24 DR. MOCK: -- at least on the
25 websites.

1 MR. CHRISTIE: Did you look at the
2 websites that they judged?

3 DR. MOCK: Yes, many of --

4 THE CHAIRPERSON: I think what's
5 important here is we're referring to the website that
6 the Media Awareness Network has identified.

7 DR. MOCK: Uh-huh.

8 THE CHAIRPERSON: Because you've
9 incorporated it as part of your report. You've founded
10 your report, in some part, on the findings of the Media
11 Awareness Network.

12 DR. MOCK: Uh-huh.

13 THE CHAIRPERSON: So those particular
14 ones that the Media Awareness Network relied -- based
15 itself upon, you did not go verify which ones they
16 were? You -- you relied on the conclusions drawn by
17 the network?

18 DR. MOCK: Yes, and based on the --
19 based on the ones that were in their study. But I --

20 THE CHAIRPERSON: You did not --

21 DR. MOCK: -- right now, off the top
22 of my head, because I didn't bring all of my documents
23 of every study that I cited with me, and their full
24 downloading, I --

25 THE CHAIRPERSON: I know. I

1 understand. But it still -- it forms part of your
2 report. And for instance, did it include, and I don't
3 want an answer to this, but hypothetically, did it
4 include the FreedomSite, which is based in Canada.
5 Would they have included it in their report? We don't
6 know that and --

7 DR. MOCK: Not -- not from --

8 THE CHAIRPERSON: Not from what you
9 have just --

10 DR. MOCK: -- what I can recall right
11 now. But I can go and look that up during the break,
12 if you'd like, if I could borrow someone's computer.

13 THE CHAIRPERSON: No, we're in the
14 middle of cross-examination, and we -- Mr. Christie is
15 asking the questions. I just wanted to know that
16 information. And I just wanted to confirm your answer
17 on what you just said before.

18 MR. CHRISTIE: You refer repeatedly
19 to Stormfront and its website. Would you agree with me
20 that's probably located in the United States?

21 DR. MOCK: Yes.

22 MR. CHRISTIE: And it's outside the
23 jurisdiction of this Tribunal, or any Canadian
24 authority, correct?

25 DR. MOCK: Yes.

1 MR. CHRISTIE: Now, you agree with me
2 that if it could be within the power of this Tribunal,
3 or all other tribunals, to prohibit Canadians from
4 putting anything on Stormfront's website, it would
5 never be able to prevent any Canadian, at any time,
6 from accessing Stormfront's website just as easily. Do
7 you agree?

8 DR. MOCK: Yes.

9 MR. CHRISTIE: So actually, the only
10 effect that this law could ever have on the Internet,
11 is to prevent any Canadian from communicating on the
12 site, including yourself, correct? I'm sorry, you
13 weren't listening, perhaps.

14 DR. MOCK: No, I was, but you said
15 the only effect that --

16 MR. CHRISTIE: It would have --

17 DR. MOCK: -- this law could have?

18 MR. CHRISTIE: That's right.

19 DR. MOCK: I -- I'm -- which law?

20 MR. CHRISTIE: All right, this -- all
21 right, this law called section 13(1), I'll put it to
22 you that if -- you're an expert in hate on the
23 Internet. If the law, and I'll put it hypothetically
24 this way, was able to limit Canadians from posting to
25 Stormfront, it wouldn't prevent Canadians from

1 accessing and reading anything that was there, would
2 it?

3 DR. MOCK: That's correct.

4 MR. CHRISTIE: So any effect that
5 would be attributable to whatever hate messages were
6 posted there, if there were any, could not be prevented
7 by this legislation from being accessible to Canadians,
8 could it?

9 DR. MOCK: Prevent the legislation
10 from being accessible --

11 MR. CHRISTIE: The website.

12 THE CHAIRPERSON: No, no, the -- it's
13 the website. Prevent the website.

14 MR. CHRISTIE: The hateful website.

15 DR. MOCK: No, they could still
16 access the website.

17 MR. CHRISTIE: Just as easily?

18 DR. MOCK: Yes.

19 MR. CHRISTIE: At any time they
20 wanted, right?

21 DR. MOCK: Yes.

22 MR. CHRISTIE: And as long as they
23 posted their messages under a pseudonym, and never
24 identified themselves openly, what means would you
25 think there would be, as an expert in hate on the

1 Internet, to find out who they were?

2 DR. MOCK: I'm not an expert on the
3 technology.

4 MR. CHRISTIE: Okay, well --

5 DR. MOCK: But it's my understanding
6 that there are ways of determining from whose computer
7 something has come, and --

8 MR. CHRISTIE: Yes, there are. Let me
9 put it to you this way. If there were -- and I'll put
10 it hypothetically, you're the expert.

11 If hypothetically, there's a way to determine who
12 accesses the Stormfront website, by the records of the
13 Stormfront website, and that's not available by any
14 legal means to a Canadian authority, how would you
15 prevent -- you -- if this law was able to stop people
16 from posting there in their own name, wouldn't it just
17 drive them underground so they'd post in some
18 pseudonym, with the same effect? Would that still
19 have --

20 DR. MOCK: It could.

21 MR. CHRISTIE: Yes, okay.

22 DR. MOCK: It could.

23 MR. CHRISTIE: I think that's pretty
24 logical.

25 DR. MOCK: Uh-huh.

1 MR. CHRISTIE: In that situation, the
2 only effect of this law would not be to stop the
3 communication of the same ideas, even by Canadians if
4 that's their wish, it would just prevent them from
5 being identified as such, and drive them underground,
6 right?

7 DR. MOCK: Well, right? You said
8 "just". It wouldn't just do that.

9 MR. CHRISTIE: You don't suppose
10 there's ways they could find to
11 communicate, notwithstanding -- not using their own
12 name? So the communication of hate would not be
13 diminished one iota, would it?

14 THE CHAIRPERSON: The questions is
15 there. Your answer is, in your view?

16 DR. MOCK: In my view?

17 THE CHAIRPERSON: Would --

18 DR. MOCK: It would -- it would be
19 diminished.

20 THE CHAIRPERSON: It would be
21 diminished?

22 MR. CHRISTIE: How would it be
23 diminished?

24 DR. MOCK: It might be --

25 MR. CHRISTIE: The same messages

1 would be available --

2 DR. MOCK: Well --

3 MR. CHRISTIE: -- to all Canadians,
4 right?

5 DR. MOCK: How would it be
6 diminished?

7 MR. CHRISTIE: Yes.

8 DR. MOCK: It would -- it would --

9 THE CHAIRPERSON: I meant to what --
10 I'm more concerned, to what extent. You say it would be
11 diminished, but to what extent?

12 DR. MOCK: It would be diminished
13 because there wouldn't be the identification of a
14 particular charismatic figure with the specific hate,
15 and we know that when -- when there are people who
16 appear to be credible because of either their
17 profession, or because one might know where to find
18 them to do other things, it diminishes them -- the
19 credibility when someone is posting as some, you know,
20 weird pseudonym, or you can't find them so on the one
21 hand, it would --

22 THE CHAIRPERSON: Oh, okay. So if
23 there's a leader of a certain group that posts -- who
24 is in Canada, who posts with -- openly, with his or her
25 name, that may have bigger drawing power than --

1 DR. MOCK: Yes.

2 THE CHAIRPERSON: -- if that person
3 then has to adopt --

4 DR. MOCK: Yes.

5 THE CHAIRPERSON: -- a pseudonym to
6 continue posting "underground" --

7 DR. MOCK: Yes.

8 THE CHAIRPERSON: -- to use the term
9 Mr. Christie used?

10 DR. MOCK: Yes, and social
11 scientists -- social psychological research has
12 validated that concept, that the more credible someone
13 appears, you know, when people are -- I think we heard
14 this yesterday from Dr. Persinger in different ways,
15 the more someone is perceived to be like yourself, the
16 more likely you are to believe what they say.

17 So that if they know, for example,
18 the person's race or the person's religion, or its done
19 in the name of God, or it's done in whatever, it adds
20 to the credibility. And therefore it then can -- it
21 does exacerbate the situation. So it would be
22 diminished if someone were forced to post under some
23 pseudonym, to be under the radar.

24 THE CHAIRPERSON: However,
25 "diminished" does not mean eliminated?

1 DR. MOCK: No, there is still freedom
2 of speech. That person could still figure out a way to
3 be creative, and get around the law.

4 THE CHAIRPERSON: Right, so that
5 person could adopt a pseudonym, and call himself "Bugs
6 Bunny" or something, and still be up there?

7 DR. MOCK: Uh-huh. And in fact, they
8 do. There's all kinds of -- you know, there's "Nazi
9 boy" and there's "Nazi girl" and there's --

10 THE CHAIRPERSON: Okay.

11 DR. MOCK: -- whoever else up there
12 doing things.

13 MR. CHRISTIE: And there are also
14 policemen posing as Nazis, correct? Are you aware of
15 that, as a --

16 DR. MOCK: Could be.

17 MR. CHRISTIE: Could be?

18 DR. MOCK: It's a free-for-all --

19 MR. CHRISTIE: Well, you were -- you
20 were concerned, and mentioned a number of times, the
21 terrible phenomenon of the Ku Klux Klan. That was a
22 bad organization, wasn't it?

23 DR. MOCK: Yes.

24 MR. CHRISTIE: It did a lot of bad
25 things, didn't it?

1 DR. MOCK: Yes.

2 MR. CHRISTIE: It organized very
3 powerful organizations that did violent things against
4 black people in the United States, didn't they?

5 DR. MOCK: Yes.

6 MR. CHRISTIE: They were very
7 effective at intimidating and terrifying people, weren't
8 they?

9 DR. MOCK: Yes.

10 MR. CHRISTIE: They were all
11 anonymous, weren't they?

12 DR. MOCK: No.

13 MR. CHRISTIE: Pardon me? Do you
14 know anything about the Ku Klux Klan?

15 DR. MOCK: Yes, a great deal.

16 MR. CHRISTIE: Well, do you -- do you
17 agree with me that the Ku Klux Klan operated
18 anonymously, and wore hoods?

19 DR. MOCK: I disagree.

20 MR. CHRISTIE: Well --

21 DR. MOCK: There were many cases --
22 in fact, there was one very famous case of a march,
23 where they were not allowed to keep the hoods on, and
24 so some of them came out --

25 MR. CHRISTIE: That's in -- in modern

1 times.

2 DR. MOCK: -- some of them came out
3 and marched with the hoods off.

4 MR. CHRISTIE: Yes, in modern times.
5 They were sometimes restricted by court order in the
6 civil rights era, from having anonymous marches, so
7 they had to take the hoods off and identify themselves,
8 right?

9 DR. MOCK: Uh-huh. Yes, so that was
10 my answer, that it wasn't completely anonymous.

11 MR. CHRISTIE: Uh-huh. Well, I'm
12 speaking now about the times of the reconstruction,
13 when the real Ku Klux Klan was doing the things that
14 are depicted in many movies to maintain their so-called
15 white power in the United States, in the southern
16 states after the defeat of the Confederate forces.
17 They were operating and using the system of anonymity,
18 were they not?

19 DR. MOCK: Yes, they were. And if I
20 may, Mr. Chair? If I may --

21 MR. CHRISTIE: Well, I'll tell you
22 what. I don't want arguments, I don't know if
23 arguments are allowed, but if you've answered my
24 question, and you don't think --

25 THE CHAIRPERSON: That was a very

1 specific question, so I don't know if --

2 MR. CHRISTIE: And you --

3 THE CHAIRPERSON: That was a very
4 specific question.

5 DR. MOCK: About the Klan, and do
6 they ever have hoods on?

7 THE CHAIRPERSON: Yes, did -- in the
8 old days, they used to just wear the hoods and not --

9 DR. MOCK: Primarily.

10 THE CHAIRPERSON: Primarily? Okay.

11 DR. MOCK: Primarily. It used to be
12 known who some of the leaders were but --

13 THE CHAIRPERSON: Yes, I understand.

14 DR. MOCK: Primarily, they would put
15 the hoods on and --

16 MR. CHRISTIE: Okay, let's -- let's
17 deal with that. If we were to force all Canadians to
18 abide by section 13(1), as it's now written, and if I
19 was to put it to you this way, they would have to post
20 anonymously, do you really think it would be difficult
21 for the 'in' group, the Canadian -- we'll call it the
22 Canadian equivalent of the Ku Klux Klan, who -- who are
23 anonymous on the web? Do you think it would be
24 difficult to communicate among themselves, once they
25 connected who the leaders were? Do you think it would

1 be difficult?

