

**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**

**WESTERN CANADA FOR US AND GLENN BAHR**

**Respondents**

**les l'intimés**

**BEFORE/DEVANT:**

**JULIE LLOYD**

**THE CHAIRPERSON/  
LA PRÉSIDENTE**

**LINE JOYAL**

**REGISTRY OFFICER/  
L'AGENTE DU GREFFE**

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

**T1087/6805**

**VOLUME:**

**3**

**LOCATION/ENDROIT:**

**EDMONTON, ALBERTA**

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**StenoTran**

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

HEARING HELD IN THE QUEEN ELIZABETH ROOM, DELTA EDMONTON CENTRE,  
10222 102 STREET, EDMONTON, ALBERTA ON THURSDAY, MAY 25, 2006,  
AT 9:30 A.M. LOCAL TIME

IN THE MATTER OF a complaint filed by Richard Warman dated June 8, 2004, pursuant to Section 13(1) of the Canadian Human Rights Act against Western Canada For Us and Glenn Bahr. The complainant alleges that the respondents have engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour, national and/or ethnic origin and disability in the matter related to the usage of telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Richard Warman	on his own behalf
Giacomo Vigna Ikrame Warsame	on behalf of the Commission
Paul Fromm	on behalf of Glenn Bahr

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1 Edmonton, Alberta

2 --- Upon commencing on Thursday, May 25, 2006

3 at 9:30 a.m.

4 THE CHAIRPERSON: Good morning,  
5 everyone. You may be seated.

6 Okay, Mr. Fromm, you advised  
7 yesterday afternoon that you had a motion that you  
8 wanted to bring forward.

9 MR. FROMM: Yes. I have copies here.  
10 How many copies do you need?

11 THE REGISTRAR: Two. Three, sorry.  
12 Turn your mic on, please.

13 THE CHAIRPERSON: Okay, carry on,  
14 Mr. Fromm.

15 MR. FROMM: Madam Chair, this is a  
16 motion that I bring with no great pleasure, but it is a  
17 motion seeking that you recuse yourself from this case.  
18 You want me to get right into it or just read the  
19 notice?

20 THE CHAIRPERSON: Yes, go ahead,  
21 please.

22 MR. FROMM: Basically the summary  
23 motion is that the tribunal member Julie Lloyd recuse  
24 herself from the hearing and adjourn the matter so that  
25 it may be heard by another tribunal member.

1 Grounds for the motion, in brief,

2 are:

3 "That the respondent is the  
4 subject of a complaint alleging,  
5 inter alia, that he exposed  
6 persons to hatred on the basis  
7 of sexual orientation;

8 that the Member Julie Llyod  
9 is and has been a prominent and  
10 outspoken advocate and partisan  
11 for homosexual rights;

12 that the member is herself a  
13 lesbian, is married to another  
14 woman, and is emotionally and  
15 psychologically committed to  
16 ending what she perceives to be  
17 discrimination against  
18 homosexuals;

19 that in the media, socially,  
20 and professionally, the tribunal  
21 member Julie Lloyd has built a  
22 public persona that promotes her  
23 primary identity as a homosexual  
24 and as an aggressive and  
25 impatient homosexual rights

1 activist;

2 that the tribunal member's  
3 identity is strongly based on  
4 her sexuality;

5 that the Tribunal member has  
6 received numerous awards from  
7 homosexual lobby groups for her  
8 work in aggressively furthering  
9 homosexual legal rights;

10 that the tribunal member  
11 perceives discrimination against  
12 homosexuals as a moral issue and  
13 does not see homosexuality  
14 itself as a moral issue;

15 that the respondent, Glenn  
16 Bahr, therefore, has a  
17 reasonable apprehension of bias  
18 that he cannot obtain a fair and  
19 impartial hearing of the case  
20 before the tribunal member."

21 And the submissions are in  
22 documentary evidence.

23 THE CHAIRPERSON: Okay. So,  
24 Mr. Fromm, why exactly? What exactly is it that is  
25 your reason for saying that the tribunal is biased?

1 MR. FROMM: I am not saying the  
2 tribunal is biased, I am saying I am arguing a  
3 reasonable apprehension of bias. And if you want, I  
4 can go into the submissions.

5 THE CHAIRPERSON: I beg your pardon?

6 MR. FROMM: If I may, I would go into  
7 submissions.

8 THE CHAIRPERSON: Carry on.

9 MR. FROMM:

10 "The respondent, Glenn Bahr, is  
11 the subject of a complaint  
12 alleging, inter alia, that he  
13 has exposed persons to hatred  
14 and contempt on the basis of  
15 sexual orientation.

16 The tribunal member assigned  
17 to hear the case is Julie Lloyd,  
18 a prominent, outspoken lesbian  
19 married to another woman --"

20 THE CHAIRPERSON: Oh, I am sorry.  
21 Are you just repeating what you just said?

22 MR. FROMM: No, I am carrying on.

23 THE CHAIRPERSON: Oh, you are  
24 carrying on? Okay, carry on.

25 MR. FROMM:

1 "... who has worked for years as  
2 a lawyer for homosexual clients  
3 and organisations to further the  
4 homosexual rights agenda.

5 The member is a spokeswoman  
6 for Equal Alberta, a gay rights  
7 organisation. She is described  
8 regularly in the media as a  
9 prominent gay rights activist  
10 and is asked by the media to  
11 comment on gay rights and issues  
12 as a spokeswoman.

13 She has served as a co-chair  
14 on Sexual orientation and Gender  
15 Identity Conference of the  
16 Canadian Bar Association, which  
17 deals with legal issues of  
18 concern regarding orientation.

19 She is a recipient of the  
20 Maureen Irwin award in  
21 recognition of service to the  
22 lesbian and gay communities of  
23 Edmonton and is an inductee to  
24 the Edmonton Pride Committee  
25 Hall of Fame."



1                   That is Department of Justice Press  
2                   Release, February 21st, 2005.

3                   The following are excerpts from some  
4                   of the media coverage of homosexual rights issues in  
5                   which the member was asked to comment as a prominent  
6                   and leading activist for homosexual issues.

7                   April 21st of 1999, the Canadian  
8                   Press under the headline "Alberta Opens the Door for  
9                   Gay Parent adoption."

10                   "The Alberta government is  
11                   introducing legislation to  
12                   change wording in the Adoption  
13                   Act so that gays and lesbians  
14                   can adopt children. The move,  
15                   announced Wednesday by Social  
16                   Services Minister Lyle Oberg,  
17                   was immediately applauded by gay  
18                   rights activists. "I think that  
19                   would be wonderful," said Julie  
20                   Lloyd, spokeswoman for Equal  
21                   Alberta."

22                   The Canadian Press of June 29th,  
23                   2005, under the headline, "Alberta Could Still  
24                   Challenge Federal Same-Sex Laws," says Justice  
25                   Minister.

1 "Alberta's fight to stop gay  
2 marriages has been lost, but the  
3 justice minister suggested that  
4 the province may not be ready to  
5 throw in the towel just yet.  
6 Human rights lawyer Julie Lloyd  
7 said the only reason the  
8 government would engage the  
9 court process at this time would  
10 be, as Premier Ralph Klein  
11 suggested Tuesday, for optics.

12 "It's utterly ridiculous and  
13 irresponsible and mean-spirited  
14 to use a minority in Alberta for  
15 a political end," she said."

16 Canadian Press of March 18th, 2005,  
17 under the headline, "Alberta Has Already Spent \$110,000  
18 In Legal Fees Fighting Gay Marriage."

19 "Alberta already spent about  
20 \$110,000 in legal fees to fight  
21 the proposed federal same-sex  
22 marriage in front of the Supreme  
23 Court of Canada. Next week, the  
24 Alberta government is expected  
25 to begin the process of renewing

1 the 2000 Marriage Amendment Act  
2 due to expire on Wednesday,  
3 which defines marriage in  
4 Alberta as solely between a man  
5 and a woman. Meanwhile,  
6 Alberta's gay and lesbian  
7 community is gearing up for a  
8 fight over the Klein  
9 government's position on  
10 same-sex marriage. Lawyer Julie  
11 Lloyd said she hopes the federal  
12 government will take up the  
13 case. "I hope they will take  
14 this rogue province to court,"  
15 she said."

16 Under another Canadian Press story  
17 dated November 28th, 2003, under the headline, "Paul  
18 Martin Phones Edmonton MP over Comments on Same-Sex  
19 Marriages."

20 "Paul Martin has accepted an  
21 Edmonton MP's assurances his  
22 comments on same-sex marriages  
23 were misconstrued, a spokesman  
24 for the incoming prime minister  
25 said Friday."

1                   New Democrat MP Svend  
2                   Robinson and lawyer Julie Lloyd,  
3                   a leader of the Edmonton gay and  
4                   lesbian community, said Kilgour  
5                   dug a deeper hole for himself  
6                   Friday by issuing a written  
7                   clarification on his comments.

8                   "I do not in any way believe  
9                   that homosexuality leads to  
10                  incest and/or polygamy and in no  
11                  way meant to imply they are  
12                  related," Kilgour's statement  
13                  said.

14                  "My comments stem from a  
15                  concern that were a law to be  
16                  too broadly written, it might be  
17                  legally impossible to prevent  
18                  any individuals from marrying.  
19                  I deeply regret that my comments  
20                  may have been misinterpreted as  
21                  disparaging toward gay and  
22                  lesbian Canadians."

23                  But Robinson and Lloyd said  
24                  even clarification disparaged  
25                  gay and lesbian Canadians, and

1                   Robinson, who is openly gay,  
2                   called on Martin to kick Kilgour  
3                   out of the federal cabinet."

4                   Another news story dated 30th of  
5                   April, 2003, aired by the Canadian Press under the  
6                   headline, "New Alberta Law Gives Same-Sex Couples Same  
7                   Rights As Married Couples on June 1."

8                   "Alberta's new law giving  
9                   same-sex couples many of the  
10                  same rights as married couples  
11                  will come into force June 1.  
12                  The Adult Interdependent  
13                  Relations Act, passed last fall  
14                  in the legislature, amends 68  
15                  provincial laws and some  
16                  provincial regulations. The law  
17                  will mean gay and lesbian  
18                  couples will have marriage-like  
19                  obligations and rights, such as  
20                  financially supporting one  
21                  another or being eligible for  
22                  insurance coverage that is  
23                  currently available only to  
24                  married people.

25                  "I anticipate that this goes

1 a long way to resolving any  
2 difficulties or obstacles that  
3 have been in the way of lesbian  
4 and gay relationships," said  
5 lawyer Julie Lloyd, one of the  
6 province's most outspoken  
7 proponents for same-sex couples'  
8 rights."

9 Another Canadian Press story, which  
10 was carried in The Edmonton Journal on July 19th, 2002,  
11 under the headline, "Klein Says Alberta Will Use  
12 Notwithstanding Clause to Oppose Gay Marriages."

13 "Premier Ralph Klein says he  
14 will invoke the constitution's  
15 notwithstanding clause to  
16 prohibit gay marriages in  
17 Alberta, even though legal  
18 experts say the province is  
19 powerless to stop it. Lawyer  
20 Julie Lloyd said it would be  
21 mean-spirited of the province to  
22 refuse to grant marriage  
23 licences to homosexual couples  
24 and predicted it wouldn't be  
25 long before that would be

1                   successfully overturned in  
2                   court.

3                   "Governments have a  
4                   responsibility to make sure  
5                   their laws are legal," she said.  
6                   "I would hope the government of  
7                   Alberta takes the responsibility  
8                   seriously. It shouldn't be  
9                   necessary for citizens to engage  
10                  in costly and time-consuming  
11                  litigation."

12                  A January 25th story -- sorry,  
13                  January 25th of 2002 story carried by the Canadian  
14                  Press under the headline, "Alberta Government Approves  
15                  Pension Benefits for Same-Sex Management Couples."

16                  "The Alberta government has  
17                  approved pension benefits for  
18                  the same-sex partners of senior  
19                  provincial managers to avoid a  
20                  legal challenge it could not  
21                  win.

22                  "The reality is we changed  
23                  the pension regulations because  
24                  there was a challenge to them in  
25                  court," said provincial Justice

1 Minister Dave Hancock. "We were  
2 going to lose that challenge."  
3 The challenge came from a  
4 30-year veteran of the public  
5 service. He believed his  
6 longtime, same-sex partner had a  
7 right to the same pension  
8 benefits granted to heterosexual  
9 couples.

10 The public servant, who  
11 wishes to remain unnamed, is  
12 considering retirement but  
13 wanted his partner to receive  
14 full survivor benefits if he  
15 should die, said his lawyer  
16 Julie Lloyd. Lloyd has worked  
17 on several high-profile cases  
18 involving rights for same-sex  
19 couples."

20 A June 11th, 2003, story written in  
21 the Canadian Press under the headline, "Calgary Gay  
22 Couple Married But Can't Get Marriage Licence in  
23 Alberta."

24 "When Wayne MacLean and his male  
25 partner got married in the



1 United Church, no one there had  
2 any doubts about what they were  
3 doing.

4 Julie Lloyd, a lawyer who  
5 has worked on several  
6 high-profile gay rights cases in  
7 Alberta, is more blunt.

8 "The province of Alberta  
9 cannot unilaterally create its  
10 own definition of marriage any  
11 more than it can create its own  
12 criminal code," Lloyd said.

13 "For the province of Alberta to  
14 suggest they can has no academic  
15 currency at all."

16 An April 3rd, 2001, story carried by  
17 the Canadian Press Under the headline, "Alberta Court  
18 Rules that Gays Deserve Equal Rights under Estate Law."

19 "In a decision that could  
20 sharply expand gay rights in  
21 Alberta, an Edmonton Court of  
22 Queen's Bench justice has  
23 declared the province's estate  
24 law unconstitutional because it  
25 does not give homosexual couples

1 the same rights to the estate of  
2 a deceased partner as it gives  
3 heterosexuals. Lawyer Julie  
4 Lloyd said the ruling will have  
5 implications on about 50 other  
6 pieces of provincial legislation  
7 that define couples as  
8 exclusively heterosexual. That  
9 includes everything from welfare  
10 to banking legislation.

11 "Clearly, the writing is on  
12 the wall for the other statutes  
13 in Alberta," said Lloyd, who  
14 represents the dead man's gay  
15 partner.

16 "The government has a job to  
17 make sure its legislation is  
18 fair and complies with the  
19 Charter. "The judgement is  
20 saying, 'Let's treat everyone  
21 the same. Quit picking on the  
22 little people.'"

23 From The Edmonton Journal of August  
24 4th, 2005, also carried by the Canadian Press under the  
25 headline, "Lesbian Couple Exchange Wedding Vows at

1           Edmonton Folk Festival."

2                           "A prominent civil rights  
3                           lawyer married her long-time  
4                           girlfriend in front of about 100  
5                           people gathered near the Family  
6                           Stage at the Edmonton Folk Music  
7                           Festival on Thursday night.

8                           Julie Lloyd, a member of the  
9                           Canadian Human Rights Tribunal  
10                          and spokeswoman for Equal  
11                          Alberta, wed Tina Taylor, a  
12                          maker of hand-crafted willow  
13                          furniture.

14                          "The folk festival is a  
15                          profoundly special place for me  
16                          and for Tina," said Lloyd.

17                          "It's a metaphor for  
18                          inclusiveness and embracing  
19                          diversity. It's a magical  
20                          place, like Brigadoon, that  
21                          arises once a year on the hill  
22                          and then disappears."

23                          The crowd on hand broke into  
24                          loud applause and hoots of  
25                          laughter as Reverend Mickey

1 Wilson of the Lambda Christian  
2 Community Church pronounced the  
3 couple married "by the power  
4 invested in me by the province  
5 of Alberta."

6 The new federal law allowing  
7 same-sex marriage has been only  
8 reluctantly endorsed by the  
9 Alberta government.

10 The province has said it  
11 could invoke the notwithstanding  
12 clause of the Charter of Rights  
13 to prevent marriage  
14 commissioners from having to  
15 perform same-sex marriages.

16 The province also intends to  
17 pass a law to shield officials  
18 from potential human rights  
19 complaints if they refuse to  
20 conduct same-sex marriages  
21 because of moral or religious  
22 beliefs."

23 From the May 14th, 2002, report from  
24 the Canadian Press under the headline, "Gay Man Sues  
25 Alberta Government for Pension Benefits for Same-Sex

1 Partner."

2 "A provincial civil servant is  
3 suing the Alberta government to  
4 ensure that his same-sex partner  
5 of 22 years will be able to  
6 collect pension benefits when he  
7 dies. Julie Lloyd, Lawrence's  
8 lawyer, also questioned why  
9 Alberta has to be legally forced  
10 to change discriminatory laws  
11 since the Supreme Court has  
12 ruled that people in same-sex  
13 relationships must be treated  
14 the same as married or  
15 common-law couples.

16 The cost of such lawsuits is  
17 a waste of taxpayers' money, she  
18 said. "I hope they will fairly  
19 quickly concede," Lloyd said.

20 "It is unfair. Why suffer the  
21 death of a thousand cuts?"

22 From the December 10th, 2004, report,  
23 Canadian Press by John Cotter and under the headline,  
24 "Alberta Gays Say They Won't Stand For Same-Sex  
25 Marriage Discrimination."

1 "Alberta's staunch opposition to  
2 same-sex marriage is no  
3 different than discriminatory  
4 laws once faced by Jews and  
5 non-whites around the world, gay  
6 and lesbian leaders said  
7 Tuesday.

8 Premier Ralph Klein said  
9 earlier this month that same-sex  
10 marriages are morally wrong, and  
11 his government will not allow  
12 them despite a Supreme Court  
13 ruling on the issue.

14 Gay and lesbian activists  
15 say they have sent a letter  
16 demanding a meeting with Klein  
17 in hopes of changing his mind.  
18 If not, they promise to  
19 challenge Alberta's position in  
20 court.

21 "I have heard the premier of  
22 Alberta describe the issue as a  
23 moral issue, and I agree," said  
24 Julie Lloyd, a lawyer who has  
25 been a driving force behind

1 human rights cases in Alberta.  
2 "However, the moral issue is not  
3 and cannot be homosexuality.  
4 The moral issue is  
5 discrimination."

6 I may have given the wrong date.  
7 That is a story from December 21st, 2004, for the  
8 Canadian Press.

9 December 10th, 2004, also from the  
10 Canadian Press and also authored by John Cotter under  
11 the headline, "Klein Says Unsure of Numbers, But Most  
12 Albertans Oppose Same-Sex Marriage."

13 "Premier Ralph Klein weighed in  
14 on the Supreme Court ruling on  
15 same-sex marriage for the first  
16 time Friday, saying the fight is  
17 far from over.

18 Edmonton lawyer Julie Lloyd  
19 said it is too early to say when  
20 the challenge will be filed.  
21 There is a slim chance the  
22 province may change its position  
23 next week after the Alberta  
24 Tories meet to discuss how the  
25 government will respond to the

1 issue, she said.

2 "I would be happy to hear  
3 from the government of Alberta  
4 that they will start issuing  
5 marriage licences," she said.

6 "The information is to the  
7 contrary, so it would appear  
8 that we don't have any choice  
9 but to bring a challenge to the  
10 law."

11 Such a court challenge could  
12 take years to make its way  
13 through the Alberta Court of  
14 Queen's Bench and appeal courts,  
15 she said."

16 March 15th, 2000, news item carried  
17 by the Canadian Press under the headline, "Alberta  
18 Introduces Legislation Banning Gay Marriages."

19 "The Alberta government passed  
20 legislation Wednesday banning  
21 gay marriages, even if that  
22 means using a Charter veto.  
23 Julie Lloyd, an Edmonton lawyer  
24 and lesbian, said the message  
25 Alberta is sending is troubled.



1                   "The federal government, the  
2                   province of Ontario, the  
3                   province of Quebec, and the  
4                   province of British Columbia and  
5                   other provinces are taking steps  
6                   toward the equal treatment of  
7                   all its citizens, said Lloyd.  
8                   "In Alberta, the first step they  
9                   are talking is in the other  
10                  direction."

11                   From the Canadian Press of November  
12                  26th, 1999, just simply called "National News" with the  
13                  line of Calgary.

14                   "Two lesbian couples won a court  
15                   challenge to Alberta's adoption  
16                   law, paving the way for  
17                   homosexuals to become the legal  
18                   parents of their partners'  
19                   children. But Julie Lloyd, a  
20                   lawyer for the gay and lesbian  
21                   advocacy group Equal Alberta,  
22                   warned that same-sex couples may  
23                   still have to challenge over 60  
24                   pieces of provincial legislation  
25                   to get all the same rights as

1                                   heterosexual couples."  
2                                   Another item, November 26th, 1999,  
3                                   carried by the Canadian Press, authored by Carol  
4                                   Harrington and under the headline, "Lesbian Couples Win  
5                                   Alberta Adoption Cases."

6                                   "Two lesbian couples have won a  
7                                   ground-breaking court challenge  
8                                   for Alberta's adoption law,  
9                                   paving the way for Alberta  
10                                  homosexuals to become the legal  
11                                  parents of their parents'  
12                                  children.

13                                  Julie Lloyd, a lawyer for  
14                                  the gay and lesbian advocacy  
15                                  group Equal Alberta, warned that  
16                                  same-sex couples may still have  
17                                  to challenge 60 pieces of  
18                                  provincial legislation to get  
19                                  all the same rights as  
20                                  heterosexual couples, including  
21                                  the right to family health care  
22                                  benefits.

23                                  "It's entirely unfair to put  
24                                  the burden on the lesbian and  
25                                  gay community to effect these

1 changes, particularly since the  
2 courts have been clear that the  
3 changes need to be put in  
4 place," Lloyd said."

5 Another news story from June 28th,  
6 1999, carried by the Canadian Press, written by Reg  
7 Curren, headline, "Judge Reserves Decision in Lesbian  
8 Adoption Case."

9 "There is no scientific, family,  
10 or legal reasons to deny two  
11 Alberta lesbian couples from  
12 adopting a child, their lawyer  
13 said. Julie Lloyd, a lawyer and  
14 spokeswoman for the gay and  
15 lesbian advocacy group Equal  
16 Alberta, said no matter how the  
17 court rules, the law will remain  
18 vague. The Court of Queen's  
19 Bench ruling is not binding on  
20 other judges, so if a similar  
21 case arises elsewhere in  
22 Alberta, it won't necessarily  
23 aid the next couple facing the  
24 same situation.

25 The province left a gap by

1 not including a definition of  
2 step-parent in the legislation,  
3 she said.

4 "We remain in a very  
5 unsatisfactory state in this  
6 area," she said."

7 A story from The Edmonton Sun January  
8 15th, 2006, "Gays Go For McLellan." It is written by  
9 Brookes Merritt of The Edmonton Sun.

10 "Gay and lesbian community  
11 advocate Julie Lloyd says Anne  
12 McLellan is the only choice for  
13 MP in the Edmonton centre riding  
14 among gays and lesbians.

15 "She knows more drag queens  
16 than I do," Lloyd quipped.

17 "Anne's been attending gay and  
18 lesbian events since the early  
19 1990s, has been the marshal of  
20 our parades, and hasn't ever  
21 voted against a bill that would  
22 advocate our rights."

23 From the CTV website from May the  
24 10th, 2006, under the headline "Time Runs Out In  
25 Alberta For Anti-Gay Marriage Bill."

1 "A controversial private  
2 members' bill in Alberta,  
3 denounced by critics as being  
4 anti-gay, has died after  
5 opposition members used stalling  
6 tactics to prevent its passage  
7 on Monday. If passed, Bill 208  
8 would have allowed marriage  
9 commissioners in Alberta to  
10 refuse to perform same-sex  
11 marriages.

12 Earlier in the day, several  
13 leaders of Alberta's gay  
14 community held a news conference  
15 to condemn the bill and an  
16 attack on gays and an attempt to  
17 legislate discrimination.

18 "With this bill, the  
19 government sends such a sinister  
20 message," said gay rights  
21 activist Julie Lloyd. "It sends  
22 a message that hatred and  
23 intolerance is acceptable when  
24 directed at this particular  
25 group. That is unconscionable."

1                                   From the publication "Perceptions"  
2           July 28th, 1999, issue.

3                                   "1999 Pride Awards (Edmonton  
4                                   parents, friends, and families  
5                                   of lesbians, gays, and  
6                                   bisexuals, and the  
7                                   transgendered) --"

8                                   I guess this is the acronym for it.

9                                   "-- (PFLAG-T) presented  
10                                  community service awards at  
11                                  their June 19 picnic during  
12                                  Pride Week. Julie Lloyd  
13                                  received the Maureen Irwin Award  
14                                  ..."

15                                  There are other individuals who got  
16           awards.

17                                  From the SEE Magazine -- and that is  
18                                  spelled S-E-E as in look -- June 13th, 2002, under the  
19                                  headline "Law and the New Order," subheadline, "Julie  
20                                  Lloyd is Doing Away With Alberta's Homophobic  
21                                  Legislation One Law At a Time."

22                                  "Edmonton lawyer Julie Lloyd has  
23                                  been busy these past few years.  
24                                  Busy and successful. Lloyd was  
25                                  involved in the Delwin Vriend

1 case, which saw the Supreme  
2 Court order that the Alberta  
3 Human Rights Code be extended to  
4 protect homosexuals. She  
5 handled the lawsuit that forced  
6 the provincial government to  
7 give inheritance rights to  
8 same-sex couples.

9 Most recently, she launched  
10 a successful Charter challenge  
11 to obtain full pension benefits  
12 for provincial employees in  
13 same-sex relationships.

14 Although she's a gay  
15 activist, she said she's not one  
16 for lobbying, describing the  
17 practice as akin to saying,  
18 "Please don't hate us, please  
19 treat us fairly."

20 Her derision is loud and  
21 clear over the phone, "I don't  
22 have the stomach for that,  
23 frankly," she says. Lloyd says  
24 the province's continued  
25 reluctance to change laws that

1 clearly violate the Charter of  
2 Rights and Freedoms is  
3 "irresponsible and  
4 mean-spirited." She's not being  
5 disingenuous, she says, but she  
6 doesn't get it.

