

**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 intimés**

**BEFORE/DEVANT:**

JULIE LLOYD

THE CHAIRPERSON/  
LA PRÉSIDENTE

LINE JOYAL

REGISTRY OFFICER/  
L'AGENTE DU GREFFE

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

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

HEARING HELD IN THE QUEEN ELIZABETH ROOM, DELTA EDMONTON CENTRE,  
10222 102 STREET, EDMONTON, ALBERTA ON TUESDAY, MAY 30, 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 Tuesday, May 30, 2006,

3 at 9:30 a.m.

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

6 So, we were watching some television  
7 yesterday, I understand. I am anticipating, I guess,  
8 preliminary discussion about the video that has been  
9 put forward. Counsel?

10 MR. VIGNA: Madam Chair, I watched  
11 the video last night -- it was about close to an  
12 hour -- with Mr. Warman as the complainant. And as a  
13 result, basically just to give you an idea what the  
14 video is about -- I will be writing you an excerpt from  
15 the decision that talks about the same decision, a  
16 brief summary.

17 But basically it has practically, I  
18 would say, almost nothing at all to do with the case.  
19 It has to do with an individual called David Icke, who  
20 has certain beliefs about world conspiracy and people  
21 in the world.

22 There is no -- the reference to  
23 the -- there is some people that believe he believed  
24 that Jewish people run the world, but it is much more  
25 subtle. He doesn't say it very clearly. But he has

1           this very strange theory, in my view, about reptiles  
2           running the world. And he went to a conference in  
3           Vancouver -- that is a fair portion of the video --  
4           where people went to hear him give a speech.

5                           He was an ex-sportscaster, and the  
6           only connection whatsoever -- and I say that with very  
7           great reserve -- is that there is a little two-bit  
8           segment where Mr. Warman is having beer with two other  
9           people, and they are talking about this individual,  
10          David Icke, coming to Vancouver.

11                           And there is a part where Mr. Warman  
12          makes some comments. I think that is where the  
13          respondent is coming from about the Quebec people, the  
14          Les Entartistes, these people, these individuals, that  
15          are -- I don't know if you can call them comedians, but  
16          they pie people that are politicians and stuff like  
17          that. And he says in the video that -- he does not  
18          suggest in any way that be done, but there is some very  
19          limited discussion about that.

20                           And then there is a scene where, in a  
21          bookstore, David Icke was signing some books, his book,  
22          I believe, and there is a pie throwing incident where  
23          the pie doesn't directly hit him but on his arm, and it  
24          is aimed at him.

25                           And that is the very -- only very,

1 very limited, indirect connection that I think the  
2 respondent would want to argue.

3 And on that issue, Madam Chair -- and  
4 that is why I am mainly objecting is on the objection  
5 of relevance. On this particular case, some other  
6 complaints in this nature, which have been argued  
7 before the tribunal where perhaps the admissibility was  
8 admitted, there is no individual remedy sought for  
9 Mr. Warman.

10 So in that sense, there is no  
11 relevance whatsoever. If you look at the Letter of  
12 Particulars, the only order that is sought is a cease  
13 and desist order and a penalty. So there is no  
14 personal remedy that is requested by the complainant.

15 So just by that factor only, there is  
16 absolutely no relevance. The main objection is on the  
17 issue of relevance.

18 But there is also another objection,  
19 and Mr. Warman went to the library this morning and  
20 will provide us with some excerpts, I believe, on the  
21 issue of admissibility of character evidence. And I  
22 think that is what being aimed at here.

23 And there again, it is not a civil  
24 proceeding. Character evidence should not be allowed,  
25 particularly in this type of case where there is no

1 personal remedy sought to the respondent.

2 And, in addition, when you look at  
3 the evidence basically on the documentary evidence, it  
4 is an internet site which is at stake. It is not an  
5 issue of Mr. Warman's credibility. So then again,  
6 there is inadmissibility based on the fact that the  
7 character evidence is not admissible.

8 And most of all, once again, on the  
9 issue of relevance, it is totally irrelevant. It would  
10 be 50 minutes or more of the tribunal's time that would  
11 be used in a very unproductive way.

12 And the only very far from being  
13 relevant excerpts deal with what I just described.  
14 Mr. Warman and the respondent can correct me in my  
15 understanding of the two scenes in question, but, Madam  
16 Chair, I respectfully submit to you that there is  
17 absolutely no relevance to this video. Even the two  
18 excerpts in question, they have no connection with the  
19 facts of the case before you today.

20 And if the issue of credibility is  
21 what is being argued, I respectfully submit to you it  
22 is not at all something that can either impeach his  
23 credibility or even be admissible based on the rules of  
24 evidence and character evidence.

25 So that is the grounds for my

1 objection, Madam Chair.

2 MR. WARMAN: Madam Chair, if I may  
3 just -- this is the first page from the excerpt of the  
4 decision. Madam Chair, if I may?

5 Respondents have attempted to  
6 introduce this same video in two previous proceedings  
7 before the tribunal. The first one was before Member  
8 Hadjis in the case of Warman v. Kulbashian,  
9 K-u-l-b-a-s-h-i-a-n, et al. Member Hadjis rejected the  
10 entry of the documents as being irrelevant.

11 The video was also attempted to be  
12 introduced in the case of Warman v. Winnicki,  
13 W-I-N-N-I-C-K-I. Member Jensen there admitted it for  
14 the extremely limited purpose of showing, I guess, for  
15 lack of a better term, a resiliency in relation to pain  
16 and suffering on the issue of retaliation.

17 There is a very brief excerpt. I  
18 didn't photocopy the entire decision, because it is  
19 about 50 or 60 pages.

20 THE CHAIRPERSON: I am sorry, which  
21 decision is this?

22 MR. WARMAN: This is a short excerpt  
23 marked "Pages 44 and 45 by the Winnicki Decision", and  
24 that is by Member Jensen. And as you will see in  
25 Paragraphs 162 to 164, Member Jensen talks about it.

1           It is in the section dealing with retaliation in her  
2           decision, the only point it has raised whatsoever.

3                               And at Paragraph 164, Member Jensen  
4           states:

5                                       "I find the video has little  
6                                       weight. It is based on  
7                                       incidents that occurred in  
8                                       March, 2000. This predates the  
9                                       complaint by a significant  
10                                      amount of time."

11                                     If I may, I would then take you to  
12           Sopinka, the law of evidence in Canada. Sopinka is  
13           spelled S-O-P-I-N-K-A. This is the second edition, and  
14           there are two excerpts that I would like to bring your  
15           attention to, if I may.

16                                     The first is at page 23, "Conditions  
17           for the Receipt of Evidence". Sopinka outlines at  
18           2.33:

19                                     "A piece of evidence must  
20                                     satisfy a number of requirements  
21                                     before it can be considered by  
22                                     the trier of fact in the  
23                                     ultimate deliberation on the  
24                                     facts in issue in a civil or  
25                                     criminal proceeding.

1                   Once it meets these requirements, the  
2 evidence can be received by the Court.

3                   To be received, evidence must meet  
4 two basic requirements. First, it must be admissible.  
5 Second, the trier of law must not have exercised his or  
6 her judicial discretion to exclude the evidence.

7                   Two further contents make up the  
8 principle of admissibility. Evidence is not admissible  
9 unless it is: (1) relevant; (2) not subject to  
10 exclusion under any other clear rule of law or policy.

11                  Therefore, the trier of law in  
12 determining whether a piece of evidence should be  
13 considered by the trier of fact will first consider  
14 whether it is relevant.

15                  If it is not, it will be rejected."

16                  The text goes on to talk about the  
17 idea that one of the conditions for relevancy is that  
18 it must relate to one of the facts in issue during the  
19 proceeding.

20                  It is my respectful submission that  
21 this video is completely and utterly unrelated to any  
22 of the facts which are in issue in this proceeding.

23                  The facts that are in issue in this  
24 proceeding are whether Mr. Bahr and/or Western Canada  
25 For Us acting as a group of persons contravened

1 Section 13 of the Canadian Human Rights Act through  
2 postings made to the internet.

3 This video has no relation whatsoever  
4 to any of those facts.

5 The next point that I would like to  
6 take you to is Paragraph 2.40, which is on page 26,  
7 please.

8 It states:

9 "In a civil case, the facts in  
10 issue are established by the  
11 pleadings."

12 And I will stop there for that.

13 And then I will carry on to Paragraph  
14 2.41.

15 "While, in practice, much  
16 latitude is allowed, especially  
17 in cases tried by judges alone,  
18 evidence which is completely  
19 unrelated to the issues as  
20 disclosed in the pleadings will  
21 nevertheless be rejected."

22 Paragraph 2.42 continues.

23 "Unnecessary or immaterial  
24 allegations in the pleadings  
25 cannot, however, make evidence

1                                   relevant that is not."

2                                   I then draw your attention to page  
3                                   479 under the title "Evidence of Character to Prove  
4                                   Facts in Issue".

5                                   "Evidence of character may be  
6                                   tendered in proof or disproof of  
7                                   a fact in issue apart from  
8                                   character to show the doing or  
9                                   failure to do the act in  
10                                  question by the person against  
11                                  whom the evidence is tendered."

12                                 The next paragraph continues.

13                                 "A strong reaction against use  
14                                 of evidence of character to  
15                                 circumstantially prove a fact in  
16                                 issue has resulted in its  
17                                 prohibition in civil cases  
18                                 subject to some limited  
19                                 exceptions.

20                                 The modern rationale for its  
21                                 exclusion was enunciated in Attorney-General v.  
22                                 Radloff.

23                                 In the course of his judgment, Martin  
24                                 B. made the following statement: 'In criminal cases,  
25                                 evidence of the good character of the accused is most

1 properly and with good reason admissible in evidence,  
2 because there is a fair and just presumption that a  
3 person of good character would not commit a crime.

4 But in civil cases, such evidence is  
5 with equally good reason not admitted, because no  
6 presumption would fairly arise in the very great  
7 proportion of such cases from the good character of the  
8 defendant that he did not commit the breach of contract  
9 or of civil duty alleged against him.' "

10 And I would respectfully submit that  
11 that is true, that we can neither bring forward bad  
12 character evidence in relation to the respondent and  
13 nor may the respondent bring forth bad character  
14 evidence with relation to the complainant.

15 And the next page just goes on to  
16 deal with the issue of the exclusion of character  
17 evidence on the basis of relevance and also the policy  
18 to restrain civil proceedings within manageable limits  
19 and to prevent unfairness to civil proceedings.

20 Madam Chair, my submissions are,  
21 firstly, that there is an objection with relation to  
22 the relevance of this video. Credibility has not been  
23 put in issue by either myself or by the Commission.

24 The evidence is, as my colleague  
25 pointed out, strictly documentary. Did I, Mr. Warman,

1 see the material that I have submitted on the website?  
2 That is all. There is no credibility issue there. It  
3 is simply a factual documentary.

4 The second issue is the objection as  
5 has been pointed out so appropriately in Sopinka. The  
6 character evidence is almost exclusively inadmissible  
7 in civil proceedings.

8 THE CHAIRPERSON: Thank you.

9 MR. WARMAN: Barring any questions,  
10 those are my submissions.

11 THE CHAIRPERSON: Thank you.

12 Mr. Fromm, I don't believe I need to  
13 hear from you.

14 As we know, this tribunal is not  
15 bound by the formal rules of evidence. One of the  
16 concerns that I have in particular is I have two  
17 experienced counsel, and I have an unrepresented  
18 respondent.

19 I note from a review of the file that  
20 the respondent at his very first opportunity disclosed  
21 this video as something that the respondent intended to  
22 rely on. Counsel had the opportunity and, in my view,  
23 should have taken the opportunity to obtain a copy of  
24 that video and to make arguments with respect to its  
25 admissibility before now. And we are now well into the

1 second week of hearing the evidence. So my first  
2 concern is the issue of notice.

3 And I would also like to comment on,  
4 you know, I agree that character evidence is something  
5 that often has very little probative value, but it does  
6 have some resonance when there are issues that it would  
7 relate to.

8 And in my view, the facts here have  
9 more resonance with the Winnicki situation than with  
10 the Kulbashian situation. And the reason for that is  
11 because Mr. Fromm has advised me and the disclosure has  
12 directed an accusation that either/or both of Sergeant  
13 Camp and the complainant or someone associated with  
14 them participated in some act of misconduct: first,  
15 that somebody may have hacked into either the  
16 Stormfront or the WCFU site and pretended to be Glenn,  
17 impersonated Mr. Bahr, or, alternatively, manipulated  
18 the content of the site outside of the disclosure form.

19 Now, I don't have at this point an  
20 evidentiary foundation, and I am relying on Mr. Fromm's  
21 advice that such evidence is forthcoming through the  
22 witness that we are going to be seeing, I expect, very  
23 shortly.

24 So for that reason, it is my view  
25 that an exploration into credibility is appropriate.

1                   My concern is that we have to be  
2                   careful in drawing this issue of credibility that  
3                   either/or both Sergeant Camp and Mr. Warman might have  
4                   a significant interest in internet sites that they find  
5                   might contravene Section 13 of the CHRA and pursues  
6                   those and other events and incidents and materials that  
7                   they find may contravene that Act. And to pursue them  
8                   with tremendous amount of vigour does not imply  
9                   misconduct.

10                   What would, in my view, be relevant  
11                   is evidence of any past actions or admissions or  
12                   declarations that -- in this case, that would be  
13                   Mr. Warman -- would use, will use, or has used improper  
14                   means to fabricate evidence.

15                   And so for that reason, I do see a  
16                   door open to some extent for -- call it character  
17                   evidence, and I would call it evidence that relates to  
18                   credibility.

19                   My two objections, one with respect  
20                   to notice and a failure to bring up an objection  
21                   earlier, and my second observation with respect to the  
22                   relevance of this evidence is directing me now to allow  
23                   this video tape to be entered.

24                   I am not sure -- and, Mr. Fromm, I  
25                   will take your submissions on this. Do you feel it is

1 critical that I watch it from start to finish, or would  
2 it be appropriate to extract out those elements that  
3 relate specifically to Mr. Warman? What are your  
4 thoughts?

5 MR. FROMM: Can I just ask a question  
6 of Mr. Bahr?

7 THE CHAIRPERSON: Yes, of course.

8 MR. FROMM: It has been a long time  
9 since I have seen this myself. Mr. Bahr has seen it  
10 more recently.

11 Well, as Mr. Vigna says, a lot of it  
12 is utterly extraneous to this case. The views of  
13 Mr. Icke are not before us. But it might seem a  
14 little unfair not to have the whole thing; otherwise,  
15 this would be out of context.

16 And I know it is probably 55 minutes  
17 of tribunal time, but it would probably be better if  
18 you saw all of it, because it then makes the several  
19 incidents -- I think, then you can be confident that  
20 you are getting a fair view of what is presented. You  
21 can draw whatever conclusion of whatever submissions we  
22 have.