2 DR. MOCK: I -- I have difficulty
3 assessing the -- the hypothetical situation but --

4 MR. CHRISTIE: Okay, let me be more
5 clear then, if it's ambiguous. You suggest -- you
6 agree that if we were to maintain the application of
7 this section, and restrict access and prevent Canadians
8 from accessing or posting to sites on the Internet,
9 that any Canadian could still access it, and that --
10 and let's say, for the sake of argument, the law
11 couldn't stop that, and you agree with me that it would
12 be just as easy for people to post anonymously on the
13 web from Canada, right? You know of no technical way
14 to stop that from happening, do you? Unless we
15 register all the computers, licence all ISPs, regulate
16 all e-mail traffic, that would be the only way,
17 wouldn't it?

18 DR. MOCK: I'm sure it'd be very -- I
19 don't know. I don't know how to assess that.

20 MR. CHRISTIE: All right. Well,
21 technically, let's say for the sake of argument, as a
22 hypothetical, that it wouldn't be possible for at least
23 the Canadian Human Rights Tribunal to stop people
24 posting on foreign websites. Let's leave that as a --
25 a hypothetical fact.

1 DR. MOCK: Very hypothetical.

2 MR. CHRISTIE: Well --

3 THE CHAIRPERSON: Go ahead.

4 MR. CHRISTIE: All right, with that
5 in mind, do you really think that hate on the Internet
6 would be any less effectively communicated if locally,
7 here in Canada, people can go around and identify
8 themselves, which they could do off the Internet, by --
9 by word of mouth, by telephone, by e-mail, that I'm
10 "Hitler boy", or whatever you want to use as a
11 pseudonym. How would that prevent every aspect of
12 communication that is possibly now regulated, from
13 happening?

14 DR. MOCK: How would it prevent?

15 MR. CHRISTIE: Yeah.

16 DR. MOCK: It wouldn't prevent it but
17 it still wouldn't -- it -- you had a couple of
18 questions in there. I think you --

19 MR. CHRISTIE: Well, there are a
20 couple of hypothetical --

21 DR. MOCK: -- something about the
22 communication of hatred, and would it make it any
23 less --

24 MR. CHRISTIE: Effective.

25 DR. MOCK: Effective. And in my --

1 it's not a matter of my personal opinion, but it's --
2 it's a matter of various studies, and -- and in terms
3 of my awareness and experience with theyoung people and
4 others, that it does make it less effective because
5 it's -- it is more -- it makes it more difficult. It
6 makes it less effective because the strong message is
7 sent that, you know, this is -- this is against the
8 law, against -- and you're going to have to find other
9 ways to get together. It makes it less effective
10 because it makes it less credible to others that might
11 stumble upon it. It makes it less effective because
12 they then are restricted maybe to the few people that
13 they do get identified to, that they can meet on a
14 street corner. So it provides more protection to those
15 who -- who are vulnerable. So simply, yes, it would
16 make it more effective. And I'm not advocating
17 hypothetical, that that's the way we go about it.

18 THE CHAIRPERSON: Okay, I think it
19 would be a good time to take our break now, if it's
20 possible, Mr. Christie.

21 MR. CHRISTIE: Okay.

22 MR. FOTHERGILL: Could I just mention
23 again that I do want to reserve at least half an
24 hour --

25 THE CHAIRPERSON: Half an hour.

1 MR. FOTHERGILL -- for
2 cross-examination, and it's now 3:00 o'clock.

3 THE CHAIRPERSON: I'm not going to --
4 now, I'm not going to break for half an hour, but they
5 need half an hour.

6 MR. FOTHERGILL: No, I wasn't
7 thinking that. I just -- I'm curious how long Mr.
8 Christie expects to be.

9 THE CHAIRPERSON: Well, how far away
10 are you, Mr. Christie?

11 MR. CHRISTIE: Well, I'm doing my
12 best. I don't know, it's slow going.

13 MR. FOTHERGILL: At the same time, my
14 friends have had approximately two-and-a-half days to
15 complete their cross-examination. So I trust there'll
16 be no issue about finishing this witness today, even
17 allowing half an hour for re-examination.

18 THE CHAIRPERSON: I trust Air Canada
19 won't cancel my flight.

20 --- Recess taken at 3:00 p.m.

21 --- Upon resuming at 3:17 pm.

22 MR. CHRISTIE: In regard to your last
23 statements about the forced effects of anonymity, or
24 the effects of forced anonymity, I refer you to page 7
25 of your report of February, 2007. And the paragraph

1 beginning "Extensive research". And four lines down in
2 the middle of the line, it says:

3 "And it has long been understood
4 and corroborated by countless
5 sociological"

6 Sorry.

7 "social psychological research
8 that anonymity, or supposed
9 anonymity, increases violence
10 and deviant behaviour."

11 Do you still hold to that?

12 DR. MOCK: Yes. In the particular
13 context.

14 MR. CHRISTIE: Okay, so would it be
15 true, too, that if you force someone to be anonymous
16 and they remain anonymous, they are more capable of
17 violence and deviant behaviour?

18 DR. MOCK: It is a factor, and I was
19 actually glad that you raised this, because I was going
20 to, in one of my sentences, go on to elaborate this
21 very point in the -- in the common use of the Internet
22 and promoting hatred.

23 MR. CHRISTIE: To deal with the study
24 called, "Hate Speech: Asian American Student Justice
25 Judgments and Psychological Responses", it was one that

1 was provided by you in support of your opinion by
2 Bachman. This study deals with slurs that were
3 directed in the presence of the party measuring the
4 effect in a line-up, correct?

5 DR. MOCK: I'm just going to look at
6 the stimuli. Yes.

7 MR. CHRISTIE: And certain comments
8 were made by people in front of them in the line,
9 saying -- muttering slurs, "What a fucking fat
10 asshole", "What a fucking Chink", or "What a fucking
11 nigger". Provocative in the extreme, right? Right in
12 their face?

13 DR. MOCK: Yes.

14 MR. CHRISTIE: All right. Are there
15 any studies, that you know of, about people selecting
16 messages, to see what the effect is on the
17 self-selection of a message, as opposed to one that
18 intrudes upon their space, as the study seems to be?

19 DR. MOCK: Not that I'm aware of.

20 MR. CHRISTIE: That wouldn't be
21 unethical, would it, to conduct a study saying to a
22 variety of people, "Take a look at all these websites
23 and tell me what effect they have, or how you feel
24 after looking at them"? That wouldn't be unethical,
25 would it?

1 DR. MOCK: No.

2 MR. CHRISTIE: That's never been
3 done, has it?

4 DR. MOCK: Not as far as I know.

5 MR. CHRISTIE: No. And the
6 opportunity would exist, I suppose, in your
7 understanding of the Internet, that as soon as you find
8 a message you don't like, you can click to shut it off,
9 right?

10 DR. MOCK: Yes.

11 MR. CHRISTIE: And if you don't like
12 what you are reading, you can close the page and move
13 to something else, without reading anything further.
14 Is that also correct?

15 DR. MOCK: Yes.

16 MR. CHRISTIE: And so these 55
17 self-identified Asian-American university students,
18 volunteers, do you know how they were selected?

19 DR. MOCK: They volunteered.

20 MR. CHRISTIE: Yes.

21 DR. MOCK: They were asked if they
22 wanted to participate in a study. This is very common
23 in universities.

24 MR. CHRISTIE: How were
25 theyself-selected? Was it indicated to them -- for

1 instance, "All those who strongly identify as
2 Asian-Americans", or how would the selection process
3 occur?

4 DR. MOCK: I would have to -- you
5 would have to give me some time to review that section.

6 MR. CHRISTIE: I read the whole
7 thing. It doesn't say, does it? You read it, you
8 expressed your opinion on it, you provided it. I
9 assume you've read it. It doesn't say.

10 DR. MOCK: Well, they were -- they
11 were student volunteers.

12 MR. CHRISTIE: Right.

13 DR. MOCK: They were all
14 Asian-American, they volunteered.

15 MR. CHRISTIE: Yes, yes. They were
16 self-identified.

17 DR. MOCK: They were presented with
18 these various stimuli.

19 MR. CHRISTIE: Uh-huh. I know, I
20 could read the whole study, but I'm putting it to you,
21 they were self-identified?

22 DR. MOCK: Yes.

23 THE CHAIRPERSON: And --

24 MR. CHRISTIE: As Asian-Americans.

25 DR. MOCK: Yes. But then I believe

1 they were randomly assigned to the two treatment
2 groups.

3 MR. CHRISTIE: Oh, I understand.
4 Please allow me to ask the questions.

5 DR. MOCK: Sorry.

6 MR. CHRISTIE: It's all right. So
7 basically, what you have is a process of
8 self-selection, the criterion for which is never
9 articulated in this study, correct?

10 DR. MOCK: It is -- the criteria they
11 used is simply that they were university students --

12 MR. CHRISTIE: I can read.

13 DR. MOCK: -- who were all Asians,
14 and who volunteered. But the randomization of the
15 two -- to isolate the -- the independent variable
16 served such --

17 THE CHAIRPERSON: Just a moment,
18 please.

19 --- Discussion off the record

20 DR. MOCK: Page 374 in the middle.
21 There was a measure done after the variables were
22 manipulated and so on. Later there was a socialscale,
23 the Crocker and Lauten's scale, CSC, social
24 self-esteem -- collective self-esteem. And also tested
25 their level of identification.

1 So it was used as a measure of the
2 participant's psychological investment in their Asian
3 American social identity. And then a correlation was
4 later done to see how their level of social identity
5 interacted with the dependent variable.

6 MR. CHRISTIE: Yeah, the results
7 after the study.

8 DR. MOCK: But that would be the way
9 you would do it. They were randomly assigned.

10 MR. CHRISTIE: They measured the
11 reduction in their self-identification with their
12 group; isn't that right?

13 DR. MOCK: Well, they measured their
14 level of self-identification.

15 MR. CHRISTIE: And before --

16 DR. MOCK: -- some it increased it
17 and some it decreased, as I recall, so they were not
18 second guessing what the connection was.

19 MR. CHRISTIE: There was some
20 indication of the change in their self-identification
21 as a result of the stimuli, but in the process of
22 self-selection of the 50 volunteers there was no
23 assessment of this level of self-identification of that
24 group.

25 DR. MOCK: That's right, but in this

1 case it's an irrelevant variable.

2 MR. CHRISTIE: Well, I put it to
3 you --

4 THE CHAIRMAN: I just want to
5 understand the question. Let me rephrase it so I
6 understand it. Listen to me also, Mr. Christie.

7 MR. CHRISTIE: I'm listening very,
8 very carefully.

9 THE CHAIRMAN: I believe the
10 suggestion is that there was no assessment made of the
11 range of self-identification in the group that went in.

12 So then, hypothetically, if I follow
13 this logic, it could be that 49 of the -- let's pick a
14 number that's more appropriate -- 45 out of the 50, 45
15 percent -- 90 percent of the individuals were strongly
16 self-identified, for instance, with being Asian.

17 But afterwards, after the results,
18 after the experiment was conducted, they went back and
19 made a relation between reactions and where
20 theyself-identify.

21 Is there any identification -- I
22 think this is the question -- correct me if I'm
23 wrong -- is there any indication that the initial group
24 coming in was a random group or one that was reflective
25 of the entire range or spectrum of self-identification?

1 DR. MOCK: Of the total sample, like,
2 in other words the total population, they created two
3 groups. So 52, I think, students volunteered and we
4 don't know how they self-selected based on their
5 identification.

6 But then the key is that of that 50
7 they randomly assigned the members there to two groups.
8 So one would expect that regardless of their
9 self-identification they have control for that
10 variable.

11 THE CHAIRMAN: I understand. But the
12 question is when you got the original sample, the
13 original population, was that a random sample?

14 DR. MOCK: No, it was a sample of
15 volunteers.

16 THE CHAIRMAN: People who
17 self-identified.

18 DR. MOCK: Right.

19 THE CHAIRMAN: And the question is,
20 the proposition seems to be from the question of Mr.
21 Christie is, could it be that people who strongly
22 self-identify, who understand, who are conscious or
23 sensitive to the issues in this case, in the study,
24 presented themselves as Asian Americans who don't
25 consider themselves Asian Americans or hardly Asian

1 Americans, didn't even bother applying to be amongst
2 the population of 50, so that there was a bias in the
3 initial sample. That's the question I believe.

4 Am I phrasing it correctly, sir?

5 MR. CHRISTIE: Perfectly.

6 DR. MOCK: A bias for which was
7 controlled by the randomization of -- to the two
8 groups. I'm talking about controlling the variable.