7 The Supreme Court of Canada  
8 ruled three years ago that  
9 people in same-sex relationships  
10 must be treated the same way as  
11 couples in a marriage or a  
12 common-law relationship. In  
13 other words, gay couples have  
14 the same rights as straight  
15 couples.

16 Ontario, Quebec, and British  
17 Columbia have already changed  
18 their laws, but Alberta  
19 continues to drag its heels.  
20 The government prefers being  
21 challenged in court to quietly  
22 making the changes. When  
23 changes are made, they are  
24 dished out piecemeal.

25 Take pensions. The



1 government introduced Bill 30  
2 last month to give a few  
3 marriage-like benefits to those  
4 in committed same-sex  
5 relationships, but Lloyd says  
6 the province hasn't changed its  
7 regulations and laws so that all  
8 same-sex couples receive full  
9 pension benefits.

10 Conversely, recognition has  
11 been extended to "adult  
12 interdependent partners." It is  
13 an unwieldy title referring to  
14 non-sexual relationships. Think  
15 two older siblings living  
16 together or an adult with a  
17 grown child who has moved back  
18 home.

19 But Lloyd had said that this  
20 legislation is bound to make  
21 those in the platonic  
22 relationships nervous. No one  
23 knows how long an adult will  
24 have to pay for their  
25 interdependent partner.

1                   Lloyd's primary focus in the  
2 last year-and-a-half has been on  
3 Charter challenges regarding  
4 pensions, but she calls her law  
5 office a general practice. She  
6 just happens to have quite a  
7 number of gay and lesbian  
8 clients.

9                   "To me as a lesbian, it  
10 feels very important to have a  
11 role in making my world a better  
12 place."

13                   While she currently has no  
14 actions ongoing, Lloyd has had  
15 discussions about the remaining  
16 statutes, an excess of 60, that  
17 affect relationships, almost  
18 none of which, she says, include  
19 homosexuals.

20                   The act most in need of  
21 reform, she says, is the  
22 domestic Relations Act, a statute  
23 that allows a spouse to apply  
24 for support when a couple breaks  
25 up but only if its members

1 aren't of the same gender.

2 Lloyd wishes the government  
3 could understand how  
4 "destructive, wrong, and  
5 poisonous" its message is to  
6 young people and how it keeps  
7 others in the closet.

8 "What if we said the same thing  
9 about Jewish people or Natives,"  
10 she asks. "The government needs  
11 to get over it already."

12 It is for that reason that  
13 Lloyd likes to initiate charter  
14 challenges.

15 "I'm not a very patient  
16 person, so this makes me willing  
17 to take a run at the government.  
18 Its laws are illegal."

19 Justice Minister Dave  
20 Hancock had publicly called  
21 Lloyd a "media hound".  
22 Laughing, Lloyd says, "You know  
23 how to get me out of the papers?  
24 Hancock, do your damn job."

25 The next item is from SEE Magazine,

1 issue 650 of May 11, 2006. The headline is "Phair:  
2 "Hate" Protections Sought by Tories. Gay and Lesbian  
3 Community Step Up To Fight."

4 "Bill 208 may be dead, but the  
5 wounded inflicted wouldn't soon  
6 be forgotten. Gay and lesbian  
7 rights advocates came together  
8 Monday to deprive the  
9 conservative momentum behind the  
10 private members' bill that they  
11 said would have endorsed,  
12 encouraged, and  
13 institutionalised hatred.

14 Edmonton counselor Michael  
15 Phair, one of Canada's earliest  
16 "out" politicians, was vehement  
17 in his criticism of the bill.

18 "Bill 208 and its author are  
19 trying to turn back the clock,  
20 institutionalising prejudice  
21 and, I think, hatred. It's a  
22 cheap, uncalled-for ploy to  
23 undermine tolerance and  
24 acceptance in this province. It  
25 is truly appalling and

1                   frightening to see the votes  
2                   from government MLAs that this  
3                   bill has garnered."

4                   Phair said at a Monday press  
5                   conference.

6                   Bill 208, the "Protection of  
7                   Fundamental Freedoms (Marriage)  
8                   Statutes Amendment Act," would  
9                   have allowed marriage  
10                  commissioners to opt out of  
11                  civil same-sex marriages and  
12                  give teachers the right to  
13                  refuse to discuss same-sex  
14                  marriage.

15                  Since same-sex marriage  
16                  became the law of the land under  
17                  Paul Martin's ill-fated  
18                  government, provincial  
19                  Conservatives had asserted  
20                  marriage commissioners would be  
21                  permitted to opt out of such  
22                  ceremonies, but no legal  
23                  provisions existed to support  
24                  that assertion. Morton's Bill  
25                  would have changed that. While

1 most private members' bills  
2 tinker with specific aspects of  
3 existing legislation, Bill 208,  
4 however, proposed a widespread  
5 shift, affecting not just  
6 schools and marriage but  
7 Alberta's own, hard-fought-for  
8 Human Rights Act.

9 Premier Ralph Klein said he  
10 supported the bill because it  
11 affirmed existing government  
12 policy.

13 "It sends the message that  
14 hatred and intolerance are  
15 legitimate when it's directed  
16 against this minority. This is  
17 unconscionable," said Julie  
18 Lloyd, a lesbian who is an  
19 Edmonton-based human rights  
20 lawyer and a member of Canadian  
21 Human Rights Tribunal.

22 She warned the precedent of  
23 such a bill, if passed, would  
24 encourage others in the public  
25 sphere to see discrimination

1                   against gays and lesbian as a  
2                   uniquely permissible offence.

3                   "People are allowed to have  
4                   their private opinions, but they  
5                   are not allowed to discriminate  
6                   against minorities in a public  
7                   sphere," she said.

8                   Lloyd was unequivocal.  
9                   "Remember that gays and lesbians  
10                  had to fight through the courts  
11                  to have the government include  
12                  sexual orientation into the  
13                  human rights legislation. That  
14                  was six, seven years ago that  
15                  that fight finally ended. This  
16                  bill brings us right back to  
17                  that problem," she said."

18                  From Vue Weekly -- and that is  
19                  spelled V-U-E, Weekly -- from the 13th to the 19th of  
20                  June, 2002, this was reprinted by the Alberta Teacher's  
21                  Association under the headline, "Lloyd Llikes  
22                  Lliteration." And that is spelled in kind of a cute  
23                  way: Lloyd, L-L-O-Y-D, llikes, L-L-I-K-E-s,  
24                  lliteration, L-L-I-T-I-G-A-T-I-O-N. Double "L" Lloyd,  
25                  double "L" likes, double "L" litigation.

1 "Prominent local lawyer Julie  
2 Lloyd, who represents the  
3 plaintiffs in the recent  
4 same-sex pension case, agrees.  
5 And to her, inclusion is a moral  
6 issue above and beyond someone's  
7 particular sexuality.

8 "The constant struggle of  
9 our society is a struggle  
10 towards inclusion," she says.  
11 "Lesbian and gay people are the  
12 reviled population now, but  
13 there are going to be other  
14 communities coming down the  
15 road.

16 Cruelty and exclusion happen  
17 a lot. There could be whole  
18 other groups of people suffering  
19 in the same way."

20 Lloyd is encouraged by the  
21 way courts and human rights  
22 tribunals are starting to  
23 recognise the societal costs of  
24 discrimination in schools.

25 To wit, the April 8th



1 decision by the British Columbia  
2 Human Rights Tribunal, which  
3 found the North Vancouver School  
4 Board Number 44 liable for  
5 failing to prevent and respond  
6 to homophobia and homophobic  
7 harassment by students.

8 A gay student named Azmi  
9 Jurban had been punched, kicked,  
10 and spit upon. His shirt was  
11 burned, and his tent was  
12 urinated on. His school's  
13 administration knew Jurban was  
14 being assaulted, yet the attacks  
15 continued for three years.

16 Now the board will have to  
17 pay damages.

18 "This spirit of litigation  
19 warms my heart," says Lloyd,  
20 "and it's being driven by all  
21 these young kids."

22 That is the end of the documentary  
23 evidence that we were able to put together in 36  
24 hours -- I might say without having the proper  
25 equipment to do so.

1                   The issue before us, though, is do  
2                   the political, social, and legal activism and beliefs  
3                   of the tribunal member with respect to sexual  
4                   orientation raise a reasonable apprehension of bias  
5                   against the respondent, Mr. Bahr? And the argument, in  
6                   my respectful submission, the Canadian Human Rights  
7                   Tribunal is a quasi-judicial tribunal, and the  
8                   respondent is entitled to have his case heard by an  
9                   independent and impartial tribunal member.

10                   In Zündel versus Citron -- and I have  
11                   a court citation there:

12                   "A case which dealt with  
13                   apprehension of bias, the  
14                   federal Court of Appeal held as  
15                   follows: "In my opinion, the  
16                   provision in Subsection 48.1(2)  
17                   respecting qualifications of  
18                   persons appointed to the New  
19                   Tribunal on or after June 30th,  
20                   1998, does not, without more,  
21                   give rise to a reasonable  
22                   apprehension of bias. The  
23                   phrase "sensitivity to human  
24                   rights" connotes awareness of  
25                   and interest in human rights.

1 It does not connote a  
2 predilection in favour of human  
3 rights, as Cory J. observed.

4 True impartiality does not  
5 require that the judge had no  
6 sympathies or opinions. It  
7 requires that the judge,  
8 nevertheless, be free to  
9 entertain and act upon different  
10 points of view with an open  
11 mind.

12 It is obvious that good  
13 judges will have a wealth of  
14 personal and professional  
15 experience, that they will apply  
16 with sensitivity and compassion  
17 to the cases that they must  
18 hear."

19 In this case, it is clear that the  
20 member has been and continues to be a prominent  
21 spokesperson for homosexual rights and the homosexual  
22 agenda. She does not simply have a "wealth of personal  
23 and professional experience." She has been, in fact, a  
24 deeply committed partisan, an advocate of homosexual  
25 rights in what is called a homosexual agenda.

1                   It is submitted that she does not  
2                   have an open mind on issues pertaining to sexual  
3                   orientation. She perceives any dissent from the  
4                   homosexual agenda she has fought for over the years as  
5                   discrimination and, as such, as a moral issue and as  
6                   hatred.

7                   And I point particularly in the  
8                   comments made about Bill 208 the rights of civil  
9                   servants in the province of Alberta to their own  
10                  religious beliefs, which would be guaranteed by Bill  
11                  208, are rights that the tribunal member feels should  
12                  not be allowed to be exercised. In fact, those civil  
13                  servants who might not want to perform the same-sex  
14                  marriage, that their attitude was deemed to be hatred,  
15                  not sincerely held religious beliefs. And that is very  
16                  much the case here with Mr. Bahr.

17                  In our submission, he did not author  
18                  the inflammatory passage in Mr. Warman's complaint,  
19                  but, nevertheless, the issue of people's right to feel  
20                  that the homosexual lifestyle is perhaps immoral, just  
21                  not good, is in sharp conflict in this case with other  
22                  rights. And the comments by the member in the past  
23                  made it very clear that the rights of people who  
24                  disagree with homosexuality as a practice are simply  
25                  not to be respected. Her clearly expressed and

1 strongly held views indicate that she believes that any  
2 deviance from the homosexual agenda as pursued by the  
3 groups she represents amounts to hatred. Not dissent  
4 but hatred.

5 As recently as several days ago, she  
6 was described as a lesbian rights advocate, and she  
7 participated in a condemnation of Bill 208 in Alberta,  
8 a bill that sought to protect the rights of people who  
9 view homosexuality as a moral issue, as a matter of  
10 conscience.

11 She has derided lobbying, likening it  
12 to saying, "Please don't hate us," and has preferred to  
13 litigate to obtain homosexual rights. This comment  
14 regarding lobbying and other comments regarding Bill  
15 208 indicate that the member is ready to see hatred  
16 against homosexuals in matters which do not indicate  
17 hatred of all to others.

18 She is married to another woman. She  
19 was married to another woman in 2005 at a folk festival  
20 in a very public ceremony, which garnered much media  
21 attention. For the member, these issues are deeply  
22 personal and are issues she has spent much of her adult  
23 life advocating for. It is clear that she cannot deal  
24 with the issues with sexual orientation with an open  
25 mind.

1                   It has no doubt taken much courage to  
2 fight this fight so publicly for years, because  
3 certainly advocacy for homosexuals and lesbians is not  
4 today a popular thing, and probably was even less  
5 popular in years gone by, and it is perhaps for this  
6 very reason the courage and commitment the member has  
7 devoted to this.

8                   In our submission, there is a  
9 reasonable apprehension that she cannot be unbiased in  
10 this issue and in the case against Mr. Bahr.

11                   But the member must realise that in  
12 doing so, she has become and is an advocate and a  
13 partisan, not a person who should sit in judgment over  
14 a person accused of discriminating against homosexuals.  
15 And that is certainly part of the complaint made by  
16 Mr. Warman. She has lost the ability to be impartial  
17 and should recognise this fact.

18                   Justice must not only be done but it  
19 must be seen to be done. There is no doubt that she  
20 would not want to be judged by a person who has been a  
21 partisan advocate for years to recriminalise  
22 homosexuality. Since the Mulroney government, they  
23 won't appointed Reverend Ken Campbell to the Human  
24 Rights Tribunal, I am sure. Might not be perceived to  
25 be objective.

1                   It is respectfully submitted that the  
2 member should recuse herself from the case on the  
3 grounds that her background and beliefs as a homosexual  
4 advocate and activist and lesbian raise a reasonable  
5 apprehension of bias against the respondent, Mr. Bahr.

6                   The order requested, the respondent,  
7 Mr. Bahr, respectfully requests -- because of the  
8 late-night spelling, I left a "D" out of there --  
9 requested. Order requested, the respondent  
10 respectfully requests that the member recuse herself  
11 from this case and adjourn the matter so that it may be  
12 heard by another member. And that, as this reasonable  
13 apprehension of bias should have been foreseen by the  
14 member as a matter of fairness and prudence, Mr. Bahr's  
15 costs thus far in this matter be paid.

16                   THE CHAIRPERSON: Thank you.

17                   Counsel, do either of you have  
18 anything to say, or do you need some time to think  
19 about it?

20                   MR. VIGNA: Madam Chair, before  
21 addressing the motion on its merits, I would like to  
22 address the issue of the motion itself.

23                   First of all, the motion does not  
24 address anything in this hearing. It addresses the  
25 subject matter that was known -- should have been known

1 to the respondents. And we are already today on the  
2 third day of the hearing when this motion is presented.

3 I respectfully submit that the  
4 tribunal should not entertain this motion, because the  
5 respondent has waived his right to raise any issue of  
6 reasonable apprehension of bias by recusing you of this  
7 hearing, which is totally baseless in terms of the  
8 connection of the evidence in the hearing of behaviour  
9 of the tribunal member.

10 Also the motion is not supported by  
11 any Affidavit, any evidence whatsoever, and is based  
12 solely on the media clippings or the media information.  
13 So I would like to submit respectfully that there  
14 should be a decision on whether the tribunal should  
15 even hear this motion at this moment in time,  
16 particularly because of the fact that all the  
17 allegations in the motion are not in connection to the  
18 evidence that has been heard during the hearing but as  
19 stuff that should have been raised at the very  
20 beginning of the hearing or even during the conference  
21 calls.

22 And since none of this has been  
23 raised, I respectfully submit that the tribunal  
24 shouldn't consider whether this motion should be heard,  
25 because by not raising it at the first reasonable



1 opportunity, which is what the case law requires, the  
2 respondent has waived the right to raise such a motion.

3 THE CHAIRPERSON: Do you have any  
4 comments to make in the alternative?

5 MR. VIGNA: In the alternative, yes,  
6 I would like to say, first of all, Madam Chair, that I  
7 would like to make comments, but I reserve the right to  
8 make comments because of the short notice of the motion  
9 and all that.

10 But fundamentally what is being said  
11 is the allegations that the respondent is raising have  
12 no connection with the behaviour of the member in the  
13 tribunal and is simply alleging the tribunal member's  
14 professional activities as a subject matter of bias.

15 That would mean, I would like to  
16 submit to you, Madam Chair, that, for example, a judge  
17 who was a prosecutor or was a defence lawyer would  
18 necessarily have a bias for the accused or bias for the  
19 prosecution, which is totally ridiculous.

20 I would submit to you, Madam Chair,  
21 that the case law which I will provide you basically  
22 states that the first thing we have to consider is the  
23 presumption of impartiality of the tribunal member.

24 That is the very first thing we have  
25 to consider, that in order for a respondent to

1           successfully raise a reasonable apprehension of bias,  
2           there has to be a very heavy test that has to be met.

3                       None of the evidence -- and I submit  
4           to you there is no evidence on the motion, because  
5           there is no Affidavit, there is no connection to the  
6           hearing even being an issue of evidence. It is totally  
7           baseless.

8                       And to quote from certain cases, for  
9           example, in R versus RDS, which I would like to provide  
10          to the parties of the tribunal. Madam Chair, I would  
11          like to perhaps continue my pleading a bit more in  
12          depth. Because of the short notice, I would like to  
13          ask for maybe ten minutes so I can organise my notes.

14                      THE CHAIRPERSON: Yes, I think that  
15          is appropriate. We will come back in ten minutes.

16                      MR. FROMM: Could I respond just to  
17          the initial comments? I know he will also get into  
18          case law. Before he gets into that, the ...

19                      THE CHAIRPERSON: The issue of  
20          waiver?

21                      MR. FROMM: Yes.

22                      THE CHAIRPERSON: Okay, go ahead.

23                      MR. FROMM: Yeah. Madam Chair, the  
24          issue of waiver was dealt with in some ways in that we  
25          were not advised. And I was talking in a conference

1 call as recently as the 12th of May with Karen Jensen,  
2 and I was advised that she was going to be the member  
3 out here. We even had a certain understanding about my  
4 request -- my non-availability for tomorrow afternoon.  
5 So it was certainly the first we knew that it was not  
6 Karen Jensen sitting up there was when we walked in on  
7 Tuesday morning.

8 So we have raised this the first  
9 available moment. We knew nothing about you, and I  
10 advised Mr. Bahr that it would be in our best interest  
11 to find out what we could. We did our research. We  
12 are very limited. We have no staff, we have no budget,  
13 it is whatever -- and Mr. Bahr can't use the computer,  
14 so it is what I or one of the two can do. And we were  
15 able to find some of this information on Tuesday  
16 evening and Wednesday.

17 The first opportunity, which was  
18 yesterday, I advised the commission and Mr. Warman  
19 himself that I will be raising this issue. We have  
20 done this in as timely a fashion as we possibly could  
21 having, as I have pointed out to the point I am sure of  
22 being a bore about it. We have no recourses and are  
23 not given any.

24 THE CHAIRPERSON: Okay. Thank you.

25 So we will see you back here in ten

1 minutes.

2 --- Upon recessing at 10:35 a.m.

3 --- Upon resuming at 10:56 a.m.

4 THE CHAIRPERSON: Thank you. You may  
5 be seated.

6 Carry on.

7 MR. VIGNA: Madam Clerk, before going  
8 into the merits of the claim, just to add on to the  
9 issue of the preliminary objection to the motion, I  
10 would just like to mention that we are in day three of  
11 the hearing, so it is not as if the respondent was  
12 unaware that the member that is sitting here would be  
13 sitting in this hearing. There is information on  
14 members that is easily accessible on the Canadian Human  
15 Rights website. He can access it at nighttime, the  
16 information, and could have raised it the following  
17 day. They haven't done it.

18 And I take issue with the fact that  
19 the respondent believed that the Member Jensen would  
20 hear their case, not yourself.

21 I would invite the tribunal to verify  
22 the Court's record on that issue, and Mr. Warman can  
23 elaborate more into that.

24 I will get now into the merits of the  
25 motion. First of all, the issue that is being raised

1 by the respondent is a political, social, and equal  
2 activism in belief the tribunal member, with respect to  
3 sexual orientation, raised a reasonable apprehension of  
4 bias against the respondent.

5 Right off the bat, Madam Chair, I  
6 would like to submit this issue is a non-starter simply  
7 because the professional background or political  
8 background even, of an individual prior to his  
9 appointment has no bearing whatsoever on the judge of  
10 fact, the ability to judge a case on its merit, on the  
11 evidence before it, and impartially.

12 This would mean, for example, that if  
13 there is an ex-politician that is appointed to federal  
14 court, people from all walks of life -- artists,  
15 comedians -- that are appointed to the Senate, for  
16 example. It is simply inconceivable to say that  
17 somebody that has a professional background, it would  
18 not be something that could be appointed to the bench.

19 And I will refer you to a case called  
20 Caza, which is basically a case which has been provided  
21 to you.

22 MS WARSAME: Excuse me, Madam Chair.  
23 It was already provided to you.

24 THE CHAIRPERSON: Oh, here it is.  
25 Thank you.

1                   MR. VIGNA: The respondent has a  
2 copy, I believe.

3                   This case has the basic principles  
4 that are summarised in the case law. And if you look,  
5 for example, at page 11 -- Paragraph 11, sorry, we are  
6 reciting the Federal Court of Appeal in Arthur. It  
7 says:

8                   "An allegation of bias,  
9 especially actual and not simply  
10 apprehended bias, against a  
11 tribunal member is a serious  
12 allegation. It must be  
13 supported by material evidence  
14 demonstrating conduct that  
15 derogates from the standard. It  
16 is often useful, and even  
17 necessary, in doing so, to  
18 restore to evidence extrinsic to  
19 the case. That is why such  
20 evidence is admissible in  
21 derogation of the principle that  
22 an application for judicial  
23 review must bear on the matter  
24 as it came before the court or  
25 tribunal."

1                   Further, Paragraph 13, I reference  
2                   the committee case before the Supreme Court for Justice  
3                   and Liberty versus National Energy Board. I intend to  
4                   consider these objections in light of the general rules  
5                   defined by the courts on the impartiality of  
6                   decision-makers.

7                   First, the leading case, which is  
8                   still an authority, is that of Canadian Justice and  
9                   Liberty versus the National Energy Board in which the  
10                  Supreme Court of Canada clearly confirmed the  
11                  definition given by the Federal Court of Appeal of the  
12                  test applicable in a case of this kind.

13                  "The proper test to be applied  
14                  in a matter of this type was  
15                  correctly expressed by the Court  
16                  of Appeal as early as already  
17                  seen by the quotation above the  
18                  apprehension of the bias must be  
19                  a reasonable one held by a  
20                  reasonable and right-minded  
21                  persons applying themselves to  
22                  the question and obtaining  
23                  thereon the required  
24                  information. In the words of  
25                  the Court of Appeal, that test

1 is, "What would an informed  
2 person, viewing the matter  
3 realistically and practically  
4 and having thought the matter  
5 through, conclude?"

6           Would he think that it is  
7 more likely than not that  
8 Mr. Crowe, whether consciously  
9 or unconsciously, would not  
10 decide fairly? I can see no  
11 real difference between  
12 expressions found in the sited  
13 cases, be they reasonable  
14 apprehension of bias, reasonable  
15 suspicion of bias, or real  
16 likelihood of bias. The grounds  
17 for this apprehension must,  
18 however, be substantial, and I  
19 entirely agree with the Federal  
20 Court of Appeal, which refused  
21 to accept the suggestion that  
22 the test be related to the very  
23 sensitive or scrupulous  
24 conscience.

25           This is the proper approach



1           which, of course, must be  
2           adjusted to the facts of the  
3           case. The question of bias in a  
4           member of a court of justice  
5           cannot be examined in the same  
6           light as that in a member of an  
7           administrative tribunal  
8           entrusted by statute with an  
9           administrative description  
10          exercised in the light of its  
11          experience and of that of its  
12          technical advisors.

13                 A basic principle is, of  
14                 course, the same; namely, that  
15                 natural justice be rendered.  
16                 But its application must take  
17                 into consideration the special  
18                 circumstances of the tribunal,  
19                 as stated by Reid,  
20                 Administrative Law and Practice.  
21                 "Tribunals" is a basket word  
22                 embracing many kinds and sorts.  
23                 It is quickly obvious that a  
24                 standard appropriate to one may  
25                 be inappropriate to another.

1 Hence, facts which may  
2 constitute bias in one may not  
3 amount to bias in another."

4 Later, Paragraph 14:

5 "The presumption of impartiality  
6 carries considerable weight, as  
7 Blackstone opined. The law will  
8 not suppose a possibility of  
9 bias or favour in a judge, who  
10 is already sworn to administer  
11 impartial justice and whose  
12 authority greatly depends upon  
13 that presumption and idea."

14 Paragraph 15, referring to the case  
15 of Laroche:

16 "A mere suspicion of bias is not  
17 sufficient. There must be a  
18 real likelihood or a probability  
19 of bias. In this regard, Cory  
20 J. noted that the allegation of  
21 bias must be thoroughly examined  
22 as it calls in question an  
23 aspect of judicial integrity.

24 Indeed, he noted an  
25 allegation of reasonable

1                   apprehension of bias calls into  
2                   question not simply the personal  
3                   integrity of the judge but the  
4                   integrity of the entire  
5                   administration of justice.  
6                   Where reasonable grounds to make  
7                   such an allegation arise, counsel  
8                   must be free to fearlessly raise  
9                   such allegations. Yet this is a  
10                  serious step that should not be  
11                  undertaken lightly."

12                   Now, Madam Chair, I think that I will  
13                  be just submitting this case, and Mr. Warman will  
14                  submit a few other cases. But this case summarises  
15                  basically the basic principles that need to be applied  
16                  in terms of the issues of judicial impartiality.

17                   I would like to submit that the  
18                  motion that has been presented here reminds me pretty  
19                  much of the case of Mugesera, which Mr. Warman will  
20                  speak about in the Supreme Court, which constitutes  
21                  almost an abuse of process in a qualified attack on the  
22                  integrity of the tribunal member.