23 But I think it would probably be fair  
24 to see the whole thing, in fairness.

25 THE CHAIRPERSON: Thank you.

1 Madam Registrar, you brought the  
2 popcorn?

3 THE REGISTRAR: It is ready.

4 THE CHAIRPERSON: All right, we are  
5 going to watch the video in its entirety. If we can  
6 just get that started right now, that would be great.  
7 It will be a little difficult to see.

8 SECURITY OFFICER: Madam Chair, would  
9 you like me to turn the lights off?

10 THE CHAIRPERSON: Let us see. Oh,  
11 that is probably going to work just like that.

12 Just before this gets started, if  
13 anybody feels that they would like to -- I know counsel  
14 has seen this very recently. If anybody would like to  
15 leave the room and have a cup of coffee, you are  
16 welcome to. I plan to watch this from start to finish.  
17 --- Video presentation

18 THE CHAIRPERSON: Okay.

19 Mr. Fromm, your cross-examination of  
20 Mr. Warman, would you like to get started with that?

21 MR. FROMM: At this time?

22 THE CHAIRPERSON: Sure.

23 MR. FROMM: Quarter to 11?

24 THE CHAIRPERSON: I beg your pardon?

25 MR. FROMM: Did you want us to take

1 our morning break?

2 THE CHAIRPERSON: Oh, yes, of course.

3 Let us take 15 minutes. I will see you at 11:00.

4 --- upon recessing at 10:47 a.m.

5 --- upon resuming at 11:06 a.m.

6 THE CHAIRPERSON: Good morning,  
7 everyone.

8 THE REGISTRAR: Be seated.

9 THE CHAIRPERSON: Mr. Fromm, just for  
10 your information, we haven't quite decided how to enter  
11 the video as an exhibit, so Madam Registrar is sort of  
12 exploring options, and so we will return to that. And  
13 if I forget to address the matter of entering that as  
14 an exhibit, you remind me or you remind me, and we will  
15 carry on.

16 MR. FROMM: I don't quite understand.  
17 I thought you had accepted it as an exhibit.

18 THE CHAIRPERSON: It is the copying  
19 issue, again, Mr. Fromm. That is your copy, so we are  
20 going to explore how we can figure this out. And once  
21 we have got it figured, I will come to you.

22 MR. FROMM: Okay. Maybe I can  
23 assist, and there is another related to this deal.  
24 That is your copy now.

25 THE CHAIRPERSON: Thank you.

1                   MR. FROMM: I hope I am not revealing  
2 any more trade secrets, but we have more of these.  
3 Well, I have access to more copies. So that is yours.  
4 I told Mr. Bahr that is really out of our hands now.  
5 That is yours.

6                   And the recording secretary  
7 apparently needs access to it, because she didn't catch  
8 all the words, so I think that is really your domain.

9                   THE CHAIRPERSON: Thank you. And we  
10 will have a discussion with Madam Recorder as well.

11                   So we are going to commence  
12 cross-examination. You don't have to stay seated until  
13 I am done.

14                   We have watched the video. I am just  
15 going to remind us all of an observation that is going  
16 to govern my monitoring, I guess, of questions in  
17 respect of their relevance.

18                   And just to summarise that, we do  
19 have an issue of credibility, and we canvassed this at  
20 length with Sergeant Camp that there were specific  
21 allegations of misconduct that were being made either  
22 against the sergeant and Mr. Warman and that I am going  
23 to be receiving evidence later on to support that later  
24 on in the hearing.

25                   And so the issue that I found of

1           credibility is a live one in this hearing for that  
2           reason.

3                           Mr. Fromm, my comment earlier in the  
4           day was that evidence as to credibility, in my view,  
5           will properly include any evidence that might suggest  
6           Mr. Warman would engage in active misconduct, evidence  
7           that would suggest that Mr. Warman is an active  
8           participant in the conduct -- for example, that we saw  
9           in the video -- an active participant in protesting, or  
10          in complaining against things that he perceives to be  
11          improper. And doing that doggedly does not, in and of  
12          itself, in my view, make a person more likely to commit  
13          an offence or to engage in misconduct.

14                           And so that is a line. It is not a  
15          really bright line, but that is my thinking, and that  
16          is what is going to govern my rulings with respect to  
17          credibility as those objections arise with respect to  
18          relevance. So just so you know what I have been  
19          thinking, that might help you sort of frame your  
20          questions.

21                           Go ahead and commence your  
22          examination.

23                           MR. WARMAN: Madam Chair, if I may?  
24          Just as a housekeeping issue, we had been asked  
25          previously if we could provide better copies of certain

1 documents to better ascertain ...

2 THE CHAIRPERSON: For the dates?

3 MR. WARMAN: For the dates.

4 THE CHAIRPERSON: Thank you very  
5 much.

6 MR. WARMAN: You will note that the  
7 specific exhibit numbers have been marked at the top.

8 THE CHAIRPERSON: Yes. Thank you,  
9 Mr. Warman.

10 Okay, Mr. Fromm?

11 You might want to turn your mic on,  
12 Mr. Warman. Thanks.

13 MR. VIGNA: Under the same oath as  
14 today? There is no need to repeat it?

15 THE CHAIRPERSON: I don't feel it  
16 necessary. And, Mr. Vigna, you are not able to use  
17 your mic unless one of us bow out.

18 Okay, carry on, Mr. Fromm.

19 PREVIOUSLY SWORN: RICHARD WARMAN

20 EXAMINATION (con't) BY MR. FROMM

21 MR. FROMM: I think that the video  
22 largely speaks for itself. There are a couple  
23 questions I would like to ask in regards to it.

24 Mr. Warman, are you a lawyer?

25 MR. WARMAN: Objection with regard to

1           relevance.  If Mr. Fromm can establish the relevance of  
2           this question, please?

3                         THE CHAIRPERSON:  Mr. Fromm?

4                         MR. FROMM:  It is inappropriate for  
5           the witness to object to a question.  I am surprised  
6           Mr. Vigna hasn't --

7                         MR. VIGNA:  Mr. Warman is also part  
8           to the proceeding to the Commission, and the  
9           complainant is a different party, so we are in a  
10          particular situation where he can raise also his own  
11          objections.

12                        Myself, I would have raised the  
13          objection also, but I was waiting for the next question  
14          to raise it, because it wasn't all that problematic.

15                        THE CHAIRPERSON:  Yes.  Mr. Fromm,  
16          just to sort of give you a heads up, as Mr. Vigna  
17          pointed out, Mr. Warman is self-represented; and so he  
18          will be giving evidence, and he will also have the  
19          opportunity, just as Mr. Bahr would, to act as counsel  
20          on his own behalf as well.

21                        MR. FROMM:  Okay.

22                        THE CHAIRPERSON:  And I don't see the  
23          relevance of that question, so maybe we can move on to  
24          the next.

25                        MR. FROMM:  Well, in Sergeant Camp's

1 testimony, he mentioned that you were an Ottawa-based  
2 lawyer. I was wondering, as a lawyer, if you were  
3 obligated to act as an officer of the court.

4 MR. WARMAN: Objection. Relevance?

5 THE CHAIRPERSON: Yes. It is kind of  
6 the same question, Mr. Fromm, as the last one. I don't  
7 see that Mr. Warman's occupation is relevant, so if you  
8 could move on, please?

9 MR. VIGNA: I just want to make a  
10 comment, Madam Chair, please? Mr. Warman is here as a  
11 witness today. He is not here in the disciplinary  
12 preceding, so I suggest that the line of questions  
13 should continue and follow along those lines.

14 THE CHAIRPERSON: So let us move on  
15 to another area, Mr. Fromm, please.

16 MR. FROMM: Are you aware that in the  
17 province of Alberta, the person who had thrown a pie at  
18 Premier Klein, that person was charged with assault and  
19 convicted and sentenced to prison?

20 MR. VIGNA: Objection, Madam Chair,  
21 on relevance.

22 THE CHAIRPERSON: I will allow it.

23 MR. WARMAN: I may have heard  
24 something to that effect. I made have read the  
25 accounts.

1 MR. FROMM: Okay. I am going to be  
2 referring back, from time to time, to the book of  
3 documents that you presented in your evidence on  
4 Friday.

5 In the complaint, which was Tab 1, I  
6 was wondering if I could draw your attention to that?  
7 And on page 3 of the complaint, you state:

8 "I visited Stormfront forum on  
9 9, 15, 19, 20, October, 2003;  
10 18, 22, 24, 27, 30 November,  
11 2003; 1 December; 3, 13, 31  
12 January, 2004; and 10, 11, 21,  
13 29, February, 2004."

14 At that time, were you employed by  
15 the Canadian Human Rights Commission?

16 MR. VIGNA: Objection, Madam Chair,  
17 on the relevance of question.

18 THE CHAIRPERSON: I agree. I don't  
19 see the relevance of that question, Mr. Fromm.

20 MR. FROMM: Well, we are going to be  
21 making extensive submissions about what we believe is a  
22 campaign by Mr. Warman and others, but particularly by  
23 Mr. Warman, against -- these are all in our  
24 submissions -- I mean, in our Statement of Particulars,  
25 a campaign targeting political opponents.

1 THE CHAIRPERSON: We are dealing with  
2 a very specific complaint that will be decided on its  
3 very specific merits. Whether there are other  
4 complaints that are extant or that have been decided  
5 before is not relevant to this complaint.

6 This is a particular complaint  
7 regarding particular conduct and particular material.  
8 That will be decided on the basis of the relevant facts  
9 to this complaint, Mr. Fromm.

10 MR. FROMM: At this point, though, I  
11 am not asking about other complaints. I am asking  
12 about this complaint, whether he was employed with  
13 Canadian Human Rights at this time.

14 THE CHAIRPERSON: And I am finding  
15 that that is not relevant, Mr. Fromm.

16 MR. FROMM: How did you access the  
17 Stormfront forum on those dates mentioned?

18 MR. WARMAN: Through the internet.

19 MR. FROMM: And what computer did you  
20 use to access it?

21 MR. WARMAN: Objection, Madam Chair.  
22 Relevance?

23 THE CHAIRPERSON: I will allow it.

24 MR. WARMAN: To the best of my  
25 knowledge, my home computer.

1                   MR. FROMM: Perhaps you could help me  
2 with this. The date on this complaint says the date  
3 received was 9th of June, 2004. In the process of  
4 filing complaints, does that mean that was the date  
5 that you dropped it off, or is that some other date?

6                   MR. WARMAN: I am sorry. It is the  
7 Commission's document. You would have to ask them.

8                   MR. FROMM: Right. I will ask the  
9 question a different way. When did you file this  
10 complaint?

11                  MR. WARMAN: The complaint is dated  
12 the 8th of June, 2004.

13                  MR. FROMM: And what we see here in  
14 Tab 1, is this the complaint as you wrote it? Or has  
15 anybody else written this complaint, the document we  
16 have in front of it? It just says "Commission's  
17 Document".

18                  MR. WARMAN: The first page is the  
19 Commission's document. The other pages are my  
20 complaint as I submitted it to the Commission.

21                  MR. FROMM: So pages 1 to 3 are what  
22 you wrote?

23                  MR. WARMAN: WG 012/2, 3, 4 and 5,  
24 right corner, is a copy of my complaint as submitted to  
25 the Commission.

1                   MR. FROMM: I have noticed throughout  
2 this part of this volume -- and perhaps you can just  
3 explain what it means. These numbers in the lower  
4 right hand corner, WG 012/4, what does that mean?

5                   MR. WARMAN: Sorry, they are not my  
6 numbers.

7                   MR. VIGNA: Madam Chair, I can  
8 explain that. Those are the numbers related to the  
9 disclosure. When the Commission scans the documents,  
10 the disclosure list, they put a document number at the  
11 bottom. You see all the documents have that type of  
12 numbering.

13                   THE CHAIRPERSON: Thank you.

14                   MR. FROMM: So there is no other  
15 significance than that.

16                   All right, so this complaint, you  
17 say, was submitted on the 8th of June, 2004. At that  
18 point, at least according to other testimony, the  
19 website had been down for nearly a month. Why did you  
20 submit the complaint for something that was out of  
21 existence?

22                   MR. WARMAN: Because in the same  
23 manner if someone murders someone but he is no longer  
24 murdering someone, I believe that the police would  
25 still file a complaint against them.

1                   MR. FROMM: After filing this  
2                   complaint with the Commission, were you in regular  
3                   contact with the Commission about this matter?

4                   MR. WARMAN: What would you describe  
5                   as "regular"?

6                   MR. FROMM: Right. Did you ever  
7                   initiate contact after you sent this complaint in to  
8                   the Commission?

9                   MR. WARMAN: Certainly. I submitted  
10                  further documentation to help further support the  
11                  complaint as it became available.

12                  MR. FROMM: If I can just go back to  
13                  the video for a second? I forgot to ask. Near the end  
14                  of the video, the voiceover, Mr. Icke went back to  
15                  England, but after that time, Mr. Warman wrote to a  
16                  number of British hotels that were on the tour Mr. Icke  
17                  was going to take of England, and many of these venues  
18                  were cancelled. Was that accurate?

19                  MR. VIGNA: Madam Chair, I will  
20                  object, but I realise you ruled the admissibility of  
21                  the evidence.

22                  THE CHAIRPERSON: I will allow this  
23                  question, but I do have concerns that we are getting to  
24                  the margins, I suppose, of admissibility. I will ask  
25                  Mr. Warman to answer that question.

1 MR. WARMAN: I disagree with the  
2 characterisation at the end of the video about what  
3 transpired subsequent.

4 MR. FROMM: Did you contact venues in  
5 Britain where Mr. Icke was supposed to speak?

6 MR. WARMAN: Yes, I did.

7 MR. FROMM: And looking at the web  
8 page of the Canadian Human Rights Tribunal, it lists  
9 upcoming tribunals and tribunals that have occurred.  
10 You are going to be a witness in a tribunal later this  
11 summer that involves one of the people mentioned here,  
12 Peter Kouba. Is that correct?

13 MR. VIGNA: I object but let you  
14 decide. I don't see the relevance.

15 THE CHAIRPERSON: What is the  
16 relevance, Mr. Fromm? Where is this question going to?

17 MR. FROMM: I am going to lead to  
18 that.

19 THE CHAIRPERSON: Well, if the line  
20 of questions is to give evidence that Mr. Warman has or  
21 may have other complaints outstanding before the  
22 Commission, I think I have been fairly clear in  
23 identifying that that is not a relevant line of  
24 inquiry.

25 MR. FROMM: I don't wish to inquire

1           what the evidence would be, I just want to confirm that  
2           he will be a witness there.