9 THE CHAIRMAN: I'm not a scientist.
10 It seems to me logical, Doctor, what we're talking
11 about is -- again, I will personalize it.

12 If someone said, we need a hundred
13 Greek Canadians to show up to do a study. And I know
14 from my personal knowledge that I have people from my
15 community who are strongly attached to the community,
16 who speak the language still, who partake0 in its
17 cultural trappings and others who don't, or who may be
18 one generation older and therefore not that attached to
19 it.

20 If someone said, Greek Canadians,
21 show up at this conference or this study, it's likely
22 or is it not possible more of the first group will turn
23 up than the second group? And yet the study is trying
24 to deal with all of them?

25 And if that happens then we don't

1 really have a representative of the 350,000 Greek
2 Canadians. You may have a representative of half of
3 them who identify in the same manner.

4 DR. MOCK: That's true. But what --
5 when you do well-designed research of this nature what
6 they're measuring is the change. So that even of that
7 group there's a range of identification. And what
8 they're measuring is the correlation of how strongly do
9 they identify.

10 So of those 50 Greek people that came
11 in there's still going to be a range, even if it's at
12 the upper limit, and by randomly assigning them and
13 then assessing they see that well, they've got two
14 fairly equal groups. Then they see, okay, what the
15 correlation, the stronger one identifies how then --

16 THE CHAIRMAN: So you are saying in
17 this study there were enough not very identifying Asian
18 Americans in the sample, and then after that
19 distribution took place, you are still able to assess
20 that.

21 DR. MOCK: Yes, and that's what they
22 address in this study. They even comment on that.

23 THE CHAIRMAN: I have your question,
24 Mr. Christie and I have her answer.

25 MR. CHRISTIE: Is there such a thing

1 as ethnic hypersensitivity?

2 DR. MOCK: I don't know it as a
3 scientific term.

4 MR. CHRISTIE: When we look at this
5 study it determines the outcome of the reaction to the
6 stimuli on page 376. Would you agree with me that the
7 preponderance of effect is in outrage and anger on the
8 graph on page 376?

9 DR. MOCK: Uh-huh, yes.

10 MR. CHRISTIE: So that's not an
11 acceptance or a submission to any of the alleged
12 insults, correct? It's a rejection reaction, right?

13 DR. MOCK: That's right.

14 MR. CHRISTIE: So if we could
15 take anything from this study, it would be that persons
16 offended in their ethnicity react by rejecting, and
17 apparently strongly, with anger or outrage even, the
18 allegedly racist insult. But they do not become
19 submissive or predominantly sad or depressed about it.

20 DR. MOCK: There's no way of actually
21 measuring the first part that you said, in this
22 particular study. You said it's rejection. Someone can
23 be outraged and really angry but it doesn't necessarily
24 mean that -- I'm not following your question actually.

25 MR. CHRISTIE: There's no correlation

1 between outrage and rejection of an idea?

2 DR. MOCK: Actually this shows -- no,
3 that's not what was measured.

4 MR. CHRISTIE: What wasn't? Outrage
5 was measured. Anger was measured. And I'm enough of
6 an English speaker to think that there's a logical
7 connection between outrage and an anger and rejection
8 of an idea. Isn't that common sense?

9 DR. MOCK: I'll grant you that.

10 MR. CHRISTIE: Okay. So the general
11 effect on these people insulted in the linewas that
12 they rejected the idea.

13 DR. MOCK: And became very upset.

14 MR. CHRISTIE: And I've read some
15 headlines in the material that you've seen that
16 indicates what the reaction of the Jewish community to
17 Mr. Zundel, for instance, and whatever he said or did,
18 was outrage, wasn't it?

19 DR. MOCK: Yes.

20 MR. CHRISTIE: Which you had every
21 right to express and did express, right?

22 DR. MOCK: Yes.

23 MR. CHRISTIE: And you were well and
24 truly reported in the media, right?

25 DR. MOCK: Yes.

1 MR. CHRISTIE: Your outrage was not
2 suppressed by the media and you weren't ignored in your
3 expression of outrage, were you?

4 DR. MOCK: No.

5 MR. CHRISTIE: And the studies that
6 followed the various events of Zundel's trial was
7 greater sympathy for Jews emerged, wasn't that right?
8 In the surveys that you and I are both aware of.

9 DR. MOCK: Which surveys?

10 MR. CHRISTIE: You don't recall that
11 after the Zundel trial there was a survey to see what,
12 if any, impact the publicity of the Zundel trial had on
13 the popularity of Jews, and the result was there was
14 more sympathy for Jews, not less, wasn't there?

15 DR. MOCK: This is Conrad Winn's book
16 that you are thinking of?

17 MR. CHRISTIE: Gee, I don't know,
18 maybe you know more about it. I just think that you
19 and I were both aware of studies that indicated the
20 effect of the Zundel trial was greater sympathy of Jews
21 because of the publicity it brought, because of the
22 outrage it expressed, the vast majority of Canadians
23 sympathized more with Jews before than after. That's
24 what I call --

25 DR. MOCK: The defining --

1 MR. CHRISTIE: -- common knowledge,
2 and you know it.

3 DR. MOCK: May I explain that
4 finding?

5 THE CHAIRMAN: First of all, do you
6 accept --

7 DR. MOCK: Yes, there were -- there
8 was some evidence and it was because of the raising of
9 awareness, people who were not aware of the Holocaust,
10 didn't understand it. So there was an element of the
11 population who suddenly became aware that there was
12 Holocaust denial happening and became upset by that.

13 But you're not -- Mr. Christie has
14 omitted to talk about the finding of the increased fear
15 and anxiety and how upset so many people were,
16 especially if they themselves have had any experience
17 in the Holocaust. So the suffering and the fear and
18 the tension and sleepless nights and all the rest.
19 He's not reporting in similar studies.

20 So the power of education and raising
21 awareness so that people can reject, is what he's
22 reporting.

23 MR. CHRISTIE: I was talking about
24 the effect on the general community, and the effect on
25 the general community by surveys of the general

1 community was an increased sympathy for Jews and a
2 greater knowledge of those things --

3 THE CHAIRMAN: I have her answer on
4 that. She accepted that point.

5 MR. CHRISTIE: All right. Thanks a
6 lot.

7 In the study that you referred unto,
8 Racist Incidents-Based Trauma, you didn't tell us this
9 was novel science, which it is.

10 THE CHAIRMAN: This is the next
11 report?

12 MR. CHRISTIE: There's only two. You
13 didn't tell us this is novel science, but it is, isn't
14 it?

15 THE CHAIRMAN: I wanted to make sure.
16 This is the Bryant report, right?

17 MR. CHRISTIE: Yes, sir.
18 Bryant-Davis, I guess.

19 You accept the proposition that even
20 the study's authors agreed this was novel science and
21 very few people agreed with it so far but they hoped
22 that more would. Do you want me to point that out to
23 you or do you admit it?

24 DR. MOCK: Agreed -- please point
25 that out to me because I didn't come away with the same

1 thing. And I was -- this was in response to some of
2 Dr. Persinger's -- where are you?

3 MR. CHRISTIE: I'll show you in a
4 minute.

5 On page 484, "Racist incidents.
6 Traumatic Stress Or Nontraumatic Stress":

7 "While many researchers focus on
8 racist incidents as stressors
9 leading to psychophysiological
10 disease, few conceptualize
11 racist interests as forms of
12 trauma. One exception is
13 Walters and Simone, who frame
14 racism as unresolved trauma
15 among American women that
16 contribute to various physical
17 and psychological sequelae such
18 as a PTSD and depression. Racism
19 has been identified as a risk
20 factor for PTSD, diagnosis in
21 Asian Americans and stress and
22 increased psychiatric and
23 physical symptoms among African
24 Americans. However, aside from
25 the above only a small but

1 growing number of authors
2 conceptualize racism as trauma."
3 Do you accept those statements as
4 true?

5 DR. MOCK: Yes. Reflecting the
6 newness of post-traumatic stress disorder research.

7 MR. CHRISTIE: On racism as trauma,
8 not just post-traumatic stress disorder, but racism as
9 trauma.

10 DR. MOCK: Uh-huh.

11 MR. CHRISTIE: "Only a small but
12 growing number of authors conceptualize racism as
13 trauma."

14 That's true, isn't it?

15 DR. MOCK: Yes, in this research.

16 MR. CHRISTIE: Well, that's what this
17 says and it's your study, right?

18 DR. MOCK: It's one of the ones I
19 cited.

20 MR. CHRISTIE: And this study does
21 not connect the elimination of racist speech in any way
22 with the reduction of racism, does it?

23 DR. MOCK: No, this study is talking
24 about the traumatic impact of racist experiences.

25 MR. CHRISTIE: Which, in this study,

1 included not only speech but other acts as well.

2 DR. MOCK: That's right. It included
3 speech and it was in response to Dr. Persinger's paper
4 that there wasn't this kind of stress related to it.

5 MR. CHRISTIE: Well, Dr. Persinger
6 was focusing on speech, communication, and I'm asking
7 you whether it's a fair response to confound or conjoin
8 the study which analyzes speech and racist action. You
9 figure it is, I take it?

10 DR. MOCK: Yes.

11 MR. CHRISTIE: When you quoted from
12 this study you quoted, I take it, from page 485; is
13 that correct? I know your report actually quotes out
14 of it. You say you point to it. I thought you sort of
15 misrepresented this study a little bit.

16 DR. MOCK: Where is that?

17 MR. CHRISTIE: You and your report,
18 on page 4 you say:

19 "As Bryant-Davis and Ocampo 2005
20 point out, unlike nontraumatic
21 stress, traumatic stress
22 violates one's existing way of
23 making sense out of self and the
24 world and creates intense fear
25 and destabilizations."

1 Right? That's what you quoted.

2 DR. MOCK: Yes.

3 MR. CHRISTIE: And you quoted out of
4 page 485. It's right at the top. I found it. It's the
5 second line. It's right there:

6 "Unlike non-traumatic stress,
7 traumatic stress violates one's
8 existing way of making sense out
9 of self and the world and
10 creates intense fear and
11 destabilization."

12 DR. MOCK: That's right.

13 MR. CHRISTIE: But, you know, they
14 weren't talking about racist speech in that context,
15 were they? They were talking about the classic
16 definition of trauma.

17 DR. MOCK: And the study then goes
18 onto show that racist speech is correlated with
19 traumatic stress.

20 MR. CHRISTIE: Well, if you look at
21 the next paragraph they make it very clear observation
22 that one of the barriers to prevent the acknowledgement
23 of racist-incident based trauma responses in survivors
24 of racism who exhibit trauma symptoms, is that this
25 definition of trauma, which is DSM4(TR), is limited to

1 incidents that are physical in nature. And
2 specifically actual and threatening death, serious
3 injury or threat to the physical integrity of self or
4 others.

5 And it says:

6 "While this definition includes
7 such incidents as rape, physical
8 assault and -- limited scope
9 excludes verbal abuse, emotional
10 abuse, resource denial, and
11 social alienation, such as
12 sexual harassment, harassment
13 based on sexual-orientation, and
14 racist incidents. Non-physical
15 racist incidents are not
16 considered traumas by the
17 current diagnostic definition."

18 Right?

19 DR. MOCK: That's true.

20 MR. CHRISTIE: So why did you quote
21 the top line -- from the top part of this document as
22 if it referred to racist speech?

23 DR. MOCK: No, I didn't -- I did
24 not --

25 MR. CHRISTIE: I suggest that what

1 you said --

2 DR. MOCK: With respect, I
3 didn't quote it in that context. I was directing the
4 reader to this very thorough review of the literature
5 and the discussion and the analogies that were being
6 made based on various measurements to trauma.

7 MR. CHRISTIE: Why did you include it
8 without such qualification under the heading "Victim
9 Impact of Hate and Hate Speech" if it wasn't intended
10 to draw the inference that was --

11 DR. MOCK: Because that is the
12 inference that is drawn by these authors and that is
13 why I cited them.

14 MR. CHRISTIE: They clearly indicate
15 that under current definitions, non-physical racist
16 incidents are not considered traumas by current
17 diagnostic definitions.

18 DR. MOCK: With respect, it may help
19 the Chair to know that the DSM category -- that is all
20 they are referring to. They are referring to a
21 specific categorization and that the whole body of
22 research is designed to show that we need to begin to
23 expand that kind of thinking because there are other
24 forms of trauma that can be called trauma. And if they
25 are looking at the correlates of the behavior such --

1 and, in fact, this is indeed what Persinger himself
2 looks at.