23                   It is totally baseless, it is based  
24                  on extracts, supposedly, of newspaper clippings. There  
25                  is no real factual evidence that would even give a

1 minutiae of evidence to support this motion.

2 The tribunal has absolutely no  
3 jurisdiction to order costs, and I respectfully submit  
4 that it is almost outrageous to ask for costs when this  
5 type of motion is presented with total lack of factual  
6 evidence or basis.

7 Also, this is a complaint based on  
8 Section 13, which alleges hate, which deals with hate  
9 messages based on religion, race, national ethnic  
10 origin, and sexual orientation, which is not the  
11 grounds of the bias.

12 So I expect that the motion should be  
13 dismissed and that the tribunal member, based on the  
14 very basic principle which we have to start from, that  
15 there is a presumption of impartiality, which has not  
16 been satisfied by the respondent.

17 And, also, as you will see in the  
18 case of R versus RDS, I believe, that Mr. Warman will  
19 mention, it is not a question of judicial neutrality,  
20 it is a question of judicial impartiality. It is only  
21 normally that a member, a judge, has a professional  
22 background, a personal background, or a political  
23 background, but that has nothing to do with the fact  
24 that once a judge is sworn in to administer his duty in  
25 a fair, objective manner and decide a case on the

1 evidence that is before it and on the law.

2 So, again, the motion is totally  
3 baseless in fact and also in law. That is all I have  
4 to say, Madam Chair.

5 MR. FROMM: Can I just ask,  
6 Mr. Vigna, for the citations you mentioned, the case  
7 before the Supreme Court? Is this Mr. Baton's --

8 MR. VIGNA: Correct. And --

9 MR. FROMM: I didn't catch the  
10 citation.

11 MR. VIGNA: Mr. Warman will provide  
12 the case. I just mentioned it in summation.

13 THE CHAIRPERSON: Mr. Warman, are  
14 there some authorities you are going to be relying on?

15 MR. WARMAN: Yes. I am just in the  
16 process of distributing them, if I could.

17 THE CHAIRPERSON: Pass them around.

18 Sergeant Camp, if you want to get up  
19 and wander around, you can do that. You certainly  
20 don't have to sit there.

21 MR. CAMP: I can do that. Very well.

22 MR. WARMAN: Madam Chair, I would  
23 begin my response to this motion by noting that it is  
24 part of the highest calling of the legal profession to  
25 represent one's clients and to speak out in regard to

1 the cases that a lawyer may be working on where  
2 requested to do so by their client. It is an integral  
3 part of the role of a lawyer to advocate and educate  
4 the public in the interests of their clients.

5 I would submit to you that the  
6 question of how an individual is described to the media  
7 is a matter of perception of the media in question. I  
8 note that Mr. Fromm alleges no previous involvement in  
9 any of the parties or in this case by yourself nor any  
10 improper actions in your conduct in this case.

11 I would submit that the repeated use  
12 of the term "homosexual agenda" in the motion brings us  
13 very close indeed to the situation that was before the  
14 Supreme Court in the Mugesera case.

15 This motion is without basis in fact  
16 or law, is unprofessional and unacceptable, and  
17 constitutes little but an abuse of process.

18 I would like to take you, if I may,  
19 to the first case that I will be relying on, which is  
20 Zündel v. Citron, (2000) SCJ Number 179. This was  
21 heard before the Federal Court of Appeal, and judgment  
22 for the three-justice panel was rendered by Justice  
23 Sexton.

24 If I may take you to Paragraph 32,  
25 page 9 of 18? In discussing the issue of a justice's

1 prior involvement in a group, Justice Sexton states  
2 with regard to the Pinochet case in the British House  
3 of Lord's case.

4 Justice Sexton said:

5 "When Lord Hoffman heard the  
6 appeal at issue in Re Pinochet,  
7 he had been a director and  
8 chairperson of Amnesty  
9 International Limited. That  
10 corporation was charged with  
11 undertaking charity work for  
12 Amnesty International, the  
13 entity that had intervened in ex  
14 parte Pinochet. The type of  
15 bias and issue at Pinochet was  
16 characterised by Lord  
17 Browne-Wilkinson as where the  
18 judge is disqualified because he  
19 is a judge in his own cause.  
20 Lord Browne-Wilkinson then held  
21 that, "If the absolute  
22 impartiality of the judiciary is  
23 to be maintained, there must be  
24 a rule which automatically  
25 disqualifies a judge who is

1 involved, whether personally or  
2 as a director of the company, in  
3 promoting the same causes in the  
4 same organisation as is a party  
5 to the suit."

6 Lord Browne-Wilkinson  
7 highlighted that, "The facts of  
8 this present case are  
9 exceptional," holding that, "The  
10 critical elements are, 1, that  
11 Amnesty International was a  
12 party to this appeal, 3, the  
13 judge was a director --"

14 Excuse me. I note my colleague,  
15 Mr. Vigna, and perhaps Mr. Fromm --

16 MR. FROMM: I am trying to find --  
17 the Zündel versus Citron one I have doesn't have  
18 Paragraph 32.

19 MR. WARMAN: Point 3:

20 "The judge was a director of a  
21 charity closely allied to  
22 Amnesty International and  
23 sharing in this respect Amnesty  
24 International's objects."

25 He concluded that:



1                    "...only in cases where a judge  
2                    is taking an active role as  
3                    trustee or director of a charity  
4                    which is closely allied to and  
5                    acting with a party to the  
6                    litigation should a judge  
7                    normally be concerned either to  
8                    recuse himself or disclose the  
9                    position to the parties."

10                    May I continue and take you to  
11                    Paragraph 36, which is at page 10 of 18? Justice  
12                    Sexton discusses the presumption of impartiality. He  
13                    states:

14                    "In my view, the motions judge  
15                    erred by failing to take into  
16                    account the principle that a  
17                    member of a tribunal will act  
18                    unfairly and impartially in the  
19                    absence of evidence to the  
20                    contrary.

21                    In *R v. S(RD)*, Cory J. held that:

22                    "The reasonable person must be  
23                    an informed person with  
24                    knowledge of all the relevant  
25                    circumstances, including the

1 traditions of integrity and  
2 impartiality that form part of  
3 the background and apprised also  
4 of the fact that impartiality is  
5 one of the duties the judges  
6 swear to uphold."

7 He added that:

8 "The threshold for a finding of  
9 real or perceived bias is high"  
10 and that, "A real likelihood of  
11 probability of bias must be  
12 demonstrated and that a mere  
13 suspicion is not enough."

14 Further, Cory J. held that:

15 "The onus of demonstrating bias  
16 lies with the person who is  
17 alleging its existence."

18 Justice Sexton continues at Paragraph

19 37:

20 "In *Beno v. Canada* (Commissioner  
21 and Chairperson, Commissioner of  
22 inquiry into the Deployment of  
23 Canadian Forces to Somalia),  
24 this Court held that there was a  
25 presumption that a

1 decision-maker will act  
2 impartially. Similarly, in E.A.  
3 Manning Limited v. Ontario  
4 Securities Commission, the  
5 Ontario Court of Appeal held in  
6 the context of a bias allegation  
7 levelled against a securities  
8 commission that, "It must be  
9 presumed in the absence of any  
10 evidence to the contrary that  
11 the commissioners will act  
12 fairly and impartially in  
13 discharging their adjudicative  
14 responsibilities and will  
15 consider the particular facts  
16 and circumstances of each case.

17 And in Finch v. the  
18 Association of Professional  
19 Engineers and Geoscientists of  
20 British Columbia, the British  
21 Columbia Court of Appeal held  
22 that it must be assumed "unless  
23 and until the contrary is shown  
24 that every member of this  
25 committee will carry out his or

1 her duties in an impartial  
2 manner and consider only the  
3 evidence in relation to the  
4 charges before the panel."

5 If I may, I would like to take you to  
6 the decision of the Supreme Court of Canada R v. RDS.  
7 This was a decision. The citation is (1997) 3 SCR 484,  
8 decision of the Supreme Court of Canada on appeal from  
9 the Court of Appeal from Nova Scotia. I would ask you  
10 to turn to Paragraph 27, which is at page 11 -- excuse  
11 me, Paragraph 29, which is at page 11 of 36, please.

12 I would ask you, in rendering your  
13 decision on this motion, to take into account the  
14 reasons of Madam Justice L'Heureux-Dubé and Madam  
15 Justice McLachlin, as she then was.

16 Paragraph 29 states:

17 "In our view, the test for  
18 reasonable apprehension of bias  
19 established in the jurisprudence  
20 is reflective of the reality  
21 that while judges can never be  
22 neutral in the sense of purely  
23 objective, they can and must  
24 strive for impartiality. It  
25 therefore recognises as

1 inevitable and appropriate that  
2 the differing experiences of  
3 judges assist them in their  
4 decision-making process and will  
5 be reflected in their judgments  
6 so long as those experiences are  
7 relevant to the cases, are not  
8 based on inappropriate  
9 stereotypes, and do not prevent  
10 a fair and just determination of  
11 the cases based on the facts in  
12 evidence."

13 I would ask you to turn to the next  
14 page, Paragraph 34. Here, Madam Justice L'Heureux-Dubé  
15 and Madam Justice McLachlin say that in applying the  
16 test for a reasonable apprehension of bias, quote:

17 "It is necessary to distinguish  
18 between the impartiality, which  
19 is required of all judges, and  
20 the concept of judicial  
21 neutrality. The distinction we  
22 would draw is that reflected in  
23 the insightful words of Benjamin  
24 N. Cardozo in "The Nature of the  
25 Judicial Process (1921)" where

1 he affirmed the importance of  
2 impartiality, while at the same  
3 time recognising the fallacy of  
4 judicial neutrality.

5 "There is in each of us a  
6 stream, a tendency, whether you  
7 choose to call it philosophy or  
8 not, which gives coherence and  
9 direction to thought and action.

10 Judges cannot escape that  
11 current any more than other  
12 mortals. All their lives,  
13 forces which they do not  
14 recognise and cannot name, have  
15 been tugging at them --  
16 inherited instincts, traditional  
17 beliefs, acquired convictions --  
18 and the resultant is an outlook  
19 on life, a conception of social  
20 needs. In this mental  
21 background, every problem finds  
22 its setting. We may try to see  
23 things as objectively as we  
24 please. Nonetheless, we can  
25 never see them with any eyes

1                   except our own.

2                   Deep below consciousness are  
3                   other forces -- the likes and  
4                   the dislikes, the predilections  
5                   and the prejudices, the complex  
6                   of instincts and emotions and  
7                   convictions -- which make the  
8                   person, whether he or she be  
9                   litigant or judge.

10                  Cardozo recognised that  
11                  objectivity was an impossibility  
12                  because judges, like all other  
13                  humans, operate from their own  
14                  perspectives.

15                  As the Canadian Judicial  
16                  Counsel noted in Commentaries on  
17                  Judicial Conduct (1991) at page  
18                  12, "There is no human being who  
19                  is not the product of every  
20                  social experience, every process  
21                  of education, and every human  
22                  contact. What is possible and  
23                  desirable, they note, is  
24                  impartiality.

25                  "The wisdom required of a

1 judge is to recognise,  
2 consciously allow for, and  
3 perhaps to question all the  
4 baggage of past attitudes and  
5 sympathies that fellow citizens  
6 are free to carry, untested, to  
7 the grave. True impartiality  
8 does not require that the judge  
9 have no sympathies or opinions;  
10 it requires that the judge  
11 nevertheless be free to  
12 entertain and act upon different  
13 points of view with an open  
14 mind."

15 I would ask to take you to Paragraph  
16 40, if I may, page 14. In discussing the difference  
17 between assessing credibility and assessing and  
18 applying the law, Justices L'Heureux-Dubé and McLachlin  
19 state:

20 "At the same time, where the  
21 matter is one of identifying and  
22 applying the law to the findings  
23 of fact, it must be the law that  
24 governs and not a judge's  
25 individual beliefs that may



1 conflict with the law.

2 Further, notwithstanding  
3 that their own insights into  
4 human nature will properly play  
5 a role in making findings of  
6 credibility and factual  
7 determinations, judges must make  
8 those determinations only after  
9 being equally open to  
10 considering the views of all  
11 parties before them. The  
12 reasonable person, through whose  
13 eyes the apprehension of bias is  
14 assessed, expects judges to  
15 undertake an open-minded,  
16 carefully considered, and  
17 dispassionately deliberate  
18 investigation of the complicated  
19 reality of each case before  
20 them."

21 If I may take you to Paragraph 46,  
22 please, which is at page 15? Justices L'Heureux-Dubé  
23 and McLachlin discuss the nature of the community from  
24 which a reasonable person comes. They state:

25 "The reasonable person

1 identified by de Grandpré in  
2 Committee for Justice and  
3 Liberty, supra, is an informed  
4 and right-minded member of the  
5 community, a community which, in  
6 Canada, supports the fundamental  
7 principles entrenched in the  
8 Constitution by the Canadian  
9 Charter of Rights and Freedoms.

10 Those fundamental principles  
11 include the principles of  
12 equality set out in Section 15  
13 of the Charter and endorsed in  
14 nationwide quasi-constitutional  
15 provincial and federal human  
16 rights legislation.

17 The reasonable person must  
18 be taken to be aware of the  
19 history of discrimination faced  
20 by disadvantaged groups in  
21 Canadian society protected by  
22 the Charter's equality  
23 provisions. These are matters  
24 of which judicial notice may be  
25 taken."

1                                   If I could take you below to  
2           Paragraph 48? The Justices state:

3                                   "We conclude that the reasonable  
4                                   person contemplated by de  
5                                   Grandpré J. and endorsed by  
6                                   Canadian courts is a person who  
7                                   approaches the question of  
8                                   whether there exists a  
9                                   reasonable apprehension of bias  
10                                  with a complex and  
11                                  contextualised understanding of  
12                                  the issues in the case.

13                                  The reasonable person  
14                                  understands the impossibility of  
15                                  judicial neutrality but demands  
16                                  judicial impartiality. The  
17                                  reasonable person is cognisant  
18                                  of the racial --"

19                                  And in this case, I would submit  
20           sexual orientation --

21                                  "-- dynamics in the local  
22                                  community, and, as a member of  
23                                  the Canadian community, is  
24                                  supportive of the principles of  
25                                  equality.

1           Before concluding that there  
2           exists a reasonable apprehension  
3           of bias in the conduct of the  
4           judge, the reasonable person  
5           would acquire some clear  
6           evidence that the judge in  
7           question had improperly used his  
8           or her perspective in the  
9           decision-making process.

10           This flows from the  
11           presumption of impartiality of  
12           the judiciary.

13           There must be some  
14           indication that the judge was  
15           not approaching the case with an  
16           open mind fair to all parties.

17           Awareness of the context  
18           within which a case occurred  
19           would not constitute such  
20           evidence. On the contrary, such  
21           awareness is consistent with the  
22           highest tradition of judicial  
23           impartiality."

24                           Thus I would submit to you that what  
25           the Supreme Court and the other case law has

1 established is that there is a presumption of  
2 impartiality in a decision-maker, that impartiality is  
3 noted as being one of the duties that you have sworn to  
4 uphold, that the threshold for a finding of real or  
5 perceived bias is high, that "a real likelihood of  
6 probability of bias must be demonstrated and that a  
7 mere suspicion is not enough," and that the onus of  
8 demonstrating bias lies with the person who is alleging  
9 its existence.

10 I would respectfully submit that the  
11 motion put forward by Mr. Fromm is leagues away from  
12 meeting this test. I would respectfully submit that,  
13 from my perspective, I have no qualms whatsoever that  
14 you will undertake your duties in an open-minded,  
15 carefully considered, and conducted dispassionately,  
16 deliberate investigation of the complicated reality of  
17 the case that is before you.

18 Barring any questions, those are my  
19 submissions.

20 THE CHAIRPERSON: Thank you.

21 Mr. Fromm, do you have anything  
22 arising?

23 MR. FROMM: I am still wondering on  
24 Mugesera versus Canada, is Mr. Warman or Mr. Vigna  
25 going to comment on that?

1 MR. WARMAN: In fact, it was  
2 commented on.

3 THE CHAIRPERSON: Thank you.  
4 Okay, I am going to take some time to  
5 consider.

6 MR. FROMM: Oh, I want to -- I  
7 thought you asked me if I had ...

8 THE CHAIRPERSON: Oh, I am sorry. I  
9 thought that was it. Go ahead.

10 MR. FROMM: No.

11 I am curious, because we -- so in  
12 Mr. Vigna's initial comments, he seemed a little bit  
13 confused. I am not alleging actual bias in the case at  
14 this point. I am alleging a reasonable apprehension of  
15 bias.

16 I also take exception to the comment  
17 that this is an abuse of process. And similar to  
18 Mr. Barton's reasons to appeal in the Mugesera versus  
19 the Supreme Court of Canada -- or, if I recall  
20 correctly, on behalf of Mugesera, who is alleged to be  
21 a Rwandan war criminal charged that the Supreme Court  
22 was unduly influenced by the fact that three of its  
23 members at that time were Jewish, and one was involved  
24 in a committee which lobbied against their clients.

25 This has absolutely no connection

1           between that case and the one that I am arguing on  
2           Mr. Bahr's behalf here.

3                         If I can go through the documents,  
4           the case law they cited? Just very briefly, the first  
5           one cited by Mr. Vigna, Caza versus Télé-Métropole Inc.  
6           at Paragraph 11.

7                                 "An allegation of bias,  
8                                 especially actual and not simply  
9                                 apprehended bias, against a  
10                                tribunal member is a serious  
11                                allegation."

12                                That, I assume you would agree, is  
13           fairly true. And in this case, it is an allegation of  
14           reasonable apprehension of bias. It is not an  
15           allegation of actual bias. This is a serious matter,  
16           and it would not have been brought up by ourselves if  
17           it had not been deemed to be extremely serious.

18                                At Paragraph 13 of the same case, it  
19           says:

20                                "The proper test to be applied  
21                                in the matter of this type is  
22                                correctly expressed by the Court  
23                                of Appeals. As already seen by  
24                                the quotation above, the  
25                                apprehension of bias must be a

1 reasonable one held by  
2 reasonable and right-minded  
3 persons applying themselves to  
4 the question and obtaining  
5 thereon the required  
6 information."

7 And the argument in this case is not  
8 that the member has represented lesbians or the member  
9 is a lesbian. The argument, the reason, the particular  
10 point about the reasonable apprehension of bias are  
11 particularly the comments of the Bill 208 case, where  
12 the person who introduced the bill in the Alberta  
13 legislature was attempting to protect the rights of  
14 those whether of Christian background or secular  
15 background who are uncomfortable with same-sex  
16 marriages and do not wish to officiate at those.

17 That would be the application of  
18 their rights. Now --

19 THE CHAIRPERSON: Have you got a copy  
20 of that bill that you would like to tender?

21 MR. FROMM: I don't have it. From  
22 the news stories.

23 THE CHAIRPERSON: Thank you.

24 MR. FROMM: I will check my notes. I  
25 want to have the quotation right here. Yes.



1                   According to the report from the SEE  
2 Magazine, the member said in regards to that bill:

3                   "It sends the message that  
4                   hatred and intolerance are  
5                   legitimate when they are  
6                   directed against this minority  
7                   group --"

8                   Which would be homosexuals and  
9                   lesbians.

10                  "People are allowed to have  
11                  their private opinions," the  
12                  member was quoted as saying,  
13                  "but they are not allowed to  
14                  discriminate against minorities  
15                  in the public sphere."

16                  That is very much the issue at least  
17                  in terms of the sexual orientation allegations in this  
18                  case.

19                  It is our position in our Statement  
20                  of Particulars that Mr. Bahr never wrote the passage  
21                  about calling for euthanasia, whatever, of homosexuals.  
22                  He will not get a chance to say that, because he has  
23                  instructions not to testify. But if the member  
24                  believes that he said that -- or, wrote that, rather,  
25                  that is a considerably more severe comment than the

1 right not to officiate same-sex marriages because your  
2 beliefs go contrary to that practice.

3 The comment is already on public  
4 record. Those who disagree with same-sex marriage have  
5 a right to their opinion but basically not the right to  
6 act on that opinion. They should be compelled to act  
7 contrary to that. It is clear to support what gives me  
8 considerable concern about an apprehension of bias that  
9 would apply very particularly to this case, I think.

10 And I guess this is where the  
11 judgment comes in that a reasonable person looking at  
12 that comment and that situation and then looking at  
13 Mr. Bahr's alleged comment and the judgment that has to  
14 be made between his individual right, freedom of  
15 belief -- I am not sure we are pursuing freedom of  
16 religion but freedom of belief, right of freedom of  
17 speech.

18 How does that balance against the  
19 group rights to be free from whatever it is the  
20 Canadian Human Rights Tribunal commission making it  
21 free from? Negative criticism, I suppose.

22 MR. WARMAN: I object. I am sorry.  
23 This seems to be straying rather far from reply and  
24 getting into argument.

25 THE CHAIRPERSON: Yes.

1 I will give you a few more minutes.  
2 Carry on, Mr. Fromm.

3 MR. FROMM: In the same case, Caza  
4 versus Télé-Métropole Incorporated, your attention was  
5 drawn to Paragraph 15:

6 "An allegation of reasonable  
7 apprehension of bias calls into  
8 question not simply the personal  
9 integrity of the judge but the  
10 integrity of the entire  
11 administration of justice."

12 I am not sure we are calling into  
13 question the integrity of the member, just the ability  
14 in this very volatile issue where feelings are very  
15 strong and expressed strongly to fairly do the job.  
16 And, yes, if the public perceives that there is bias on  
17 the part of people rendering decisions by members of  
18 this case, it will bring the administration of justice  
19 into disrepute.

20 In the case of Zündel versus Citron,  
21 cited by Mr. Warman, I think -- yes, in Zündel versus  
22 Citron, your attentions was drawn to Paragraph 36. The  
23 Federal Court of Appeals in this case -- I think  
24 perhaps the case is on point, even though in the end,  
25 Mr. Zündel lost it. The situation was one where there

1 are three tribunal members, a Human Rights Tribunal,  
2 and one of them had been a member some years previously  
3 of the Ontario Human Rights Commission.

4 At that time in 1998, Mr. Zündel was  
5 convicted, and later on, that was overturned. At that  
6 time, the Ontario Human Rights Commission put out a  
7 statement applauding this as a great victory and so on.  
8 And though Ms Devins did not actually write that  
9 statement, she was a member of the commission at the  
10 time. She refused to recuse herself, but the Federal  
11 Court of Canada ruled that there was a reasonable  
12 apprehension of bias.

13 Now, notice in that case she had not  
14 directly authored that statement, but I suppose it  
15 could be seen as part of the collectivity or  
16 corporation that had. And this was overturned in the  
17 end; it is true. But in this case, it seems to me  
18 there is an even closer connection with the issues at  
19 hand.

20 It is not just that the member has  
21 been a part of homosexual or lesbian advocacy or so on,  
22 but the very issues of this case have been strongly  
23 commented on and very, very recently. This is not  
24 ancient history.

25 And final --

1 THE CHAIRPERSON: So what exactly is  
2 the very issues in this case --

3 MR. FROMM: The very issue in this  
4 case --

5 THE CHAIRPERSON: -- that there is a  
6 comment related? I just want to be really, really  
7 clear about what exactly your objection is.

8 MR. FROMM: Comments particularly on  
9 Bill 208.

10 THE CHAIRPERSON: Okay. And that  
11 comment was?

12 MR. FROMM: Those people -- okay.

13 THE CHAIRPERSON: And we don't have a  
14 copy of the Bill.

15 MR. FROMM: I don't have a copy.

16 THE CHAIRPERSON: So you are going  
17 from a report from what publication?

18 MR. FROMM: Several reports that were  
19 all sited in our submissions to you.

20 The comments are:

21 "It sends the message that  
22 hatred and intolerance are  
23 legitimate when it is directed  
24 against this minority group.  
25 This is unconscionable."

1                   This minority group of people,  
2           homosexuals and lesbians.

3                   Further to that comment:

4                               "People are allowed to have  
5                               their private beliefs, but they  
6                               are not allowed to discriminate  
7                               against minorities in the public  
8                               sphere."

9                   And that had to do with the intention  
10           of the bill to allow marriage commissioners in the  
11           province of Alberta to opt out of same-sex ceremonies  
12           and teachers in the province of Alberta to opt out of  
13           discussing same-sex marriages if that discussion  
14           violated their religious or other beliefs.

15                               In this case, we have alleged  
16           comments by Mr. Bahr, alleged posting by Mr. Bahr, on  
17           homosexuals. The posting is quite inflammatory, quite  
18           negative, and the intention here is does he have the  
19           right to express his sincerely or political or other  
20           beliefs?

21                               And a very reasonable apprehension of  
22           bias arises from the comments made in what seems to be  
23           a similar case pitting similar interests against each  
24           other.

25                               Those are my submissions.

1 THE CHAIRPERSON: Okay. Thanks.

2 Anything arising for anyone else?

3 MR. WARMAN: No.

4 MR. VIGNA: Just very briefly, Madam  
5 Chair.

6 There is no link whatsoever to the  
7 bill being referred to and the subject matter of this  
8 case. It is not a case about involving legislation of  
9 gay marriage. It is not a case of the comments that  
10 were made supposedly by the member to the media. I  
11 mean, basically there is no reason for minority groups  
12 to be discriminated against, whether they are  
13 heterosexuals or gays. So that is the law.

14 So I don't see what apprehension of  
15 bias in the comments were made.

16 THE CHAIRPERSON: All right. I am  
17 going to take some time to consider this. I will be  
18 providing an oral decision when I return.

19 So it is quarter to 12. How about we  
20 take our lunch break now? If we come back, say, at  
21 1:30, I will have a decision then. Thanks very much.

22 --- Upon recessing at 11:43 a.m.

23 --- Upon resuming at 1:30 p.m.