3                         THE CHAIRPERSON:  As to the matter  
4           with respect to Peter Kouba?

5                         MR. FROMM:  Yes.  There is a separate  
6           complaint that is going to the tribunal, I believe, in  
7           the summer.

8                         THE CHAIRPERSON:  Okay.  I will  
9           direct Mr. Warman to answer that.

10                        MR. WARMAN:  Yes.

11                        MR. FROMM:  And there is a complaint  
12           against two people whose screen names were Jessy  
13           Destruction and Der totenkopf, and that tribunal is  
14           supposed to occur sometime later in this year.  And you  
15           are going to be a witness; is that correct?

16                        MR. WARMAN:  Madam Chair, that  
17           question I will object to.  It is unrelated to the  
18           current hearing.

19                        THE CHAIRPERSON:  I agree.  We have  
20           not discussed those particular monikers.  We have not  
21           identified them as individuals, and I think under the  
22           circumstances, I agree that it is not a relevant line  
23           of inquiry.

24                        MR. FROMM:  Would you agree that if  
25           this tribunal goes the full projected length, it will

1 have taken nine days?

2 THE CHAIRPERSON: I don't see the  
3 relevance of that. It is not something that we need  
4 Mr. Warman's evidence on, how the length of this  
5 hearing will go. This is something that we are all  
6 going to be abundantly aware of.

7 MR. FROMM: How do you manage to get  
8 so much time off work to attend here?

9 MR. VIGNA: Okay, Madam Chair, that  
10 question is total irrelevant at issue.

11 THE CHAIRPERSON: I agree, Mr. Fromm.  
12 It is, again, not a relevant line of inquiry. I don't  
13 know what Mr. Warman's occupation is, and it is not  
14 relevant to the inquiry.

15 MR. FROMM: Well, Madam Chair, it  
16 might indeed be relevant to the inquiry.

17 THE CHAIRPERSON: I don't believe  
18 this is a relevant inquiry, so please move on.

19 MR. FROMM: I would like you to turn  
20 to this document. Mr. Warman, tell me if you recognise  
21 it.

22 MR. WARMAN: It would appear to be a  
23 copy of a document sent to Stephen Camp of the Edmonton  
24 Police Hate Crimes unit by me.

25 MR. FROMM: And can you confirm that

1           this was disclosed to Mr. Bahr as part of these  
2           proceedings?

3                           MR. WARMAN:  It was.

4                           THE CHAIRPERSON:  Would you like to  
5           have this entered as an exhibit, Mr. Fromm?

6                           MR. FROMM:  Yes.

7                           THE CHAIRPERSON:  Madam Registrar?

8                           THE REGISTRAR:  The letter addressed  
9           to Mr. Stephen Camp from Richard Warman dated May 9th,  
10          2004, will be filed as Respondent Exhibit GB-4.

11                           EXHIBIT NO. GB-4:  Letter  
12                           addressed to Mr. Stephen Camp  
13                           from Richard Warman dated May 9,  
14                           2004

15                           MR. FROMM:  You recall receiving a  
16           direction from Member Jensen requiring that you  
17           disclose correspondence between yourself and the  
18           Edmonton Police Service Hate Crimes unit and/or the  
19           British Columbia Hate Crimes unit?

20                           MR. WARMAN:  I do.

21                           MR. FROMM:  And after several  
22           exchanges, was your response that, having looked at  
23           your files, this was the only correspondence that was  
24           relevant?

25                           MR. WARMAN:  I believe it was a

1 combination of relevance and that I could find within  
2 my possession.

3 MR. FROMM: You were here yesterday  
4 during Sergeant Camp's testimony, were you not?

5 MR. WARMAN: Indeed.

6 MR. FROMM: He testified that he had  
7 extensive correspondence with you, including asking you  
8 for a copy of a poster from ARA Calgary. Why was this  
9 the only piece of correspondence disclosed to us?

10 MR. WARMAN: I believe that is a  
11 mischaracterisation of his evidence, and, also, as I  
12 mentioned, this is the document that I could find  
13 pursuant to the direction by Member Jensen that was  
14 within my possession that hadn't already been  
15 disclosed.

16 MR. FROMM: So you are saying that  
17 the correspondence, for instance, in the matter of the  
18 ARA poster was no longer in your possession?

19 MR. WARMAN: I believe that is a  
20 mischaracterisation of Sergeant Camp's evidence. But  
21 just for the purposes of expediency, I believe Sergeant  
22 Camp testified to the fact that we had engaged in  
23 correspondence. I believe those may have been simply  
24 e-mails or he may have simply called me and asked me.

25 MR. FROMM: And it is your testimony

1           that when you were asked for disclosure and reminded by  
2           Member Jensen, that none of this was any longer in your  
3           possession, just the document that is been just  
4           identified?

5                         MR. WARMAN: I believe I fulfilled my  
6           disclosure obligations.

7                         MR. FROMM: You are not answering my  
8           question.

9                         MR. WARMAN: I am.

10                        MR. FROMM: Could I ask the Member to  
11           direct Mr. Warman to answer the question?

12                        MR. VIGNA: Madam Chair, he has  
13           answered the question. I am even asking myself if this  
14           line of questioning is admissible. If it is an issue  
15           of disclosure, it should be presented as a motion, not  
16           as a cross-examination.

17                        I didn't object earlier to a certain  
18           extent, but I think that if --

19                        THE CHAIRPERSON: I am trying to  
20           determine where this is going. I have shared a concern  
21           that matters that were the subject of the case  
22           management process of the tribunal are matters that are  
23           now behind us, and I don't see any utility in  
24           recovering that ground.

25                        MR. FROMM: Well, it goes to the

1 fairness of the proceedings. I have raised the matter  
2 on the first day -- not specifically about Mr. Warman,  
3 but about the very, very, very late disclosure of most  
4 of the material relevant to Sergeant Camp. His  
5 testimony is vital to this case, and I was basically  
6 told to move along.

7 I got a specific ruling about  
8 disclosure about the contents between Mr. Warman and  
9 the B.C. hate squad and the Edmonton Police Service.  
10 After further pursuing it, I was able to be given this  
11 document.

12 It seemed from the evidence of  
13 Sergeant Camp yesterday that there was much more  
14 correspondence, and this is all we have.

15 THE CHAIRPERSON: Carry on, Counsel.

16 MR. VIGNA: I am not sure if I could  
17 say there was much more extensive correspondence. It  
18 was based on a statement, and it depends on how you  
19 interpret it.

20 THE CHAIRPERSON: And I believe you  
21 have Mr. Warman's response on that. As I understand,  
22 his response was there was a poster that you identified  
23 that was obtained by Sergeant Camp from Mr. Warman.  
24 And as I understood his evidence, he said it might have  
25 been an e-mail, it might have been a telephone call,

1 stick this on the fax machine, something of that  
2 nature, and it wasn't something that was correspondence  
3 in the producible form.

4 Now, that is what I understood him to  
5 say in response to the question that you asked.

6 MR. FROMM: Sergeant Camp also  
7 indicated that he had many communications with  
8 Mr. Warman where he complained extensively about the  
9 WCFU. And this complaint is very late in the game.  
10 This letter is dated the 9th of May, by which time WCFU  
11 had been disbanded, and the website was taken down.  
12 The poster is in February.

13 And Sergeant Camp indicated that  
14 there had been communications between him and  
15 Mr. Warman. But all that has been disclosed to us was  
16 this complaint or letter.

17 THE CHAIRPERSON: And that is the  
18 question that you asked Mr. Warman, and I believe we  
19 have an answer, so let us carry on.

20 MR. FROMM: I ask Mr. Warman to take  
21 a look at this report.

22 MR. WARMAN: Yes.

23 MR. FROMM: Do you recognise this as  
24 describing a talk that you gave at University of  
25 Alberta?

1 MR. WARMAN: No. I believe this  
2 predates the discussion I had at the University of  
3 Alberta.

4 MR. FROMM: Would you recognise it as  
5 a report that would seem to be promoting the talk that  
6 you would be giving later that day at the university?

7 MR. WARMAN: It was an interview with  
8 regard to what would be discussed.

9 MR. FROMM: Do you recall having  
10 given that interview?

11 MR. WARMAN: I do recall speaking  
12 with the reporter, yes.

13 MR. FROMM: I ask that this document  
14 be entered into evidence.

15 THE CHAIRPERSON: Counsel, any  
16 objections?

17 MR. VIGNA: Madam Chair, I don't know  
18 if it is relevant. There is a brief mention to  
19 Mr. Warman.

20 THE CHAIRPERSON: I am sorry?

21 MR. VIGNA: I don't see the relevance  
22 of this document. I will object. There is some slight  
23 reference to Mr. Bahr, but nevertheless, it is not  
24 relevant.

25 THE CHAIRPERSON: Mr. Fromm, you have

1 heard my concern about admissible and nonadmissible  
2 areas that I will be allowing you to canvass in regard  
3 to the credibility issue. I would be inclined not to  
4 include this as an exhibit. I am, however, cognizant  
5 that I see the respondent's name in this. And so on  
6 that basis, I will enter that as an exhibit.

7 THE REGISTRAR: Article found on the  
8 University of Alberta website entitled "Anti-Hate  
9 Lawyer to Speak on Campus" will be filed as  
10 Respondent's Exhibit GB-5.

11 EXHIBIT NO. GB-5: Document  
12 entitled "Anti-Hate Lawyer to  
13 Speak on Campus"

14 MR. FROMM: And the second last  
15 paragraph on the page, the second sentence reads:

16 "We had a group called the  
17 Canadian Racist Education and  
18 Research Society that were  
19 monitoring the WCFU and keeping  
20 an eye on the people to make  
21 sure that people were aware of  
22 the kind of hate this group is  
23 putting out."

24 Could you describe the role of the  
25 Canadian Research and Education Services Society more

1 fully than this report? Or is this report accurately  
2 reflecting what you said?

3 MR. VIGNA: Madam Chair, I object on  
4 the relevance of the question in relation to the facts  
5 of this case.

6 THE CHAIRPERSON: I agree, Mr. Fromm.  
7 I believe that is not a relevant inquiry.

8 MR. BAHR: Madam, if I may? May I?

9 I think there is a certain amount of  
10 relevance, because if this group was hacking into my  
11 computer posing as me, it is completely relevant to --

12 THE CHAIRPERSON: And now there is a  
13 question that is relevant. If Mr. Fromm cares to ask  
14 Mr. Warman whether he or a member of this group was  
15 hacking on to the website, now, there is a relevant  
16 question. So if we are going to come at it, let us  
17 come at it with a little bit of directness.

18 Carry on, Mr. Fromm.

19 MR. FROMM: Are you aware of the  
20 Canadian group of Canadian Racist and Education  
21 Research Society?

22 MR. WARMAN: I believe you are giving  
23 it the wrong name. I believe it is the Canadian  
24 Anti-Racism Education and Research Society. And if  
25 that is, in fact, the proper question, then, yes.

1 MR. FROMM: Sorry. Yes, I think  
2 there is probably something cut off from the edge of  
3 the paper, and that probably is helpful. So it should  
4 be the Canadian Anti-Racism Education and Research  
5 Society.

6 Sergeant Camp's evidence was that the  
7 evidence in this case was largely compiled by yourself  
8 and by him. Can you explain, then, what this comment  
9 means, that the group called Canadian Anti-Racist  
10 Educational Society were monitoring WCFU?

11 MR. WARMAN: I believe that there  
12 were more than just Sergeant Camp and myself that had  
13 interest in what the group activities were.

14 MR. FROMM: Who invited you to make  
15 this speech?

16 MR. WARMAN: Objection, Madam Chair.  
17 Relevance?

18 THE CHAIRPERSON: I agree. I don't  
19 see the relevance, Mr. Fromm. I note that this appears  
20 to be a publication of the Faculty of Arts of, I  
21 assume, the University of Alberta. Beyond that, I  
22 don't think this inquiry is a relevant one.

23 MR. FROMM: Were you paid for making  
24 this speech?

25 MR. VIGNA: Objection, Madam Chair.

1 THE CHAIRPERSON: Also not a relevant  
2 inquiry.

3 MR. FROMM: Can I ask you that the  
4 witness be excluded from the room? I would like to  
5 make a submission.

6 THE CHAIRPERSON: Mr. Warman?

7 MR. WARMAN: Madam Chair, as a party,  
8 I cannot be excluded.

9 THE CHAIRPERSON: Of course.

10 Mr. Fromm, I am unable to exclude the  
11 party. Carry on. Would you like to speak?

12 MR. FROMM: I am not sure I heard  
13 correctly. You are unable to exclude the party?

14 THE CHAIRPERSON: From the preceding.  
15 That is correct.

16 MR. FROMM: I see.

17 Well, it is kind of like playing  
18 poker with leaving your hand completely exposed, but it  
19 is our submission that Mr. Warman would seem to be paid  
20 for these activities of making a long series of  
21 complaints against people.

22 And this is in contrast of the normal  
23 procedure with the Canadian Human Rights Commission  
24 where a person has been discriminated against makes a  
25 one-time only complaint against something that

1 personally affects themselves. And if the complaint is  
2 adjudicated, it is settled one way or another.

3 What we have here is a series of  
4 labels where Mr. Bahr is only one of a long list. I am  
5 trying to probe motivation. I am trying to probe the  
6 good faith of this procedure.

7 I think it is a trite point of law,  
8 but both sides must come to the table with clean hands.  
9 Mr. Bahr came to these proceedings --

10 THE CHAIRPERSON: Thank you.  
11 Mr. Fromm, motivation is not a relevant inquiry to a  
12 complaint. One's motivation in filing a complaint is  
13 not determinative to whether the complaint is made up.  
14 It is the test set up under, in this case, Section 13  
15 of the Canadian Human Rights Act that will determine if  
16 this is made up.

17 The questions that go to motivation  
18 are not relevant. Good faith is not a relevant inquiry  
19 here. When I spoke to you earlier about the window  
20 that we have open here with respect to relevant  
21 evidence going to admissibility, it is evidence that  
22 goes to misconduct, evidence that our witness here is  
23 likely to engage in this conduct.

24 And I thought I was fairly clear that  
25 an active engagement in a particular pursuit in and of

1           itself is not evidence of misconduct.

2                       So I am trying to be as clear as I  
3           can with you, Mr. Fromm, about what I see as a  
4           permissible line of questions and keep you on track.

5                       So that inquiry I am not going to  
6           allow because I don't see it as relevant.

7                       MR. FROMM:   Again, exposing my hand  
8           entirely, if you make your living from a certain course  
9           of action, you might be more highly motivated than if  
10          you make your living -- this is a question, it is  
11          not --

12                      THE CHAIRPERSON:   See, when we heard  
13          Mr. Warman and we heard the law on character evidence,  
14          the courts are very clear that it is not evidence of  
15          misconduct when you are bringing in someone's  
16          character.  When there is a conflict in evidence, that  
17          might come forward.  But I am not going to allow that  
18          line of questions, because it isn't relevant to this  
19          inquiry, the facts of this specific case.