3 He looks at what kinds of stressors
4 create various brain functions. And there's a body of
5 literature, and it's growing, and it's new, Persinger
6 himself said that, you know, years ago there was not
7 this kind of discussion and maybe they had more general
8 terms and have now been deconstructed to show all the
9 different components of distress and stress, and that
10 is exactly why I referred the Chair and the Tribunal to
11 this body of literature.

12 The DSM categorization is constantly
13 evolving based on new knowledge, which of course is the
14 essence of science, to provide new knowledge and then
15 to --

16 MR. CHRISTIE: Do you agree this is
17 new knowledge, do you, novel science?

18 DR. MOCK: Yes, part of it is. It's a
19 review of all of the literature.

20 MR. CHRISTIE: Thank you.

21 That's fine. You also agree this is
22 an argument that was attempted to be advanced by these
23 authors?

24 DR. MOCK: Yes, based on extensive
25 study. And then I go on to add other studies that now

1 look at measurement of this. So that, again, it's just
2 samples that I'm providing of the burgeoning scientific
3 research and literature in the very field that --

4 MR. CHRISTIE: I didn't ask for an
5 argument. I just asked do you agree it was an
6 argument.

7 DR. MOCK: I'm sorry, I did not mean
8 to be argumentative.

9 MR. CHRISTIE: I just asked, is this
10 paper an argument? And the answer is yes, right?

11 THE CHAIRMAN: Based on study, you
12 said. I heard the answer.

13 MR. CHRISTIE: Okay. So it's an
14 argument based on new science to promote the idea that
15 verbal assaults of this racist kind should be
16 considered trauma. That's exactly what it is, isn't
17 it?

18 DR. MOCK: Yes, yes. And that there
19 is need for much research in this area and some
20 existing research to make that case.

21 MR. CHRISTIE: And they were
22 concerned about the increase of the risk for
23 post-trauma symptoms in vulnerable individuals,
24 correct?

25 DR. MOCK: Yes.

1 MR. CHRISTIE: Well, what's a
2 vulnerable individual? Is that an infant? Is it a
3 hypersensitive person? Is it a normal person?

4 DR. MOCK: There are many forms of
5 vulnerable individuals.

6 MR. CHRISTIE: I know, but what do
7 they say they chose?

8 DR. MOCK: They are speaking here of
9 racist -- racial minority groups. The same definition
10 that would be applied vis-a-vis the Human Rights
11 Regulation, but they do also --

12 MR. CHRISTIE: Excuse me.

13 DR. MOCK: -- you have noticed that
14 by the question --

15 MR. CHRISTIE: I've asked the
16 question and you've answered it.

17 DR. MOCK: I thought I hadn't.

18 MR. CHRISTIE: I said, what does it
19 mean by vulnerable groups? You said --

20 DR. MOCK: And then you said --

21 MR. CHRISTIE: And you said the
22 same --

23 DR. MOCK: -- children, does it
24 mean --

25 MR. CHRISTIE: You said the --

1 THE CHAIRMAN: Said minority --

2 MR. KURZ: Let her finish the answer,
3 Mr. Chair.

4 THE CHAIRMAN: We'll waste less time.
5 Racial minority groups, right? Is there anything more?

6 DR. MOCK: (No response).

7 THE CHAIRMAN: Ma'am? Is there
8 anything more? Racial minority groups is the
9 vulnerable --

10 DR. MOCK: In that sentence they are
11 speaking of the racist incidents for minority groups,
12 vulnerable groups on -- according to immutable
13 characteristics.

14 MR. CHRISTIE: Although you assume
15 that's their definition, they don't define vulnerable
16 individuals, do they?

17 DR. MOCK: Well, let's look to see if
18 they do in this scientific way.

19 MR. CHRISTIE: Have you read the
20 study?

21 DR. MOCK: Yes, I have, I've read it
22 a few times. But I believe that because of the common
23 way that that term is used and because of the context in
24 which it's being used, it's clear that it means groups
25 whose identity would be attacked on the basis of their

1 race.

2 MR. CHRISTIE: That's your inference,
3 is it?

4 DR. MOCK: Well, I'm also using my
5 understanding of that term from our Charter of Rights
6 and Freedoms --

7 MR. CHRISTIE: These people aren't --

8 DR. MOCK: -- various other pieces --

9 MR. CHRISTIE: -- talked about.

10 --- Reporter interruption

11 THE CHAIRMAN: See, that's what
12 happens.

13 DR. MOCK: They're not, but you're
14 asking me how I'm to understand this and what do they
15 mean. And I'm saying, I interpret both from the
16 context in which they are writing this and the way it
17 is commonly used in the psychological psychiatric,
18 sociological and anthropological literature that that
19 is what they mean.

20 MR. CHRISTIE: I see. They also
21 state on page 481: "Individual differences in
22 personality: Resilience, coping style, unique personal
23 experiences, strength of ethnic self-identification,
24 family closeness, et cetera, may buffer or mediate
25 responses to taught psychological toxic events."

1 There is no study, is there, of the
2 percentage of people fitting into either one of those
3 categories that you are aware of?

4 DR. MOCK: Not of the percentage, no,
5 but I myself make the same points in my articles.

6 MR. CHRISTIE: So to get a general
7 understanding of the impact of any statement on society
8 at large and what might be called average or normal
9 people, there's nothing that helps us any this study
10 here, is there?

11 DR. MOCK: I disagree.

12 MR. CHRISTIE: Well, we would have to
13 take into consideration all those differences mentioned
14 on page 481 that I just read, wouldn't we?

15 DR. MOCK: No.

16 MR. CHRISTIE: Why not? Why would we
17 be safe to ignore strength of ethnic
18 self-identification, family closeness, resilience,
19 coping styles? Why would we be wise to ignore that in
20 the assessment of what effect words have on society at
21 large?

22 DR. MOCK: If you are asking me in
23 the context of this study and in such scientific
24 studies as the other one --

25 MR. CHRISTIE: You said if. If. So I

1 better clarify the question.

2 Using what you know as an expert in
3 psychology and applying that to your own common sense,
4 can you explain to me why we should ignore all those
5 considerations?

6 DR. MOCK: I've never said we should
7 ignore them.

8 MR. CHRISTIE: Then maybe you agree
9 we should consider them?

10 DR. MOCK: Of course we should, and
11 we --

12 MR. CHRISTIE: If we do consider
13 them, how do we know the impact of any type of
14 statement on the wide range of people there are in our
15 society with all the individual differences of coping
16 style, degrees of ethnic self-identification, family
17 closeness, et cetera? How can we get close?

18 DR. MOCK: We can get close by the
19 use of effective and well-constructed scientific
20 studies like this that do what they call isolate the
21 variables and control for the ones that are correlated,
22 like the ones you have described and --

23 MR. CHRISTIE: Well, this study, this
24 study --

25 THE CHAIRMAN: She didn't finish her

1 sentence.

2 DR. MOCK: -- in the same way as the
3 previous study that we considered did exactly that.

4 THE CHAIRMAN: Thank you.

5 MR. CHRISTIE: This study looked at
6 the risk of symptoms on vulnerable individuals, not
7 defining that in any way, although you think they meant
8 one thing, then acknowledging all those variables that
9 are existent in society, made no reference to them any
10 further. That's what this study did.

11 DR. MOCK: They are not purporting to
12 do any more than what they said they were going to do,
13 which is a mark of good science.

14 MR. CHRISTIE: Okay. So they don't
15 concede society as a whole but vulnerable groups in
16 this context?

17 DR. MOCK: That's what the research
18 was on and it was directly to counter Dr. Persinger's
19 comment without any scientific sources or references
20 that it didn't have any effect. And so notice -- I
21 mean, if I may, just to help -- just to clarify on page
22 492, "Racist incidents and domestic violence," and they
23 are doing the correlation there in terms of stress,
24 "leaves survivors feeling shame, self-blame,
25 powerlessness, fear and confusion."

1 So they are not doing any more than
2 they purport to do using sound methodology and that's
3 why this is offered, just to counter Dr. Persinger's
4 claim that it doesn't have that type of effect from
5 which reasonable people should expect to be protected
6 in a free and democratic country.

7 MR. CHRISTIE: You, in your history,
8 have strongly identified with the need for these laws,
9 haven't you?

10 DR. MOCK: I have.

11 MR. CHRISTIE: And you have been an
12 advocate for them over the years, haven't you?

13 DR. MOCK: Yes, among many other
14 tools to counter these effects and to inform.

15 MR. CHRISTIE: I don't want to hear
16 all the other tools you might have advocated. I'm more
17 concerned about this law, 13(1). And actually, this
18 has been one of the tools you have tried to use
19 repeatedly to attack those that you vehemently dislike?

20 DR. MOCK: No, sir. My like or
21 dislike of the people who perpetrate hatred and racism
22 has nothing to do with it. I can assure you.

23 MR. CHRISTIE: Well, you can assure
24 me, but I put it to you that -- actually you've
25 demonstrated time after time an intense personal

1 dislike for Mr. Zundel in your actions in the past.
2 Not necessarily because of any promotion of hatred, of
3 which he was never even been charged, but because of
4 his Holocaust denial, in which you are heavily
5 invested.

6 DR. MOCK: May I correct you, sir?

7 THE CHAIRMAN: It's been put you to
8 that you dislike Mr. Zundel for the reasons --

9 DR. MOCK: And that's not true. I
10 have repeatedly denounced Mr. Zundel's behaviour.
11 I have repeatedly called for that that behaviour should
12 be restricted in keeping with the laws of our land, but
13 I have publically even said that I hated to admitted in
14 some ways, but in some ways he reminded me of my
15 grandfather who I loved very much.

16 So I'm sorry, this has nothing
17 whatsoever to do with my personal thoughts or views or
18 attitudes towards Mr. Zundel. In some ways, I also
19 felt sorry for him.

20 MR. CHRISTIE: Okay. Actually, you
21 never had any evidence of him being a racist or being
22 racist to anyone. But he was a Holocaust denier and
23 that's what irritated you about him.

24 DR. MOCK: I did have evidence of his
25 being racist --

1 MR. CHRISTIE: What?

2 DR. MOCK: -- by the materials that
3 were posted on his website --

4 MR. CHRISTIE: What?

5 DR. MOCK: -- and asking questions,
6 you know, like did six million really die and saying
7 that the Holocaust is more perpetrated by Jews and --

8 MR. CHRISTIE: The Holocaust was
9 perpetrated by Jews?

10 DR. MOCK: I'm paraphrasing but --

11 MR. CHRISTIE: What did he ever do or
12 say that indicated --

13 MR. KURZ: Let her finish.

14 MR. CHRISTIE: What else do you want
15 to say? Go ahead.

16 DR. MOCK: Again, I would be happy to
17 review some of the comments that were on this Zundel
18 site that -- for which he was found to have promoted
19 contempt and hatred against Jews, but there was
20 definitely evidence of virulent anti-Semitism over
21 which he had control.

22 MR. CHRISTIE: So it was
23 anti-Semitism arising out of his Holocaust denial; is
24 that it?

25 DR. MOCK: Not sure where else it

1 arose but --

2 MR. CHRISTIE: I'm not sure where
3 else it arose either. That's why I ask.

4 DR. MOCK: As I recall, there were
5 other examples; name calling, again the vermin kind of
6 thing, the different material that was on, lots of
7 stereotypes and -- about Jews and -- to the point again
8 of repetitive hate propaganda and contempt and hatred
9 for Jewish people.

10 MR. CHRISTIE: This study is actually
11 part of a political ad campaign, the study of
12 Bryant-Davis and Ocampo; isn't that true? They seek a
13 political goal.

14 DR. MOCK: I'm sorry?

15 MR. CHRISTIE: I'll point it out to
16 you then. 485, second last paragraph, last line:

17 "Now, ethnic minorities and
18 allies must advocate for the
19 inclusion of racist
20 incident-based trauma as a
21 legitimate traumatic
22 experience."

23 DR. MOCK: I'm sorry, sir, I would
24 not characterize that as a political goal. That is
25 very much what scientists do in the medical field, in

1 physics, in -- what have you.

2 One conducts research and one then --
3 you can use the word advocate, you can use other ways
4 of convincing the authorities who make these
5 regulations who have definitions, who are boards of
6 examiners in psychology or -- to change their view
7 based on scientific evidence. That's exactly the
8 purpose of experimentation.