24 THE CHAIRPERSON: Good morning,  
25 everybody -- afternoon now.

1 THE REGISTRAR: Be seated.

2 THE CHAIRPERSON: I am going to  
3 address the motion that was put before us this morning.  
4 And I have got it written out, so I will just read it.

5 In the within complaint, the  
6 complainant alleged that the respondents violated  
7 Section 13.1 of the Canadian Human Rights Act on  
8 numerous grounds: religion, race, national or ethnic  
9 origin, sexual orientation.

10 The respondent's representative has  
11 brought a motion this morning seeking an order that  
12 this member recuse herself by reason of a reasonable  
13 apprehension of bias.

14 First, I will note that there is no  
15 evidence tendered in support of this motion. The  
16 respondent's representative includes in his motion  
17 numerous extracts of what purports to be media  
18 clippings taken from the internet. The evidence was  
19 not tendered or put forward in proper form.

20 The law is clear that the threshold  
21 is high because there is a presumption of neutrality.  
22 The onus of demonstrating bias lies with the person  
23 alleging its existence, and an allegation must be  
24 supported by material evidence.

25 Here, the respondent's representative



1           elected not to tender such evidence. The respondent's  
2           application must fail for that reason, and I so find.

3                           Further, however, and in the  
4           alternative, even if the material included in the  
5           respondent's statement of facts is taken at face value,  
6           I find that an allegation of bias has not been made  
7           out.

8                           First, there is been no suggestion  
9           made by the respondent's representative that this  
10          member has demonstrated any bias in the present  
11          hearing, two-and-a-half days of which have now  
12          concluded.

13                          Further, there is been no suggestion  
14          of any direct interest or connection between this  
15          member and this case or the parties before the  
16          tribunal.

17                          The respondent's representative  
18          instead relies on the media articles, which would  
19          suggest a number of things:

20                          First, that this member has  
21          represented clients who are members of minority groups  
22          enumerated in the Canadian Human Rights Act, including  
23          gay and lesbian clients; that this member has made  
24          public comments in support of minority groups  
25          enumerated in the Canadian Human Rights Act, including

1 the rights of gays and lesbians; third, that the member  
2 herself may be a member of the minority group  
3 enumerated in the Canadian Human Rights Act and in  
4 particular, may be a lesbian; finally, that this member  
5 made a comment in relation to a private member's Bill  
6 considered by the Alberta Legislative Assembly.

7 The respondent's representative  
8 identified that, in particular, the following comment  
9 is particularly indicative of bias, and that is,  
10 "People are allowed to have their private opinions, but  
11 they are not allowed to discriminate in a public  
12 sphere."

13 So first with respect to the law, and  
14 we've canvassed that this morning. The law with  
15 respect to an apprehension of bias addresses a concern  
16 that is central. It is central to the administration  
17 of justice that parties to an adjudication are entitled  
18 to a hearing by an adjudicator who is fair and who is  
19 impartial.

20 The tests for assessing allegations  
21 of bias or apprehension thereof have been set out  
22 clearly by the Courts.

23 But first, there is an important  
24 distinction to be drawn, and that is drawn in the cases  
25 between judicial neutrality and judicial impartiality.

1           The former, judicial neutrality, is simply not  
2           possible. The later, judicial impartiality, is  
3           critical to the fair administration of administrative  
4           process.

5                                 Justices L'Heureux-Dubé and McLachlin  
6           in the decision of R versus RDS, 1997, 3 SCR, 484,  
7           discuss at length a very important, critical  
8           distinction between these two concepts, and I am  
9           turning to page 34 of that decision.

10                                I am going to read some of it,  
11           because it is particularly critical to this  
12           determination.

13                                Madam Justice L'Heureux-Dubé and  
14           McLachlin identifies as follows: In order to apply the  
15           test -- and this is the test for an apprehension of  
16           bias -- it is necessary to distinguish between the  
17           impartiality which is required of all judges and the  
18           concept of judicial neutrality. The distinction which  
19           would draw that is reflected in the insightful words of  
20           Benjamin N. Cardozo in the nature of the judicial  
21           process, at page 12 and 13 and 167, where he affirmed  
22           the importance of impartiality while at the same time  
23           recognizing the fallacy of judicial neutrality.

24                                Mr. Cardozo is quoted as follows:

25   "There is in each of us the

1 stream of tendency, whether you  
2 choose to call it philosophy or  
3 not, which gives coherence and  
4 direction to thought and action.

5 Judges cannot escape that  
6 current any more than other  
7 mortals. All their lives,  
8 forces which do not recognise  
9 and cannot name have been  
10 tugging at them -- inherited  
11 instincts, traditional beliefs,  
12 acquired convictions -- and the  
13 resultant is an outlook on life,  
14 a conception of social needs.  
15 In this mental background, every  
16 problem finds its setting. We  
17 may try to see things as  
18 objectively as we please.  
19 Nonetheless, we can never see  
20 them with any eyes except our  
21 own.

22 Deep below consciousness are  
23 other forces, the likes and  
24 dislikes, the predilections and  
25 the prejudices, the complex of

1 instincts and emotions and  
2 habits and convictions, which  
3 make the person, whether he or  
4 she be litigant or judge.

5 Cardozo recognised that  
6 objectivity was an  
7 impossibility, because judges,  
8 like all other humans, operate  
9 from their own perspectives. As  
10 the Canadian Judicial Counsel  
11 noted in commentaries on  
12 judicial conduct, there is no  
13 human being who is not the  
14 product of every social  
15 experience, every process of  
16 education, and every human  
17 contact. What is possible and  
18 desirable is impartiality."

19 And it is impartiality that is a  
20 requirement of this proceeding.

21 That this member has engaged in  
22 advocacy for human rights may lead one to conclude that  
23 she, like others, is not neutral. It does not,  
24 however, lead to the conclusion that she is impartial.

25 And now we need to turn to the test,

1 and the test for an apprehension of bias and the manner  
2 in which that is to be analysed, I am going to start,  
3 again, with the decision of R versus RDS, and this is  
4 at page 12.

5 And the test is that of an informed  
6 reasonable person. So the test is:

7 "What would an informed person,  
8 viewing the matter realistically  
9 and practically and having  
10 thought the matter through,  
11 conclude? Would he or she think  
12 that it is more likely than not  
13 that the decision-maker,  
14 consciously or unconsciously,  
15 would not decide fairly?"

16 I am also instructed by the reasons  
17 of the Federal Court of Appeal in Zündel at Paragraph  
18 36 that:

19 "The reasonable person must be  
20 an informed person with  
21 knowledge of all relevant  
22 circumstances, including the  
23 traditions of integrity and  
24 impartiality that form part of  
25 the background and apprised also

1                   of the fact that impartiality is  
2                   one of the duties the judges  
3                   swear to uphold. The threshold  
4                   is high."

5                   The onus of establishing an  
6                   apprehension of bias is on the one alleging.

7                   And further in the Zündel decision is  
8                   they have referenced to an Ontario Court of Appeal  
9                   decision in E.A. Manning Limited, and it is identified  
10                  there that it must be presumed in the absence of any  
11                  evidence to the contrary that the commissions will act  
12                  fairly and impartially in discharging their  
13                  adjudicative responsibilities and will consider  
14                  particular facts and circumstances of each case.

15                  Before we turn to the facts, the  
16                  allegations in this particular application, we need to  
17                  ask ourselves, "Would these facts in each of them make  
18                  a reasonable person believe that this member will not  
19                  fairly and impartially consider all of the evidence and  
20                  will not fairly and impartially apply the relevant law  
21                  to the evidence as it is found?"

22                  And we must consider the instructions  
23                  from the Supreme Court of Canada in R versus RDS about  
24                  the nature of that reasonable person. And at Paragraph  
25                  48, the reasonable person is a person who approaches

1 the question of whether there exists a reasonable  
2 apprehension of bias with a complex and contextualised  
3 understanding of the issues in the case.

4 The reasonable person is cognisant of  
5 the social dynamics -- and I am paraphrasing with the  
6 word "social" -- social dynamics in a local community  
7 and is a member of the Canadian community and  
8 supportive of the principles of equality.

9 That having been said, let us turn to  
10 the facts alleged by the respondent's representative  
11 and ask whether this reasonable person, the reasonable  
12 person that Madam Justice L'Heureux-Dubé and McLachlin  
13 identified for us.

14 Would this reasonable person think  
15 that the member would not, for reason of bias, be able  
16 to decide fairly and impartially the matter before the  
17 tribunal?

18 First, there was a suggestion that  
19 this member may be a member of one of the five grounds  
20 upon which this complaint is brought. Is that a fact  
21 that would lead a reasonable person, our reasonable  
22 person, to decide that there be an apprehension of  
23 bias?

24 In my view, this reasonable person  
25 would not conclude that a person's identity compromises



1           their ability to consider this matter fairly and  
2           impartially. And, frankly, to find otherwise would be  
3           profoundly contrary to the principles of the quality  
4           paramount under this act, the Canadian Human Rights Act  
5           and, according to Madam Justices L'Heureux-Dubé and  
6           McLachlin, the very fabric of Canadian society.

7                               Second, that the member may have  
8           represented clients who are members of minority groups  
9           protected under the Canadian Human Rights Act including  
10          gays and lesbians, would our reasonable person conclude  
11          bias from that fact?

12                              And it is hard -- I cannot see how  
13          that could possibly give rise to an apprehension of  
14          bias as adjudicators who either are or have been  
15          lawyers represent clients. The identity of those  
16          clients cannot reasonably be found to dictate,  
17          compromise, or express an adjudicator's ability to be  
18          impartial with respect to the facts in front of them.

19                              And I was particularly struck by  
20          Mr. Vigna's observation that criminal lawyers would  
21          have a very difficult time becoming judges at all if  
22          they were identified with their clients.

23                              Thirdly, that the member made public  
24          comment in support of human rights, support of the  
25          rights of gays and lesbians in particular. And, again,

1           this may go to neutrality. Again, there is an  
2           important distinction: This may go to neutrality, not  
3           to impartiality.

4                         And, further, the laws in this  
5           country, including the Canadian Human Rights Act  
6           itself, are expressly intended to foster the rights of  
7           minority groups. Comments consonant with this  
8           fundamental principle of Canadian society cannot, in my  
9           view, amount to a reasonable apprehension of bias.

10                        And, finally, with respect to the  
11           particular comment, "People are allowed to have their  
12           private opinions, but they are not allowed to  
13           discriminate in a public sphere," that is a correct  
14           articulation of the laws of Canada as articulated in  
15           the Canadian Human Rights Act and in the Human Rights  
16           Act of other provinces in this country. And so, again,  
17           such a statement cannot give rise to an apprehension of  
18           bias.

19                        For those reasons, the motion is  
20           denied.

21                        Mr. Fromm, I will ask you to commence  
22           your cross-examination.

23                        I am going to adjourn for 15 minutes  
24           so somebody can have an opportunity to get Sergeant  
25           Camp back before us. So thank you very much.

1 MR. VIGNA: He is right here.

2 MR. FROMM: May I ask when we can  
3 have a written copy of this?

4 THE CHAIRPERSON: I am not sure when  
5 the transcripts will be ready.

6 THE REGISTRAR: As mentioned on  
7 Tuesday, the transcripts will be ready in ten days. A  
8 copy will be provided to you.

9 MR. FROMM: So there will be no  
10 possibility of any action in another place until this  
11 is all over; is that the agreement?

12 THE CHAIRPERSON: Mr. Fromm, you have  
13 your recourse, and your recourse is to the Federal  
14 Court.

15 MR. FROMM: Well, not without a  
16 transcript.

17 THE CHAIRPERSON: Sir, as I say, you  
18 have your recourse, and you will have to canvass those.

19 MR. FROMM: Okay. Well, I would just  
20 like to announce that we are proceeding under protest.

21 THE CHAIRPERSON: Thank you.

22 Okay. We will see you in 15 minutes.

23 --- Upon recessing at 1:46 p.m.

24 --- Upon resuming at 2:07 p.m.

25 THE CHAIRPERSON: Good afternoon.

1 Mr. Fromm?

2 THE REGISTRAR: Be seated.

3 PREVIOUSLY SWORN: STEPHEN CAMP

4 EXAMINATION (cont'd) BY MR. FROMM:

5 MR. FROMM: Before I start, I was  
6 wondering if the court reporter could read back the  
7 last couple of sentences before we took the break?

8 THE COURT REPORTER: (By Reading)

9 "MR. FROMM: So there will  
10 be no possibility of any action  
11 in another place until this is  
12 all over; is that the agreement?

13 THE CHAIRPERSON: Mr. Fromm,  
14 you have your recourse, and your  
15 recourse is to the Federal  
16 Court.

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18 without a transcript.

19 THE CHAIRPERSON: Sir, as I  
20 say, you have your recourse, and  
21 you will have to canvass those.

22 MR. FROMM: Okay. Well, I  
23 would just like to announce that  
24 we are proceeding under protest.

25 THE CHAIRPERSON: Thank



1 MR. CAMP: No, sir. A  
2 year-and-a-half, I spent at the Edmonton Young Offender  
3 Centre. It is a maximum correctional facility for  
4 youth and was a correctional service worker there.

5 MR. FROMM: Didn't think you were a  
6 client.

7 What led you into policing after  
8 that? What drew you to policing as a career?

9 MR. CAMP: Personally?

10 MR. FROMM: Yes.

11 MR. CAMP: Fascinated with the work.

12 MR. FROMM: Okay. Now, according to  
13 your CV, you approached the Edmonton Police Service  
14 with the idea of setting up a Hate Crimes unit; is that  
15 correct?

16 MR. CAMP: That is correct.

17 MR. FROMM: What sort of police work  
18 had you been doing prior to the time you made that  
19 proposal?

20 MR. CAMP: I was in patrol.

21 MR. FROMM: What does that mean?

22 MR. CAMP: Do you want to know, like,  
23 from 1991 to 2003 what I did for the Edmonton Police  
24 Service?

25 MR. FROMM: In a general sense, yeah.

1 MR. CAMP: Yeah. Patrol, which was  
2 basically responding to calls for service, anything  
3 from domestic disputes, assaults, homicides, traffic  
4 accidents, parking complaints, disturbances. I spent  
5 four years as a beat constable or foot patrol officer  
6 or neighbour foot patrol officer in Old Strathcona. I  
7 spent half a year in a programme in Auto Theft called  
8 Hot Wheels. For south division patrol, north division  
9 patrol, and downtown core patrol and in the north end.

10 MR. FROMM: I am from out of town, as  
11 you know. But the area that you mentioned, Old  
12 Strathcona, is that a high crime area?

13 MR. CAMP: Are you talking  
14 comparatively to the city? Like, out of other  
15 divisions?

16 MR. FROMM: Yes.

17 MR. CAMP: I would -- I haven't  
18 looked at, you know, statistically speaking, compared  
19 to communities, because there are so many across the  
20 city. But it is a very busy area as far as calls for  
21 service and proactive intervention into the community.  
22 Very busy. I can say that. Primarily in that area,  
23 you are dealing with 30-plus licenced premises in a  
24 small area. High density.

25 MR. FROMM: So a fair bit of drinking

1 type of crimes to attend?

2 MR. CAMP: A lot of drug-related  
3 files, sale and distribution of cocaine,  
4 methamphetamine, marijuana, a lot of calls to service  
5 in regards to intoxicated persons, fights,  
6 disturbances. That is correct.

7 MR. FROMM: Okay. So in about 2000,  
8 you made a proposal to Edmonton Police Service about  
9 the Hate Crimes unit.

10 MR. CAMP: 2001, there was a proposal  
11 to the executive officers team to develop the Hate  
12 Crimes unit.

13 MR. FROMM: What drew you from the  
14 role as a beat cop, a place where you did patrol and  
15 that type of thing? What drew you in the direction of  
16 proposing, let's say, a Hate Crimes unit?

17 MR. CAMP: First of all, trying to  
18 develop a Hate Crime unit didn't draw me away from  
19 policing.

20 MR. FROMM: I didn't imply that, but  
21 what drew your interest in that direction?

22 MR. CAMP: There is a few things.  
23 For a major municipality with a diverse population, I  
24 felt it was necessary for a law enforcement agency to  
25 have a unit that understands issues such as hate crimes



1 and its affect on the community and that there has to  
2 be a mechanism in place to be able to, I guess, capture  
3 the statistics of hate crimes in the city, to deal with  
4 the effects of hate crime, investigate hate crimes.

5 What we found was that there was no  
6 knowledge base or a lack of expertise -- for lack of a  
7 better term, knowledge -- in our agency with regards to  
8 this type of crime. I felt it was a crime that  
9 deserved special knowledge. I felt that the general  
10 police population in the city of Edmonton didn't  
11 understand what a hate crime was or the effects of  
12 extremism or hate propaganda, and there needs to be a  
13 central unit within the services to deal with these  
14 issues and that there was no mechanism in place at that  
15 time.

16 MR. FROMM: What sparked your  
17 personal interest in that aspect of policing hate  
18 crimes? You said many of your fellow officers weren't  
19 very aware of it were and weren't keeping statistics.  
20 What sparked your interest in it?

21 MR. CAMP: I don't know. I have a  
22 general interest in it. I was actually astonished that  
23 the Edmonton Police Service didn't have a Hate Crimes  
24 unit, to be quite honest.

25 But I don't have anything personal in

1 my life that would draw me to have a specific interest  
2 or a specific reason why I felt it was necessary for  
3 this city to have this unit. I find it interesting. I  
4 can't really explain why.

5 MR. FROMM: So you yourself have not  
6 been a victim of a crime?

7 MR. CAMP: I don't think so.

8 MR. FROMM: Nobody close to you?

9 MR. CAMP: Like, in my personal life?

10 MR. FROMM: Well, close to you in  
11 your personal life, I guess.

12 MR. VIGNA: Madam Chair, I object to  
13 the relevancy of the question. I don't see how this  
14 can be relevant. I am not making a strong objection,  
15 but we are going a little bit out of line.

16 THE CHAIRPERSON: Okay.

17 Mr. Fromm, carry on.

18 MR. FROMM: I'll just repeat the  
19 question. You said you yourself have not been a victim  
20 of a bias crime or a hate crime, and I asked if anybody  
21 close to you -- a relative or spouse, brother,  
22 sister -- had.

23 MR. CAMP: No, sir.

24 MR. FROMM: Okay. So in 2001, you  
25 made this proposal to the Edmonton Police Service to

1 set up a Hate Crimes unit.

2 MR. CAMP: Yeah, there was two of us,  
3 actually, that proposed this to the service: myself  
4 and Constable Dave Huggins.

5 MR. FROMM: What was the response of  
6 the service?

7 MR. CAMP: Positive. One of the  
8 issues or the obstacles in front of the service, as  
9 usual, when you are trying to allocate resources to a  
10 specific unit is money and personnel.

11 But the response from the executive  
12 team was positive, and they gave at us the go-ahead to  
13 continue to attempt to try to establish a unit.

14 MR. FROMM: Now, your proposal was in  
15 2001. At what point was the unit formed?

16 MR. CAMP: 2003, January.

17 MR. FROMM: What sort of funding did  
18 it have the first year?

19 MR. CAMP: We had two years of  
20 funding. A formal proposal went into the Federal  
21 Government Canadian Heritage to seek out funding to  
22 initiate a unit. To make a long story short, the  
23 Canada Heritage department agreed to fund the unit for  
24 two years. They granted \$180,000 to the unit to begin  
25 the start up and fund the cost for two years.

1 MR. FROMM: What would that cover,  
2 \$180,000?

3 MR. CAMP: It was a joint venture.  
4 The Edmonton Police Service would allocate -- I think  
5 it was 20 to 30 percent of the costs, and the balance,  
6 the Canada Heritage would put forward: infrastructure,  
7 I guess, computers, desks, stationery, and the wages of  
8 both officers -- or part of the wages. Two-thirds of  
9 it.

10 MR. FROMM: So am I correct, then,  
11 initially there were two officers in the Hate Crimes  
12 unit?

13 MR. CAMP: That is correct.

14 MR. FROMM: What was the mandate from  
15 the Edmonton Police Service to your unit, the Hate  
16 Crimes unit? What were you supposed to do?

17 MR. CAMP: Well, we developed the  
18 mandate.

19 MR. FROMM: What was the mandate that  
20 you developed that the Edmonton Police Service bought  
21 into?

22 MR. CAMP: Well, the mandate ...

23 MR. FROMM: What was it that you were  
24 supposed to do as a Hate Crimes unit? I have a pretty  
25 good idea what, say, the robbery unit would do.

1 MR. CAMP: Right. Right.

2 MR. FROMM: What would the Hate  
3 Crimes unit do?

4 MR. CAMP: What were our functions?

5 MR. FROMM: Yes.

6 MR. CAMP: We performed a number of  
7 functions. We developed a community partnership  
8 system. And in layman's terms, I guess, a diverse unit  
9 basically establishing contact with the Aboriginal and  
10 minority communities.

11 We did that by setting up committees  
12 in each community, and we also set up an umbrella  
13 committee or umbrella diversity committee or an  
14 umbrella partnership committee called Chiefs Advisory  
15 Committee that involves the chief of police, the  
16 executive, the officers in the Hate Crimes unit, and  
17 their community committees.

18 We also had to develop the unit  
19 itself, its infrastructure, everything from the  
20 database we utilised, we had to change the  
21 infrastructure of reporting formats within the service  
22 to catch hate crimes which weren't being captured by  
23 our service at all and also to set up mechanisms to  
24 capture hate instances as well.

25 We researched and developed all of

1           our training with regards to hate crime investigations  
2           and the effects of hate crimes on the Aboriginal and  
3           minority communities.

4                           We are involved in the training of  
5           recruit classes. We are also involved in the research  
6           and development of racial profiling policies for the  
7           service and racial profiling training. The research  
8           and training for both the hate crimes and racial  
9           profilings included going outside our jurisdictions to  
10          seek out the training for that.

11                          We were operational as well, and we  
12          investigated hate crimes. We also had a mechanism in  
13          place to review files and confirm whether it was a hate  
14          crime or a hate incident or not and develop policies on  
15          hate crime and hate crime investigations.

16                          We were, like I say, operational with  
17          regards to investigations and gathering intelligence on  
18          persons involved in extremists or hate establishing  
19          networks within the national and international  
20          community with regards to the law enforcement across  
21          Canada. There were maybe a few other things I am  
22          missing, but we were quite busy for two constables.

23                          MR. FROMM: That is quite a mandate.

24                          You mentioned that one of the things  
25          you tried to do was to change the reporting of crimes

1 to identify what we consider a hate crime.

2 MR. CAMP: No, I didn't mention that.  
3 I mentioned that there was no infrastructure or  
4 reporting infrastructure within the Edmonton Police  
5 Service that when a crime was committed and that crime  
6 was committed because it was motivated by hate, bias,  
7 or prejudice, there was no mechanism in place to report  
8 it as a hate crime.

9 What would happen is that the crime  
10 would be reported under the Criminal Code section,  
11 whether it was mischief or assault, and there was no  
12 mechanism in place to collect statistics on whether it  
13 was a hate crime or not. So what we had to do was  
14 change the reporting forms to capture that.

15 How it would work is that if the file  
16 is investigated by one of our patrol officers on the  
17 street as the first responder, if they felt that it may  
18 or may not -- may be a hate crime or a hate incident --  
19 that is, a crime or incident motivated by hate or bias  
20 or prejudice -- they would forward it to our unit, and  
21 we would review it to establish whether it was a hate  
22 crime or hate incident or it wasn't.

23 MR. FROMM: So that would be a crime  
24 or report of a crime that might have been motivated by  
25 hate or bias on what grounds?

1 MR. CAMP: On what grounds?

2 MR. FROMM: Yes.

3 MR. CAMP: Are you asking me how we  
4 verify that it was ...

5 MR. FROMM: No. You said a crime  
6 that might have been motivated by hate or bias. Hate  
7 or bias against who?

8 MR. CAMP: Oh. Any racial, religious  
9 group, for example. Could be race, religion,  
10 nationality, ethnicity, sexual orientation, disability,  
11 colour. I have to actually look at our definition.  
12 There are nine of them, actually. But race,  
13 nationality, ethnicity, sexual orientation, colour,  
14 physical disability, and any other similar factor. And  
15 I know I am missing one.

16 MR. FROMM: Another one of the  
17 activities you mentioned was that you developed -- I  
18 believe you said you developed training for diversity.  
19 Was that training for another policeman?

20 MR. CAMP: Well, primarily our  
21 training for recruits, we were specific to what a hate  
22 crime is: explain what a hate crime is, how to  
23 investigate it, what to do with the file when they  
24 investigate it. We did go into the effects on the  
25 affected communities that the alleged crime of hate was



1 targets towards, so ...

2 MR. FROMM: How did you determine  
3 what the affect was of a hate crime on a community?

4 MR. CAMP: There was a couple of  
5 ways: through the research that we've established  
6 since 1999, but also --

7 MR. FROMM: Who established it?

8 MR. CAMP: Sorry?

9 MR. FROMM: You said, "The research  
10 we established." Who? Who is the "we"?

11 MR. CAMP: Oh. The research that I  
12 conducted over the years, general literature, reading,  
13 going to the training programme in the U.S., also the  
14 hate crimes investigative course in B.C.

15 And what was most profound, though,  
16 was the contact we had with the affected communities  
17 through our committee work as well, where they would  
18 explain to us the affects they felt of crimes motivated  
19 by hate.

20 Some of the affects they would feel  
21 are -- it is an interesting crime in that a crime  
22 motivated by hate is not specific to the individual,  
23 the victim. It does reverberate in kind of a ripple  
24 effect into the entire community. What happens, this  
25 is what -- and, again, through direct contact, it does

1 match our research as well is that what communities  
2 find is that there is anxiety and fear and anger and  
3 desire for retaliation.

4 For example, if a black man is beaten  
5 because he is black, the entire community will feel the  
6 effect of that beating, because it is directed toward  
7 the person solely because he is black as compared to  
8 there is a fight in a parking lot and they are fighting  
9 over a parking stall.