20                      MR. FROMM:   In the autumn of 2003,  
21          did you deliver lectures in Vancouver and Victoria  
22          about hate on the internet?

23                      MR. VIGNA:   Objection, again, Madam  
24          Chair.  Same thing, relevance.

25                      THE CHAIRPERSON:   Mr. Fromm?  I am

1 not finding that question relevant unless the subject  
2 of Mr. Warman's talk was matters of misconduct of  
3 procuring evidence or acting in a manner that in any  
4 way could obtain conviction.

5 Just giving a lecture on a subject is  
6 not getting us anywhere. And, again, I am trying to  
7 make this line clear.

8 MR. FROMM: I am not suggesting that  
9 giving a lecture is proof of misconduct.

10 THE CHAIRPERSON: Okay. Then I am  
11 moving that that is not a relevant question.

12 MR. FROMM: So am I only limited to  
13 this one question: Are you guilty of misconduct? Is  
14 that your ruling?

15 THE CHAIRPERSON: That is not my  
16 ruling.

17 MR. FROMM: That will make it really  
18 quick. I am going to finish by lunch.

19 THE CHAIRPERSON: No, that is not my  
20 ruling, Mr. Fromm.

21 MR. FROMM: That is what I heard.

22 THE CHAIRPERSON: You can give my  
23 copy to Madam Registrar, please.

24 MR. VIGNA: I suspect, Madam Chair, I  
25 may be a little bit premature, but it is along the same

1 lines of questions, but I will wait for the question.

2 THE CHAIRPERSON: Yes. Carry on,  
3 Mr. Fromm.

4 MR. FROMM: To direct your attention  
5 to page 3 of this document.

6 THE CHAIRPERSON: What is this  
7 document?

8 MR. FROMM: This is a download from  
9 the Alberta Human Rights Commission Services.

10 On page 3, summarizing a number of  
11 cases, but they summarise a case that you had an  
12 involvement with, Warman versus Kyburz. Is this  
13 statement in the first line of the first sentence  
14 accurate?

15 MR. WARMAN: Madam Chair, objection.  
16 I can't really find the relevance of this.

17 MR. FROMM: I mean, I didn't hear --

18 THE CHAIRPERSON: It is not a  
19 relevant question, Mr. Fromm.

20 MR. FROMM: Well, I am trying to  
21 establish the bona fides of the complainant.

22 THE CHAIRPERSON: So the first line  
23 reads:

24 "In this case, the complainant  
25 was a lawyer of Jewish

1 heritage."

2 And you are suggesting that if that  
3 were true, that would go to the bona fides of this  
4 complaint, that Mr. Warman is Jewish?

5 MR. FROMM: Well, it would go to  
6 that, yes. He would have a reason to object to  
7 purported anti-Semitism.

8 THE CHAIRPERSON: I disagree with  
9 you, Mr. Warman. I won't.

10 MR. WARMAN: Mr. Fromm.

11 THE CHAIRPERSON: I am sorry. I mean  
12 Mr. Fromm.

13 MR. FROMM: So if he were Jewish, he  
14 wouldn't have a right to complaint?

15 THE CHAIRPERSON: I beg your pardon?

16 MR. VIGNA: I understand the question  
17 to be if he was Jewish, he wouldn't have a right to  
18 complain, but I don't know that --

19 THE CHAIRPERSON: Mr. Fromm, could  
20 you explain where this document came from? I am  
21 looking particularly at the file identification at the  
22 top.

23 MR. FROMM: It comes from the Alberta  
24 Human Rights website.

25 THE CHAIRPERSON: Yes, but there

1 appears to be a fairly extended -- I think they call  
2 them URLs. So who obtained this?

3 MR. FROMM: I did.

4 THE CHAIRPERSON: And so did you get  
5 it just by going in through clicks, through links? Or  
6 how did that come about?

7 MR. FROMM: I am not -- I don't  
8 recall. I was directed to the Alberta Human Rights  
9 Citizenship Commission.

10 THE CHAIRPERSON: Were you searching  
11 the site?

12 MR. FROMM: I think I was just  
13 directed that this might be helpful.

14 THE CHAIRPERSON: I am just noticing  
15 in the search line, you have "Warman as a Jew". Was  
16 that a clause that you used to search the site?

17 MR. FROMM: I am not that  
18 sophisticated, I am afraid.

19 THE CHAIRPERSON: All right. Sorry.  
20 Carry on.

21 MR. FROMM: I will collect these  
22 back.

23 Mr. Warman, you testified that you  
24 monitored the website called Stormfront?

25 MR. WARMAN: That is correct.

1 MR. FROMM: Do you know who a man by  
2 the name of Don Black is?

3 MR. WARMAN: Objection, Madam Chair.  
4 What is the relevance of this question, particularly in  
5 relation to the document?

6 THE CHAIRPERSON: I agree.  
7 Ordinarily, Mr. Fromm, as you see through the hearing,  
8 what we need to establish is whether or not this should  
9 be entered as an exhibit. The tribunal has to be  
10 satisfied that it knows what the document is and needs  
11 to identify for us what the document is.

12 So let us just perhaps deal with that  
13 part of the equation first, because this doesn't look  
14 like -- what I am seeing here is something that looks  
15 as though it might be a post from a website, but it  
16 doesn't bear any relation to what we have seen so far  
17 in the evidence. So I am not sure what this is.

18 MR. FROMM: The line across the top  
19 indicates <http://www.stormfront.org/forum/showthread>,  
20 and it is a posting by Don Black.

21 THE CHAIRPERSON: And what was it  
22 that you were wanting to ask about this, Mr. Fromm, if  
23 we were to enter this as an exhibit?

24 MR. FROMM: I simply wanted to  
25 confirm Mr. Black's -- first of all, identify Mr. Black

1 if he knows who he is, and, secondly, to confirm  
2 Mr. Black's statement that Mr. Warman had approached  
3 Stormfront servers and Duke servers with a view of  
4 having them shut down service.

5 THE CHAIRPERSON: Okay.

6 MR. VIGNA: Madam Chair, I don't  
7 think there is relevance of the document to the  
8 question, and I am not sure -- I can't say for  
9 certain -- that the document was disclosed. I don't  
10 recall it, but I can't say for certain. But in any  
11 event, I am relying on the -- I am objecting primarily  
12 on the relevance of the document.

13 THE CHAIRPERSON: And my concern  
14 largely arises from relevance. I would be inclined to  
15 admit this as an exhibit, even though it is in a format  
16 that I don't recognise, particularly as we do have more  
17 relaxed rules of evidence.

18 But what I am reading here purports  
19 to be someone reporting on the complainant's activities  
20 in shutting down Duke server and Stormfront servers by  
21 contacting ISP providers.

22 And, again, Mr. Fromm, that is  
23 clearly in the category of Mr. Warman's activity that  
24 does not in any way suggest that any improper or  
25 illegal conduct was going to be engaged by Mr. Warman.

1 MR. FROMM: I think perhaps a  
2 question or two might answer that.

3 THE CHAIRPERSON: Okay. Please.

4 MR. FROMM: Do you know who Don Black  
5 is?

6 THE CHAIRPERSON: I don't see how  
7 that question gets us anywhere. What is the question  
8 that you think goes to conduct, please, and ask it.

9 MR. FROMM: Were the ISPs in question  
10 in the United States?

11 MR. WARMAN: Madam Chair, I will  
12 decline to answer the question on the basis of  
13 solicitor/client privilege.

14 THE CHAIRPERSON: Carry on,  
15 Mr. Fromm.

16 MR. FROMM: Well, for being asked to  
17 accept that as an answer, who is the client?

18 THE CHAIRPERSON: Mr. Warman?

19 MR. WARMAN: Canadian Human Rights  
20 Commission.

21 MR. FROMM: I suppose this poses a  
22 problem for me, because I wasn't allowed to ask you  
23 whether you work for Canadian Human Rights Commission.

24 Is that privileged? Does that  
25 privilege apply if they are no longer your client? I

1 ask this of Madam Chairman.

2 THE CHAIRPERSON: I am happy to hear  
3 submissions on solicitor/client privilege if any  
4 counsel want to address their mind to that.

5 If you want to return to it after  
6 lunch?

7 MR. FROMM: I would like to return to  
8 this after lunch.

9 THE CHAIRPERSON: But I will tell you  
10 that my primary concern here is relevance. My primary  
11 concern is reading the text of this e-mail suggests to  
12 me that it says what it says: Websites were shut down.  
13 It doesn't suggest to me that there was improper  
14 conduct engaged in.

15 So remember that I am happy to hear  
16 your submissions with respect to solicitor/client  
17 privilege, but if we get past that, there will be  
18 another problem.

19 So, Madam Registrar, what time is it?

20 THE REGISTRAR: 5 after 12.

21 THE CHAIRPERSON: Why don't we take  
22 our hour break now, and you can consider your position  
23 with respect to the privilege issue.

24 Mr. Vigna?

25 MR. VIGNA: I would like to speak to

1 Mr. Warman during the break. I was wondering if you  
2 can allow him to tell me the nature of the source.

3 THE CHAIRPERSON: All right, so you  
4 will be better informed to speak to the  
5 solicitor/client privilege issue, is that your  
6 suggestion?

7 MR. VIGNA: I am not really aware of  
8 the document. When I look at it at face value, it  
9 doesn't say much to me.

10 THE CHAIRPERSON: For the extremely  
11 limited purpose of discussing this very issue of  
12 solicitor/client privilege, I will allow you two to  
13 have a brief discussion.

14 MR. BAHR: Why don't you just go to  
15 the bathroom and talk like you did at the last break?

16 MR. FROMM: This is completely  
17 inappropriate. Mr. Vigna can contact the Canadian  
18 Human Rights Commission. They have an office in  
19 Ottawa. Surely they would be able to advise him of  
20 what, if any, solicitor/client relationship there might  
21 have been between them and Mr. Warman.

22 THE CHAIRPERSON: The spirit of the  
23 noncommunication between client and witness during the  
24 course of an examination is so counsel cannot -- or,  
25 counsel and witness is so counsel cannot coach them in

1           their evidence.

2                           I have directed two officers of the  
3           court specifically to discuss an issue of privilege  
4           that is within reason as a result of the question that  
5           you asked, and I will direct that those interactions be  
6           limited to and pursuant to my direction, and I will  
7           allow them to have that discussion.

8                           MR. BAHR: Madam, if I may? I would  
9           just like to point out that I have seen the two  
10          discussing in the washroom on breaks and taken their  
11          lunch together on breaks. I just want to make that  
12          clear.

13                          MR. VIGNA: Madam Chair, we were not  
14          discussing the case over coffee. On the way back, we  
15          stopped at the washroom.

16                          THE CHAIRPERSON: I am not -- yes.  
17          See you after lunch.

18                          THE REGISTRAR: It is now 10 after  
19          12.

20                          THE CHAIRPERSON: So 1:30. Thank  
21          you.

22          --- upon recessing at 12:09 p.m.

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

24                          THE CHAIRPERSON: Good afternoon,  
25          everybody.

1 THE REGISTRAR: Be seated.

2 THE CHAIRPERSON: So the first thing  
3 I have to tell you -- yes?

4 MR. VIGNA: Madam Chair.

5 THE CHAIRPERSON: I am going to talk  
6 about transcripts for a minute. If you are talking  
7 about privilege, let us hang on to that for a second.

8 So the transcripts are available.  
9 Which of you want a transcript, a copy of that ten to  
10 15-page excerpt? Mr. Warman, do you want a copy?

11 MR. WARMAN: No, thank you, Madam  
12 Chair.

13 MR. VIGNA: No, I don't think so.

14 THE CHAIRPERSON: All right.

15 Mr. Fromm, you would like a copy?

16 MR. FROMM: Yes.

17 THE CHAIRPERSON: All right. The  
18 cost, and I have the invoice here, is \$240.75. I am  
19 going to leave the invoice with Madam Registrar. She  
20 has the transcripts. As soon as that is paid for, you  
21 can pick them up.

22 Okay. On to privilege, who wants to  
23 speak first? Mr. Vigna, what did you learn?

24 MR. VIGNA: There is some things that  
25 I wanted to talk about.

1                   First of all, other than the issue of  
2                   the privilege and where we left off last week, there  
3                   was a question of admissions that were made in regards  
4                   to a claimant to Police Officer Kent Dahl, if you do  
5                   recall.

6                   THE CHAIRPERSON: Yes, I do remember  
7                   that. There was going to be an Affidavit, and I  
8                   understand that that is the individual that was in the  
9                   room yesterday and the day before.

10                  MR. VIGNA: Actually it was a lawyer  
11                  that came on his behalf. It was a lawyer that came  
12                  from Justice that came on his behalf and provided us  
13                  with an Affidavit. I have no problem with the  
14                  Affidavit provided, but I do have a problem, and the  
15                  respondent is aware, that the document he had provided  
16                  me was a transcript which the respondent, Mr. Bahr, had  
17                  done himself based on an audio interview with a police  
18                  officer.

19                  And the reason I have an objection is  
20                  basically because it is my view that he cannot simply  
21                  put into evidence what he said to the police officer to  
22                  put forward his theory of the case.

23                  I will submit that if he wants to put  
24                  forward the theory of the case, he has to be subject to  
25                  cross-examination, and I will object to the contents

1 and the voracity of what he said to the police officer  
2 subsequent to what would normally be his testimony to  
3 support his theory of the case.

4 THE CHAIRPERSON: Yes.

5 MR. VIGNA: Therefore, I want to make  
6 sure that the respondent is aware of that, and we are  
7 not going to put in the case where you can raise a  
8 reasonable doubt. If there is evidence, I submit that  
9 it goes, and one way, he has to take the stand in order  
10 to contradict the evidence that has been put forth.

11 So I just want to make sure there is  
12 no ambiguity, that you do not admit the transcript just  
13 for the fact that a complaint was made to Police  
14 Officer Kent Dahl and a lawyer.

15 THE CHAIRPERSON: Thank you. I  
16 understand your concern, Mr. Vigna, and the respondents  
17 will decide how to enter their evidence when it is  
18 their turn. But I agree with you that merely a  
19 recitation of information that was provided to a third  
20 party does not constitute evidence as to the voracity  
21 of those comments. They are very different things.

22 Anyway, I expect --

23 MR. FROMM: Well, may we address  
24 that?

25 THE CHAIRPERSON: Yes, I think that

1           what we are getting into now is an issue that I expect  
2           to have canvassed in closing arguments. But if you  
3           want to make a brief comment about it now, go ahead,  
4           Mr. Fromm.

5                           MR. FROMM: As you undoubtedly know,  
6           Madam Chairman, the subpoena was issued for Constable  
7           Kent Dahl, and he contacted us last week. And we had  
8           this discussion, said he was going to be out of the  
9           province.