9 MR. CHRISTIE: Experimentation is not
10 just to find out what there is, but to overcome the
11 barriers in the definitions and to advocate for a
12 change in perception. That's what you call scientific
13 research.

14 DR. MOCK: No, that's not --

15 MR. CHRISTIE: Well, that's the way
16 you put it.

17 DR. MOCK: That may have been the way
18 it was understood but the --

19 MR. CHRISTIE: The language you used
20 is on the record. I'll leave it there.

21 DR. MOCK: Fine.

22 MR. CHRISTIE: You agree with me that
23 these authors are very perplexed and upset by fact that
24 non-physical racist incidents are not considered
25 traumas by current diagnostic definition, then they

1 argue against it, correct?

2 MR. KURZ: This has nothing to do
3 with that question. He's gone through --

4 THE CHAIRMAN: This is what's going
5 to happen to avoid repetitious answers and questions.
6 We're going to put a clock on it. You'll be done by
7 4:30, sir, or earlier.

8 MR. CHRISTIE: Yes, okay.

9 MR. FOTHERGILL: When you say you will
10 be done by 4:30, you mean he will be done by 4:30?

11 THE CHAIRMAN: He'll be done.

12 MR. CHRISTIE: And at 486 they talk
13 about how people should not be stigmatized as
14 problematic when they are responding to emotional and
15 sometimes physical assaults to their integrity. That's
16 a scientific conclusion, is it?

17 THE CHAIRMAN: Where did you read
18 that from?

19 DR. MOCK: 486, second paragraph.

20 They are overcoming the fifth barrier, which they say:

21 "The fifth barrier is the
22 concern with categorizing the
23 normal responses to traumatic
24 racist incidents as disorder.
25 Remember that similar to rape

1 and domestic violence, racist
2 incidents are the problem and
3 the root of the disorder. People
4 should not be stigmatized as
5 problematic when they are
6 responding to emotional and
7 sometimes physical assaults to
8 their integrity."

9 Don't you think that is basically
10 advocacy?

11 DR. MOCK: No. That is legitimate
12 applied conclusion for counselling psychology in terms
13 of treatment of people who have been affected by
14 trauma. And in fact, we have exactly the same
15 discussion happening today when we look at the issue of
16 domestic violence versus psychology abuse or emotional
17 abuse. And so, no, that is absolutely not advocacy,
18 that is legitimate --

19 MR. CHRISTIE: Filibuster?

20 DR. MOCK: -- applied psychology.

21 MR. CHRISTIE: Thank you.

22 Then they say, "Addressing the
23 barriers". They are quoting themselves here. And I
24 suggest this is argument, not research at all.

25 Would you like me to point out words

1 which I say indicate an argument or do you agree that
2 it is an argument?

3 DR. MOCK: I'm sorry. Not sure, Mr.
4 Chair, that I understand the term argument. And I
5 want -- I don't want to repeat myself in terms of the
6 role of science and when it comes to changing
7 categorizations of behaviour or effectively
8 helping victims of stress.

9 MR. CHRISTIE: Would you agree with
10 the statement of page 4857 at the bottom paragraph
11 where the first line says:

12 "While few studies imperically
13 examined racism as trauma, at
14 least one has found racism to be
15 a risk factor in the development
16 of PTSD."

17 Is that agreed with you?

18 DR. MOCK: Yes.

19 MR. CHRISTIE: So few studies have
20 ever examined racism as trauma, right?

21 DR. MOCK: That's right. As I told
22 you, this is a new -- fairly new area and very
23 important one.

24 MR. CHRISTIE: On page 7 of your
25 second report you state that David Duke --

1 DR. MOCK: Excuse me, I just need to
2 find it.

3 MR. CHRISTIE: Third paragraph refers
4 to David Duke. That's an American person, American
5 citizen?

6 DR. MOCK: Yes.

7 MR. CHRISTIE: You say he refersto
8 the websites as a valuable tool "in furthering the
9 white nationalist movement praising hate-based
10 websites".

11 That's your judgment of what he's
12 praising. He doesn't say, I praise hate-based
13 websites, does he, for their accessibility? That's you
14 putting words in his mouth.

15 DR. MOCK: I'm summarizing a bunch of
16 the websites.

17 MR. CHRISTIE: You are giving your
18 value judgment on what he's praising and you decide
19 they are all hate-based websites, right?

20 THE CHAIRMAN: Do you recall? Did
21 you answer?

22 DR. MOCK: Yes. The ones he was
23 describing including --

24 THE CHAIRMAN: I'm looking down
25 sometimes and if I don't hear you say --

1 DR. MOCK: I'm sorry.

2 MR. CHRISTIE: So actually you're
3 upset about the fact the United States doesn't have
4 such laws, aren't you?

5 DR. MOCK: My concern is primarily
6 Canada, and my reading of the United States is that in
7 some ways they do have laws that limit speech. Some of
8 them are state-based and -- but I don't claim to be an
9 expert on all of the laws in the United States.

10 MR. CHRISTIE: Well, let's leave it
11 that you are not an expert in any law, seems to be what
12 everybody wants to agree on.

13 What I'm going to put to you is that
14 your concern about Don Black is also directed at
15 something going on in the United States, isn't it?

16 DR. MOCK: It's not -- may I explain?
17 It's not a simple yes or no answer. I would like to
18 give --

19 MR. CHRISTIE: Well, I'll put it so
20 it can be simple because I'm under time lines here.

21 Is Don Black an American?

22 DR. MOCK: Yes.

23 MR. CHRISTIE: Are his websites
24 located in the United States?

25 DR. MOCK: Yes.

1 MR. CHRISTIE: Do you think there is
2 anything that Canadian law can do about that?

3 DR. MOCK: No.

4 MR. CHRISTIE: The World Church of the
5 Creator, do you know where that is located?
6 Headquarters perhaps, whatever it is. Is it in the
7 United States?

8 DR. MOCK: Likely.

9 MR. CHRISTIE: Stormfront?

10 DR. MOCK: At this stage it's hard to
11 tell where, but --

12 MR. CHRISTIE: Of course. It's
13 accessible from Canada if it has a website, isn't it?

14 DR. MOCK: I, in no way, intended
15 this -- if I may explain to the Chair?

16 MR. CHRISTIE: Did I ask you what you
17 intended? I'm just asking specific questions to get to
18 the point because I don't have much time.

19 THE CHAIRMAN: That's the role
20 afterwards for re-examination.

21 DR. MOCK: I'm very sorry.

22 MR. CHRISTIE: I just want to get
23 some facts straight, if I can.

24 DR. MOCK: Then I can just dispense
25 with it by saying these are American examples.

1 MR. CHRISTIE: Do you know of any
2 Canadian examples other than the one that's underattack
3 today, that you would like to have shut down?
4 Apparently you want to have any website connected to me
5 or Mr. Fromm or a number of other people --

6 DR. MOCK: I don't think it says that
7 here.

8 MR. CHRISTIE: No, the B'nai Brith
9 where you used to be the executive national director
10 does.

11 MR. VIGNA: I don't think she said
12 any of that.

13 MR. CHRISTIE: I'm putting it to you
14 that if we extend logically your presence here today,
15 your criticism of the site that's under consideration
16 or your offering of constitutional evidence would be
17 equally applicable to a wide variety of other Canadian
18 sites as well.

19 DR. MOCK: The Canada ethnic
20 cleansing team and the --

21 MR. CHRISTIE: Apparently --

22 DR. MOCK: -- northern Hammerskins --

23 MR. CHRISTIE: Maybe.

24 DR. MOCK: Various other --

25 MR. CHRISTIE: Can I ask you

1 aquestion, please?

2 DR. MOCK: I thought that it was
3 question.

4 THE CHAIRMAN: No.

5 DR. MOCK: Sorry.

6 MR. CHRISTIE: It's okay. I don't
7 know what you are hearing, but here's the question.
8 Does it's also apply to the Western Canada Concept
9 website or not?

10 DR. MOCK: I don't know. I have not
11 analyzed --

12 MR. CHRISTIE: I'm trying to figure
13 out how the remarks of -- for which you are
14 responsible, the B'nai Brith anti-Semitic audit relates
15 to what's going on here. Because there may be an awful
16 lot more people under attack. I don't know.

17 DR. MOCK: I believe you were citing
18 something that was 10 years ago. I have not analyzed
19 the website today.

20 THE CHAIRMAN: Let's progress. I
21 didn't understand any of that.

22 MR. CHRISTIE: I understand. You,
23 write here on page 10, for instance, third paragraph --

24 THE CHAIRMAN: Of the second report?

25 MR. CHRISTIE: Yes, sir.

1 "So while there is evidence that
2 hate and extremism on the
3 Internet leads individuals and
4 groups to commit hateful and
5 violate acts..."

6 Where is the study for that?

7 DR. MOCK: I had cited material based
8 on various case studies of evidence that people who had
9 been schooled by certain websites, then there were some
10 various cases where high schools were shot up and
11 people went on murderous rampages and buildings were
12 blown up.

13 So there is evidence -- I'm not
14 speaking about psychological studies where the
15 variables are manipulated and people are fed hateful
16 messages and we then we watch to see whether they go up
17 and blow up buildings.

18 No, there is no imperical evidence of
19 that in that sense. But there is plenty of imperical
20 evidence that there is a very strong relationship
21 between people who have observed this kind of behaviour
22 or learned it on the Internet or been schooled in that
23 way and then went on murderous rampages.

24 MR. CHRISTIE: My question is where
25 is there a study? Is there any study that indicates

1 there's evidence that hate and extremism on the
2 Internet leads individuals and groups to commit hateful
3 and violent acts?

4 DR. MOCK: If by study he means a
5 controlled experiment --

6 MR. CHRISTIE: Okay.

7 DR. MOCK: -- no.

8 MR. CHRISTIE: I'll put it this
9 way --

10 DR. MOCK: There are studies in the
11 terms of the literature and extensive study --

12 THE CHAIRMAN: I understood from your
13 answer earlier -- I think I remember you saying this
14 the other day, that you were referring to events. Was
15 it not you that brought up the events that took place
16 in Columbine --

17 DR. MOCK: Yes.

18 THE CHAIRMAN: Out west, even the
19 Dawson College.

20 DR. MOCK: Yes. And there are
21 several people who have written these cases up orbooks
22 that have been written or articles that have been
23 written, and then through the study of these kinds of
24 behaviours. So I would call that literature, articles,
25 not an experimental study, and I believe from the

1 questioning and the --

2 MR. CHRISTIE: Okay. I'll be more
3 precise because we know there are experimental studies
4 and there are correlative studies.

5 You've given us two correlative --
6 correlational studies, sorry, and I want to know if
7 there are any studies that hate and extremism on the
8 Internet leads individuals and groups to commit violent
9 or hateful acts?

10 THE CHAIRMAN: That's the question.

11 DR. MOCK: And I've said no, there
12 are no experimental studies, but that there are --

13 THE CHAIRMAN: Are the correlational
14 studies either, to your knowledge?

15 DR. MOCK: Not scientific studies,
16 no.

17 MR. CHRISTIE: So there's articles
18 really?

19 DR. MOCK: Yes, which is a form of
20 study.

21 MR. CHRISTIE: Articles can be a form
22 of expressing opinion. I don't know, you mean CNN
23 articles?

24 DR. MOCK: Research on different
25 cases.

1 MR. CHRISTIE: Give me an indication
2 of any research on any case that supports that
3 statement?

4 DR. MOCK: The book that Warren
5 Kinsella did on the Web of Hate documents -- the new
6 version documents, various incidents. Some of the work
7 done by the Anti-Defamation League and by the Simon
8 Wiesenthal Centre documents various cases and
9 incidents. There are some others that I have. Just a
10 moment.

11 MR. CHRISTIE: Were you aware with
12 regard to Warren Kinsella that he was successfully sued
13 and settled for \$40,000 for Web of Hate?

14 DR. MOCK: Because Bradley Smith
15 hadn't shot up people or -- I don't know what --

16 MR. CHRISTIE: No, because -- Rocan
17 sued him. I didn't know about Bradley Smith. Do you
18 have any knowledge of that? Do you count Warren
19 Kinsella a reputable, reliable source?

20 DR. MOCK: You asked me if there had
21 been any studies.

22 MR. CHRISTIE: Then I asked you if
23 there were any articles. You referred to Warren
24 Kinsella. Now, I'm asking you if you regard Warren
25 Kinsella as a reliable source?

1 DR. MOCK: For some information yes,
2 to the extent all of the newspaper articles that you've
3 provide have reliable sources, he's a lawyer and a
4 journalist, I understand.