10 The research was there for us to  
11 review through general literature. But also what I  
12 found most profound was the contact in the leadership  
13 in the community and the forms of seminars we would  
14 provide for them on hate crimes.

15 MR. FROMM: I may have misunderstood,  
16 but I thought I heard you say you were also involved in  
17 training of cadets in terms of diversity.

18 MR. CAMP: No. I mean, we weren't  
19 training cadets.

20 MR. FROMM: How to report a hate  
21 crime or detect one.

22 MR. CAMP: No. We don't train  
23 cadets. We train our recruits, but part of the  
24 training of our recruits, even though we received  
25 Training the Trainers, a certificate to training on

1           diversity, our training was very specific to hate  
2           crimes and the effects it has on the Aboriginal and  
3           minority communities.

4                         We did throw a diversity component  
5           into the training; however, it was minimal. It kind of  
6           was sprinkled throughout the affects of the  
7           communities. So we want the recruits to be aware that  
8           we have minority communities, racial communities,  
9           religious communities, all sorts of different  
10          communities in the city, and they should be aware of  
11          them.

12                        Sometimes these communities are  
13          affected by hate crimes, discrimination, and hate  
14          incidents. Our primary goal was to have the  
15          understanding of our law enforcement that the social  
16          contacts of the city was this: Be aware of it when you  
17          are investigating crimes. If you feel that the crime  
18          is hate motivated, send it to our unit.

19                        MR. FROMM: In that training at one  
20          point, did you have recruits that were male walk down  
21          Jasper Avenue holding hands?

22                        MR. CAMP: No. Whyte Avenue,  
23          actually. What we did in our training was -- it was a  
24          very interesting strategy we proposed to our executive.  
25          I can sit there and lecture about the effects of being

1 a minority, for example, in Edmonton.

2 We wanted not just to intellectualise  
3 that process, but we wanted our recruits to actually  
4 feel, emotionalise the experience. So over the course  
5 of, I think, a year-and-a-half, we did three scenarios  
6 with our recruits.

7 One is where we dressed up a woman as  
8 a Muslim, orthodox Muslim in a hijab, and we had her  
9 walk down Whyte Avenue.

10 Another one, we had a male recruit  
11 dress up in the traditional orthodox Sikh outfit and  
12 walk through Edmonton Centre at lunchtime on a week day  
13 at the lunch court and feel what that was like.

14 And the one that you are referring to  
15 is, again, have two males walking hand in hand to  
16 understand and feel what it was like to be gay as well.

17 All three were for our recruits to  
18 understand the effects of being a minority in this city  
19 and what that can feel like.

20 I must say the response to the  
21 recruits were very interesting. They felt very  
22 vulnerable. We would always -- we usually picked a  
23 white person, because a lot of times in a country where  
24 the majority is white, they don't seem to understand  
25 what it is like to be discriminated against. So we

1 wanted them to feel that.

2 We felt that type of learning was  
3 better than being lectured. I felt that the learning  
4 process stayed with them longer than it would be  
5 receiving a power point presentation where I can tell  
6 them the effects of discrimination and this and that.

7 MR. FROMM: Were there any objections  
8 from the recruits to particularise that business of  
9 walking down Whyte Avenue and holding hands?

10 MR. CAMP: It was interesting. We  
11 had a recruit class -- that particular one, we had a  
12 recruit class, I think, of 50 officers, and we  
13 explained in the morning -- we did our lecture on hate  
14 crimes, and then as we got to the discussion of what we  
15 were planning on doing, we went in thinking we might  
16 get one or two volunteers. We made sure that they were  
17 first of all able to say no to being a Sikh or Muslim  
18 or gay person, all three.

19 They didn't have to do this. This  
20 wasn't a requirement. And that was backed up by the  
21 executive chain. They didn't want the recruits to feel  
22 they had to do this because it looked good for them.  
23 We made it very clear to them.

24 When it came to the point where we  
25 asked for volunteers in the gay scenario, half the

1 class put their hands up to do it. So what we had to  
2 do was throw all the names in the hat and pick two  
3 persons to do that.

4 MR. FROMM: So your point was it was  
5 not compulsory for recruits?

6 MR. CAMP: Absolutely not. In fact,  
7 we were prepared that no one would put their hands up,  
8 and we were going to move on with the lectures for that  
9 day.

10 MR. FROMM: You also indicated that  
11 one of the tasks of the Hate Crimes unit was gathering  
12 intelligence on persons -- hard to read my writing --  
13 involved in extremists, something or other. Could you  
14 tell us about that?

15 MR. CAMP: When I use the word  
16 "extremists", people think terrorism, that members of  
17 Al-Qaeda are going to be blowing up the building. But  
18 when I use it in that context, an extremist is, for  
19 example, say there is a religious group in the city  
20 here that is espousing, I guess, hate.

21 I will use the specific example.  
22 There is a religious group called "X". Inside that  
23 group is a small group espousing hatred towards "Y".  
24 If they are espousing that type of rhetoric that "Y"  
25 should be wiped out, are subhuman, this, that, and the

1 other thing, we become very interested in that subgroup  
2 of "X", because we feel that that type of rhetoric can  
3 move to violent actions towards "Y".

4 So, yeah, it doesn't matter to us  
5 what type of extremist activity it is, if it is "X" and  
6 "Y" or it is religious, whatever, the bottom line is it  
7 is very generic for us. It has to be extremist  
8 rhetoric or extremist activity to be focussed on.

9 MR. FROMM: You use the example of  
10 religious group "X" espousing hatred against religious  
11 group "Y". Would you also be investigating the  
12 people's political views?

13 MR. CAMP: Yeah, the political views  
14 is something we will never enter into, because if you  
15 look under the hate propaganda section of the Criminal  
16 Code, there used to be four. Now there is five. If  
17 you are talking about hate propaganda, there is no  
18 protection there for political rhetoric.

19 Also, under Section 718 of the  
20 Criminal Code, the sentencing enhancement for hate  
21 crimes, political views aren't included in there as  
22 well, so it would be outside our mandate. In fact, it  
23 kind of reeks of McCarthyism.

24 MR. FROMM: You said that you would  
25 be gathering intelligence about extremists. What do

1           you mean by "gathering intelligence"? What does that  
2           mean?

3                           MR. CAMP: It would mean a number of  
4           things.

5                           MR. FROMM: I know it means a number  
6           of things. I want to know what those things are.

7                           MR. CAMP: Well, who those people  
8           are, what they are espousing, what their plans are, if  
9           there is going to be violent actions, if they are  
10          planning on blowing up someone's house.

11                          MR. FROMM: How would you learn those  
12          things?

13                          MR. VIGNA: Okay, Madam Chair, we are  
14          going a little bit out of bounds, and I think that it  
15          is a possibility that we don't get into the police  
16          operation at this point. What we have to decide here  
17          is the facts related to the complaint. I did object  
18          earlier to certain questions which might seem a little  
19          bit out of bounds, but I don't want to go too deep to  
20          police operations and investigative techniques, because  
21          it is not part of the allegation.

22                          THE CHAIRPERSON: Mr. Fromm, I am a  
23          little concerned with the relevance as well. Could you  
24          let us know --

25                          MR. FROMM: Well, we have heard



1 nearly two days' testimony from Sergeant Camp largely  
2 about Mr. Bahr and the Western Canada For Us website.  
3 And in order to test the credibility of that, I am  
4 trying to find out what it is the Edmonton Police  
5 Service Hate Crimes unit does, how it operates.

6 Many allegations were made and  
7 conclusions presented about Mr. Bahr in the Western  
8 Canada For Us website, and I am just trying to develop  
9 a better understanding myself as to the methodology  
10 they use. And I think we would want to get into more  
11 aspects of some evidence we looked at in the last two  
12 days.

13 THE CHAIRPERSON: Okay. I will let  
14 this proceed a little bit further, but I do have a  
15 concern about the relevance. Carry on.

16 MR. FROMM: So back to my question,  
17 how would you develop this intelligence? You said you  
18 would try to find out what these people were doing,  
19 were thinking, or planning, and so on. How would you  
20 go about that?

21 MR. CAMP: Like I say, I am not going  
22 to discuss our police intelligence operations.

23 MR. FROMM: Does it --

24 MR. VIGNA: Madam Chair, I would like  
25 to, again, return to my objection for the same reasons

1 I mentioned earlier. I understand there is a certain  
2 way to do the cross-examination, but it goes way out of  
3 line, and it can also compromise the investigation.

4 MR. FROMM: Come on. The  
5 investigation's finished.

6 THE CHAIRPERSON: Mr. Warman?

7 MR. WARMAN: Madam Chair, this does  
8 go directly to investigative techniques. I think we  
9 object on that basis. I will during the break perhaps  
10 bring back the exact section that deals with  
11 investigative techniques being outside of bounds.

12 THE CHAIRPERSON: I will sustain the  
13 objection to that particular question, Mr. Fromm.  
14 Carry on.

15 MR. FROMM: Still on your curriculum  
16 vitae under the Additional Accomplishments -- give me a  
17 second here. It may be elsewhere. Yeah. Back to  
18 Prepared and Presented Hate Crimes Lectures Training  
19 near the end of that three-page section, three items  
20 from the bottom, it says:

21 "2005, December 14th, hate and  
22 bias crimes presentation, Canada  
23 Revenue Agencies employment  
24 equity training."

25 Would you have a -- was this the

1 written paper you gave?

2 MR. CAMP: No. It was just a verbal  
3 presentation to -- I will go back a little bit.  
4 Apparently Canada Revenue Agency, once a year, they  
5 have Employment Education Day. And what they do is  
6 they ask, like, Department of National Defence to come  
7 in, law enforcement, other courses to come in and give  
8 presentations on whatever they wish to put  
9 presentations on.

10 They asked us to, for their day,  
11 their Education Day, to come and give one to them. I  
12 don't really know the motivation why they asked us,  
13 but, you know, it is a community effort. And we went  
14 and provided their staff -- and it was probably 75,  
15 approximately, staff from the Revenue Agency there  
16 listening to the training. Some of them were sleeping,  
17 some of them were interested.

18 MR. FROMM: Okay. I will just go a  
19 bit farther up that page:

20 "2005, September, presented as  
21 an expert panelist at the fourth  
22 annual international network  
23 against cyber hate conference in  
24 New York."

25 Did you present a paper at that

1 convention?

2 MR. CAMP: I am sorry, which day is  
3 that?

4 MR. FROMM: That is three pages into  
5 your section called Prepared and Presented Hate Crimes  
6 Lecture Training, which is page 5 of the fax that I  
7 have, if that helps.

8 MR. CAMP: Okay. You are saying:  
9 "2005, September, presented as  
10 an expert panelist at the fourth  
11 international annual network."  
12 That one there?

13 MR. FROMM: Yes.

14 MR. CAMP: Did I present a paper on  
15 that one?

16 MR. FROMM: Says you were presented  
17 as an expert panelist. What was your participation in  
18 that?

19 MR. CAMP: There was a conference,  
20 and I was a guest panelist at a forum in regards to  
21 that subject matter.

22 MR. FROMM: You didn't present a  
23 formal paper?

24 MR. CAMP: No. I presented a  
25 presentation.

1 MR. FROMM: Okay.

2 MR. CAMP: I did a presentation.

3 MR. FROMM: What was the nature of  
4 that conference?

5 MR. WARMAN: Madam Chair, what is the  
6 relevance of this to the case?

7 THE CHAIRPERSON: Yes, Mr. Fromm,  
8 could you help us with the relevance?

9 MR. FROMM: Well, this is, after all,  
10 the sergeant's curriculum vitae. He presented it. I  
11 am not presenting evidence of my own that I dug up, but  
12 this is who he is and his experiences and his  
13 involvements and achievements, particularly in the  
14 areas that might interest this tribunal. And I am just  
15 trying to explore what exactly he has been doing and  
16 see if this can assist us in any way.

17 MR. WARMAN: Madam Chair, I will just  
18 reiterate, Sergeant Camp is tendered as a witness of  
19 fact and not an expert witness.

20 THE CHAIRPERSON: That point was made  
21 yesterday afternoon, Mr. Fromm.

22 MR. FROMM: Yes, Madam.

23 THE CHAIRPERSON: I am going to give  
24 you a little bit of room on this one, but please try  
25 and remember that we are needing to stick with the

1 element of the complaint, the elements contained in the  
2 complaint themselves. And it seems like we are getting  
3 pretty far afield.

4 Although it is interesting to hear  
5 what Sergeant Camp's been up to, I don't see how it is  
6 relevant. And so I will give you a little bit more  
7 here, but please keep that in mind.

8 MR. FROMM: Well, what was the nature  
9 of that conference?

10 MR. CAMP: If I remember correctly,  
11 it was about hate on the internet. But, again, I would  
12 have to go back in my files and present, I guess, Madam  
13 Chair, with the, I guess, information from the  
14 conference, if you wish.

15 MR. FROMM: I am sorry?

16 MR. CAMP: Well, I don't have a copy  
17 of the material from the conference here. I can't  
18 remember exactly that the title of the conference was,  
19 and it is not in front of me. This was a year ago.  
20 But from memory, I think it was a conference on  
21 fighting hate on the internet.

22 MR. FROMM: I suspect you will be  
23 back tomorrow. Could you bring that back tomorrow  
24 then?

25 MR. CAMP: Sure.

1                   MR. VIGNA: Madam Chair, I don't know  
2 if we need to have him bring documents that are not  
3 related to the case.

4                   THE CHAIRPERSON: Well, I let the  
5 question in. The next question sort of flows naturally  
6 from it. Mr. Fromm has my concerns with respect to  
7 relevance, so if Sergeant Camp thinks that that record  
8 is fairly easily accessible, I don't see any harm.

9                   MR. CAMP: I will check and see if I  
10 have it, but I am not -- if I have it, I will bring it  
11 in.

12                  THE CHAIRPERSON: Okay.

13                  MR. FROMM: Thank you.

14                  Finally on that page:

15                         "2005, December 13, panelist  
16                         speaker at a conference in  
17                         Ottawa for the Association of  
18                         Canadian studies in Canadian  
19                         Human Rights commission."

20                  Did you present a paper at this  
21 conference?

22                  MR. CAMP: No.

23                  MR. FROMM: What was your  
24 participation?

25                  MR. CAMP: Again, it was a

1 presentation.

2 MR. FROMM: Just off the top of your  
3 head, your comments?

4 MR. CAMP: Just hang on. I am just  
5 trying to remember which. Again, it was along the same  
6 lines, if I remember correctly, to the New York one.  
7 It was in regards to combating hate on the internet.

8 MR. FROMM: But you have a copy of  
9 your works?

10 MR. CAMP: Why would I have them  
11 here?

12 MR. FROMM: Do you have a copy of  
13 them?

14 MR. CAMP: I don't know, Madam Chair,  
15 but I ...

16 THE CHAIRPERSON: A copy of which?

17 MR. CAMP: He wants a copy of -- what  
18 do you want a copy of?

19 MR. FROMM: Well, you delivered a  
20 speech there. You say you did.

21 MR. CAMP: I don't have a copy of the  
22 speech, but I may have a copy of what the presentation  
23 was about.

24 MR. FROMM: That will be helpful.

25 MR. CAMP: What the conference was



1 about, I should say.

2 THE CHAIRPERSON: Counsel?

3 MR. VIGNA: I want to be brief, but I  
4 don't want this to be a fishing expedition.

5 THE CHAIRPERSON: Well, so far he has  
6 been asked to produce what sounds like the brochures  
7 that relate to the particular events that Sergeant Camp  
8 participated in.

9 Mr. Fromm, to the extent that  
10 Sergeant Camp can find those fairly easily, I will ask  
11 him to take a look for them.

12 MR. FROMM: I think the relevance is  
13 that this is a conference -- the last is a conference  
14 that was held in Canada held partly under the auspices  
15 of prosecuting -- well, their title indicts combating  
16 hate on the internet.

17 THE CHAIRPERSON: But relevant to  
18 what? Why is that relevant to this complaint? In what  
19 respect? How would this evidence help? To what end --

20 MR. FROMM: Well, combating hate.

21 THE CHAIRPERSON: -- are you asking  
22 for that evidence?

23 MR. FROMM: Well, I don't have the  
24 evidence, so I don't know how it could help. But I  
25 would like to understand the -- so far, the

1 Commission's only witness is Sergeant Camp. He has  
2 testified for two days. He has presented a good deal  
3 of evidence. In order to test that evidence, I am  
4 trying to learn a little bit more about some of his  
5 other activities.

6 MR. WARMAN: Madam Chair, just to  
7 emphasize that the disclosure obligation applies to  
8 parties if Mr. Camp had given -- I just think we are  
9 going quite a ways astray.

10 THE CHAIRPERSON: Mr. Fromm, tell me  
11 again what this is relevant to. I mean, you are  
12 telling me that we have seen Mr. Sergeant Camp for a  
13 couple of days now, but what is this line of  
14 questioning relevant to? What issue that is before  
15 this tribunal relates to the questions that you are  
16 asking?

17 MR. FROMM: For the credibility of  
18 the witness. And I am interested in other comments he  
19 has made on the same sort of material that has been  
20 before this tribunal: the Section 13.1 and so-called  
21 hate on the internet. I am not asking for his views of  
22 little league baseball or whether he coaches lacrosse.  
23 That is of no relevance. I am asking for things that  
24 are particularly germane to this hearing.

25 THE CHAIRPERSON: Counsel?

1 MR. VIGNA: Madam Chair, the  
2 allegations that are being made about credibility have  
3 no -- there is no piece of information on which the  
4 respondent is relying on to make such a request.

5 The document being asked is speaking  
6 notes from a conference. How can this possibly be  
7 linked to the hearing? I mean, that means that  
8 anything he might have said on the issue arising on  
9 hate messages would be relevant. That is exactly what  
10 I said earlier, a fishing expedition.

11 There would have to be at least some  
12 indication that the respondent would have to indicate  
13 that there might be some relevance. But it is a  
14 general statement and words of the respondent himself.  
15 Mr. Fromm, the respondent's representative, he said, "I  
16 would have to see it to see if it is relevant." That  
17 is exactly it, it is a fishing expedition.

18 MR. CAMP: Madam Chair, if it helps,  
19 I don't have speaker notes from my speaking engagement.  
20 All I can provide, if you wish, which you can probably  
21 get on the internet, is what the conference is about,  
22 which is probably still there.

23 I mean, I went down to speak. There  
24 were no papers presented, and that is it. So I don't  
25 have speaker notes to provide to you. I don't have --

1 and like I say, you can probably find it on the  
2 internet. If you want to look it up, look up the date  
3 and location and name of the conference, and you will  
4 find it. If not, I will search my paperwork at the  
5 office and see.

6 THE CHAIRPERSON: I don't see how  
7 brochures of conferences are going to have any impact  
8 at all on credibility.

9 Mr. Warman?

10 MR. WARMAN: In fact, Madam Chair, if  
11 I may, on another case, another Section 13 case where  
12 Section 13 has been challenged, Mr. Fromm has already  
13 tendered a fair bit of information about that very  
14 conference. So I would submit that Mr. Fromm is  
15 already in possession of that information.

16 THE CHAIRPERSON: Okay. Carry on,  
17 Mr. Fromm.

18 MR. FROMM: Mr. Warman has me  
19 confused with one of the other parties.

20 But I am going to ask another  
21 question about that conference. You say you don't have  
22 your notes. Did you mention Glenn Bahr and Western  
23 Canada For Us at that conference?

24 MR. CAMP: Did I mention Glenn Bahr?  
25 I don't remember mentioning Glenn Bahr.

1                   MR. FROMM: In your curriculum vitae,  
2 you mentioned that you had taken a course in hate  
3 crimes investigation in B.C.

4                   MR. CAMP: That is correct.

5                   MR. FROMM: Who gave that course?

6                   MR. CAMP: It was put on by the RCMP.

7                   MR. FROMM: So any particular unit of  
8 the RCMP or just ...

9                   MR. CAMP: I think it was the B.C.  
10 Hate Crime team.

11                   MR. FROMM: Did you bring back  
12 materials from that conference?

13                   THE CHAIRPERSON: I am not going to  
14 allow Sergeant Camp to be required to retrieve those  
15 materials. I don't see the relevance.

16                   MR. FROMM: Was what you learned at  
17 this conference influential in the way you proceeded to  
18 investigate hate crimes in Edmonton?

19                   MR. CAMP: It may have enhanced  
20 things a bit. It is hard to say. I was doing a lot of  
21 research on hate crimes over the years before that 2002  
22 conference, so I didn't really glean a lot from that  
23 conference, to be honest with you.

24                   I mean, I think it was a three-day  
25 conference. It was a course of three days that had

1           some interesting points, some interesting things that  
2           were spoken about and lectured on, some of it relevant  
3           to Canada, some it relevant to Alberta, but not as much  
4           as I had hoped.

5                           There were maybe a few items in  
6           regards to specifics on what a hate crime is and things  
7           to suggest in hate crime investigation and protocol,  
8           definitions of hate crime, things like that. It was an  
9           interesting conference, but I wouldn't say it was ...

10                           MR. FROMM: Okay. I am going to  
11           leave the curriculum vitae now.

12                           And as Mr. Vigna proceeded in his  
13           examination of you, he asked you a number of questions.  
14           And I think early on, you indicated -- if my notes are  
15           correct here -- that you would not have spent more than  
16           about 5 percent of your time on monitoring the internet  
17           along with all of your other duties. Are my notes  
18           correct on that?

19                           MR. CAMP: Yes. Monitoring the  
20           internet on those almost three years didn't compose, I  
21           would say, 5 percent of my time.

22                           MR. FROMM: Okay. Coming now to your  
23           interest in Glenn Bahr, I just want to confirm my notes  
24           here. You say he first came to your attention late  
25           2003?

1 MR. CAMP: Well, I remember it being  
2 2003. I think I do remember in late 2002, beginning of  
3 2003, beginning to observe posts on Stormfront from  
4 SS-88. That is correct.

5 MR. FROMM: Well, why would this draw  
6 your attention?

7 MR. CAMP: Well if you are -- in my  
8 opinion, Stormfront is a site that espouses hate  
9 ideologies. I see the moniker of SS-88 --

10 MR. FROMM: If I could just stop you  
11 there for a moment, Sergeant. Go back to that comment.  
12 You said in your view, Stormfront espouses hate  
13 ideologies. What do you mean by that? What do you  
14 mean by "hate"?

15 MR. CAMP: You want examples or me to  
16 summarise?

17 MR. FROMM: Well, you have  
18 indicated -- you have attached the term "hate" to it.  
19 Let me put it this way: You have shown us on a number  
20 of occasions the masked head or the home page of  
21 Stormfront.

22 MR. CAMP: Of Stormfront?

23 MR. FROMM: Yes. In the material  
24 that Mr. Vigna took you through, various postings, you  
25 would see the masked head.

1 MR. CAMP: Actually, what I was  
2 showing the tribunal with those downloads there are  
3 postings by SS-88. They weren't presented to show  
4 Stormfront, they were supposed to show postings of  
5 SS-88 on Stormfront, a discussion forum.

6 MR. FROMM: But in the process of  
7 that, in these copies, we saw -- maybe this is not the  
8 right word for it, but the masked head. It says  
9 "Stormfront" and "international" and various other  
10 things. Does it say there "hate site"?

11 MR. CAMP: When you review the entire  
12 site, I would consider in my opinion that is a hate  
13 site not only from discussion forums that are evident  
14 on that site, but there is also literature on that site  
15 that you can link into as well.

16 MR. FROMM: So you will confirm,  
17 then, that this is your opinion, it is a hate site? Is  
18 that correct?

19 MR. CAMP: That is correct.

20 MR. FROMM: Would you be able to tell  
21 us what you mean by a hate site? I mean, by "hate", I  
22 am interested in what you mean by "hate".

23 MR. CAMP: I am going to refer to my  
24 report.

25 MR. FROMM: Yes.



1                   MR. CAMP: And it is basically a  
2 decision by -- a Kegstra decision. My thing is when  
3 you investigate hate propaganda, you have to remember  
4 and be careful that the rhetoric that you are viewing,  
5 it is not just casual in nature. It has to be of  
6 intensity that goes beyond the norm.

7                   What I do when I investigate hate  
8 propaganda, when I view literature print or audio or  
9 video or on electronics such as a website, what I use  
10 is my references, my case law, on what hate is.

11                   And in here, I have a small example.

12                   THE CHAIRPERSON: Could you tell me  
13 what page you are on?

14                   MR. CAMP: I am sorry. Page 23, Tab  
15 8, Paragraph 26.

16                   In the decision, the justice said:

17                   "Noting the purpose of Section  
18 319, Subsection 2, in my  
19 opinion, the term "hatred"  
20 connotes emotion of an intense  
21 and extreme nature that is  
22 clearly associated with  
23 vilification and detestation."

24                   As Cory J.A. stated in R versus

25                   Andrews:

1 "Hatred is not a word of casual  
2 connotation. To promote hatred  
3 is to instill detestation,  
4 enmity, ill-will, and  
5 malevolence in others. Clearly  
6 an expression must go a long way  
7 before it qualifies with the  
8 definition in 319.

9 Hatred is predicated on  
10 destruction, and hatred against  
11 identifiable groups therefore  
12 thrives on insensitivity,  
13 bigotry, and destruction of both  
14 the target group and of the  
15 values of our society. Hatred  
16 in this sense is a most extreme  
17 emotion that belies reason; an  
18 emotion that, if exercised  
19 against members of an  
20 identifiable group, implies that  
21 those individuals are to be  
22 despised, scorned, denied  
23 respect, and made subject to  
24 ill-treatment on the basis of  
25 group affiliation."

1                   That is one piece of case law that I  
2 will refer to. There are others as well as in R v.  
3 Andrews.

4                   MR. FROMM: So you try to apply the  
5 Supreme Court decision in Kegstra, the definition of  
6 hate, to literature you see or websites?