10                           THE CHAIRPERSON: Yes, I recall.

11                           MR. FROMM: He would then provide an  
12           Affidavit attesting to the accuracy of the transcript,  
13           and such an Affidavit has been brought. We were told  
14           if we would provide that for voracity, this would be  
15           acceptable.

16                           Otherwise, I would have asked that  
17           you enforce the subpoena. I don't know how  
18           inconvenient this would have been for Constable Dahl,  
19           but I was basically trying to accommodate everybody.

20                           THE CHAIRPERSON: Sure. I haven't  
21           seen the Affidavit. I understood from your earlier  
22           submissions last week, I think it was, that the police  
23           officer was going to be brought in to advise the  
24           tribunal what information they received from Mr. Bahr  
25           and to recite that information that they received, and

1           that was all. That is my understanding.

2                         And so I expect that that is what is  
3 included in the Affidavit. Is that right?

4                         MR. FROMM: Yes.

5                         THE CHAIRPERSON: Yes. And so that  
6 is evidence of what Mr. Bahr told the police. It is  
7 not evidence that what Mr. Bahr told the police is  
8 true. That is another step.

9                         MR. FROMM: All we want to establish  
10 is that long before these proceedings began, Mr. Bahr  
11 was aware, as you have seen on the chat on Stormfront,  
12 that they seem to be hacking and felt so strongly about  
13 it. He went and made a complaint to the RCMP in  
14 Red Deer, and Laracque is confirming that such a  
15 complaint was made.

16                         THE CHAIRPERSON: Okay. Thank you.

17                         Let us move on to the issue of  
18 privilege. I hope people have had a chance to have  
19 something to eat over the lunch break.

20                         Mr. Vigna?

21                         MR. VIGNA: Madam Chair, in relation  
22 to the document connected to that, there are two  
23 objections which are interrelated. First of all, I  
24 strongly object on the relevance, and I have been  
25 informed that -- after the lunch, I spoke briefly for

1 one minute with Mr. Warman about the background of the  
2 documents. It seems to be totally unrelated to the  
3 file.

4 While Mr. Warman was working with the  
5 legal services and with the another colleague, he was  
6 working on another file, which is connected with this  
7 document. So that is where the solicitor/client  
8 privilege comes in.

9 THE CHAIRPERSON: Okay. So say that  
10 again? The solicitor/client privilege comes in where?

11 MR. VIGNA: On the fact that there  
12 was work that was being done on another file while  
13 Mr. Warman was working with the legal services branch  
14 for the Commission.

15 THE CHAIRPERSON: Okay. So this was  
16 back in 2001, it appears to be. Oh, no. Wait. That  
17 is the joined date.

18 MR. VIGNA: 2005, but I am not -- I  
19 think it is 2005, because I recall him being there in  
20 2005. So on the top of the page, you will see 2005.

21 Mr. Warman can confirm if that is the  
22 case what this was being done even though there is a  
23 date of 2001. I believe it is 2005.

24 THE CHAIRPERSON: Okay. So is that  
25 September of 2005 or March of 2005, do you think?

1                   MR. WARMAN:  Sorry, Madam Chair.  If  
2                   I can just clarify?  If you read the context of the  
3                   e-mail, it refers more to 2003, because the e-mail  
4                   appears to have been posted in 2005, but it talks about  
5                   what it purports to be an incident two-and-a-half years  
6                   ago.

7                   THE CHAIRPERSON:  So I am not seeing  
8                   the year 2003.  What am I missing?

9                   MR. WARMAN:  Sorry.  Just if you  
10                  count back from the date it was posted.  Two-and-a-half  
11                  years from 2005, that would be 2003.

12                  THE CHAIRPERSON:  Okay.  I see.  
13                  Thank you.  So that brings us to, yes, 2003.

14                  MR. VIGNA:  In any event, Madam  
15                  Chair, before even going into the issue of  
16                  solicitor/client privilege, I think we can pass the  
17                  hurdle of relevancy.

18                  THE CHAIRPERSON:  Well, I don't know  
19                  that I agree with you, Mr. Vigna.  As I have been  
20                  identifying as clearly as I can all day, I see a line.  
21                  Evidence that might suggest that improper conduct has  
22                  been undertaken by the complainant, Mr. Warman, I do  
23                  find to be relevant.

24                  And so that is why I am particularly  
25                  interested in the issue of privilege.  And what I am

1 hearing you say is that in 2003, Mr. Warman was legal  
2 counsel representing the Canadian Human Rights  
3 Commission. Is that right?

4 MR. VIGNA: I can't remember if it is  
5 2003. Mr. Warman can --

6 THE CHAIRPERSON: Sorry. Mr. Warman,  
7 were you legal counsel --

8 MR. WARMAN: Yes, Madam Chair.

9 THE CHAIRPERSON: -- in 2003?

10 MR. WARMAN: Yes.

11 THE CHAIRPERSON: I am seeing a  
12 difference here, and I have got a concern with the  
13 claim of privilege. What I understand Mr. Fromm's  
14 inquiry to be, and he will correct me if I am wrong, is  
15 questions that arise from this e-mail that would  
16 suggest that an ISP was shut down in New Orleans  
17 two-and-a-half years prior to sometime in 2005. So the  
18 Duke server and the Stormfront servers were closed  
19 down.

20 And then a subsequent step was taken,  
21 and a reference is made to a bogus Court order,  
22 threatened their background provider, who caved or then  
23 in turn shut the sites down, the servers, I guess, the  
24 Duke and Stormfront.

25 Privilege is a concept that attaches

1 to communication and not conduct. And the line of  
2 questions that I expect Mr. Fromm was looking to pursue  
3 are questions that would be of the nature of did  
4 Mr. Warman take any steps during this relevant time to  
5 cause these two servers, the Duke server and the  
6 Stormfront server, to be shut down. If so, what were  
7 those steps and by what authority?

8 And then a second line of questions  
9 would include things like, "Did you take any further  
10 steps with relation to the backbone provider Qwest,  
11 what were those steps, if any, and, again, by what  
12 authority?"

13 And it seems to me that this is a  
14 relevant line of inquiry, because depending on what the  
15 evidence is, this is potentially an area of questions  
16 that go to what I identify to be a relevant inquiry.

17 Now, I will hear additional  
18 submissions on privilege that are relevant to those  
19 observations. I mean, if the questions are about  
20 Mr. Warman's conduct and not Mr. Warman's  
21 communications, then I am not satisfied that privilege  
22 is attached here.

23 MR. FROMM: Madam Chairman, I am at a  
24 disadvantage of having to rely on publicly available  
25 information. But Mr. Warman was described in numerous

1           publications and in other tribunals as being an  
2           investigator for the Canadian Human Rights Commission  
3           between 2001, 2003 -- I am sorry, between 2002 to  
4           February, 2004, not in legal services. The description  
5           given was as an investigator.

6                         THE CHAIRPERSON: All right.  
7           Mr. Warman, I need to explore this a little bit  
8           further, then. In around the time -- are you familiar  
9           with the Duke server and the Stormfront servers being  
10          shut down two-and-a-half years ago? Are you familiar  
11          with that?

12                        MR. WARMAN: Just to expedite this  
13          thing, it may, in fact, be faster to listen to  
14          Mr. Fromm's questions and to deal with them.

15                        THE CHAIRPERSON: Okay. So carry on,  
16          Mr. Fromm.

17                        MR. FROMM: Did you take steps to  
18          approach the servers of Duke and Stormfront with a view  
19          to having them shut those two sites down?

20                        MR. WARMAN: No, I did not.

21                        MR. FROMM: Did you advise the  
22          servers of Stormfront.org or David Duke's website that  
23          there was some Canadian Court order that would apply to  
24          that?

25                        MR. WARMAN: No, I did not.

1                   MR. FROMM: Do you have any knowledge  
2 of any communications from the Canadian Human Rights  
3 Commission to the servers of Stormfront.org of David  
4 Duke undertaking that they shut those sites down?

5                   MR. WARMAN: No, I did not.

6                   MR. FROMM: Did you approach a  
7 backbone provider named Qwest, urging that one or both  
8 of these sites be shut down?

9                   MR. WARMAN: No, I did not.

10                  MR. FROMM: Did you approach Qwest,  
11 urging that they put pressure on the ISPs that directly  
12 serve these sites with a view to having the ISPs shut  
13 these sites down?

14                  MR. WARMAN: No, I did not.

15                  MR. FROMM: So it would be your  
16 position that this statement from Don Black is entirely  
17 false?

18                  MR. WARMAN: I am sorry, you would  
19 have to ask Don Black whether it is false or not.

20                  MR. FROMM: I am asking your position  
21 on that. We have Don Black's position. I am asking if  
22 it is your position that this statement is false.

23                  MR. WARMAN: I have no knowledge of  
24 any communication in the attempt to shut down either of  
25 those websites.

1 MR. FROMM: You indicated in your  
2 testimony on Friday that you had posted on Stormfront.  
3 Is that so?

4 MR. WARMAN: It is been asked and  
5 answered.

6 MR. FROMM: Did you ever post any  
7 racist comments on either Stormfront or Western Canada  
8 For Us?

9 MR. WARMAN: I guess the answer would  
10 have to be I didn't personally post any material.  
11 There may be comments that were responded to that were  
12 subsequently included in the original post that may be  
13 construed as racist. So I think that is the best that  
14 I can do.

15 MR. FROMM: In the posting process,  
16 though, are you not responsible for the entire thing  
17 that you put in there? If you copy somebody else's  
18 comment and add your own, is that not really your post?

19 MR. WARMAN: Sorry, that is a legal  
20 question. I am objecting to it.

21 THE CHAIRPERSON: Perhaps if we could  
22 see some examples of the posts?

23 MR. FROMM: Yes, eventually.

24 THE CHAIRPERSON: Mr. Fromm, while  
25 you are looking through your papers, I see we have

1 someone with us.

2 MR. VIGNA: Madam Chair, this is  
3 Bruce Hughson with the Department of Justice.

4 MR. HUGHSON: I was asked to get  
5 another copy of an interview that was given by the  
6 respondent in this matter. I have another copy, and  
7 the transcript has been reviewed. And it has been by  
8 my assistant, who advised me that it is an accurate  
9 rendering of the audiotapes made.

10 THE CHAIRPERSON: Thank you. And so  
11 that is another copy of the Affidavit, then, that  
12 attests to the voracity of that transcript?

13 MR. HUGHSON: I don't have the  
14 Affidavit. All I have is the transcript. I could  
15 certainly put it in the form of an Affidavit, but at  
16 this stage, I can advise you that it is an accurate  
17 transcript of the audiotaped Statement of Claim.

18 THE CHAIRPERSON: We have already  
19 taken a lot of your time, but we could do this real  
20 easy by swearing you in, you say that, and we are done.  
21 Would you mind?

22 MR. HUGHSON: Well, I can say that my  
23 assistant advised me. Yes, I can say that.

24 THE CHAIRPERSON: Mr. Warman?

25 MR. WARMAN: Madam Chair, for my

1 part, I am willing to consent on this basis.

2 THE CHAIRPERSON: I beg your pardon?

3 MR. WARMAN: I am willing to consent  
4 on this.

5 THE CHAIRPERSON: You are willing to?

6 MR. WARMAN: To consent to counsel  
7 for the Department of Justice. It is not necessarily  
8 to the admissibility of relevance, but same thing.

9 THE CHAIRPERSON: Okay. Mr. Vigna,  
10 the same?

11 MR. VIGNA: Yes.

12 THE CHAIRPERSON: Thank you so much.

13 MR. VIGNA: It was an Affidavit by  
14 Justice counsel, but it is not in relation to ...

15 MR. HUGHSON: Yeah, the Affidavit  
16 was the dealings of the constable in relation to this  
17 matter, and attached is a copy of the report that he  
18 prepared as a result of this.

19 That has been sworn to by the  
20 constable for the RCMP detachment in Red Deer.

21 This further aspect is there is a  
22 reference in there about an audiotaped statement. My  
23 understanding is the respondent, who had the  
24 transcript, prepared it from the audiotape. The  
25 process I went through was I got another copy of the

1           taped interview. My secretary reviewed it against the  
2           transcript and confirmed for me that the transcript as  
3           prepared by the respondent is accurate in accordance  
4           with the audiotaped statement.

5                         THE CHAIRPERSON: Thank you. Thank  
6           you for your help, and that should be sufficient.

7                         MR. HUGHSON: Thank you. So if there  
8           is nothing further, I will ...

9                         THE CHAIRPERSON: Thank you for your  
10          help.

11                        MR. HUGHSON: Thank you.

12                        MR. FROMM: I would like to give  
13          Mr. Warman a few moments to look over this document.

14                        THE CHAIRPERSON: Could you explain  
15          to me, Mr. Fromm, the relevance of --

16                        MR. FROMM: Yes. This is a complaint  
17          against Mr. Warman by one Alexan Kulbashian, and it  
18          alleges Mr. Warman posted on various places,  
19          particularly a place called VNN forum, statements the  
20          complainant says were racist or anti-Semitic.

21                        THE CHAIRPERSON: Mr. Fromm, this  
22          is --

23                        MR. FROMM: Contrary to Section 13,  
24          Human Rights Act.

25                        THE CHAIRPERSON: Mr. Fromm, this

1           isn't a copy of a complaint form, it is an allegation  
2           of misconduct. It is not evidence of misconduct.

3                       MR. FROMM: No, it is not evidence of  
4           misconduct. It is a complaint, which has not been --  
5           which has not been adjudicated yet. It is only a  
6           complaint. I was asking if Mr. Warman can identify if  
7           this, in fact, has been a complaint alleging -- there  
8           are quotations here that the complainant says are  
9           racist or contrary to Section 13(1).

10                      MR. VIGNA: Madam Chair, I object to  
11           the relevancy, particularly also that it is not in  
12           relation to this present file. Even at the limit,  
13           there are certain allegations of misconduct, because  
14           that is not the case in front of this present matter.

15                      I respectfully submit that you cannot  
16           open the door to an attack on the character or the  
17           behaviour of the witness Mr. Warman. And, therefore,  
18           it should not be admissible to us in relation to  
19           questions of the simple complaint, which has not be  
20           determined and which relates to obviously the  
21           complainant and also the respondent.

22                      MR. FROMM: You are testifying there.

23                      MR. VIGNA: It is judicial knowledge,  
24           Madam Chair, that there has been a determination.

25                      THE CHAIRPERSON: Mr. Fromm, if you

1 want to ask Mr. Warman -- I am sorry, Mr. Warman. I  
2 agree that this is not relevant. My thought was that  
3 if Mr. Fromm wants to put to you the allegation, pure  
4 and simple, and ask you if you did it, that seems to be  
5 a relevant inquiry. But, otherwise, I am not going to  
6 admit a mere allegation of misconduct that has been  
7 made out.