5 MR. CHRISTIE: Did you testify you
6 never read his new book?

7 DR. MOCK: I haven't got the new
8 edition.

9 MR. CHRISTIE: So you must be relying
10 on the old edition, then, for your reference; is that
11 right? The only reference in Warren Kinsella's book to
12 the Internet is, I suggest, in the second edition. Do
13 you agree? Is there any reference you know of in the
14 first edition, which you haven't read?

15 DR. MOCK: I don't have the book here
16 with me. To the Internet itself?

17 MR. CHRISTIE: That's right because
18 you are relying on in part --

19 DR. MOCK: I believe in the
20 first edition he mentioned the Internet and chat rooms
21 and -- I'm not the -- there weren't as many websites at
22 the time, but in the first edition he had mentioned the
23 Internet.

24 MR. CHRISTIE: See, I want to ask but
25 this -- in the same paragraph further down you say:

1 "On the contrary, the power of
2 the repetitive and hateful lies
3 and propaganda is to convince
4 those susceptible of being drawn
5 into hateful causes of the truth
6 about minorities and victimized
7 groups."

8 You wrote that, right?

9 DR. MOCK: Uh-huh.

10 MR. CHRISTIE: So the important part
11 and damaging part of the statements that you are
12 attacking are the fact that -- arises out of the fact
13 that they are lies. And when you put truth in
14 quotation marks you mean that it's false, don't you?

15 DR. MOCK: That's right, I mentioned
16 in my testimony earlier that there's sometimes a kernel
17 of truth or there may be half-truths. Sometimes truth
18 can be one fact out of context that's repeated so many
19 times that it becomes generalized and over-generalized
20 as the only characteristic of behavior, so that's why I
21 put it in quotation marks.

22 MR. CHRISTIE: Well, truth can be
23 certainly distorted, but that's a matter of opinion.

24 I'm going to ask you as a
25 hypothetical question to take this inference that truth

1 is a defence to defamation, for instance, personal
2 private defamation.

3 Why don't you think that the
4 assessment of whether the statement is true should be
5 part of the process of determining if it is in fact
6 hateful, when you use the term hateful as synonymous
7 with false?

8 DR. MOCK: I don't.

9 MR. FOTHERGILL: I object, I think
10 it's more of a social policy or legal policy question
11 of whether there must be a requirement of truth in
12 hate.

13 THE CHAIRMAN: We've come around to a
14 point you already examined with this witness before,
15 Mr. Christie.

16 MR. CHRISTIE: On page 11 you see at
17 the time bottom of the page: "It has been shown time and
18 again and even advocated by leaders of the various
19 white supremacist, racialist and nationalist movements
20 that the purpose of Internet hate sites is indeed mass
21 distribution of their propaganda," et cetera.

22 This sentence incorporates your own
23 judgment on what is being advocated, doesn't it?

24 DR. MOCK: It's my conclusion drawn
25 on seeing the repetitive statements of people of why

1 the Internet is used. So it's a conclusion based on --

2 MR. CHRISTIE: Throughout your report
3 you have consistently not only decided what the effect
4 of hate propaganda on the Internet is, but you have
5 made value judgments on what is or is not the
6 expression of hate throughout your paper.

7 DR. MOCK: No, sir.

8 MR. CHRISTIE: You never have? I
9 suggest that what you've done in the last sentence I
10 read you and throughout your paper, is you have
11 interpreted what people say and called it hate, put the
12 definition into their own mouths, that they are talking
13 about hate.

14 DR. MOCK: No, sir.

15 MR. CHRISTIE: I've given you that
16 example, David Duke. You did it when you referred to
17 him and you said he praised hate-based websites. Well,
18 he didn't praise hate. Those aren't his words. That's
19 your judgement, I suggest. And you decided in doing
20 so --

21 DR. MOCK: It is my --

22 MR. KURZ: -- hate.

23 DR. MOCK: It is my judgment based on
24 my experience and expertise and in knowing and
25 understanding and study what is and isn't hate

1 propaganda and what deleterious effects it has on both
2 potential perpetrators and on victims who are
3 vulnerable based on their immutable characteristics,
4 that is the basis on which I judge what is and isn't
5 hateful.

6 MR. CHRISTIE: So you feel you are
7 competent as an expert to define what is or isn't hate?

8 DR. MOCK: Yes, I do indeed. And
9 I've been asked many times to give my expert opinion
10 and have, at times, rejected people's claims that
11 things are hate and have advised people not to lay
12 a hate charge or not to lay a hate claim, because while
13 something may be offensive, it isn't hateful, and so
14 on.

15 MR. CHRISTIE: So to be safe and
16 careful someone would have to come to up before they
17 published to know if they have met the test or not?

18 DR. MOCK: No.

19 MR. KURZ: We've been around this
20 block already.

21 THE CHAIRMAN: We have.

22 MR. CHRISTIE: Well, the bottom line
23 of your position, I take it, is that unless you're
24 satisfied that it is or isn't a hate site there's no
25 other expert we could turn to, is there?

1 DR. MOCK: No, sir, that is not my
2 position.

3 MR. CHRISTIE: Well, who could we
4 turn to?

5 MR. KURZ: We've been through that
6 already as well. I'm hearing a reprise of what I've
7 heard maybe an hour ago; same questions, same answers.

8 MR. CHRISTIE: With this interruption
9 and others, I'll move on.

10 But I will take -- I was about to end,
11 but I will take the next 10 minutes. I still want to
12 see the letter, if there is one, asking you to appear
13 and telling you what was required of you.

14 DR. MOCK: I don't think I brought
15 the contract that that engaged my services.

16 MR. CHRISTIE: There was actually a
17 contract?

18 DR. MOCK: I can provide it for
19 the --

20 MR. CHRISTIE: Well, I want to see it
21 because I want to know whether you were just doing what
22 you were told or whether you were consulted as an
23 expert and given free range to express whatever
24 opinions you might have rather than being told what to
25 say.

1 And I think that's relevant to
2 determine the weight to be placed upon your expertise.
3 And I want to see your contract.

4 MR. VIGNA: Mr. Chair, the contract
5 is one thing, and the letter another. The contract is
6 the financial --

7 MR. CHRISTIE: We don't know what the
8 contract is, and we should be entitled to see either
9 the letter or the contract.

10 THE CHAIRMAN: The letter certainly
11 sounds relevant. The contract, if there is some issue,
12 some personal information you would not like disclosed
13 you can show to me and I can address that aspect of it.
14 I don't think the money needs to be -- we've been down
15 the road about the actual sum. I don't think that's
16 necessary. But certainly the letter with the mandate,
17 that's relevant.

18 So who has that? You don't have that
19 with you?

20 DR. MOCK: I don't have it with me,
21 as far as I know.

22 MR. VIGNA: I don't have it with me.

23 THE CHAIRMAN: Can you undertake to
24 disclose it by next week?

25 MR. VIGNA: It would be in Ottawa.

1 THE CHAIRMAN: Contact them in
2 Ottawa -- they're all gone now. Contact them over the
3 weekend.

4 MR. CHRISTIE: You've been testifying
5 for or assisting the Canadian Human Rights Commission
6 since 1997; is that right? Because I can refer to your
7 CV as presenting papers for them at that time. Am I
8 right?

9 DR. MOCK: Yes.

10 MR. CHRISTIE: You actually have very
11 strong relationship with the Canadian Human Rights
12 Commission, don't you?

13 DR. MOCK: I have a relationship.

14 MR. CHRISTIE: And they have hired
15 you before?

16 DR. MOCK: Yes.

17 MR. CHRISTIE: And they hired you
18 this time?

19 DR. MOCK: Yes.

20 MR. CHRISTIE: And a good deal of
21 your reputation rests upon the premise that these laws
22 are valid and you're an expert in them; doesn't it?

23 DR. MOCK: Part of my reputation, but
24 I wouldn't say it was a good deal. There's far more to
25 it than that.

1 MR. CHRISTIE: When the B'nai Brith
2 issues their Audit of Antisemitic Incidents or whatever
3 it's called, you agree with me the media then is
4 frequently involved in what amounts to a smear campaign
5 of the people named?

6 DR. MOCK: I wouldn't call it a smear
7 campaign.

8 MR. CHRISTIE: No, because you
9 believe in the truth of what you write, right?

10 Is that why you don't believe it's a
11 smear campaign?

12 DR. MOCK: No, that's not why I don't
13 believe it's a smear campaign.

14 MR. CHRISTIE: Then why do you
15 believe that the public denunciation of people as
16 extremists and racists is not a smear campaign? Because
17 it's true, right, according to you?

18 DR. MOCK: Well, because I believe
19 that it's important as one of the tools, again, public
20 education and raising awareness and exposing incidents
21 of the promotion of hatred -- other forms of behaviour.

22 MR. CHRISTIE: Clearly, the Audit of
23 Antisemitic Incidents doesn't just talk about hate but
24 it talks about people, names people like myself, like
25 Paul Fromm, and identifies them as extreme right wing

1 or racist or anti-Semites. Isn't that the same thing
2 as Senator McCarthy used to do in releasing --

3 THE CHAIRMAN: We went down that
4 road.

5 MR. CHRISTIE: Wait until I have the
6 question finished, if you will, then rule on it. Mr.
7 Kurz is already at the microphone.

8 THE CHAIRMAN: I know.

9 MR. CHRISTIE: So what should we do?
10 Should we allow me to finish the question before the
11 objection or the ruling, or should we just have the
12 ruling or the --

13 THE CHAIRMAN: It sounds like you
14 were going the same way, but go ahead. Finish the
15 question.

16 MR. CHRISTIE: The Audit of
17 Antisemitic Incidents, I suggest, names names and
18 releases that to the media. Does that happen?

19 DR. MOCK: Does that happen? With
20 the audit?

21 MR. KURZ: Mr. Chair, Mr. Christie --
22 Mr. Christie, Ms Kulaszka, Mr. Fromm has spent three
23 days cross-examining Dr. Mock on almost the same point
24 over and over again on an Audit of Antisemitic
25 Incidents that she's had nothing to do with for a

1 number of years. And he's asked similar kinds
2 questions. As I stood up -- unfortunately, part of the
3 problem is his questions are prolix, and --

4 MR. CHRISTIE: One of the benefits of
5 listening might be that you would know what to object
6 to before you got to the podium.

7 THE CHAIRMAN: Both stop. Are you
8 going to move onto your next question, Mr. Christie?

9 MR. CHRISTIE: I don't know. If I
10 may, I will. I'm grateful for the opportunity.

11 MR. KURZ: My objection -- first of
12 all, I assume he's withdrawn the question about Joe
13 McCarthy again, the second question about Joe McCarthy,
14 which is partly why I stood up the first time.

15 What I'm saying is he's asking the
16 same questions over and over again about whether the
17 Audit of Antisemitic Incidents is libelous, whether it
18 damages reputation, whether it damages his
19 reputation --

20 MR. CHRISTIE: Those aren't my
21 questions. These are misinterpretations of what I
22 said, and they are not objections. They are just
23 paraphrasing what Mr. -- would like me to say.

24 THE CHAIRMAN: What is the exact
25 question you wish to make at this time?

1 MR. CHRISTIE: I'll try and do that.

2 THE CHAIRMAN: Hold on, Mr. Kurz,
3 until --

4 MR. CHRISTIE: Isn't your process of
5 naming names in the Audit of Antisemitic Incidents in
6 your audit --

7 THE CHAIRMAN: 1997?

8 MR. CHRISTIE: 1997, 1996 and it goes
9 on. And is published up to 2006.

10 THE CHAIRMAN: But the ones she's
11 involved with.

12 MR. CHRISTIE: '96, '97 published
13 right up to the present time. Isn't the purpose of it
14 to soften up the target for subsequent allegations?

15 DR. MOCK: No, sir.

16 MR. CHRISTIE: By B'nai Brith?

17 DR. MOCK: No.

18 MR. CHRISTIE: By people like
19 yourself, by people like Mr. Kurz. That's exactly what
20 it's for, isn't it?

21 THE CHAIRMAN: What's the answer?

22 DR. MOCK: No.

23 THE CHAIRMAN: I have the answer. Go
24 on. Anything else you want to pad the next five
25 minutes with, Mr. Christie?

1 MR. CHRISTIE: I'll tell you what. If
2 I was allowed to proceed with all the respect that I
3 will intend to give to other people's questions, I
4 would find it much easier to concentrate. And I
5 apologize if at times that hasn't been possible, and
6 I'll do my best.