7                   MR. CAMP: No. I don't try to apply.  
8 What I do is I view the literature, if you want to use  
9 that as an example, and refer to these decisions to see  
10 if it does breach 319.

11                  MR. FROMM: Then you make the  
12 judgment as to whether it is a hate site or hate piece  
13 of literature?

14                  MR. CAMP: As in any --

15                  MR. VIGNA: Madam Chair, I just  
16 wanted to say when you make your judgments, I mean,  
17 ultimately, it is a court decision just like the words  
18 "hate" are not. I don't think that Sergeant Camp can  
19 make an ultimate decision whether it is hate. He can  
20 at least make it for the purposes of pressing charges.  
21 But the way the question is framed, I think it is  
22 misleading.

23                  THE CHAIRPERSON: Thank you. I think  
24 Sergeant Camp understands his restrictions, really,  
25 here. I think he is being quite helpful to the

1 proceedings.

2 So carry on, Mr. Fromm.

3 MR. FROMM: The label "hate", though,  
4 is pretty judgmental, and I am just trying to find out  
5 how Sergeant Camp applies it.

6 To your knowledge, has the website  
7 called Stormfront ever been found guilty under the law  
8 under Section 319?

9 MR. WARMAN: There is no evidence  
10 that Stormfront is even a Canadian website. We have no  
11 jurisdiction over Stormfront. It is an American  
12 website.

13 THE CHAIRPERSON: That is my  
14 understanding as well, Mr. Fromm.

15 Having said that, Sergeant Camp, are  
16 you aware of any Canadian prosecutions against that  
17 particular website?

18 MR. CAMP: No.

19 MR. FROMM: So the designation in  
20 your report of Stormfront as a U.S.-based hate site,  
21 that is your designation? That is your label, right?

22 MR. CAMP: No. I will give you an  
23 analogy, if this helps.

24 MR. FROMM: I am just interested --

25 MR. CAMP: Like I say, I would like

1 to answer the question, if I could.

2 THE CHAIRPERSON: Please.

3 MR. CAMP: If the website is an  
4 American-based website and it violates and breaches a  
5 section of the Criminal Code in the U.S. -- let me put  
6 it this way: If you look at Section 266 for assault,  
7 there is no such section that covers it in one  
8 jurisdiction. That jurisdiction to have that section  
9 can make an opinion, as a law enforcement official,  
10 whether, if it was in this jurisdiction, it would be a  
11 breach.

12 So if Stormfront was a website in  
13 Canada, I think there would be an investigation on that  
14 website, because it is breaching a Criminal Code  
15 section. Ultimately, it is up to law enforcement. We  
16 have the discretion to make an opinion.

17 If I investigate an assault, I have  
18 to make an opinion at some time whether I should lay a  
19 charge or not.

20 That is how simple it is with the 319  
21 charge. At one point, I have to make a decision  
22 whether charges are to be laid. I don't mean to  
23 marginalise it, but I am trying to simplify the matter  
24 here. It is another Criminal Code section just like  
25 any other investigation I have to do, whether it is an

1           impaired, a homicide, an assault.

2                           At what point do I have evidence to  
3 proceed? If it is there in front of me, which in my  
4 opinion by far exceeds what we have seen on the website  
5 here, I have to form the opinion to proceed or not.

6                           MR. FROMM: Okay. Back to the time  
7 Mr. Bahr came to your attention, and you said this was  
8 sometime probably in the latter part of 2003, you had  
9 seen some postings by him on Stormfront. Is that  
10 correct?

11                           MR. CAMP: I appreciate you making  
12 the link of Mr. Bahr to SS-88, because I was reading  
13 SS-88.

14                           MR. FROMM: It was your testimony on  
15 Bahr.

16                           MR. CAMP: What is the question?

17                           MR. FROMM: The question was you  
18 identified Mr. Bahr -- or, SS-88 came to your attention  
19 sometime in the latter part of 2003; is that correct?

20                           MR. CAMP: That is correct.

21                           MR. FROMM: Because of postings on  
22 Stormfront?

23                           MR. CAMP: SS-88 became a person of  
24 interest, yes.

25                           MR. FROMM: In layman's terms, what

1 does that mean?

2 MR. CAMP: SS-88 or --

3 MR. FROMM: No, "a person of  
4 interest".

5 MR. CAMP: Well, I like to use  
6 analogies. So if someone tells me as an officer that  
7 Mr. "X" has committed a criminal offence, perhaps  
8 distributing and selling cocaine, that becomes a  
9 subject of interest to me, because we enforce the law.

10 So in this case, observing SS-88  
11 posting that you are going to start an organisation  
12 call Western Canada For Us on a website, at that point,  
13 you become a subject of interest of mine. It is just  
14 like any other criminal investigation.

15 MR. FROMM: You assured us earlier,  
16 though, that the Hate Crimes unit does not concern  
17 itself with politics.

18 MR. CAMP: That is right.

19 MR. FROMM: Now, the posting that  
20 Mr. Bahr made or SS-88 made, as the case might be, that  
21 he was going to start an organisation called Western  
22 Canada For Us. How would that come under your purview  
23 according what you said?

24 MR. CAMP: Right. Again, in the  
25 postings on Stormfront, which in my opinion is a hate

1 site, and with the moniker of SS-88 and the Canadian  
2 discussion on a number of other individuals like Der  
3 Totenkopf, these are red flags for me that these people  
4 are involved in neoNazi activity and neoNazism and  
5 white supremacy.

6 What we do in hate crime, I feel that  
7 that type of group may instill fear into other groups.  
8 That type of group may involve themselves in criminal  
9 activity against minorities, Aboriginals. It would  
10 basically be what I consider negligent of my duties as  
11 a law enforcement official of hate crimes to ignore  
12 what I see transforming here in Alberta.

13 There is always the -- I note this  
14 too, that there is always the chance these people or  
15 Glenn Bahr -- as we see as SS-88 -- on Stormfront may  
16 not involve themselves in anything. But we have to at  
17 least look at it and ensure that there is peace within  
18 our community.

19 And, I guess, like I said, it would  
20 be negligent of me as a law enforcement official to  
21 ignore what we see here.

22 MR. FROMM: Did Mr. Bahr in his --  
23 or, SS-88 in his postings there in the latter part of  
24 2003 say, "I am a neoNazi. I am a neoNazi"?

25 MR. CAMP: No. But then again, when



1 I am investigating drug traffickers, they don't go up  
2 to me saying, "I am dealing cocaine." We have to  
3 develop -- or, we have to look at the circumstantial  
4 evidence before us and make a determination.

5 In fact, for law enforcement, I don't  
6 think I have heard any Hate Crimes unit investigator  
7 saying that a neoNazi went up to him and said, "Hi. I  
8 am a Nazi." I mean, I think that would be quite  
9 unusual, to be honest with you.

10 MR. FROMM: So it is judgment? It is  
11 your opinion that some people are Nazis and some people  
12 are maybe not? When dealing with people, do you not  
13 allow people to self-identify?

14 MR. CAMP: First of all, to answer  
15 your first question, I think anybody can form an  
16 opinion if someone is a neoNazi or not, and that is up  
17 to them.

18 What is the second question?

19 MR. FROMM: Well, you are in a  
20 position of power. I guess all of us can form an  
21 opinion. But when you meet somebody, do you not allow  
22 them to self-identify?

23 MR. CAMP: I don't understand. I  
24 don't allow?

25 MR. FROMM: You meet somebody in the

1 community, and you ask them a question directly or  
2 indirectly that invites them to say who they are, and  
3 they say -- let us say I am an Armenian.

4 MR. CAMP: Right.

5 MR. FROMM: And you are prepared to  
6 accept that, right?

7 MR. CAMP: Sure.

8 MR. FROMM: You don't say, "No, you  
9 are a Greek. You are not Armenian, you are a Greek."

10 MR. CAMP: Okay.

11 MR. FROMM: So you are generally  
12 allowing people to self-identify. Now, I am asking you  
13 did Mr. Bahr or SS-88 in the fall of 2003 on Stormfront  
14 say, "I am a neoNazi. That is who I am"?

15 MR. CAMP: No.

16 MR. FROMM: No, he didn't. Okay.  
17 But you came to the conclusion he was.

18 MR. CAMP: In 2003?

19 MR. FROMM: Yes.

20 MR. CAMP: I was suspicious that he  
21 was. I didn't come to the conclusion.

22 MR. FROMM: As between, let us say,  
23 religion and politics, would neoNazism, if it exists,  
24 be a religion or political movement?

25 MR. WARMAN: Objection, Madam Chair.

1 That is an expert witness question. Sergeant Camp is  
2 witness of fact.

3 THE CHAIRPERSON: I agree.

4 MR. VIGNA: Same objection.

5 THE CHAIRPERSON: It is not a  
6 question that Sergeant Camp is qualified to address.

7 MR. FROMM: Well, he did assure us  
8 that his unit does not concern itself with politics. I  
9 am asking him how he understands neoNazis. I mean, he  
10 said he thought Mr. Bahr might be a neoNazi. I am  
11 trying to find out how he categorizes neoNazis.

12 MR. WARMAN: Madam Chair, I think it  
13 is clear that if a political group or a group itself  
14 identifies with a political group that is engaged in  
15 hate-based criminal activity, it is going to fall under  
16 the purview of Sergeant Camp.

17 I think we are just bouncing around  
18 the edges of something that doesn't really make a whole  
19 lot of sense.

20 MR. BAHR: May I say something?

21 THE CHAIRPERSON: Yes.

22 MR. BAHR: Well, if Mr. Camp can tell  
23 me I am a neoNazi, he must know what a neoNazi is,  
24 correct? And if he is an expert on hate crimes and he  
25 has brought forward all this evidence of swastikas, me

1           being a Nazi, I think he can make an opinion whether it  
2           is political or not. I think that is totally -- it  
3           should be allowed here.

4                         THE CHAIRPERSON: All right. Again,  
5           the issue of this whole road of self-identification, I  
6           am having difficulty with the relevance of it.  
7           Mr. Sergeant Camp's evidence was generating an opinion  
8           and an appreciation for the law of the violation of a  
9           particular section of the Criminal Code.

10                        The characterisation of who the  
11           suspects or the interested parties were doesn't seem to  
12           be particularly relevant. Sergeant Camp is here to  
13           speak to us about his work as a police officer  
14           enforcing the Criminal Code.

15                        MR. FROMM: That is exactly what I am  
16           trying to get at.

17                        You came to the conclusion that SS-88  
18           or Glenn Bahr, as the case might be, might be a  
19           neoNazi.

20                        MR. CAMP: Again, I have to agree. I  
21           mean, if a neoNazi wants to espouse certain things that  
22           don't breach the Criminal Code, not much I can do. But  
23           if he is espousing and it breaches the Criminal Code  
24           such as Section 318 and develops a website that  
25           breaches the Criminal Code, I am interested. If

1           someone wants to be a neoNazi and not break the law,  
2           then they won't hear from me.

3                           So whether he is a neoNazi or not,  
4           whether it is political or racial or religious isn't  
5           really an issue with me. He can be whatever he wants  
6           to be. It is whether he breaches the Criminal Code.

7                           MR. FROMM: In the posts that you had  
8           seen in the fall of 2003, did you see anything there  
9           that breached the Criminal Code?

10                          MR. CAMP: Not at that point. Not on  
11           Stormfront. But, again, you know, and I will highlight  
12           this, I mean, my job as a law enforcement officer is to  
13           prevent crime as well, right? So if I see someone that  
14           I feel may warrant monitoring, I will monitor and  
15           watch. Just like if I feel someone is going to deal  
16           drugs, I will monitor and watch to make sure they are  
17           not. It doesn't matter. I am looking at Criminal Code  
18           breaches.

19                          So we are not just a response  
20           organisation that we wait for crime to happen. Our job  
21           and our mandate as law enforcement officials is to  
22           ensure that we prevent crime as well.

23                          MR. FROMM: I must admit, this leaves  
24           me a bit confused. So you would confirm, then?

25                          MR. CAMP: Confirm what?

1 MR. FROMM: The police service spies  
2 on political --

3 MR. WARMAN: Objection. Madam Chair,  
4 the wording here is clearly abusive.

5 MR. VIGNA: Madam Chair, there was  
6 been no such comment made.

7 THE CHAIRPERSON: I agree that there  
8 hasn't been a foundation laid for that question,  
9 Mr. Fromm.

10 MR. FROMM: All right.

11 MR. BAHR: Madam Chairperson, if I  
12 may? I think Mr. Camp presented evidence that my  
13 licence plate was being -- he had my licence plate,  
14 which means he was following me; a police officer on  
15 Whyte Avenue followed me; there is other evidence he  
16 has presented that they were following me. So I think  
17 Mr. Fromm's question is completely valid. If I was  
18 being followed before I committed an offence, is that  
19 not spying?

20 MR. WARMAN: Madam Chair, it is  
21 pursuant to the lawful criminal investigation. If  
22 Mr. Fromm has any knowledge of the law, he would know  
23 that the Criminal Code was not the issue here.

24 THE CHAIRPERSON: That was in  
25 relation to the execution of a search warrant. What

1 Mr. Fromm is dealing with is something quite different.

2 Mr. Fromm?

3 MR. FROMM: Am I correct that, I  
4 guess, on Tuesday you testified that you became  
5 concerned when you learned on Stormfront that SS-88 or  
6 Glenn Bahr was planning to form a group called Western  
7 Canada For Us?

8 MR. CAMP: That is correct.

9 MR. FROMM: So I ask you, how does  
10 the formation of the political group concern the  
11 police? They hadn't formed any --

12 THE CHAIRPERSON: It wasn't --

13 MR. FROMM: They hadn't done  
14 anything.

15 MR. WARMAN: Madam Chair, that  
16 question has been asked and answered repeatedly.

17 THE CHAIRPERSON: Mr. Fromm?

18 MR. FROMM: I am still waiting for an  
19 answer.

20 MR. WARMAN: I am still objecting.  
21 The question has been asked and answered.

22 THE CHAIRPERSON: Just ask the  
23 question again, Mr. Fromm, please.

24 MR. FROMM: When you developed  
25 information that SS-88 or Glenn Bahr was planning to

1 form a group called Western Canada For Us, you said  
2 that triggered your interest to investigate. I am  
3 asking why.

4 MR. CAMP: It wasn't so much that he  
5 was planning on forming a group called Western Canada  
6 For Us, it was in the context where it was being  
7 developed and the discussion on Stormfront that was  
8 concerning me.

9 First of all, it was on a hate site,  
10 and, secondly, the people involved in the discussion  
11 with the monikers let me to believe we may have what I  
12 consider someone that has neoNazi ideologies.

13 MR. FROMM: And is that against  
14 Criminal Code?

15 MR. CAMP: Of course not.

16 MR. FROMM: So it is perfectly legal  
17 to say, "I follow Adolf Hitler. He is the greatest"?

18 MR. CAMP: Absolutely.

19 MR. FROMM: So it would be perfectly  
20 legal to say, "I like Joe Stalin. He is a great leader  
21 and a great guy"?

22 MR. CAMP: Exactly.

23 MR. FROMM: So what were you  
24 investigating for if it wasn't illegal?

25 MR. CAMP: It is also the same way I



1 think I should be investigating a drug dealer. If  
2 someone is suspicious, I am going to monitor them and  
3 make sure they don't start distributing cocaine.

4 If they are on a website -- let us  
5 say there is a website built for drug distributors, and  
6 they like to talk on it. As a drug enforcement  
7 officer, if they were stupid enough to do that, I would  
8 be monitoring the website. If there is people on the  
9 Canadian discussion on a narcotic website saying, "I am  
10 going to start a link and start distribution, I am  
11 going to start watching." Whether they do or not, no  
12 Criminal Code has been breached yet. But I have an  
13 obligation to monitor to see if there is one.

14 You know, to save me a lot of work,  
15 it would be great if he didn't start espousing hate.  
16 We wouldn't be here.

17 MR. FROMM: It is against the law, is  
18 it not, to sell narcotics?

19 MR. CAMP: Yes. It is similar to  
20 being against the law to propagate hate as well. It is  
21 a Criminal Code section. I am a cop. I have to  
22 investigate.

23 MR. FROMM: You will agree it is not  
24 against the law to say, "I am a follower of Adolf  
25 Hitler"?

1 MR. CAMP: No. Absolutely not.

2 MR. WARMAN: Madam Chair, this  
3 question has been asked and answered.

4 MR. FROMM: The analogy was raised.  
5 If there is a website and people are saying they were  
6 going to peddle drugs, the Sergeant would be  
7 interested.

8 MR. WARMAN: Madam Chair, it doesn't  
9 mean you can repeat a question over again.

10 THE CHAIRPERSON: I think you have  
11 canvassed this area fully, Mr. Fromm. You can move on,  
12 please.

13 MR. FROMM: I would like to call your  
14 attention to the exhibit titled HR-7.

15 THE CHAIRPERSON: Mr. Fromm, is that  
16 in the binder, or is that loose? Do you remember?

17 THE REGISTRAR: It is loose.

18 THE CHAIRPERSON: Thank you.

19 MR. FROMM: I was wondering if you  
20 could just refresh our memory what this exhibit was?

21 MR. CAMP: This is the RCMP  
22 investigation?

23 MR. FROMM: Yes.

24 MR. CAMP: It was the RCMP  
25 investigation or a faxed copy of.

1 MR. FROMM: So it was an RCMP  
2 investigation faxed to your office?

3 MR. CAMP: That is correct.

4 MR. FROMM: And just to refresh our  
5 memories, what prompted this RCMP investigation?

6 MR. CAMP: According to the report,  
7 there was a report that looks to be from somebody,  
8 doesn't really say who, about suspicious males handing  
9 out fliers on white supremacy. All the neighbours are  
10 getting upset.

11 MR. FROMM: Whose determination was  
12 it that these fliers were white supremacy?

13 MR. WARMAN: Madam Chair, it is not  
14 his records. How can he answer? It is asking for  
15 speculation.

16 THE CHAIRPERSON: I think that is a  
17 fair comment, Mr. Fromm. Sergeant Camp is not the  
18 individual that drew any conclusions. It is generated  
19 out of the Leduc, I think, RCMP, and so the conclusions  
20 would be theirs.

21 MR. FROMM: So somebody at the --  
22 would it be fair to say that somebody at the RCMP in  
23 Leduc concluded that these were white supremacy --

24 MR. CAMP: No. Actually, no. As I  
25 noted in the testimony, I think, on Tuesday, if you

1 look at this report here, it looks to be a computerised  
2 printout.

3 MR. FROMM: Yes.

4 MR. CAMP: And there is a paragraph  
5 there that starts, "Two suspicious males" in the top  
6 portion here.

7 MR. FROMM: Yes.

8 MR. CAMP: That would be comments  
9 that are entered in from a complainant phoning the  
10 RCMP; for example, a community member, a citizen, a  
11 neighbour phoning the RCMP and saying this to the RCMP.  
12 We got suspicious males, it gives a description, and  
13 they are distributing white supremacy pamphlets.

14 In fact, it is very similar to the  
15 complaints that were in to the Old Strathcona station:  
16 people handing out white supremacy and stuff.

17 So it wasn't the determination of the  
18 RCMP that this was white supremacy, it was the  
19 determination of the person phoning in to the police.

20 MR. FROMM: Thank you. I am sure  
21 that is helpful. So somebody noticed some individuals  
22 handling out some leaflets and phoned the RCMP?

23 MR. CAMP: Right.

24 MR. FROMM: In Leduc; that is  
25 correct?

1                   MR. CAMP: Yes. By reading this, I  
2 would say -- even though I don't work for the RCMP, and  
3 I don't understand the protocols of their  
4 infrastructure, but this looks similar to what we would  
5 have as well in our call dispatch.

6                   So what I am seeing here, it looks  
7 like somebody phoned in and gave information to the  
8 RCMP, made a dispatch to the call. Subsequent to that,  
9 there is handwritten notes here by the investigating  
10 officers.

11                  MR. FROMM: And this leaflet here,  
12 something seems to be cut off, but it says "For Their  
13 Sake" and two children holding hands. Was that the  
14 leaflet that was forwarded to you?

15                  MR. CAMP: That is correct.

16                  MR. FROMM: And having read it over,  
17 does this strike you as white supremacy?

18                  MR. CAMP: Are you asking me -- just  
19 to help you out here, are you asking me if this is hate  
20 propaganda or white supremacy?

21                  MR. FROMM: Well, first of all, is it  
22 hate propaganda?

23                  MR. CAMP: No. I wouldn't consider  
24 this to be hate propaganda. This wouldn't breach  
25 Section 319. And neither would the other pamphlets, to

1 answer your question there.

2 MR. FROMM: Whoever phoned in the  
3 complaint -- I know you don't know who it is -- but  
4 that person did use the term "white supremacy". Having  
5 reviewed it yourself when it was forwarded to you,  
6 would that be your judgement of it?

7 MR. CAMP: That it was white  
8 supremacy?

9 MR. WARMAN: Madam Chair, again, this  
10 is not factual question. This is a question that  
11 Sergeant Camp is here to answer.

12 THE CHAIRPERSON: I agree, Mr. Fromm.

13 MR. FROMM: That term "white  
14 supremacy" and "hate" goes through all of Sergeant  
15 Camp's testimony. I agree he is not an expert, but I  
16 am trying to determine what constitutes in his  
17 judgment -- because he is the one who used the term.  
18 He didn't say "controversial" or something like that.  
19 He in other contexts labelled people and materials as  
20 white supremacist or neoNazi or hate. I am trying to  
21 find out where he finds that.

22 THE CHAIRPERSON: That is fair,  
23 Mr. Fromm.

24 I think it is true, Sergeant Camp,  
25 that you have used that vocabulary. So if you would

1 provide us with your definition of -- I think it was  
2 "white supremacy" that Mr. Fromm wanted you to  
3 describe? So what is your understanding of that?

4 MR. FROMM: All I am asking is this  
5 leaflet, "For Their Sake", in your opinion, would you  
6 label it white supremacist?

7 MR. CAMP: No. What I would say,  
8 though, is that what I have seen over monitoring  
9 numerous hate sites over the last seven or eight years  
10 since 1998 is that a lot of white supremacists  
11 sometimes use rhetoric similar to this as euphemisms.

12 There is nothing wrong with being  
13 proud of your race, whether you are white or black. I  
14 am not saying that. But what we do see is we do see  
15 forums where there is really hatred and a lot of hate  
16 rhetoric, extremes.

17 At the same time, they want to  
18 deliver pamphlets out to their fellow members to  
19 distribute throughout the neighbourhood. What they do  
20 is tone down the rhetoric and reverse it into white  
21 pride.

22 I am not saying that -- again, there  
23 is nothing wrong with being proud of being white. It  
24 is a great thing. But sometimes we see information  
25 like this hand in hand with white supremacist to

1 further the cause of white supremacist.

2 Per se, though, standing on its own  
3 without any context behind it, I wouldn't say this is  
4 white supremacist. I would say sometimes this goes  
5 hand in hand with white ideology.

6 MR. FROMM: Would you say that the  
7 first activities of Western Canada For Us that come to  
8 your attention is this pamphlet?

9 MR. CAMP: Well, this report was  
10 written in April, and March 8th was the Free Ernst  
11 Zündel protest. So it wasn't the first time. I guess  
12 the Kneehill Community Hall was another activity as  
13 well, and that was back in February.

14 MR. FROMM: Okay. I am not really  
15 trying to determine what was first or second, but this  
16 was an activity that had come to your attention --

17 MR. CAMP: That is right.

18 MR. FROMM: -- this pamphlet?

19 MR. CAMP: Yeah.

20 MR. FROMM: And having looked it  
21 over, you have determined it is not hate propaganda, it  
22 is not white supremacist. Looking at that, would you  
23 not conclude that this group, this Western Canada For  
24 Us, is behaving lawfully?

25 MR. CAMP: Well, in this particular



1 investigation here, these three individuals involved  
2 haven't committed any criminal offense.

3 MR. FROMM: Okay. Does it disturb  
4 you, having mentioned that there is a lot of drug  
5 pushing and violence and things associated with that in  
6 Edmonton, that your time is taken up by investigating  
7 what three youth are doing handing out pamphlets?

8 MR. CAMP: This didn't take any time.  
9 I didn't do anything here. I received a fax.

10 MR. FROMM: Would it disturb you  
11 that, as a law enforcement officer and having an idea  
12 what policing is like, that the Leduc police had to  
13 investigate this?

14 MR. CAMP: No. Not all.

15 MR. WARMAN: I don't think it is  
16 relevant.

17 THE CHAIRPERSON: He is on his way to  
18 answering it. I am sure he could answer it more  
19 quickly than us engaging a long discussion about it.

20 Carry on, Sergeant Camp.

21 MR. CAMP: No, it doesn't disturb me  
22 at all.

23 MR. FROMM: Does it bother you that  
24 people phoned in or complained about people from the  
25 marijuana party were handing out --

1 THE CHAIRPERSON: Sorry. Mr. Fromm,  
2 that is really not a relevant inquiry. Would you  
3 please move on?

4 MR. FROMM: Well, Madam Chair, as  
5 being frequently point out, I am not a trained lawyer.  
6 These proceedings were supposed to be conducted  
7 informally, and I don't have the benefit of taxpayer  
8 funding as the two gentleman here in front of me have.  
9 I am trying to do this the best way I can.

10 THE CHAIRPERSON: Mr. Fromm, I am  
11 sure that you are, and it is not my intention to be  
12 cantankerous. It is just that it is my job to make  
13 sure that there are limits to the questions. And what  
14 you were asking Sergeant Camp here in particular is  
15 what his feelings were about people calling in and  
16 making complaints that would cause him or some other  
17 officer to have to do something.

18 When I observed to you that that is  
19 not relevant, it is because it is not. Whatever his  
20 feelings might be, if he has to get in his car and  
21 drive across the city, are really not relevant to the  
22 subject matter of this compliant.

23 So carry on, Mr. Fromm.

24 MR. FROMM: There was another  
25 three-page exhibit, and I don't think I have it marked

1 down, but it involved, basically, the picture or the  
2 poster of Glenn Bahr and a posting on Stormfront about  
3 this poster. But this exhibit, I think it was ...