8 Mr. Warman?

9 MR. WARMAN: No, thank you. I was  
10 simply going to confirm that the question was in  
11 relation to Stormfront and WCFU, which I would presume  
12 would have some tenuous connection to this case. None  
13 of these postings are in relation to those.

14 THE CHAIRPERSON: I am not convinced  
15 by that.

16 Mr. Fromm, ask your question.

17 MR. FROMM: My question would be  
18 whether Mr. Warman on May 31st, 2004, posted on a forum  
19 called VNN forum. The following quotes some other  
20 writer:

21 "Last time I checked, it was  
22 their generation that really  
23 fucked over mine. Integration  
24 happened on their watch. So did  
25 the final strangleholds of

1 Jewish power in government,  
2 religion, and media."

3 And the comment was:

4 "The hell with 'the greatest  
5 generation', a tarnished crown  
6 worn askew and given by Jews.  
7 They sold us out so many times,  
8 they will do it again."

9 THE CHAIRPERSON: And your question  
10 is?

11 MR. FROMM: My question is did you  
12 post that?

13 MR. WARMAN: Madam Chair, I object.  
14 There is absolutely no relevance to the present  
15 proceedings. This is on a VNN forum. If the question  
16 is relating to conduct, that may somehow relate to WCFU  
17 or Mr. Bahr, who are the subjects of this complaint,  
18 the respondents.

19 Surely there has to be some  
20 connection, some allegation, that somehow these  
21 postings prompted Mr. Bahr or somehow relate to the  
22 content that appeared to WCFU, not, "Mr. Warman, did  
23 you ever say something that was offensive at some point  
24 in your life?" And, therefore, that permits or excuses  
25 conduct of Mr. Bahr and WCFU, which are, in fact, the

1 respondents in this case?

2 MR. FROMM: The complainant has been  
3 identified as a person who spent many years  
4 investigating dissident behaviour that he characterises  
5 as racist or neoNazi, and for the last number of years,  
6 investigating such people over -- in terms of the  
7 internet.

8 I think it is fair to ask what he  
9 himself has been doing on the internet in the course of  
10 the investigations. Granted, these are only  
11 allegations that have not been proven, but these are  
12 specific posts that are being complained about. I am  
13 simply asking whether Mr. Warman posted them.

14 MR. VIGNA: Madam Chair, I am  
15 objecting also on the grounds that it is not relevant  
16 to the present case. And if I can give, perhaps, some  
17 examples? If somebody, for example, is accused and on  
18 trial and is asked if he has committed a crime in  
19 general in another case, it wouldn't be admissible.

20 So here basically is the same thing.  
21 We are asking about misconduct not in relation to the  
22 present case but at large. It becomes almost a general  
23 attack on the character of the witness.

24 I think it is relevant to stick to  
25 the point where it is related to the facts of the case

1 in the complaint before the tribunal. But when we  
2 start opening the door so large that we can attack  
3 reputation at large, I think it is way beyond what  
4 should be admissible in terms of questions. And that  
5 is what I respectfully submit.

6 MR. FROMM: This is not reputation at  
7 large. This goes to -- I use the word loosely --  
8 investigative techniques. The posting on -- I would  
9 say right wing forums, but posting on forums that -- I  
10 don't know if Mr. Warman would agree with it, but  
11 posting material. This would from his own testimony.  
12 It seems to be part of his investigative techniques.

13 I think we have a right to explore  
14 that, those techniques.

15 MR. BAHR: Madam, may I also state  
16 why I think it is relevant? Mr. Warman already  
17 admitted to posting on WCFU and Stormfront under a user  
18 name, and --

19 MR. WARMAN: Madam Chair, that is  
20 mischaracterisation of the evidence.

21 MR. BAHR: Okay. We know Mr. Warman  
22 said he posted under the name Pogue Mahone. P-O-G-U-E.  
23 Perhaps you can spell the last name, Mr. Warman.

24 MR. WARMAN: M-A-H-O-N-E.

25 MR. BAHR: Because he was posting

1 rhetoric under that user name, I think, to show that  
2 Mr. Warman has also posted racist remarks on other  
3 boards, it totally corresponds to my testimony and what  
4 we are trying to prove here.

5 THE CHAIRPERSON: Remember that the  
6 allegation in particular as it relates to your  
7 complaint, Mr. Bahr, is not that Mr. Warman posted to  
8 the site, and we have seen those posts. Those posts  
9 have been reviewed. But rather -- and that is not  
10 relevant to your particular complaint. Your allegation  
11 is that he became you. Like, he impersonated you, he  
12 overtook your moniker.

13 And the quality of this evidence is  
14 not helping me understand whether this is an allegation  
15 or there is any evidence that Mr. Warman is making this  
16 post, pretending to somebody else, if he is setting  
17 someone up. I mean, it seems to me that the theory  
18 here is that Mr. Warman or the Edmonton Police Service  
19 or Sergeant Camp were able to portray themselves as  
20 Mr. Bahr, and this evidence is not of that quality.

21 If that is what you are suggesting  
22 this evidence is, then I would ask you to get the posts  
23 so we can understand this a little bit better, because  
24 what I am reading seems to suggest to me that  
25 Mr. Warman, going under his own moniker, is

1 contributing to a post in another forum.

2 MR. FROMM: That is so. Going under  
3 the moniker in this case of axetogrind posting on the  
4 VNN forum. And take the posts. Each of the complained  
5 posts taken as a whole. I mean, sure, you can  
6 characterised this as inflammatory. This would seem to  
7 be part of Mr. Warman's behaviour.

8 THE CHAIRPERSON: Yes, and we have  
9 that evidence of the posts made relevant to this  
10 particular complaint.

11 And, again, I don't see this evidence  
12 as going to your complaint, your theory, which is that  
13 he pretended to be Glenn Bahr.

14 MR. FROMM: No, that is not.

15 THE CHAIRPERSON: Then on that  
16 basis --

17 MR. FROMM: Somebody --

18 THE CHAIRPERSON: -- I don't see that  
19 this is a relevant line of inquiry or going to be  
20 helpful to my adjudication of the matter.

21 Mr. Bahr?

22 MR. BAHR: Yeah, just like to say one  
23 other thing, if I could, Madam. I think also a  
24 complaint against WCFU is being dealt with here too,  
25 correct? As a whole?

1 THE CHAIRPERSON: We have canvassed  
2 that discussion before. These questions and this line  
3 of questioning is relevant to --

4 MR. BAHR: Glenn Bahr only.

5 THE CHAIRPERSON: -- your particular  
6 defence that you didn't make these postings and the  
7 material that is found on the website.

8 MR. BAHR: Okay.

9 THE CHAIRPERSON: The larger issue  
10 with respect to WCFU, the defence is not a proper part  
11 of it.

12 Mr. Fromm?

13 MR. FROMM: So will this be marked?

14 THE CHAIRPERSON: No, Mr. Fromm, it  
15 won't be.

16 MR. FROMM: I want to take you back  
17 to your Tab 1 of your evidence near the end of page 3  
18 under the headline Client Complaint. I wonder if you  
19 could read that paragraph for us.

20 MR. WARMAN:

21 "Based on the foregoing  
22 examples, I believe that Glenn  
23 Bahr and Western Canada For Us  
24 have discriminated against  
25 persons or groups of persons on

1 the basis of religion, sexual  
2 orientation, race, colour,  
3 national and/or ethnic origin,  
4 and disability by repeatedly  
5 communicating messages through  
6 an internet website that would  
7 likely expose Jews, gays,  
8 lesbians, and bisexuals, blacks  
9 and other non-whites, and the  
10 mentally disabled to hatred  
11 and/or contempt contrary to  
12 Section 13(1) of the Canadian  
13 Human Rights Act."

14 MR. FROMM: Do you have any idea why  
15 representatives of one or any of these groups might not  
16 have made the complaint: Jews, gays or lesbians,  
17 blacks?

18 MR. VIGNA: Sorry to object, but I  
19 have to on the basis that it is not relevant.

20 THE CHAIRPERSON: Yes, I don't see  
21 that as being relevant to the inquiry, Mr. Fromm.

22 MR. FROMM: Okay. On page 2 of your  
23 complaint, one of the posts you complained about, just  
24 wondering if you could read it for us. It is a posting  
25 10th March, 2004, near the bottom of the page, "I

1 believe..."

2 MR. WARMAN:

3 "I believe no matter how or why  
4 you were a homosexual, your life  
5 should be terminated. This is  
6 not right. Nature intended for  
7 us to breed in order for us to  
8 continue our race. There is  
9 nothing natural about being a  
10 homosexual just for purely  
11 sexual reasons. They should be  
12 terminated along with retards  
13 and any other degenerates that  
14 nature would do away with in the  
15 wild.

16 What gives us the right to prolong a  
17 life that would have been terminated by nature ...

18 Nature intended for males to mate  
19 with females. Anything else is a perverted sickness  
20 that needs to be destroyed (sick)."

21 MR. FROMM: Was "sick" in the  
22 original posting?

23 MR. WARMAN: No.

24 MR. FROMM: Oh. And you saw this  
25 yourself on Stormfront?

1 MR. WARMAN: That has been my  
2 testimony, yes.

3 MR. FROMM: Okay. And you testified  
4 that you had visited on that page Stormfront on a  
5 number of dates in October of 2003, November, December,  
6 January, and February. Is that so?

7 MR. WARMAN: I believe that has  
8 already been my testimony, yes.

9 MR. FROMM: And you further stated  
10 that you had visited the WCFU site on numerous  
11 occasions.

12 MR. WARMAN: Again, yes, that has  
13 been my testimony already.

14 MR. FROMM: And in your testimony,  
15 you have indicated that you paid particular attention  
16 to posts by Mr. Bahr?

17 MR. WARMAN: I don't believe I  
18 testified to that.

19 MR. FROMM: What did you testify to  
20 in this regard?

21 MR. WARMAN: I am sorry. You can  
22 review the records if you want.

23 MR. FROMM: Yes, well, we could  
24 perhaps skip the whole afternoon. You are right. I am  
25 asking you and trying to establish if that was your

1 testimony that you examined and were particularly  
2 interested in posts by Mr. Bahr whether under the name  
3 of SS-88 or Glenn.

4 MR. WARMAN: Whether I testified to  
5 that or not, certainly that was something what was of  
6 interest to me on the site.

7 MR. FROMM: So in your review of  
8 postings by SS-88 or Glenn, did you find any other  
9 statement that was similar to this by him? It seems to  
10 be clearly advocating the extermination of a group of  
11 people.

12 MR. WARMAN: I believe that whenever  
13 someone promotes the ideas of National Socialism given  
14 their history during World War --

15 MR. FROMM: That is not my --

16 MR. WARMAN: If I could finish --

17 MR. FROMM: That is not my question.  
18 My question is did you find other posts by SS-88 or  
19 Glenn advocating the destruction of a group of people?

20 MR. WARMAN: I believe that to  
21 advocate National Socialism, given their history during  
22 World War II, is to advocate the destruction of Jews,  
23 homosexuals, Roma, communists, anarchists, any other  
24 political undesirables, and non-whites.

25 MR. FROMM: Madam Chair, Mr. Warman

1 has not been qualified as an expert on anything. This  
2 is completely unresponsive. He did testify that he had  
3 perused these sites in depth.

4 Most of the testimony referred to  
5 Glenn or SS-88, so there should be some considerable  
6 knowledge of the type of language and postings made  
7 under those monikers, and I ask once again, can you  
8 draw our attention to any other posting by Glenn or  
9 SS-88 with language comparable to this about  
10 exterminating a group of people?

11 THE CHAIRPERSON: In your review of  
12 the website, Mr. Warman, is there another post in  
13 particular that you recall using that particular  
14 language?

15 MR. WARMAN: I believe when you  
16 describe Aborigines as vermins, when you -- and I am  
17 quite happy to go through the other postings, all this  
18 material that argues for the exclusion from any group  
19 of anyone who is non-white or who is homosexual or  
20 bisexual.

21 MR. FROMM: Could you direct us to  
22 the reference in question?

23 MR. WARMAN: Tab 19, HR-40.

24 MR. FROMM: And does that posting  
25 advocate the termination, killing, of a particular

1 group of people? Isn't there a --

2 MR. WARMAN: To encompass your  
3 question --

4 MR. FROMM: -- certain group --

5 THE COURT REPORTER: Sorry. I can  
6 only write one person at a time.

7 MR. FROMM: Isn't there a great  
8 quantum difference between segregation and  
9 extermination?

10 MR. WARMAN: I don't believe that  
11 there is any reference necessarily to segregation.

12 MR. FROMM: What I believe you are  
13 saying is there is some reference, and I am not sure I  
14 have seen it yet, about not wanting gays and lesbians  
15 or non-whites -- was this in Whiteville, a community?  
16 Is that what you are referring to, the proposal for  
17 Whiteville.

18 MR. WARMAN: I am referring to a  
19 section marked "Ten Commandments".

20 MR. FROMM: Were they Mr. Bahr's ten  
21 commandments?

22 MR. WARMAN: I am afraid you would  
23 have to ask Mr. Bahr that. It is my contention --

24 MR. FROMM: Is that --

25 MR. WARMAN: -- that he was

1 responsible --

2 MR. FROMM: Is that --

3 MR. WARMAN: -- for the website.

4 Will you let me finish, please?

5 It is my contention that he was  
6 responsible for the website and therefore would have  
7 been responsible for posting that material too.

8 MR. FROMM: Is it your evidence that  
9 Mr. Bahr wrote the ten commandments supposedly attached  
10 to Whiteville?

11 MR. WARMAN: I have not testified to  
12 that.

13 MR. FROMM: Okay.

14 MR. WARMAN: I would --

15 MR. FROMM: So it is not your  
16 testimony that he wrote the ten commandments?

17 MR. WARMAN: -- draw the tribunal's  
18 attention to Tab 31, HR-50. He there states:

19 "I also believe that Europeans  
20 who settled this country should  
21 come first before our government  
22 spends billions of dollars on  
23 fighting crime, unemployment,  
24 drugs, and welfare because of  
25 our lack of immigration laws.

1 I also believe in free speech and  
2 being able to express one's opinion.

3 I think there is a Jewish problem,  
4 and I do not believe that all races are equal."

5 For the sake of simplicity --

6 MR. FROMM: And who posted that?

7 MR. WARMAN: Glenn at administrator.

8 MR. FROMM: Is that advocating the  
9 murder of Aboriginals or non-Europeans?

10 MR. WARMAN: No, it is not.

11 MR. FROMM: Okay. Thank you.

12 MR. WARMAN: Now, for the sake of  
13 simplicity, Sergeant Camp entered much of the evidence.  
14 Because I was coming after him, the decision was made  
15 not to repeat evidence that Sergeant Camp had already  
16 entered.