7 You were asked about the Audit of
8 Antisemitic Incidents and its reference to Mr.
9 Lethbridge and what he may or may not have done. And
10 you apparently didn't know the outcome of the
11 litigation in which he was involved or anything about
12 it. Wasn't that your state of knowledge?

13 DR. MOCK: I remember that there had
14 been litigation. I remembered that he had spoken about
15 or documented in some of his work that there had been
16 various meetings held on the Pressler residence and so
17 on, and that he had been sued. And when you jogged my
18 memory I realized that he had lost a defamation case.

19 Where I became flustered was because
20 you were talking about the kind of support that we
21 gave, or I gave, and in fact that comment was about
22 people continuing to share information with one
23 another.

24 MR. CHRISTIE: So I take it that your
25 position is you don't really -- did you make any

1 inquiry at the time you published your comments about
2 him as to what he had actually said?

3 DR. MOCK: From our records -- again,
4 I would have to go look at the file we had on David
5 Lethbridge and the Salmon Arm Group and maybe look at
6 some newspaper clippings and so on, on which we have to
7 made that comment in that year's audit.

8 MR. CHRISTIE: What did know about
9 David Lethbridge?

10 DR. MOCK: I think as I said --

11 MR. KURZ: We've been over this
12 already as well. This is kind of deja vu all over
13 again.

14 THE CHAIRMAN: Thank you. Yes?

15 MR. CHRISTIE: You do agree the law
16 in this process is a heavy instrument?

17 DR. MOCK: No, sir.

18 MR. CHRISTIE: Have you ever had to
19 face an accusation that brought you before any
20 Tribunal?

21 MR. VIGNA: What's the relevance, Mr.
22 Chair?

23 MR. CHRISTIE: Well, she's an expert.

24 MR. VIGNA: Anybody can be sued for
25 anything. I could be sued for a speeding ticket.

1 MR. CHRISTIE: We're not here
2 debating the validity or invalidity of speeding laws.
3 We are here, possibly, to discuss and make decisions on
4 the validity of this legislation, and I just wondered
5 if, in light of her claimed expertise and vehement
6 opinion, she's considered the implications of these
7 types of tribunals on the lives of individuals who want
8 to exercise freedom.

9 DR. MOCK: I've never been brought up
10 on charges that would have had me appear before a Human
11 Rights Tribunal as a respondent.

12 MR. CHRISTIE: I think I used the
13 term blunt instrument for a reason, and I suggest that
14 you used that term in describing this particular law.
15 And do you reiterate that opinion?

16 DR. MOCK: Could you please show me
17 what you are reading?

18 MR. FOTHERGILL: You called it a
19 "heavy tool".

20 MR. CHRISTIE: A blunt instrument.

21 MR. FOTHERGILL: I don't recall the
22 term "blunt instrument" in the previous question.

23 MR. CHRISTIE: No, I agree. I used
24 the term a heavy instrument. That's what I used. But
25 I'm suggesting the witness has herself written it the

1 laws --

2 THE CHAIRMAN: Okay, look, I'm
3 getting tired. Blunt instrument, heavy instrument. I
4 don't care. It's 4:30, sir.

5 MR. CHRISTIE: Thank you very much.

6 MR. VIGNA: I just want to make a
7 comment. You asked for the contract and the letter. It
8 was never asked before and now I don't want that to be
9 another reason to call her back. She's been here for
10 three days now.

11 THE CHAIRMAN: I don't think we need
12 the call the witness back. It's fair it be disclosed
13 and I'll leave it to argument.

14 MR. CHRISTIE: I would have thought
15 that that would be something --

16 THE CHAIRMAN: Should have been
17 disclosed?

18 MR. CHRISTIE: Yeah.

19 THE CHAIRMAN: We had a pre-hearing
20 disclosure process whereby anybody who had any issues
21 was to raise them. I've issued numerous additional
22 disclosure decisions in this case. We're not going to
23 rehash what took place last year. Please proceed.

24 RE-EXAMINATION BY MR. FOTHERGILL

25 MR. FOTHERGILL: Dr. Mock, I have

1 five subject areas I want to review with you briefly
2 arising out of the cross-examination that's just been
3 completed.

4 And, first of all, I would like to
5 ask you to comment on the difference between a
6 correlational as opposed to an experimental study.

7 MR. CHRISTIE: We've been through
8 this already more than once. It didn't arise from the
9 first time in cross-examination and she's answered that
10 in cross-examination already.

11 THE CHAIRMAN: No, I don't recall it
12 being part of her examination-in-chief, sir.

13 MR. FOTHERGILL: It wasn't. It arose
14 for the first time in cross-examination.

15 Dr. Mock, could you explain to us the
16 difference between a correlational and an experimental
17 study?

18 DR. MOCK: Yes. A correlational
19 study is one in which two variables are measured
20 and what one is looking at is the reciprocal
21 relationship between the two variables.

22 The attempts in any kind of
23 scientific study are to completely control what we
24 would call the independent and the dependent variable.

25 So what are -- the independent

1 variable is the variable that's manipulated. The
2 dependent available is the one that you measure.

3 In what we might call pure
4 experimental research, the kind that you can do let's
5 say with animals or chemistry or any of that, you are
6 able to control all extraneous variables that might
7 otherwise contaminate the results. But when you cannot
8 do that, and you like to do an experiment or a
9 scientific study, you must rely on correlations, and
10 the higher the correlations and the more significant
11 the correlations, the greater is the likelihood that
12 you can presume some sort of a causal relationship, but
13 you can't ever really pinpoint it exactly.

14 MR. FOTHERGILL: In what
15 circumstances would one conduct a correlational study
16 as opposed to an experimental study?

17 DR. MOCK: Well, you would always have
18 to conduct a correlational study if it would be
19 unethical to completely isolate and control and
20 manipulate the independent variable.

21 So, for example -- very good current
22 example might be the studies out on mercury levels and
23 tuna fish. One isn't going to deliberately manipulate
24 the amount of mercury fed to pregnant mothers and then
25 measure the results on their babies. But still we make

1 practical decisions based on significant correlations.

2 MR. FOTHERGILL: And in the field
3 that your' re most familiar with, the impact of hate
4 messages on targets, perpetrators, or potential
5 perpetrators, which methodologies do we commonly see
6 used in psychology?

7 DR. MOCK: We commonly see
8 well-designed correlational studies.

9 MR. FOTHERGILL: Are correlational
10 studies considered to be scientific?

11 DR. MOCK: Yes, definitely. Many
12 medical studies, many of the medicines that you now
13 take are based on well-designed correlational studies
14 because one can't manipulate and totally isolate that
15 independent variable.

16 MR. FOTHERGILL: To your knowledge,
17 does Dr. Persinger make use of correlational
18 methodology --

19 DR. MOCK: Oh, yes, many of his
20 studies are correlational.

21 MR. FOTHERGILL: I want you to
22 identify a couple of examples. If you refer to Exhibit
23 R-5, which is the turquoise binder in front of you.

24 DR. MOCK: Hm-hmm.

25 MR. FOTHERGILL: If I can ask you to

1 look at tab 5. This is not an article entitled
2 "Greater Right Hemisphericity is Associated with Lower
3 Self-Esteem in Adults". Is that a correlational study?

4 DR. MOCK: Yes.

5 MR. FOTHERGILL: Can you also have a
6 look at tab 9, please.

7 DR. MOCK: Uh-huh.

8 MR. FOTHERGILL: "Wars and Increased
9 Solar Geomagnetic Activity Aggression Change in
10 Intraspecies Dominance." Is that a correlational
11 study?

12 DR. MOCK: Yes.

13 THE CHAIRMAN: Tab 4?

14 MR. FOTHERGILL: That's tab 9. Would
15 that be because of the difficulty of replicating wars
16 in a laboratory?

17 MR. CHRISTIE: This, seems to me, is
18 the very thing that the party has abandoned because
19 having the opportunity to cross-examine Dr. Persinger
20 took no avail of it.

21 And if they wanted to deal with this
22 fairly, they should have put it to him, that that is
23 what it was and asked him what the significance of it
24 was, but they didn't. And now through the back door
25 they get Dr. Mock to attack the person who is not here.

1 MR. FOTHERGILL: Oh, no, no, she's
2 not being asked to attack him at all. She's simply
3 being asked to identify his methodology, which he did
4 too.

5 MR. CHRISTIE: Yeah, but the purpose
6 of those studies was not to prove the sociological
7 necessity perhaps.

8 MR. FOTHERGILL: That sounds like
9 argument.

10 THE CHAIRMAN: I think it goes to
11 argument. It's not quite Brown and Dunn but --

12 MR. FOTHERGILL: I've finished that
13 subject. I can move on.

14 Dr. Mock, Dr. Persinger suggests that
15 the conclusions reached in the Cohen Report should be
16 reconsidered in light of more modern techniques. You
17 heard him say that and you've read that?

18 DR. MOCK: Uh-huh.

19 MR. FOTHERGILL: Based on your
20 knowledge of the field of psychology today, is Dr.
21 Persinger's view one on which is widely or commonly
22 held?

23 MR. CHRISTIE: I have this objection.
24 This is not actually re-examination of the witness on
25 her cross-examination. It's re-examination, or

1 examination for the first time, on her view of another
2 witness, which I don't think is proper re-examination.

3 She's now being asked to comment on
4 what Dr. Persinger said. That's opening the whole
5 subject again.

6 MR. FOTHERGILL: The difficulty here
7 is her evidence was specifically delayed to Friday to
8 enable her to comment on Dr. Persinger's evidence.

9 MR. CHRISTIE: No, it wasn't. It
10 wasn't delayed for that reason at all.

11 THE CHAIRMAN: It was delayed in part
12 for that reason with regard to I think it was page 8 of
13 Dr. Persinger's evidence, because we had the difficulty
14 of understanding what was in that text. That's why we
15 had postponed it, because the cross-examination went
16 long. Then we decided to also pass on the
17 cross-examination to this date. But our initial reason
18 to put her off until Friday was to deal with whatever
19 explanation he would provide to page 8.

20 MS KULASZKA: For that one paragraph
21 which had nothing to do with the Cohen Committee
22 Report.

23 THE CHAIRMAN: I'm just saying, just
24 responding to Mr. Christie's last comment.

25 Now, with regard to what the report

1 already said about Mssrs. Kaufman and Cohen Reports,
2 Cohen Committee Report, based on the expertise of Mr.
3 Kaufman. That was already in the report of Dr.
4 Persinger. So presumably in her examination-in-chief
5 she addressed that too, although we were out of the
6 normal sequence, I'll admit, because of the way we
7 structured the evidence.

8 So all that being said, where are we?
9 Is it really re-examination or is it more answering to
10 Dr. Persinger's evidence -- but we were only supposed
11 to address the sections that we had some difficulty
12 comprehending ?

13 MR. FOTHERGILL: That wasn't clear to
14 me. But I think I can approach it in another way.
15 Because the cross-examination explored at great length
16 whether the basis for the Cohen Report remained valid.
17 It's a dominant theme of the cross--examination.

18 THE CHAIRMAN: The concepts.

19 MR. FOTHERGILL: Yes. So I can
20 probably do this without referring to Dr. Persinger.

21 I wonder if I could ask Dr. Mock to
22 refer to the Taylor decision, which is in the
23 Commission's Book of Authorities, Volume 1 at tab 3.

24 DR. MOCK: We might have taken this
25 one away.

1 MR. FOTHERGILL: Tab 3. I can ask
2 you to refer to paragraph 40 of that decision.

3 DR. MOCK: Yes. Parliament's
4 Concern?

5 MR. FOTHERGILL: Yes. Can I ask you
6 to read that paragraph and paragraph 41 yourself,
7 please.

8 DR. MOCK: Yes.

9 MR. FOTHERGILL: You'll see at the
10 end of paragraph 41, after summarizing not only the
11 Cohen report but the studies from 1984 and 1986, the
12 court says:

13 "It can thus be concluded that
14 messages of hate propaganda
15 undermine the dignity and
16 self-worth of target group
17 members."

18 That's the first conclusion.

19 "And more generally, contributed
20 disharmonious relations among
21 various racial, cultural and
22 religious groups as a result
23 eroding the tolerance and
24 open-mindedness that must
25 flourish in a multicultural

1 society which is committed to
2 the idea of equality."

3 So my question is, are those
4 controversial views in current psychological
5 literature?

6 DR. MOCK: No, they are not at all
7 controversial and have now, since that time, been well
8 substantiated in -- as I pointed out in my paper, Dr.
9 Persinger mentioned that it was social psychology and
10 was in its infancy stage. And many studies have been
11 done that show that this is even more relevant today
12 than it was then.