4 THE CHAIRPERSON: HR-4.

5 MR. FROMM: HR-4.

6 THE CHAIRPERSON: Third page of HR-4

7 MR. FROMM: Have this picture of

8 Glenn Bahr.

9 MR. CAMP: All right.

10 MR. FROMM: I am sure I have it in my  
11 notes exactly, but, Sergeant Camp, you did identify  
12 this? You had seen this poster?

13 MR. CAMP: That is correct.

14 MR. FROMM: And how did you obtain  
15 this poster?

16 MR. CAMP: This poster was sent to me  
17 by Reg Foreman.

18 MR. FROMM: Did you solicit the  
19 poster from him?

20 MR. CAMP: I think I made a phone  
21 call to see if he had actually seen the poster. There  
22 was a posting, as mentioned in previous testimony, on  
23 Stormfront that described the poster and the layout of  
24 it and the content and the photograph.

25 But on that poster, you couldn't

1 actually see the picture and some of the details here,  
2 so I had contacted Richard Warman, who was the  
3 complainant in this case, to see if he had actually  
4 seen the poster. He said that he had and sent it to  
5 me.

6 MR. FROMM: Are you be able to say,  
7 roughly, when you contacted him? I don't necessarily  
8 mean the exact date, just a timeframe.

9 MR. CAMP: I might need a minute or  
10 two to see if I have it.

11 MR. FROMM: Would it be possible to  
12 have a short break?

13 THE CHAIRPERSON: Sure. We will take  
14 15 minutes. Thank you.

15 --- Upon recessing at 3:34 p.m.

16 --- Upon resuming at 3:51 p.m.

17 THE CHAIRPERSON: Thank you. Be  
18 seated.

19 Mr. Fromm?

20 MR. FROMM: Just before the break, we  
21 were looking at HR-4. Do you have that out there?

22 MR. CAMP: Yes, I do.

23 MR. FROMM: And I would ask you about  
24 the -- I think you had mentioned that you had seen this  
25 posted on Stormfront.

1                   MR. CAMP: I had seen a portion of it  
2 posted. Actually, the picture of Glenn Bahr, you  
3 couldn't see. And where it says Name, Address, Phone  
4 and Date of Birth, the only thing that was available by  
5 SS-88, there was the name Glenn. Everything else was  
6 in asterisk. And below that on Stormfront was the  
7 content -- below that paragraph.

8                   MR. FROMM: Who would post that at  
9 Stormfront?

10                  MR. CAMP: It was SS-88. I will  
11 double check my notes here. SS-88.

12                  MR. FROMM: And the missing paragraph  
13 and other information that was on the poster, the  
14 address, phone, and date of birth, were you able to  
15 determine why that would be missing from the Stormfront  
16 post?

17                  MR. CAMP: No.

18                  MR. FROMM: So at that point, you  
19 were curious, I think you said, to have a complete copy  
20 of the poster, and you contacted Richard Warman?

21                  MR. CAMP: That is right.

22                  MR. FROMM: Where did he reside?

23                  MR. WARMAN: Objection.

24                  MR. VIGNA: Objection. Absolutely no  
25 relevancy.

1 MR. FROMM: It is relevant. I am not  
2 asking for the street address.

3 THE CHAIRPERSON: It is not a  
4 relevant question, Mr. Fromm.

5 MR. FROMM: Where had this poster  
6 originated?

7 MR. VIGNA: Madam Chair, I hope it is  
8 not an indirect question to the first question.

9 THE CHAIRPERSON: I am sorry. The  
10 question was where did the poster originate from?

11 MR. FROMM: Yes.

12 THE CHAIRPERSON: Do you know the  
13 answer to that, Sergeant Camp?

14 MR. CAMP: Well, no, I don't. I  
15 mean, it is mentioned here by SS-88, and I am referring  
16 to page 16 on the bottom portion, "E".

17 The only thing I can say is that  
18 SS-88 alleges that the ARA put this up, the Anti-Racist  
19 Action. Where it originates from, I don't know.

20 MR. FROMM: Where had it been  
21 distributed?

22 MR. CAMP: Well, according, again, to  
23 SS-88, it looks like it was distributed in Red Deer.

24 MR. FROMM: And according to the  
25 poster, who had put the poster up?

1 MR. CAMP: I don't know who, but I  
2 can say that SS-88 says that the ARA did it.

3 MR. FROMM: What does the poster say  
4 in terms of the authorship?

5 MR. CAMP: On the portion that says  
6 "Public Service Announcement," from Calgary Anti-Racist  
7 Action, ARA.

8 MR. FROMM: So it would be fair to  
9 say it seems to be an Alberta poster, an Alberta  
10 operation?

11 MR. CAMP: Yeah. I mean, it could  
12 be.

13 MR. FROMM: Not California?

14 MR. CAMP: Well ...

15 MR. FROMM: Newfoundland?

16 MR. CAMP: Could be. With the  
17 internet, it could come from anywhere. There are  
18 anti-Aryan chapters all over Canada, and there was a  
19 lot of interest across Canada about Western Canada For  
20 Us, so ...

21 MR. FROMM: But your testimony --

22 MR. CAMP: I can't say where it came  
23 from. Like, I can tell you what was on the poster,  
24 what SS-88 says, but I don't know where it came from.

25 MR. FROMM: Sergeant Camp, it was

1 your testimony that what was on the poster is the  
2 Calgary Anti-Racist Action group.

3 MR. CAMP: Yes.

4 MR. FROMM: So why would you contact  
5 a man in Ottawa to find a copy of a Calgary poster?

6 MR. VIGNA: Madam Chair, I don't know  
7 that there is any evidence about a man in Ottawa.

8 THE CHAIRPERSON: So would you  
9 rephrase your question, Mr. Fromm?

10 MR. FROMM: Mr. Warman resides in  
11 Ottawa. This poster, you said, seemed to come from the  
12 Calgary Anti-Racist Action group operating in Alberta.  
13 Why would you contact Mr. Warman in Ottawa for a copy  
14 of that poster?

15 MR. CAMP: To see if he knew where it  
16 came from, to see if he had a copy of it, or if he had  
17 seen a copy of it anywhere.

18 MR. FROMM: Why do you think he would  
19 know of or have a copy of it?

20 MR. CAMP: He was a complainant in  
21 this file and was knowledgeable of the conception of  
22 the WCFU.

23 MR. FROMM: Was he working with the  
24 ARA?

25 MR. WARMAN: Objection. What is the



1           relevance of this question, please?

2                           THE CHAIRPERSON:  You have asked  
3           Sergeant Camp a question, and you have received your  
4           answer.

5                           MR. FROMM:  Why were you interested  
6           in a full copy of the poster?

7                           MR. CAMP:  Well, as an investigator,  
8           I am trying to determine as March went on and the WCFU  
9           website went up -- I guess I am trying to link SS-88 to  
10          the website.  And so that would be my interest in  
11          wanting to take a look at the poster.

12                          MR. FROMM:  Because it contained what  
13          helpful information to your investigation?

14                          MR. CAMP:  Again, it would be a link  
15          to SS-88, being Glenn Bahr.

16                          MR. FROMM:  So the poster we see here  
17          with Glenn Bahr's picture and address, et cetera, was  
18          eventually forwarded to you, was it?

19                          MR. CAMP:  That is correct.

20                          MR. FROMM:  How was it forwarded to  
21          you?

22                          MR. CAMP:  Either via fax or mail,  
23          but I am sure it was -- it is one of those two, fax or  
24          mail.  I don't know.

25                          MR. FROMM:  From Mr. Warman?

1 MR. CAMP: That is correct.

2 MR. FROMM: Did you inquire how he  
3 obtained a copy?

4 MR. CAMP: No.

5 MR. FROMM: Could you read the body  
6 of the poster below the date of birth, the main  
7 substantial paragraph there?

8 MR. CAMP:

9 "The person shown above  
10 represents a serious threat to  
11 our community. For Sunday,  
12 February 9th, he has organised a  
13 neoNazi meeting in Red Deer,  
14 which represents one of the  
15 largest gatherings of white  
16 supremacists from across Canada  
17 since the earlier 1990s when the  
18 Aryan Nations was in operation.

19 Bahr publicly professes his  
20 admiration of Adolf Hitler and  
21 is espousing sentiments of  
22 fascination with the S.S. branch  
23 of the Nazi government/military  
24 that existed during World War  
25 II, which oversaw the genocidal

1 massacre of millions.

2 The purpose of Bahr's  
3 planned meeting is to organise  
4 the acquisition of land in  
5 Alberta to create a whites-only  
6 homeland for Canadian neoNazis.

7 Calgary ARA stands firmly  
8 opposed to Bahr's meeting. His  
9 violent and racist rhetoric, his  
10 fascist political plans, and his  
11 hate mongering against  
12 non-whites, immigrants,  
13 homosexuals, the poor organised  
14 labour unions, and women.  
15 Calgary ARA stands in solidarity  
16 with all communities and  
17 embraces the cultural mosaic of  
18 our communities.

19 We support progressive,  
20 organised labour, gay/lesbian  
21 rights, and the struggle against  
22 poverty to work towards a new  
23 society based on cooperation and  
24 socio-economic justice and  
25 equality."

**StenoTran**

1 MR. FROMM: Okay. From the knowledge  
2 you had at the time, which is February, 2004 --

3 MR. CAMP: Yes.

4 MR. FROMM: -- did you have any  
5 information that Mr. Bahr was hate mongering against  
6 the poor?

7 MR. WARMAN: Objection, Madam Chair.  
8 What is the relevance? He is asking for speculation on  
9 the part of Sergeant Camp on the poster, and Sergeant  
10 Camp neither created it or posted it.

11 THE CHAIRPERSON: I agree, Mr. Fromm.

12 MR. FROMM: I am asking about the  
13 knowledge, if any, about the content of the poster.

14 THE CHAIRPERSON: So you are asking  
15 whether or not Sergeant Camp was aware of any  
16 specific --

17 MR. FROMM: Yes.

18 THE CHAIRPERSON: -- posts with  
19 respect to poverty?

20 MR. FROMM: Yes.

21 THE CHAIRPERSON: Why?

22 MR. FROMM: Because there are  
23 allegations contained within this post.

24 THE CHAIRPERSON: Well, these aren't  
25 allegations made by Sergeant Camp.

1 MR. FROMM: I know they are not.

2 THE CHAIRPERSON: They are  
3 allegations contained in a poster that was obtained in  
4 the course of an investigation. I don't, again,  
5 Mr. Fromm, see the relevance of your question.

6 MR. FROMM: There are a lot of  
7 allegations contained in that long paragraph. Did you  
8 have any reason to believe that they were all true?

9 MR. WARMAN: Objection. It is the  
10 exact same thing being asked with different words.

11 THE CHAIRPERSON: I agree, Mr. Fromm.

12 MR. FROMM: I might point out that I  
13 did not interrupt either Mr. Vigna or Mr. Warman in  
14 their two days of examination except occasionally to  
15 ask for clarifications for a date or something. This  
16 is just legal harassment.

17 I am trying to conduct an amateur  
18 cross-examination in a respectful way to try to obtain  
19 some information. This is just typical bullying. And  
20 I think, you know, as a lawyer yourself, Madam Chair,  
21 you can recognise that and tell your colleagues to lay  
22 off.

23 THE CHAIRPERSON: Mr. Fromm, we are  
24 making these decisions as we go along. There is a  
25 range, and I am giving you a lot of latitude in terms

1 of the appropriate questions to be asked. When I feel  
2 that the questions are not adequately relevant to the  
3 tribunal, I need to find out from you what the  
4 relevance is.

5 What you are exploring with Sergeant  
6 Camp is questions that relate to a document that he  
7 didn't generate, with respect to a document that came  
8 into his possession, and asking him in particular if he  
9 did any further investigation on different grounds  
10 based on this document that he didn't create. So I  
11 just don't see any relevance to this complaint in that  
12 line of questioning.

13 MR. FROMM: We did not introduce the  
14 evidence, the Commission introduced it. They must have  
15 felt that there was some relevance to it.

16 MR. VIGNA: Madam Chair, the  
17 relevance was pretty simple. There was content on the  
18 website, which matched the poster, and it was for the  
19 purposes of identity that the evidence was introduced.  
20 It wasn't for the contents in particular, what is said,  
21 but the fact that it is represented in the website and  
22 the person that is concerned about it and complained  
23 about it and says going under SS-88.

24 It is basically the relevance to the  
25 issue of identity, not to the nature of the actual

1 contents of it. But the fact that there are two  
2 different documents, one off the website and one which  
3 is a poster, which is exactly the same, and --

4 THE CHAIRPERSON: Yeah, I remember.  
5 It was just yesterday. This document did go to  
6 identity to connecting Mr. Bahr to that moniker of  
7 SS-88, and we spent quite a bit of time exploring that  
8 connection. So I remember why this document was  
9 tendered, certainly.

10 And, again, I do have concerns with  
11 the relevance to the line of questioning that you are  
12 pursuing.

13 MR. FROMM: Earlier, Sergeant Camp,  
14 you indicated that you were concerned about conflict  
15 among communities.

16 MR. CAMP: Did I say "conflict among  
17 communities"? Yeah, okay. Sure. I would say that.

18 MR. FROMM: And one of the proactive  
19 things you had done with the hate squad was to set up  
20 committees so that you could liaise between the police  
21 and the various communities so information could flow  
22 both ways.

23 MR. CAMP: That is correct.

24 MR. FROMM: When you received this  
25 poster with this language that you see here and the

1 hints of some sort of conflict, did this concern you?

2 MR. WARMAN: Objection, Madam Chair.

3 THE CHAIRPERSON: Sergeant Camp, is  
4 that a question that you know the answer to?

5 MR. CAMP: Again, the only relevance  
6 to this that I looked at for this poster was in regards  
7 to my investigation of hate propaganda on Glenn Bahr.  
8 It was made specifically from one -- the acquisition of  
9 this poster was made for one reason; it was made for  
10 identity purposes only.

11 Like I explained to you on my  
12 testimony, there was a number of pieces to the puzzle  
13 that brings us to the conclusion that SS-88 was Glenn  
14 Bahr, and it is the same person that runs the website  
15 that was on Stormfront, et cetera. That is it.

16 So the acquisition of this poster  
17 only was in regards to Glenn Bahr's picture on there  
18 and that SS-88 or Glenn Bahr was saying that this is a  
19 picture they put up of him in Red Deer.

20 MR. FROMM: But in terms of your  
21 duties, you didn't see a potential conflict between  
22 Calgary's Anti-Racist Action group and this Western  
23 Canada For Us?

24 MR. CAMP: There was a number of  
25 individuals and persons that were concerned about



1 Western Canada For Us, and ARA may be one of them, but  
2 that is -- that is fine. Again, the content wasn't of  
3 concern to me. The purpose of acquiring this document  
4 was for identity only.

5 MR. FROMM: In previous testimony  
6 about your looking at Stormfront, you seem to indicate  
7 that you have become experienced at reading political  
8 rhetoric. Did the rhetoric of this poster concern you?

9 MR. CAMP: Again, I didn't say I  
10 became experienced with observing political rhetoric on  
11 Stormfront.

12 MR. FROMM: Did the rhetoric in this  
13 poster concern you in terms of a possible breach of  
14 peace?

15 MR. CAMP: Again, I wasn't concerned  
16 with the rhetoric. I don't think I paid much attention  
17 to it. It was acquired for a specific reason, which  
18 was for identity purposes only. But I might add if  
19 Glenn Bahr had a concern about the rhetoric, the poster  
20 was distributed in Red Deer, and he should go to the  
21 Red Deer RCMP and file a civil litigation. He can get  
22 a lawyer and pursue a civil litigation.

23 MR. BAHR: Actually, I did.

24 MR. FROMM: I will try to follow the  
25 same pattern as Mr. Vigna in terms of the evidence. Of

1 course, I may jump around a little bit, but take a look  
2 at HR-3. It is a series of postings that were  
3 presented on Stormfront.

4 MR. CAMP: Okay.

5 MR. FROMM: On the second page in  
6 that sequence, it is actually -- my copy says 4 of 5.  
7 Somebody -- I think it is Jessie Destruction -- says:

8 "I plan on getting a swastika on  
9 my tummy."

10 Do you see that?

11 MR. CAMP: We are on a different  
12 page. I am sorry.

13 MR. FROMM: 4 of 5, second page of my  
14 bundle here.

15 MR. CAMP: Second page of the bundle?  
16 No, you have a different order here, I think.

17 MR. FROMM: The page says it is 4 of  
18 5, but it is only the second page in the bundle of  
19 documents. On the top of the page is very faint, very  
20 dark copy, but it says "Location Maritimes" and a box.  
21 It says:

22 "I plan on getting a swastika on  
23 my tummy."

24 MR. CAMP: I don't know where you are  
25 here. You might have to show me.

1                   MR. FROMM:  And I am -- the person on  
2           the top of page 4 of 5 is saying:

3                   "Why would you or anybody get a  
4                   swastika?  Not that I have  
5                   anything against it."

6                   And continuing in like vein.  And  
7           then SS-88 answers.  Do you see that?

8                   MR. CAMP:  Yes, I do.

9                   MR. FROMM:  He says:

10                   "I believe in the Nazi ideals.  
11                   To me, it is a symbol of my  
12                   beliefs and lets everybody know  
13                   what I stand for."

14                   This was part of your evidence.  As a  
15           law enforcement officer, do you see any problem with  
16           the man's political opinions as expressed in that  
17           quotation?

18                   MR. CAMP:  I don't look at it as a --  
19           in the Hate Crimes unit, like I said before, we don't  
20           investigate political opinions.  However, if you are  
21           talking about racial supremacy, for example, or  
22           neoNazism, as a hate crime investor, this would be of  
23           interest to me, yes.

24                   MR. FROMM:  Is he speaking about  
25           racial supremacy in that paragraph?

1 MR. CAMP: He may be. That is why I  
2 would be interested.

3 MR. FROMM: He may be. Well, where?

4 MR. CAMP: Well, not only racial  
5 supremacy but destruction of the Jewish community as  
6 well, because the Nazi party, part of their platform  
7 when they came to power in 1933 was the destruction of  
8 the European Jewish community.

9 MR. FROMM: Are you testifying as to  
10 that as a historian?

11 MR. WARMAN: Perhaps --

12 MR. VIGNA: I think he has general  
13 knowledge like anybody else in society about the  
14 history of that particular point. You don't have to be  
15 a historian or expert.

16 THE CHAIRPERSON: You have asked your  
17 question. It was answered.

18 MR. FROMM: Reports of UFOs are all  
19 over the place, but I am not sure that is scientific.

20 MR. CAMP: Right.

21 MR. FROMM: In that post, would you  
22 agree, is simply stating that he is a following of  
23 Adolf Hitler?

24 MR. CAMP: No.

25 MR. FROMM: No?

1                   MR. CAMP: I would say that the  
2 paragraph speaks for itself.

3                   MR. FROMM: That is a line, sir.  
4 What does it say? Is he threatening violence against  
5 any group or persons in that paragraph?

6                   MR. CAMP: No. There is no charge  
7 here of uttering threats in this post.

8                   MR. FROMM: Okay. So whatever one  
9 might think of these political views, he is simply  
10 stating he is a follower of Adolf Hitler and likes the  
11 swastika. Is that correct?

12                   MR. CAMP: No.

13                   MR. FROMM: No?

14                   MR. CAMP: Again, the paragraph  
15 speaks for itself.

16                   MR. FROMM: What does that mean?  
17 What do you mean, it speaks for itself? What does it  
18 say?

19                   MR. CAMP: That he is a believer in  
20 Nazi ideals.

21                   MR. FROMM: Yes.

22                   MR. CAMP: I would assume from the  
23 comments that he is proud of the S.S., which was the  
24 European Nazi police force, which was involved in the  
25 extermination of the Jewish community.

1 MR. FROMM: Are you testifying to  
2 that as a historian?

3 MR. CAMP: It is general nature, sir.  
4 I think it is as general as anybody else would know.

5 MR. BAHR: Actually --

6 THE CHAIRPERSON: Mr. Fromm, if I  
7 might just a moment? Mr. Fromm, I think I understand  
8 where you are going with these questions, and I am  
9 content with the questions that you are asking provided  
10 that you ask them about the WCFU site. These are  
11 Stormfront sites, and the complaint is not that the  
12 Stormfront site is contrary to Section 31.1. The  
13 complaint is that the WCFU site contravenes the Act.

14 So I am completely expecting to be  
15 taken rather meticulously through that site, but not  
16 this site. This is not on the table.

17 Remember, again, that the evidence  
18 yesterday was that this information served the purpose  
19 of identity, linking them together. And so I would ask  
20 that you confine exactly those questions to the website  
21 that is the subject matter of the complaint before me.

22 MR. FROMM: Yes. I would be glad to  
23 do that. I am glad you clarified this, because I have  
24 been trying to get this information for several months.  
25 What exactly is being impugned?

1                   Now, I am pretty certain that in the  
2                   complaint, Mr. Warman's complaint, this is one of the  
3                   impugned passages from Stormfront that Mr. Bahr or  
4                   SS-88 purports not to be ashamed of the swastika and to  
5                   believe in Nazi ideals and to consider Adolf Hitler as  
6                   Fuhrer.

7                   If this is not a problem, I would be  
8                   very happy to reassure this is not part of the  
9                   complaint. I would be very happy to move on.

10                  THE CHAIRPERSON: Mr. Warman?

11                  MR. WARMAN: Madam Chair, just to be  
12                  clear, the website Stormfront.org is included in the  
13                  Western Canada For Us site.

14                  THE CHAIRPERSON: I apologise. Then,  
15                  yes, that question is appropriate. Go ahead.

16                  And you can carry on, Sergeant Camp.

17                  MR. FROMM: Would you agree that this  
18                  posting about Nazi ideals, the S.S., Adolf Hitler, is a  
19                  nonviolent expression of SS-88's political ideals?

20                  MR. CAMP: As a hate crimes investor,  
21                  I am not concerned about political beliefs. It would  
22                  be a concern for me, because he may have beliefs in  
23                  extremist racial superiority, I guess, and neoNazism.

24                  MR. FROMM: So you are concerned he  
25                  might have beliefs in neoNazism?

1 MR. CAMP: Yes. He states that he  
2 believes in the Nazi ideals.

3 MR. FROMM: So what is a "neoNazi"?

4 MR. CAMP: A person that believes in  
5 Nazi ideas.

6 MR. FROMM: What is an old Nazi?

7 MR. CAMP: A person that is a senior  
8 that has Nazi ideas? What is the question supposed to  
9 be?

10 MR. FROMM: I am trying to find out  
11 what a neoNazi is. You said you have concerns he might  
12 have neoNazi beliefs. Why should that be a problem?

13 MR. CAMP: Well, my knowledge base of  
14 Nazism, part of their platform when they began to  
15 expand in Europe was to eliminate the Jewish community,  
16 homosexuals, gypsies, Romas, et cetera. They wanted an  
17 Aryan pure nation. As a hate crime investigator, that  
18 is important to me.

19 MR. FROMM: You are giving that  
20 testimony as a historical expert that is what Nazism  
21 is?

22 MR. CAMP: No.

23 MR. FROMM: So that is your belief,  
24 that that is what Nazism stands for. How does this  
25 affect, as a law enforcement officer -- even if he is a



1           Nazi, so what?

2                           MR. CAMP: Well, a couple of reasons.  
3           If a person is very -- two things. He may not be a  
4           threat to our community; he may just believe in his  
5           ideas, which is just fine. There are two things I have  
6           to be concerned about is whether he is going to take  
7           this ideology more with violent actions and hate  
8           propaganda against Aboriginal or minority communities  
9           or any kind of racial or religious community, sexual  
10          orientation.

11                           So, yes, like I explained it before,  
12          it would be negligent as a hate crime investigator to  
13          look away from this. It is blatantly -- it is obvious  
14          that any hate crime investigator across North America  
15          would be looking at this as a potential threat to the  
16          community. It is, in layman's terms, a no-brainer.

17                           MR. FROMM: You can't point, though,  
18          to any threats he is making against any of these groups  
19          that you are concerned about?

20                           MR. CAMP: No. I did not see any --  
21          like, as far as uttering threats under the Criminal  
22          Code, no.

23                           Again, just so you know, a part of  
24          policing is to involve ourselves in prevention of  
25          criminal activity. So, I guess, if you are espousing

1 an ideology, an ideology that may cause us concern, it  
2 is definitely a flag for us.

3 MR. FROMM: Would you agree that we  
4 would probably cut down on crime a great deal if we  
5 locked up all suspicious looking characters?

6 THE CHAIRPERSON: Mr. Fromm, please,  
7 carry on with relevant questions.

8 MR. FROMM: Moving ahead to the next  
9 section within that bundle is page 205, and it is the  
10 page that has on top of it handwriting, which I think  
11 you said was yours:

12 "Identifies his past.

13 Identifies his beliefs."

14 Et cetera.

15 MR. CAMP: Oh, right. Okay.

16 MR. FROMM: SS-88 says:

17 "I don't have any pics on my  
18 tattoos, but I have S.S. on my  
19 right pec, blitzkrieg."

20 Et cetera.

21 Was this, his tattoo, whatever they  
22 might with be -- was this a concern as a law  
23 enforcement officer to you?

24 MR. CAMP: Yes.

25 MR. FROMM: Why?

1                   MR. CAMP: Well, as a hate crimes  
2 investor, like I just explained, if I see someone  
3 wearing tattoos like that, I would be wondering if that  
4 person is to be concerned with. If someone wants to  
5 publicly state that he has these tattoos, because of  
6 what I do in the Hate Crimes unit, that would be a  
7 concern for me.