17 MR. FROMM: I am asking you either in  
18 evidence that Sergeant Camp introduced or in evidence  
19 of postings that you introduced, can you find another  
20 example posted by SS-88 or Glenn Bahr advocating pretty  
21 clearly as this one does that the termination,  
22 euthenisation, of a group of people -- and it is your  
23 testimony that the nearest you can come to that is  
24 maybe the ten commandments of Whiteville.

25 If I move along, then, to Tab 7 of

1           your testimony. Do you recognise this tab as posted by  
2           SS-88 talking about posters that have gone up in  
3           Red Deer?

4                           MR. WARMAN: I believe it has been  
5           entered as Exhibit HR-4.

6                           MR. FROMM: Yes, I know that. I am  
7           just asking if you recognise it.

8                           MR. WARMAN: Yes, I do.

9                           MR. FROMM: I am wondering if you  
10          could read the second paragraph, the one that says,  
11          "WCFU ..."

12                           MR. WARMAN: Sorry. The second  
13          paragraph I have starts off with, "First off ..."

14                           MR. FROMM: Okay. Debate whether the  
15          top is a headline. Okay, the third paragraph, if you  
16          could read the one that beginnings with, "WCFU ..."

17                           MR. WARMAN:

18                                   "WCFU or Western Canada For Us  
19                                   is an organisation of many  
20                                   different people from all walks  
21                                   of life. We all have different  
22                                   religious beliefs, clerical  
23                                   beliefs, and are all different  
24                                   ages.

25                           WCFU does not stand for White Canada

1           for Us. This is another tactic the ARA is using to  
2           discredit us.

3                               We are not a neoNazi group, and we  
4           are not a white supremacist group.

5                               We are like-minded Euro-Canadians who  
6           want to live in a community without crime, drugs, or  
7           violence."

8                               MR. FROMM: Okay. And that is posted  
9           by SS-88; is that correct?

10                              MR. WARMAN: Yes, it is.

11                              MR. FROMM: And in your investigative  
12           techniques, are you prepared to accept the  
13           self-identification of a group here, a man who says as  
14           a spokesman, perhaps even the leader of the group,  
15           says: "We are not a neoNazi group. We are not White  
16           Canadian For Us, and we are like a community that does  
17           not have crime, drugs, or violence"? Did you have any  
18           tangible evidence that that is false?

19                              MR. WARMAN: I believe that Mr. Bahr  
20           himself has described himself as a National Socialist.  
21           I believe that this would be at best a euphemism of  
22           putting a big sugar coating on a poisoned pill, as  
23           Sergeant Camp testified to. Whenever neoNazi groups  
24           attempt to recruit or put their public image in a  
25           community, they will often make an effort to put sort

1 of a shiny, happy face, if you will, on who they are  
2 and what they are truly selling.

3 MR. FROMM: Was it your testimony  
4 that Stormfront was a neoNazi white supremacist forum?

5 MR. WARMAN: It may have been. And  
6 if so, I would certainly agree with it.

7 MR. FROMM: Was it your testimony or  
8 not?

9 MR. WARMAN: Sorry, I just don't  
10 recall testifying to it. But I am saying that if I  
11 had, then, yes, that is true. That would be my  
12 opinion.

13 MR. FROMM: Does it seem likely if  
14 you are correct and that is what Stormfront is, then  
15 SS-88 would feel called upon to pretend Western Canada  
16 For Us is not a neoNazi group? Why would you try to  
17 fake the converted, if your testimony is accurate?

18 MR. WARMAN: I guess there is a  
19 couple of things. The first thing is that when someone  
20 is using the moniker of S.S. referring to the  
21 Schutzstaffel of the Nazis and using the second part of  
22 their acronym as 88, which I have already testified is  
23 for the neoNazi providence for Hail Hitler and when  
24 they are signing their material with "My honour is my  
25 loyalty, signed Heinrich Himmler, S.S. Reichs Fuhrer"

1           and then completing that with another Hail Hitler and  
2           then listing a wide variety of websites that are  
3           associated with that kind of activity, and also when  
4           you are looking at someone who is trying to engage in  
5           sort of exculpatory backpedaling in relation to posters  
6           that have accused him of being something, I don't find  
7           it surprising whatsoever that he would attempt to deny  
8           being what he is being accused of, especially when you  
9           try to do so publicly and you just founded a group that  
10          you are trying to make inroads into the broader public  
11          sphere.

12                           MR. FROMM:   But, Mr. Warman, this is  
13          not a statement to The Edmonton Journal.  This,  
14          according to your testimony, is being posted to other  
15          like-minded believers, at least according to your  
16          theory.

17                           MR. WARMAN:   Mr. Fromm, in  
18          conclusion, if someone is saying, "I am not a Nazi" or  
19          "We are not a neoNazi group," and then you are using a  
20          moniker with an image that includes skinhead boots  
21          standing in front of a swastika flag with the acronym  
22          SS-88 and then signs off with a quote from Heinrich  
23          Himmler, I guess, as the Reichs Fuhrer, is ludicrous  
24          and self-delusional.

25                           MR. FROMM:   Is it conceivable that

1 Mr. Bahr might have one set of beliefs, that Western  
2 Canada For Us might be a broader-based group, and it  
3 would not necessarily reflect all of his personal  
4 beliefs?

5 MR. WARMAN: I don't personally  
6 believe that. I believe that the --

7 MR. FROMM: Well, that is --

8 MR. WARMAN: -- nature of Western  
9 Canada For Us --

10 MR. FROMM: -- not answering my  
11 question.

12 MR. WARMAN: -- was a neoNazi --

13 THE COURT REPORTER: Oh.

14 MR. WARMAN: -- group, and I believe  
15 the material on the website and forum demonstrates that  
16 as well.

17 MR. FROMM: I think we have already  
18 heard that.

19 THE COURT REPORTER: I haven't heard  
20 all of that, actually.

21 THE CHAIRPERSON: I am going to have  
22 to give --

23 MR. FROMM: What was that comment?

24 THE CHAIRPERSON: Excuse me? I am  
25 going to have to give Madam Reporter some power bar or

1 a stick or something. Please, please be careful not to  
2 speak over one another. I know these engagements can  
3 get rather heated, but Madam Reporter has an important  
4 job to do here, and I would ask you to just be careful  
5 about speaking overtop of one another.

6 MR. FROMM: I will try to be more  
7 careful.

8 THE CHAIRPERSON: Thank you.

9 MR. FROMM: Are you all caught up?

10 THE COURT REPORTER: No. It is gone.  
11 I cannot write two people at once.

12 MR. FROMM: Oh, sorry.

13 Go to page 3 of that tab, Tab 7.

14 THE CHAIRPERSON: HR-4, page 3.

15 MR. FROMM: This is Mr. Warman's  
16 evidence from yesterday, page 3. Tab 7, page 3. I am  
17 sorry, you are right. Yes. And this is the posting we  
18 have canvassed before of SS-88 giving the text of a  
19 poster that had been put up about him by a group called  
20 Calgary Anti-Racist Action -- had put up in Red Deer  
21 area.

22 Did Sergeant Camp seek your  
23 assistance in obtaining this poster?

24 MR. WARMAN: I believe that has been  
25 my testimony, yes.

1 MR. FROMM: How were you able to  
2 obtain this poster?

3 MR. WARMAN: I looked at Mr. Bahr's  
4 posting and determined that the allegation was that a  
5 group called Calgary Anti-Racist Action had been  
6 responsible for the poster. I then searched on Google,  
7 found an e-mail address for them, and e-mailed them a  
8 request if they could forward me a copy of the poster,  
9 which they then did.

10 MR. FROMM: Did you know this group  
11 prior to your Google search for them?

12 MR. WARMAN: I knew of the group  
13 Anti-Racist Action. Whether I was aware that there was  
14 a specific Calgary group of them, I don't recall.

15 MR. FROMM: They were prepared to  
16 e-mail you a copy of this poster?

17 MR. WARMAN: As they did. Apparently  
18 so.

19 MR. FROMM: You said you are not sure  
20 whether you knew the Calgary Anti-Racist Action, but  
21 you were aware of ARA or Anti-Racist Action. What did  
22 you know of them at this point, which would be February  
23 or earlier March, 2004?

24 MR. WARMAN: Madam Chair, I am  
25 objecting on the basis of relevance.

1 THE CHAIRPERSON: Yeah, I agree.

2 Mr. Fromm, I am not seeing the  
3 relevance of that question.

4 MR. VIGNA: For the same reasons just  
5 exposed, I am objecting on the relevance of these  
6 documents also.

7 THE CHAIRPERSON: Yes.

8 MR. FROMM: That is --

9 MR. WARMAN: Madam Chair, even  
10 further, the attempt to introduce the speech was  
11 already objected or at least to have disclosed by Madam  
12 Jensen.

13 THE CHAIRPERSON: Thank you. These  
14 proceedings are a little bit like snow flakes. But in  
15 just taking a look at this --

16 MR. WARMAN: I am sorry. I mean as  
17 the hearing interim manager to this action.

18 THE CHAIRPERSON: Oh, in case  
19 management, this was ...

20 MR. WARMAN: Thank you, yes.

21 THE CHAIRPERSON: I am sorry. I  
22 don't remember seeing that on the file. Counsel?

23 MR. VIGNA: Well, there was a  
24 conference call, going by memory, where they asked for  
25 disclosure on this document, and we argued that it

1           wasn't relevant. The argument was sustained by Member  
2           Jensen in the conference call.

3                         THE CHAIRPERSON: Is that your  
4           memory, Mr. Fromm?

5                         MR. FROMM: Well, I asked for  
6           disclosure of the entire speech notes that had been  
7           disclosed in the Winnicki case, and I was not able to  
8           get them. I attempted to get them from the Human  
9           Rights Tribunal from the evidence, and they suddenly  
10          invoked the -- you have to make a public access request  
11          rule.

12                        And so this is taken from the  
13          transcript of the Winnicki case and does refer to the  
14          incident I wish to inquire about.

15                        It is not the complete transcript, of  
16          course, because we are not allowed to have it, but it  
17          is in reference to the points I would like to look at.

18                        THE CHAIRPERSON: I am sorry, I am  
19          just trying to understand what this is.

20                        You have created an extract from the  
21          transcript that you received from the Winnicki trial?

22                        MR. FROMM: Yes.

23                        THE CHAIRPERSON: Or the Winnicki  
24          hearing?

25                        MR. FROMM: Yes. Mr. Warman

1 delivered a speech to the Anti-Racist Action group.

2 THE CHAIRPERSON: During that  
3 hearing? During the Winnicki matter?

4 MR. FROMM: Actually, well, yes,  
5 during the run-up to it, yes, in the summer of 2005.  
6 Last year.

7 THE CHAIRPERSON: And the contents of  
8 his speech was somehow included in the transcript of  
9 the Winnicki hearing?

10 MR. FROMM: The member in that case  
11 directed that the speech notes be made available to the  
12 respondent. Mr. Warman was examined on those. And  
13 arguments were made about that, and I wish to pursue  
14 the same thing here for something along the same lines.

15 THE CHAIRPERSON: Okay. We will see  
16 about this. I will hear from counsel. You can sit for  
17 a minute.

18 I have had a chance to review this.  
19 Mr. Warman and then Mr. Fromm.

20 MR. WARMAN: Madam Chair, when  
21 Mr. Fromm requested disclosure of this document, Member  
22 Jensen, on the basis of a threshold which was much  
23 lower than the test to enter a document in to evidence  
24 simply arguable relevant, refused to grant disclosure  
25 of this document.

1                   I would respectfully submit that not  
2                   only should that give some indication of its relevance  
3                   to this proceeding if it can't even meet the minor  
4                   threshold, it certainly shouldn't be able to meet the  
5                   even higher threshold of relevance.

6                   But also it is completely irrelevant  
7                   to this proceeding.

8                   THE CHAIRPERSON: Mr. Fromm?

9                   MR. FROMM: In terms of the  
10                  complainant's tactics, it is very relevant to these  
11                  proceedings. The title of the speech was "Maximum  
12                  Disruption, Shutting Down the NeoNazi by (Almost) Any  
13                  Means Necessary". I think that goes to the  
14                  complainant's behaviour and his view of what he is  
15                  about in making this long series of comments.

16                  THE CHAIRPERSON: And that goes to  
17                  what issue?

18                  MR. FROMM: It goes to his behaviour,  
19                  his tactics in making a long series of human rights  
20                  complaints, and also it may shed some light on the  
21                  quality of his -- again, use the term loosely,  
22                  investigation work on people's political views that he  
23                  didn't like.

24                  THE CHAIRPERSON: I disagree,  
25                  Mr. Fromm. I don't see that this has any bearing on

1 Mr. Warman's conduct in relation to this particular  
2 file. Madam Member Jensen considered this matter and  
3 decided earlier in the case management proceedings that  
4 this document did not meet the threshold of relevance  
5 for its production.

6 And having reviewed this, I agree  
7 with her. And I am not going to admit this document as  
8 an exhibit, and I am not going to permit questions  
9 asked in relation to this particular document. Thank  
10 you.

11 MR. FROMM: Mr. Warman, were you once  
12 an active member of the Green Party?

13 MR. VIGNA: Objection, Madam Chair.  
14 Not relevant. Anybody who would be a witness here  
15 would expose their personal life. I think it is  
16 totally irrelevant.

17 THE CHAIRPERSON: I agree, Mr. Fromm.

18 MR. FROMM: How is it exposed if the  
19 person is a like-minded candidate?

20 THE CHAIRPERSON: It is not relevant.

21 MR. FROMM: If we could look at Tab 6  
22 of your evidence?

23 THE CHAIRPERSON: That is HR-26, the  
24 second document?

25 MR. FROMM: It is Tab 6 of

1 Mr. Warman's -- yes, HR-26.

2 THE CHAIRPERSON: Thank you.

3 MR. FROMM: And do you recognise this  
4 thread here?

5 MR. WARMAN: I do.

6 MR. FROMM: And do you see the poll  
7 at the top of this thread? Can you tell us what the  
8 question means that the poll is seeking response to?

9 MR. WARMAN: The question is should  
10 SF -- meaning Stormfront -- remove its National  
11 Socialist -- and that is NS -- symbology page? And the  
12 poll states, yes, they should, or no, they should keep  
13 it.

14 MR. FROMM: So in terms of  
15 characterising Stormfront, would that disagreement  
16 there indicate that perhaps it is a little bit more  
17 than just neoNazi or white supremacist?

18 MR. WARMAN: It is not my opinion.

19 MR. FROMM: Okay. Would you read on  
20 page 5 of 7, the same tab, the second last post on the  
21 page, the one about unconditioned Canuck, the part that  
22 he adds opposed to what he quotes?

23 MR. WARMAN:

24 "I respect who you are, and I  
25 respect freedom of speech."