13 MR. FOTHERGILL: Is there much
14 controversy in the literature? Are there many opposing
15 views?

16 DR. MOCK: Not in terms of
17 self-worth, identity, stress. There's a whole emerging
18 literature as well, and a solid literature in the
19 mental health field as well that these are very strong
20 determinants of sense of well-being or lack of sense of
21 well-being and fear and anxiety.

22 MR. FOTHERGILL: Now, Mr. Christie
23 took you to the article by Bryant-Davis and Ocampo
24 called "Racist Incidents-Based Trauma", and that's one
25 of the articles appended to your second report.

1 And he suggested to you that the
2 point of view expressed in this article was based on
3 novel science. Do you remember him saying that?

4 DR. MOCK: I do, and I wasn't sure
5 what he meant by that term. I thought it meant
6 innovative, or new -- new research as opposed
7 to secondary sources. I thought that's all he meant.

8 MR. FOTHERGILL: But you agreed with
9 him that at least some aspect of the views presented
10 here were novel?

11 DR. MOCK: Yes, it's an emerging --

12 MR. FOTHERGILL: Can you articulate
13 for us clearly what aspect of the point of view in this
14 article you considered to be novel?

15 DR. MOCK: Well, it's the new and
16 emerging body of research that is testing the actual
17 stressors and the -- does speech and racisms, in other
18 words things that people consider in the legal
19 jargon -- I don't mean to say that in a pejorative
20 sense -- to be non-violent.

21 Is there evidence that in fact they
22 have the emotional behaviours and racism and those
23 kinds of assaults, not physical assaults, can in fact
24 be as stressful, if not sometimes even more so. And
25 this is the emerging literature that makes this, let's

1 say in the last 10 years or so, a new body of research,
2 new literature.

3 MR. FOTHERGILL: Can I ask you to
4 look at page 483 of that article, please.

5 DR. MOCK: Yes.

6 MR. FOTHERGILL: You'll see a heading
7 in the middle of page, "Effects of Racist Incidents".

8 DR. MOCK: Yes.

9 MR. FOTHERGILL: And it begins:

10 "Perceived racist incidents
11 result in negative
12 psychological, psychosocial and
13 physiological effects."

14 And is a summary of some literature
15 there. In your opinion, is that a novel proposition?

16 DR. MOCK: The proposition itself is
17 not novel. I mean, it's existed for the last more than
18 40 years, and I think at one point in my paper I said
19 "research over the last 40 years has shown".

20 So in terms of the area of mental
21 health, I mentioned earlier there's a large body of
22 literature in mental health, yes, but this newer piece
23 around changing the actual DSM4(TR), that's more
24 recent. In other words, given this body of research,
25 let's really establish that this is equivalent to

1 traumatic stress.

2 MR. FOTHERGILL: Just to conclude the
3 discussion of this article, can I ask you to confirm on
4 page 480 the definition of racist incidents used in
5 this paper?

6 DR. MOCK: "Racist incidents are
7 ambiguous, covert and/or implied yet are experienced as
8 emotional abuse or threats to livelihood by victims."

9 THE CHAIRMAN: Where did you read
10 from?

11 DR. MOCK: It's just up from the last
12 paragraph, the second -- the last full paragraph right
13 at the bottom.

14 THE CHAIRMAN: "We also argue that
15 some, not many --"

16 MR. FOTHERGILL: I'm looking for the
17 definition of racist incidents. If I can direct you to
18 the middle of the page. "We define".

19 DR. MOCK: Oh, there, sorry. I'm
20 looking at the end:

21 "We define racist incidents as
22 cognitive effective assaults on
23 one's ethnic
24 self-identification. These
25 assaults can be verbal attacks,

1 physical attacks or threats to
2 livelihood. But because they
3 are racially motivated they
4 strike the core of one's
5 selfhood."

6 And, of course, that's consistent
7 with what I've been talking about.

8 MR. FOTHERGILL: I'll move to a new
9 area.

10 Mr. Christie asked you a number of
11 times about the connection between truthful statements
12 and exposing people to hatred or contempt.

13 Obviously, I don't want to have a
14 social policy discussion with you. But I do have a
15 question that I want you to answer from a psychological
16 perspective.

17 Based on your interactions with
18 people who have been exposed to racial abuse and
19 perhaps other forms of abuse, is it possible for
20 somebody to experience hate or contempt when hearing
21 truthful statements?

22 DR. MOCK: Yes.

23 MR. FOTHERGILL: Can you explain how
24 that's possible?

25 DR. MOCK: Someone can, over and over

1 and over again, and maybe even sometimes not over and
2 over again, but usually it's repetitive, state a
3 historical fact for which someone had absolutely no
4 responsibility. And by assuming that it's that
5 person's fault and keep on badgering them, can create a
6 sense of low self-esteem.

7 I mean, someone, for example -- well,
8 that's an example that I can think of. It can be an
9 incident that happened in their family, you know, a
10 hundred years ago and then they can be badgering --
11 you, you killed -- meaning your people killed and or --
12 and that can be said to be exposure to contempt or
13 hatred.

14 MR. FOTHERGILL: Fourth subject deals
15 with the B'nai Brith audits that you were questioned
16 about extensively. I'm going to ask you a hypothetical
17 question that I want you to answer to the best of your
18 ability based on your knowledge about the way that
19 organization functions.

20 The question is this: If section
21 13(1) of the Canadian Human Rights Act were repealed
22 tomorrow, so I want you to imagine a world where
23 section 13(1) of the Canadian Human Rights Act does not
24 exist, do you think B'nai Brith would continue to
25 prepare its Annual Audit of Antisemitic Incidents?

1 DR. MOCK: Yes, of course.

2 MR. FOTHERGILL: Why is that?

3 DR. MOCK: Because the purpose of it
4 is to document the level of anti-Semitism, the overt
5 incidents of anti-Semitism and, as such, of racism and
6 has been considered by criminalologists and various
7 scientists as a barometer of the level of hate and
8 racism in Canada, and it serves that function.

9 We would -- they would continue to
10 publish it because it also helps victims know that
11 there's a place they can go to report and get help,
12 which has also been shown to be a way to be helping
13 people through these difficult times so that it
14 doesn't, if possible, have a lasting, scarring effect
15 on them and their psyche.

16 So there's a number of reasons why --
17 they collected the data before section 13 had hate on
18 the Internet included and they will likely continue to
19 collect that data.

20 Criminologists, police, others feel
21 that this is very important to have data, to know how
22 to allocate -- well, an organization to know how to
23 allocate its own resources. To know what is the need
24 and what is the impact of these kinds of incidents on
25 society.

1 MR. FOTHERGILL: It was suggested to
2 you that numerous audits published by B'nai Brith were
3 defamatory of numerous individuals and we heard some
4 evidence at one point B'nai Brith was sued in
5 defamation by Mr. Fromm resulting in a settlement and
6 an apology.

7 DR. MOCK: That's right.

8 MR. FOTHERGILL: Did Mr. Fromm ever
9 sue B'nai Brith or informally complain about anything
10 else published in the annual audits that you recall?

11 DR. MOCK: Specifically published in
12 the audit?

13 MR. FOTHERGILL: Did you ever receive
14 a complaint from --

15 DR. MOCK: From Mr. Fromm, oh, yes
16 from the 1994 audit, the use of that word.

17 MR. FOTHERGILL: That's the
18 prosecute?

19 DR. MOCK: Yes.

20 MR. FOTHERGILL: Yes. Other than
21 that.

22 DR. MOCK: Well, other than that, the
23 biggest complaint that I'm aware of is -- and I'm not
24 sure if it was specifically about the audit, although
25 it was connected, is he complained to Revenue Canada

1 that lead to an audit, because he was -- he suggested
2 that we should lose our charitable status because we
3 were an advocacy organization.

4 MR. FOTHERGILL: Dr. Mock, perhaps I
5 wasn't sufficiency precise. I want to know whether Mr.
6 Fromm ever complained specifically about the content of
7 the audit.

8 DR. MOCK: Not as I recall in a
9 formal sense.

10 MR. FOTHERGILL: Did Mr. Christie
11 complain about the manner in which he was portrayed,
12 prior to today?

13 DR. MOCK: No.

14 MR. FOTHERGILL: Did he make a
15 complaint on behalf of Mr. Finta about the way he was
16 portrayed prior to today?

17 DR. MOCK: No.

18 MR. FOTHERGILL: Based on your
19 knowledge of the organization, how would B'nai Brith
20 respond to complaints made about accuracy in the annual
21 audit?

22 DR. MOCK: They would apologize and
23 they would correct it if it was found to be inaccurate.

24 MR. FOTHERGILL: I'm going to turn
25 now to my final subject, which is, if I can describe it

1 generally, the possible connection between the
2 existence of section 13 of the Canadian Human Rights
3 Act and the propensity of people to engage of acts of
4 violence.

5 This has two aspects. One that I
6 think was suggested to you is that possibly section 13
7 incites or encourages the ARA to engage in violence.
8 Do you remember that line of questioning from Ms
9 Kulaszka and Mr. Christie?

10 DR. MOCK: I remember the line of
11 questioning. I couldn't make the connection myself
12 between section 13 and their behaviour.

13 MR. FOTHERGILL: Can I ask you, based
14 on your interaction with ARA, such as it is, whether
15 anybody associated with that organization has ever
16 suggested to you that section 13(1) provides a
17 justification for violent action?

18 DR. MOCK: No. No one, as I recall,
19 from that organization ever suggested that.

20 MR. FOTHERGILL: Have you
21 observed anything about the organization that would lead
22 you to conclude that the group regards the existence of
23 section 13(1) as justification for violent behaviour?

24 DR. MOCK: No, I would imagine --
25 certainly when I knew them most of them weren't even

1 aware of section 13.

2 MR. FOTHERGILL: I now want to look
3 at the other side of that coin, the suggestion that the
4 existence of laws that outlaw hate propaganda might
5 drive other people, potential perpetrators, to engage
6 in violence. Do you follow?

7 DR. MOCK: Yes.

8 MR. FOTHERGILL: Based on your
9 extensive experience in working with anti-racist and
10 multiculturalism, do you agree there is that
11 connection?

12 DR. MOCK: Yes.

13 MR. FOTHERGILL: That the existence
14 of hate propaganda laws might actually --

15 DR. MOCK: Not the laws, no.

16 MR. FOTHERGILL: I'm asking you to
17 comment based on your experience, on the proposition
18 put to you that anti-propaganda laws incite violence on
19 the part of people who feel they are unable to express
20 themselves?

21 DR. MOCK: No, there is absolutely no
22 evidence of that.

23 MR. FOTHERGILL: Have you observed
24 that in any way?

25 DR. MOCK: That the existence of the

1 laws incite violence. No, I haven't.

2 MR. FOTHERGILL: Thank you. Those
3 are my questions.

4 THE CHAIRMAN: Thank you very much.

5 I'm assuming your questioning was on
6 behalf of all three?

7 MR. KURZ: It was. If I may have one
8 moment to confer?

9 THE CHAIRMAN: Okay.

10 MR. FOTHERGILL: I think we're
11 finished.

12 I do have one request for the
13 weekend. As we have Dr. Tsesis and Dr. Downs come from
14 outside the country, and we do wish to complete each of
15 one in one day, respectively, I wonder if it might be
16 useful for you, Mr. Chair, to review the expert reports
17 of both Dr. Tsesis and Dr. Downs over the weekend so we
18 that can start the week assuming that you have already
19 read the reports?

20 THE CHAIRMAN: I must say, I found it
21 helpful to have read Dr. Persinger's reports.

22 MS KULASZKA: I would agree with that
23 because both witnesses are very important for them.

24 THE CHAIRMAN: I found it very
25 helpful. I think we lost half of that time that

1 morning in terms of the questioning on the expertise
2 because of my lack of knowledge of where we were going
3 with this material.

4 So do you have Dr. Downs' report? Are
5 they all doctors?

6 MS KULASZKA: I think our binder for
7 Dr. Downs has already been given to Ms Joyal.

8 THE CHAIRMAN: It's in which binder?
9 Which is the report?

10 MS KULASZKA: There is a preliminary
11 report, a small one then he filed a larger report, so
12 they are both in there.

13 THE CHAIRMAN: Both under tab 1?

14 --- Discussion off the record

15 --- Whereupon the hearing was adjourned 4:55 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 23rd day of
February, 2007

Sandra Brereton
Certified Shorthand Reporter
Registered Professional Reporter

StenoTran