8                   MR. FROMM: Much earlier in your  
9 testimony, you talked about the dangers of racial  
10 stereotyping. Doesn't this come awfully close to that  
11 type of stereotyping? You are a member of a group and  
12 warrant special --

13                   MR. CAMP: No. What are you asking  
14 me?

15                   MR. FROMM: I am asking you, you say  
16 you would be of concern because he has these tattoos  
17 on.

18                   MR. CAMP: Yes. Like, I will give  
19 you an example. If I see a person on a Harley Davidson  
20 with a Hells Angles rocker, that person is of concern  
21 for me if I am in the bike unit.

22                   I think you are confusing stereotype  
23 with criminal profiling.

24                   MR. FROMM: On the next page, page 7  
25 of 7, there is some handwriting on the post. I can't

1 read it. And it is headlined Whiteville, Canada. Do  
2 you have any idea whose concept this Whiteville,  
3 Canada, was?

4 MR. CAMP: There was a lot of  
5 discussion on Stormfront.org forum with regards to  
6 Whiteville by a number of members. There was one  
7 member in particular that talked about it profusely,  
8 and that was proud18.

9 MR. FROMM: And that leads us to the  
10 next page, at least in my bundle. It is page 1 of 5.  
11 I don't know if the thread has a name or not. Oh, yes,  
12 Super ID.

13 MR. CAMP: Right.

14 MR. FROMM: And this is posted by  
15 proud18.

16 MR. CAMP: Right.

17 MR. FROMM: And it seems to be  
18 talking about teaching white history in schools. Were  
19 you able to identify who proud18 was?

20 MR. CAMP: Yes. Through our  
21 investigations, we came to the conclusion that proud18  
22 was Peter Kouba.

23 MR. FROMM: And as law enforcement  
24 officers, did you see any problem with proud18's post  
25 about emphasizing white history in schools?

1                   MR. CAMP:  Would I see a problem with  
2                   it?  Is it a concern of mine?

3                   MR. FROMM:  Yes.

4                   MR. CAMP:  Yes, it certainly is.

5                   MR. FROMM:  Why would that be?

6                   MR. CAMP:  Proud18 may be -- I  
7                   highlight "may" be involved in not just trying to  
8                   market ideas of white racial pride or things of that  
9                   nature.  But because of my experience, persons involved  
10                  in this type of rhetoric are also involved in white  
11                  supremacy or neoNazism.

12                  At this point, we don't have answers  
13                  to it, but I am suspicious that he may be involved in  
14                  that type of ideology.

15                  MR. FROMM:  So are you saying that  
16                  many of these people posting on Stormfront are phoney?  
17                  They say one thing, but they really mean another?  Is  
18                  that your testimony?

19                  MR. VIGNA:  Objection.  There is no  
20                  such --

21                  THE CHAIRPERSON:  That wasn't his  
22                  evidence, Mr. Fromm.

23                  MR. FROMM:  Okay.  Proud18 is here  
24                  talking about teaching more about white history in  
25                  schools.

1 "Reading an article today gave  
2 me an idea to help our cause.  
3 Our education system has turned  
4 their backs on teaching white  
5 history in schools. Those that  
6 go to school can verify this.

7 A Uranian website is  
8 launched. My idea is to build a  
9 website for whites' history,  
10 culture."

11 Et cetera.

12 Are you suggesting that this proudl8  
13 person doesn't really mean this, he has something else  
14 in mind?

15 MR. CAMP: No. I am saying that he  
16 may believe this. He may believe this but is actually  
17 maybe hiding his more extremist ideologies here. There  
18 is always that potential.

19 MR. FROMM: Even if that were so, why  
20 should this be a police concern?

21 MR. CAMP: Again, I work in a Hate  
22 Crimes unit. I explained what our goals and mandate  
23 was for hate crimes. And so, again, I mean, part of  
24 our mandate is to prevent activities that would run  
25 contrary to the mandate.

1                   MR. FROMM: Have you ever in your  
2 work monitored dating sites?

3                   THE CHAIRPERSON: I don't see the  
4 relevance of that, Mr. Fromm.

5                   MR. FROMM: Well, would you agree  
6 from even a general knowledge of dating sites that  
7 people lie a lot?

8                   MR. CAMP: I have no idea about  
9 dating sites.

10                  MR. FROMM: On the next page of the  
11 Commission's evidence, page 2 of 5, there is a post by  
12 SS-88, and I have got this written in by pen. I think  
13 this was your testimony. We tried to identify it  
14 today. This is 02/12/04, so that would be February  
15 12th. Are we on the same page here?

16                  MR. CAMP: That is right.

17                  MR. FROMM: And SS-88 seems to be  
18 saying that that idea of white history was a good idea  
19 and why not have a part of the WCFU.com.

20                  MR. CAMP: Right.

21                  MR. FROMM: This is dated, I think we  
22 said the other day, the 12th of February. Would that  
23 suggest to you that WCFU.com was up at that point?

24                  MR. CAMP: No. At this point in what  
25 we are viewing on Stormfront, there was no indication

1 that WCFU website was up and running.

2 MR. FROMM: How do you interpret the  
3 last sentence, though?

4 "It should be a different  
5 section on WCFU.com."

6 Dated, as it is, the 12th of May -- I  
7 mean 12th of February.

8 MR. CAMP: Right. I would interpret  
9 that in the context of this investigation in that he  
10 has come up with an idea for the website he is about to  
11 put up.

12 MR. FROMM: Okay. Moving ahead in  
13 the Commission's evidence on page 3 of 5, on the bottom  
14 of this page is another posting by proud18.

15 MR. CAMP: Yes.

16 MR. FROMM: From that posting, what  
17 would you conclude Mr. Kouba or proud18's role seemed  
18 to be in this website group that is discussed?

19 MR. CAMP: I would say that he is  
20 adding his ideas to the -- I guess he is adding some  
21 ideas to the creation of what the WCFU website should  
22 look like.

23 MR. FROMM: Okay. So he would seem  
24 to have some participation. What do you make of the  
25 final sentence, despite the bad spelling?



1 MR. CAMP: The one that says:

2 "Talk is cheap. It is time to  
3 do"?

4 MR. FROMM: No. I mean before the  
5 line WF ...

6 MR. CAMP: I guess he is asking White  
7 Fusion:

8 "You coming to the meet Sunday?"

9 MR. FROMM: Would you draw any  
10 conclusion about Mr. Kouba's role in, I guess, Western  
11 Canada For Us from that?

12 MR. CAMP: Well, again, there is a  
13 lot of discussion through Stormfront.org by numerous  
14 persons in regards to the website. He said that he is  
15 adding his two cents' worth to the idea of the website.

16 MR. FROMM: Okay. What appears to be  
17 the next little grouping within the evidence, page 1 of  
18 3, and the first entry on this page is from Der  
19 Totenkopf. But the entry I would like to draw to your  
20 attention is from SS-88. It is on the bottom of the  
21 page.

22 This post is about possible meetings  
23 in British Columbia and a meeting coming up in Red  
24 Deer. What was your conclusion about the way that  
25 SS-88 proposed to address at this meeting?

1 MR. CAMP: He says:

2 "I am a skin --"

3 And, I mean, to me, that would mean  
4 he is a skinhead.

5 "-- and wear my boots --"

6 Meaning Doc Martin boots.

7 "-- braces and swastikas and  
8 more."

9 So ...

10 MR. FROMM: But he says, yes, he  
11 sometimes wears that. What does he propose to wear,  
12 though, to this upcoming meeting?

13 MR. CAMP:

14 "I know I want to dress  
15 professional as well."

16 So I don't know what he is going to  
17 wear at the meeting, but he likes the swastikas, he is  
18 a skin, he likes to wear the boots, and he knows when  
19 to dress professionally.

20 MR. FROMM: The next grouping, page 1  
21 of 6, the headline up in the thread and up on the top  
22 left says, "Red Deer on Sunday."

23 MR. CAMP: Right.

24 MR. FROMM: SS-88 posts comments  
25 about the upcoming meeting.

1 MR. CAMP: Right.

2 MR. FROMM: Do you draw any  
3 conclusion from the last two sentences of his post  
4 there?

5 MR. CAMP: Yes, I do.

6 MR. FROMM: What is that?

7 MR. CAMP: That he had contact with  
8 the RCMP, and they will be there to keep the peace.

9 MR. FROMM: As a law enforcement  
10 officer, how would you assess that behaviour?

11 MR. CAMP: Well, I will answer that  
12 two ways. As a hate crime investigator, I think that  
13 is unusual, but as a law enforcement officer, not a bad  
14 idea.

15 MR. FROMM: So in other words, the  
16 behaviour, would this be what you would expect of a  
17 law-abiding, responsible citizen?

18 MR. CAMP: Yeah, I would think it was  
19 a good idea. Yeah.

20 MR. FROMM: Going back to our poster,  
21 there seems to be some sort of unhappiness at least  
22 from some parts of the community about that, and  
23 apparently SS-88 had gone to the police and wanted to  
24 make sure everything was peaceful.

25 MR. CAMP: Yes, that is the

1 impression I got from speaking with the corporal in Red  
2 Deer.

3 MR. FROMM: The second page in that  
4 posting, also from proud18, could you read -- I guess  
5 it is the final paragraph, "Will not be..."

6 MR. CAMP:  
7 "We will not be intimidated. We  
8 have to start using the law.  
9 Hell, we are non-violent. We  
10 will not sink to the pits the  
11 ARA dinks do."

12 MR. FROMM: Despite the grammatical  
13 problems there, as a law enforcement officer, do you  
14 see any problems with proud18's attitude?

15 MR. CAMP: No. Not in that sense,  
16 no.

17 MR. FROMM: So you agree he seems to  
18 want to keep peace?

19 MR. CAMP: Yes.

20 MR. FROMM: Be non-violent?

21 MR. CAMP: Yes.

22 MR. FROMM: You indicated some time  
23 ago that you started looking at SS-88 back in the  
24 latter part of 2003, when he was posting on Stormfront  
25 talking about forming this group Western Canada For Us.

1 Now it is somewhere well into February.

2 MR. CAMP: Right.

3 MR. FROMM: 2004.

4 MR. CAMP: Right.

5 MR. FROMM: Western Canada For Us  
6 seems to be up and running in some fashion, and we have  
7 these posts, both SS-88 and proud18, that they want to  
8 obey the law, contacted the police. At this point, why  
9 would you continue the investigation?

10 MR. CAMP: Actually, just to back up  
11 a bit, you say that SS-88 and proud18 want to obey the  
12 law and contacted the police. Proud18 didn't contact  
13 the police.

14 MR. FROMM: I am sorry?

15 MR. CAMP: Proud18 didn't contact the  
16 police. It was SS-88 that had a discussion with  
17 Corporal Laracque in regards to WCFU and they were  
18 planning the meeting in Red Deer.

19 In regards to your second question,  
20 are you asking did I think it was a good thing that  
21 they spoke to the police?

22 MR. FROMM: No. What I am asking you  
23 is considering the behaviour so far, one contacted the  
24 police and let them know that they were having a  
25 meeting in Red Deer. The other one says, "We don't

1 want to be violent like those blankety-blanks. We  
2 should get a lawyer." Why is it that you are still  
3 concerned?

4 MR. CAMP: Right. For this specific  
5 event, it is a good thing. But my mandate is much  
6 broader than one event in February. And, again, to go  
7 back to what I stated before, my mandate includes more  
8 than just one day, a one-day protest where they want to  
9 make sure they don't get beat up by the ARA.

10 So when I look at SS-88 and the  
11 rhetoric on Stormfront and a lot of the discussions  
12 these people were involved in, the Canadian discussion  
13 group over the course of 2003, what I saw was a lot of  
14 hateful rhetoric against Aboriginals and minorities.

15 So, again, just so you are clear,  
16 that Kneehill Community Hall, it is a good idea to call  
17 the police and try to keep the peace. But that is just  
18 one day. My mandate goes way beyond one day and way  
19 beyond one rally or protest or meeting.

20 MR. FROMM: But in January or  
21 February and subsequently in March or April, did you  
22 ever have any information that the grouping of people  
23 that are around WCFU, Western Canada For Us, were  
24 planning violence against anybody?

25 MR. CAMP: No, sir. However --

1                   MR. FROMM: So it came down to their  
2 political views?

3                   MR. CAMP: No, sir. However, just to  
4 let you know without getting into the details of some  
5 of the criminal records of the people involved in this  
6 groups, there was some pretty horrendous criminal  
7 records.

8                   So, again, as a law enforcement  
9 official and a hate crime investigator dealing with  
10 people like this on a hate site, you have to be  
11 vigilant and ensure that after February, there is no  
12 turning -- I guess there is no violent action or hate  
13 propaganda that is being propagated or, I guess,  
14 perpetrated on the community.

15                  MR. FROMM: Well, it is a pretty  
16 serious cloud hanging over the heads of those folks.  
17 Could you tell us about some of these criminals  
18 records?

19                  MR. CAMP: No.

20                  MR. VIGNA: Objection, Madam Chair.

21                  MR. FROMM: The accusation was made  
22 that people, some people, had criminal records in the  
23 group. Well, I would like to know what.

24                  MR. VIGNA: Madam Chair, I think,  
25 once again, defence is concerned with the other

1 parties. The people that are concerned shouldn't be  
2 mentioned here in terms of criminal records.

3 There is a question that was asked,  
4 and the answer was given, but we are going way out of  
5 line here. It is not an inquiry on the police of  
6 Edmonton or their investigative techniques, et cetera.  
7 I think we should stick to the relevant facts of the  
8 case.

9 MR. FROMM: Well, the criminal record  
10 is a public thing. If you are convicted of a crime,  
11 that is public information.

12 THE CHAIRPERSON: I think we might  
13 have hit our three limit. There you go.

14 MR. WARMAN: Madam Chair, I think  
15 criminal records, the issue of pardons, the fact that  
16 you get into substantive privacy concerns, it can be a  
17 criminal offence to discuss records of somebody that  
18 received a pardon.

19 THE CHAIRPERSON: I agree. I will  
20 sustain that objection.

21 Just move on, Mr. Fromm, please.

22 MR. FROMM: May I ask that comment of  
23 criminal records be stricken from the record? We can't  
24 explore it. If it is all a matter of privacy, then  
25 maybe it should never have been mentioned in the first



1 place.

2 THE CHAIRPERSON: You asked the  
3 question, and the answer was given. I am not going to  
4 allow --

5 MR. FROMM: I never asked, "Did  
6 anybody have a criminal record?"

7 THE CHAIRPERSON: No, I will not make  
8 that direction. Carry on.

9 MR. FROMM: Well, that is just a  
10 smear.

11 On page 5, just keep on track there,  
12 this is the thread about the rally in Red Deer, the  
13 planned rally in Red Deer. On page 5, as part of the  
14 ongoing discussion back and forth about it, somebody  
15 named as Estate --

16 MR. CAMP: Right.

17 MR. FROMM: -- writes to somebody  
18 else, MaryMac:

19 "Pretty tough from way out east  
20 to come here and speak to us in  
21 person."

22 From your investigation, were you  
23 able to identify who Estate was?

24 MR. WARMAN: Madam Chair, I am  
25 objecting on the ground that that goes to the issue of

1 the police investigative techniques.

2 MR. FROMM: Excuse me. How is  
3 Mr. Warman privy to police investigation techniques?

4 THE CHAIRPERSON: We did canvas the  
5 identity of proudl8, and so I am going to allow that  
6 question.

7 Do you have an answer, Sergeant Camp?

8 MR. CAMP: I refuse to answer on that  
9 ground that it is an ongoing investigation for officer  
10 safety.

11 THE CHAIRPERSON: Thank you.

12 Carry on.

13 MR. CAMP: In fact, any post that is  
14 brought up by Estate won't be answered.

15 THE CHAIRPERSON: Okay. That is your  
16 answer, Mr. Fromm.

17 MR. FROMM: Would you maybe direct  
18 the witness to answer the question?

19 THE CHAIRPERSON: The witness has  
20 answered the question.

21 MR. FROMM: It is a total non-answer.

22 MR. VIGNA: Madam Chair, I object  
23 also for the record. The question is totally  
24 irrelevant, which could reveal investigative techniques  
25 or security police officer moves.

1 MR. FROMM: Come on.

2 THE CHAIRPERSON: Thank you.

3 The objection is sustain, Mr. Fromm.

4 If you can carry on?

5 MR. FROMM: Are you, Sergeant Camp,

6 Estate?

7 MR. WARMAN: Madam Chair, the exact

8 same objection is taken.

9 THE CHAIRPERSON: And I will sustain  
10 that objection as well.

11 MR. FROMM: Officer Camp, did you  
12 post on Stormfront? You said you visited it. Have you  
13 ever posted on it?

14 MR. VIGNA: Objection, Madam Chair.  
15 I don't think it is relevant if it is an investigator  
16 technique to post on the website. I don't see the  
17 relevance to the case.

18 THE CHAIRPERSON: I am going to allow  
19 that question.

20 Sergeant Camp?

21 MR. CAMP: I am not going to answer  
22 that in regards to officer safety of ongoing criminal  
23 investigations as far as any law enforcement official  
24 of the Edmonton Police Service posting on any website.

25 THE CHAIRPERSON: And so that is the

1 subject of an ongoing investigation at this time?

2 MR. CAMP: Yes, Madam Chair.

3 THE CHAIRPERSON: Is that correct?

4 MR. CAMP: Yes, Madam Chair.

5 MR. BAHR: Madam, I would just like  
6 to make something clear for the record, if I may?

7 THE CHAIRPERSON: Go ahead.

8 MR. BAHR: I think it totally has a  
9 lot to do with this tribunal. I mean, if an officer is  
10 posing as someone on the forum which I am supposedly  
11 involved in and starting discussions, I think it is  
12 totally relevant in this case, no matter what.

13 I mean, how can he just deny  
14 answering questions just like this under the pretext  
15 that it is an ongoing investigation? How are we  
16 supposed to get to the truth if the officer can't even  
17 answer the questions?

18 I mean, if he is posting hate or he  
19 is posting on any of the forums posing as somebody  
20 else, that totally is related to the case, no matter  
21 what the Crown has to say about it.

22 THE CHAIRPERSON: Counsel?

23 MR. VIGNA: Madam Chair, I think the  
24 only question that should be asked are ones that are  
25 relevant. If there is a question that is in such a

1 large nature that they comprise investigative  
2 techniques that have little or no relevance to the  
3 direct determination that has to be made by the  
4 tribunal, we cannot see any relevance to the question  
5 being asked or the question asked of whether he posted  
6 on the website. I don't see how that is relevant to  
7 the present case.

8 If there are safety concerns that are  
9 involved here for officers, I think it is important  
10 that the tribunal consider the public interest and  
11 cannot just allow questions at large that become sort  
12 of the royal inquiry to police techniques. There has  
13 to be relevance to the case in being able to defend to  
14 the complaint. But it is not a royal commission or  
15 inquiry to answer these types of questions.

16 MR. FROMM: The relevance is  
17 potentially entrapment or incitement. Somebody gets on  
18 a site and starts posting some far out stuff to see who  
19 you roll -- you haul up the flag and see who salutes.

20 This could constitute entrapment.  
21 This could constitute incitement. And the argument  
22 about police safety is utterly a smoke screen. There  
23 is no danger from these people scattered across North  
24 America. There is no evidence before us or anywhere  
25 else that any policeman has ever been harmed because of

1 potential exposure as having posted on any of these  
2 sites.

3 I think it is very relevant to know  
4 whether, in the course of Western Canada For Us and  
5 here on Stormfront, if some of the people are -- if  
6 some of the people posting are posting in such a way as  
7 to try to lure people.

8 THE CHAIRPERSON: Okay. I think I  
9 have your point.

10 Mr. Warman, do you have anything?

11 MR. WARMAN: Madam Chair, simply that  
12 this appears to be a fishing expedition again. There  
13 is no evidence that any of those things have occurred.  
14 Mr. Fromm is simply trying to elicit evidence that  
15 would substantiate that without having a basis for the  
16 questions.

17 THE CHAIRPERSON: My concern is that  
18 clearly one of the responses that the respondent made  
19 in relation to this complaint, one of the two, is that  
20 the website was hacked into and improper material was  
21 placed on the website by some third party. So it seems  
22 to me and my concern is that I am seeing some relevance  
23 here.

24 The other concerns that have been  
25 expressed is the integrity of an ongoing investigation,

1           which is serious.

2                               So I don't know that I agree with  
3           counsel on the relevance argument. But I can see some  
4           other very legitimate reasons why I should be very  
5           careful in a ruling about this evidence.

6                               And, happily, it is 10 to 5, so I  
7           have some time to consider this. So I will see you  
8           tomorrow morning at 9:30. And at that time, we will  
9           deal, Mr. Fromm, with this particular inquiry.

10                              MR. FROMM: May I have 30 seconds of  
11           your time?

12                              THE CHAIRPERSON: Not if it is the  
13           same question. I really do have your point, Mr. Fromm.

14                              MR. FROMM: I did have an  
15           understanding with Member Jensen that I would not be  
16           available tomorrow afternoon, and I don't know if that  
17           was passed on to you. She indicated to me that  
18           something could be arranged. Now, I just leave that  
19           with you at this time that I am not available tomorrow  
20           afternoon.

21                              THE CHAIRPERSON: Counsel, is this  
22           something that ...

23                              MR. WARMAN: Madam Chair, that is  
24           certainly not my recollection of what was discussed.  
25           The question was whether we could break earlier on

1 Friday afternoon. It was back and forth regarding the  
2 efficiency in conducting the hearing as quickly as  
3 possible. If it is a question of breaking early, that  
4 is, certainly, something that I don't mind doing,  
5 either myself -- well, I don't want to speak for the  
6 Commission counsel. But taking the entire afternoon  
7 off is a different story.

8 THE CHAIRPERSON: I am concerned  
9 about having that matter go forward and conclude with  
10 some manner of efficiency. And I am sensitive to the  
11 fact that more than half of today was taken up with  
12 your motion and that we had some fairly significant  
13 delays on the first day, so we were able to sort of  
14 sort out how long 15 minutes was. That was a concern  
15 as well.

16 In terms of your cross-examination,  
17 Mr. Fromm, how long do you anticipate this going on?

18 MR. FROMM: Well, if I wasn't  
19 interrupted so often, I could probably conclude it  
20 tomorrow. And as far as our evidence goes, we are  
21 expecting -- we already have the Affidavit from the  
22 constable, the RCMP Constable in Red Deer. If it is  
23 agreeable to the Commission and Mr. Warman, it can  
24 simply, basically, speak for itself.

25 Our only witness is Bernard Klatt, an



1 expert witness. I never understand these technical  
2 people, but I would think as a layman we shouldn't be  
3 much more than an hour with him plus whatever  
4 cross-examination.

5 So from our point of view, we  
6 probably need half a day, if that, at least for our  
7 evidence.

8 THE CHAIRPERSON: What I am inclined  
9 to suggest, then, is that should your -- and I am happy  
10 to hear counsel on this. Should your cross-examination  
11 of Mr. Camp conclude tomorrow and it is in the  
12 afternoon, then I am content to adjourn the matter at  
13 that time, if that examination is concluded.

14 If it isn't, then I have a greater  
15 concern, because then we would seem to be going outside  
16 of the timelines that you are suggesting to me. So  
17 does that sound fair?

18 MR. FROMM: I think what I am saying  
19 is I can conclude. I might need all of tomorrow,  
20 perhaps not.

21 And Mr. Bahr has been -- if you  
22 absolutely have to go tomorrow afternoon, there is one  
23 area that he could ask questions about. I prefer he  
24 not to. I prefer to do that.

25 THE CHAIRPERSON: All right. Well,

1 my inclination is to carry on through tomorrow  
2 afternoon. I am happy to -- you know, I do want to  
3 accommodate people, but when is it that you absolutely  
4 have to -- what is the reason and when do you have to  
5 be out?

6 MR. FROMM: I have to leave at noon  
7 because of a commitment I made a long time ago.

8 THE CHAIRPERSON: All right, well, I  
9 will consider that and have that decision for you  
10 tomorrow as well. I will tell you, though, I am not  
11 inclined to shut it down at noon tomorrow. And so if  
12 it isn't noon, then is it sort of an all or none  
13 proposition for you?

14 MR. FROMM: Are you saying if I  
15 finish by noon, with Mr. Warman's testimony on Monday,  
16 is that what you are saying?

17 THE CHAIRPERSON: I misunderstood. I  
18 thought that you had said that you would be able to be  
19 done tomorrow. But, clearly, I don't want to rush you  
20 at all. So I misunderstood that.

21 Yes?

22 MR. VIGNA: Madam Chair, another  
23 issue I would like to ask the permission of the  
24 tribunal to just ask -- I understand Sergeant Camp is  
25 in cross-examination, to inquire a bit more about the

1 security concerns in issue to the last questions that  
2 were asked. We can have a better appreciation of the  
3 revealing of the information, but strictly on that  
4 issue.

5 THE CHAIRPERSON: Sure. Happy to  
6 hear more. Would you like to --

7 MR. VIGNA: No. I would like to talk  
8 to him after it is adjourned. But if you allow me  
9 permission just to talk to him for this specific  
10 purpose? Because he is under cross-examinations at  
11 this moment.

12 THE CHAIRPERSON: For those very  
13 limited purposes, yes, I will allow you to talk to him  
14 on your undertaking that you will confine your  
15 discussions to that and only that.

16 Okay. See you tomorrow at 9:30.

17 MR. BAHR: I just want to apologise  
18 for my outburst there, but I get a little emotional  
19 because of this.

20 THE CHAIRPERSON: That is fine.

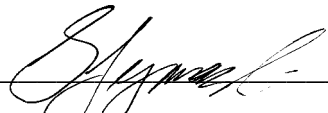
21 --- Whereupon the hearing adjourned at 4:54 p.m.,  
22 to resume Friday, May 26, 2006  
23 at 9:30 p.m.

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I HEREBY CERTIFY THAT I HAVE, to  
the best of my skill and  
ability, accurately reported and  
transcribed the foregoing.

  
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Eveliène Symonds  
C.S.R.(A), R.P.R.

**StenoTran**