1 MR. FROMM: Okay. Thank you.

2 I direct you back to Tab 4. Can you  
3 just summarise for us or indicate to us why you  
4 included this in your evidence, this eagle tattoo  
5 thread?

6 THE CHAIRPERSON: Mr. Fromm, I guess  
7 my concern is this question is just asking for a  
8 repeat, really, of the evidence in chief.

9 MR. FROMM: Okay. Well, let me --

10 THE CHAIRPERSON: I am sure you were  
11 taking very careful notes. Perhaps if you could help  
12 us by asking questions that are a little bit more  
13 leading. Is there something in particular that you  
14 want to know about this thread?

15 MR. FROMM: I will put it altogether  
16 in one question.

17 THE CHAIRPERSON: Thank you.

18 MR. FROMM: Would you agree that  
19 Tab 4 is a discussion back and forth of various  
20 people's tattoos?

21 MR. WARMAN: I believe it is in  
22 relation to neoNazi or white nationalists --

23 MR. FROMM: I am just asking about  
24 people's tattoos.

25 MR. WARMAN: I believe it is in

1 relation to white nationalist or racist or neoNazi  
2 tattoos, to be more specific.

3 MR. FROMM: And Tab 5, is that also a  
4 tab of various people's tattoos?

5 MR. WARMAN: I believe that it is in  
6 relation to racists or neoNazi tattoos based on the  
7 contents of that exhibit.

8 MR. FROMM: If you take a look at  
9 Tab 16 "B"?

10 THE CHAIRPERSON: I am sorry, 16 "B"?

11 MR. FROMM: Yes.

12 MR. WARMAN: I am sorry, Madam Chair,  
13 I removed some materials that weren't entered as  
14 exhibits. So perhaps if Mr. Fromm could direct me to  
15 what the thread is, I could find it.

16 MR. FROMM: It is the thread entitled  
17 "Pics of Us Proud White Folks".

18 MR. WARMAN: Is it page 1 of 2?

19 MR. FROMM: Page 1 of 5.

20 MR. VIGNA: I can give you my copy,  
21 Mr. Warman.

22 MR. WARMAN: Oh, actually, I have it.  
23 Thank you.

24 MR. FROMM: Do you recognise this?  
25 It starts off by Anogrogimed, "Fresh Faced Young Girl".

1 She says:

2 "Hey, here is a newer one of me.  
3 I chopped off my Chelsea, and I  
4 have hippie hair."

5 Would you agree that the following  
6 posts discuss her hairstyle or new hair?

7 MR. WARMAN: Some of them do, yes.

8 MR. FROMM: And finally before my  
9 question, Tab 17 --

10 THE CHAIRPERSON: Actually, before we  
11 leave this one, do we want to have it entered as an  
12 exhibit? It isn't, yes?

13 MR. FROMM: Yes, please.

14 THE CHAIRPERSON: Yes?

15 THE REGISTRAR: The copy of the  
16 thread found on a Stormfront.org website entitled "Pics  
17 of Us Proud White Folks" dated -- not sure if it is  
18 January 3rd or March 1st.

19 Mr. Fromm, could you help with the  
20 date? January 1st or March 3rd?

21 MR. FROMM: Never learned that  
22 system. Don't know.

23 THE REGISTRAR: Well, 01/03/2004 will  
24 be filed as respondent's Exhibit GB-6.

25 THE CHAIRPERSON: Thank you.

1 EXHIBIT NO. GB-6: Copy of the  
2 thread found on a Stormfront.org  
3 website entitled "Pics of Us  
4 Proud White Folks" dated  
5 01/03/2004

6 MR. FROMM: If I can call your  
7 attention to Tab 17? I am sorry, Tab 18. Do you agree  
8 that this tab perhaps, page 3 of 8, of a girl with  
9 glasses and signed honey88 also deals with comments  
10 about people's pictures?

11 MR. WARMAN: I am sorry, but at Tab  
12 18, I have a picture of Mr. Bahr.

13 THE CHAIRPERSON: So Tab 18 is HR-39?

14 MR. FROMM: HR-48.

15 THE CHAIRPERSON: I am sorry?

16 MR. FROMM: The Tab 18 I have it  
17 marked as HR-48.

18 THE CHAIRPERSON: 48. Okay.

19 MR. WARMAN: I believe that HR-48 is  
20 Exhibit 9, which is the CBC article.

21 MR. FROMM: This is the one that is  
22 also called "Pic Thread" and starts off "With Freckles  
23 and Veins".

24 THE CHAIRPERSON: Okay. That is H-38  
25 at Tab 17 in my binder.

1 MR. FROMM: That is HR-38?

2 THE CHAIRPERSON: HR-38 at Tab 17.

3 MR. FROMM: I am sorry, you are  
4 right. At Tab 17.

5 Did you compile these -- I guess  
6 these are four tabs that we talked about, 4, 5, 16 "B",  
7 17 -- this morning?

8 MR. WARMAN: This one, certainly, I  
9 submitted. Tab 17 I submitted to the Commission. What  
10 are the others?

11 MR. FROMM: 4, 5, 16 "B", 17. You  
12 said you submitted 17.

13 MR. WARMAN: 16 "B", yes. And 4 and  
14 5?

15 MR. FROMM: Those were the ones with  
16 the tattoos.

17 MR. WARMAN: Yes, I did, because they  
18 went to the question of identification of SS-88.

19 MR. FROMM: I ask you as an adult,  
20 what possible justification is there in surveilling  
21 kids talking about their hairstyles, their pics, and  
22 their tattoos in a free, democratic society?

23 MR. VIGNA: Objection, Madam Chair.  
24 I don't see the relevance of the question, and I don't  
25 think it is necessarily connected to the case.

1 MR. FROMM: It is very much connected  
2 to the case.

3 THE CHAIRPERSON: Mr. Fromm, I will  
4 direct the witness not to answer that question. I  
5 don't believe it to be an appropriate question.

6 MR. FROMM: If you could move ahead  
7 to HR-41, which was Tab 22 in Mr. Warman's book of  
8 evidence? Did you provide these postings to -- was  
9 this part of your evidence as opposed to Sergeant  
10 Camp's?

11 MR. WARMAN: I don't recall exactly,  
12 but to the best of my knowledge, I did provide this to  
13 the Commission. Sorry, no, I did, in fact, enter this  
14 document.

15 MR. FROMM: And this is headlined  
16 "WCFU Needs Web Designer" on the same page here?

17 MR. WARMAN: That is HR-41? Yes.

18 MR. FROMM: Yes. That is the title  
19 of the thread, is it, "WCFU Needs Web Designer"? Is  
20 that the title of the thread?

21 MR. WARMAN: For the second time,  
22 yes, it is.

23 MR. FROMM: I am sorry. I didn't  
24 hear you the first time.

25 Examining the various posts there by

1 proud18, Disturbance, SS-88, hope hagar, mobile 300, et  
2 cetera, would you not agree that this indicates that  
3 the WCFU site was a collaborative effort?

4 MR. WARMAN: No, I would not agree  
5 with that.

6 MR. FROMM: So proud18 says:

7 "Very busy. Please, we need  
8 folks to see a completed site."

9 Disturbance says:

10 "I offer my services."

11 Proud18 adds:

12 "Would like it to look like SF  
13 but with different themed forums  
14 and passwords -- only forums  
15 like here."

16 It is still your testimony that does  
17 not look collaborative?

18 MR. WARMAN: I think I would argue  
19 the fact. If you are talking collaborative in terms of  
20 taking people's suggestions, then, sure. But if you  
21 are talking about who actually controlled the website,  
22 then I believe that was Mr. Bahr.

23 MR. FROMM: If we would move ahead to  
24 HR-45, which is Tab 26 in Mr. Warman's book of  
25 evidence? Could you read the first three paragraphs of

1           this article -- I am sorry, this posting?

2                           MR. WARMAN:

3                                   "Racist tag and deserved supreme  
4                                   stupidity by Toth Broadback  
5                                   April 24 is full of errors.  
6                                   Broadback writes, 'Western  
7                                   Canada For Us, a white  
8                                   supremacist holocaust denier  
9                                   group, is apparently trying to  
10                                   open a chapter in Manitoba.  
11                                   Western Canada For Us is neither  
12                                   a white supremacist group nor a  
13                                   Holocaust denier group. If  
14                                   Broadback had done any research  
15                                   or contacted Chamber or myself,  
16                                   he would have learned this.

17                                   Western Canada For Us supports free  
18                                   speech. We want to preserve our ancestor's history and  
19                                   heritage.'"

20                                   MR. FROMM: Do you have any evidence  
21                                   to contradict the statement there by Mr. Bahr, --  
22                                   Mr. Camp for us that that is neither a white  
23                                   supremacist group or a Holocaust denier?

24                                   MR. WARMAN: I believe virtually all  
25                                   of the evidence that has been submitted contradicts

1           those statements.

2                           MR. FROMM: Did Western Canada For Us  
3           publish any literature addressing or denying the  
4           Holocaust, to your knowledge?

5                           MR. WARMAN: Yes, certainly.

6                           MR. FROMM: What was that?

7                           MR. WARMAN: If you look at -- I  
8           don't believe it has been entered into evidence, or, if  
9           it has, it was through Sergeant Camp's website. But I  
10          certainly recall there being holocaust denial or  
11          holocaust minimisation, if you will -- holocaust denial  
12          light -- attempting to argument that the numbers were  
13          greatly exaggerated.

14                           And certainly the kinds of material  
15          that were available for download electronically, if you  
16          look at things like "White Power", "The International  
17          Jew", "Mein Kampf".

18                           MR. FROMM: Do you know when "The  
19          International Jew" was published?

20                           MR. WARMAN: I would have to bring it  
21          up on the screen. I don't recall the exact date.

22                           MR. FROMM: So would it be your  
23          testimony that it denies the holocaust?

24                           MR. WARMAN: No. I would want to go  
25          back and look at it before doing that. So for now --

1                   MR. FROMM: Do you know when "Mein  
2                   Kampf" was published?

3                   MR. WARMAN: No. I don't have the  
4                   exact date.

5                   MR. FROMM: Would it be your  
6                   testimony it denies the holocaust?

7                   MR. WARMAN: Perhaps I should be more  
8                   specific. It engages --

9                   MR. FROMM: Perhaps you should.

10                  MR. WARMAN: It engages in vicious  
11                  anti-Semitic content.

12                  MR. FROMM: But my question was do  
13                  you have any evidence that Western Canada For Us is  
14                  neither a white supremacist group nor a holocaust  
15                  denier is false? You said there is some literature  
16                  somewhere. Were any of their public statements or  
17                  activities in the short existence that they undertook  
18                  indicative of white supremacism of war denying the  
19                  holocaust?

20                  MR. WARMAN: I would take you to  
21                  Tab 28, Tab 31 --

22                  MR. FROMM: Well, let us take the  
23                  first one. Tab 28, what does that tell us?

24                  MR. WARMAN: It tells us, to me, that  
25                  the group has an overwhelming hatred toward Aboriginal

1 people.

2 MR. FROMM: I want to come back to  
3 that, but, all right. So that is going to be one piece  
4 of evidence that they are, what, denying the holocaust?

5 MR. WARMAN: That they are white  
6 supremacists, or at the very least, anti-Aboriginal.

7 Tab 31.

8 MR. FROMM: All right.

9 MR. WARMAN: Posting by Mr. Bahr  
10 attributes spending billions of dollars on fighting  
11 crime, unemployment, drugs, and welfare because of our  
12 lack -- I presume that is supposed to be lax --  
13 immigration laws.

14 "I think there is a Jewish  
15 problem, and I do not believe  
16 all races are equal. "

17 Extermination then continues:

18 "Any of the thugs who hate  
19 blacks do live near a ghetto,  
20 and many of those folks have  
21 been robbed, beaten, or raped or  
22 had a friend or family member  
23 robbed, beaten, rapped, or  
24 murdered by a black from that  
25 ghetto."

1 Todd Conroy in the next page says:

2 "I hate those of other races and  
3 of our own who seek to have our  
4 once great race blink out of  
5 existence through race mixing  
6 and other assorted destructive  
7 courses plotted by the  
8 perfidious Jew."

9 MR. FROMM: Now, is that your  
10 evidence that Mr. Bahr's statement is false?

11 MR. WARMAN: I am sorry, what  
12 statement?

13 MR. FROMM: The statement I  
14 originally asked you about at Tab --

15 MR. WARMAN: Sorry. I certainly  
16 wasn't done in terms of examples. I mean, we could  
17 spend the entire day going through all of them.

18 MR. FROMM: Let us just take those  
19 pieces.

20 MR. WARMAN: If I could, I will  
21 specifically draw you to Tab 33 just for the benefit of  
22 another category of hate mongering. "Battle Lines  
23 Drawn over Gay Marriages". The third page says:

24 "Nationalist Der totenkopf,  
25 'These gangs should be put away

1                                   in a mental hospital. They are  
2                                   a defect. Why would we give  
3                                   perverts any rights?'"

4                                   And it is accompanied by National  
5                                   Socialist with a great big swastika on it.

6                                   And if we go back to Mr. Bahr's  
7                                   posting that gays and lesbians and the mentally  
8                                   disabled should be exterminated, which is at Tab 25,  
9                                   another poster describes them as sexual perverts in the  
10                                  category as pedophiles, bestiality, S&M, et cetera. I  
11                                  mean, the entire website --

12                                  MR. FROMM: Before we get too many,  
13                                  let us go back over the things you sited, certainly  
14                                  more if you wish to later.

15                                  The first piece of evidence you sited  
16                                  as indicating Mr. Bahr was not correct when he said  
17                                  Western Canada For Us is neither a white supremacist  
18                                  group nor a holocaust denial group was HR-47, Tab 28 in  
19                                  your evidence. And I understand you read this on  
20                                  Friday. Could you identify this? What is it? It is  
21                                  hosted by Tower DB.

22                                  MR. WARMAN: Madam Chair, I am going  
23                                  to object. It has been asked and answered. Again, we  
24                                  are just regurgitating testimony that has already been  
25                                  given.

1 THE CHAIRPERSON: I agree, Mr. Fromm.

2 MR. FROMM: Well, it is a joke, isn't  
3 it? It is a joke. Aren't these sorts of jokes  
4 directed at all sorts of groups -- Newfoundlanders,  
5 blonds -- circulating around every office? This is a  
6 joke. This is not meant to be a serious statement, is  
7 it, your testimony that this is a serious policy  
8 statement?

9 MR. WARMAN: I don't agree that this  
10 document is a joke. I believe that even then, the  
11 tribunal has repeatedly ruled that such jokes can and  
12 do violate Section 13 of the Canadian Human Rights Act.

13 MR. FROMM: Are you comfortable in  
14 the company where how shalt not tell a joke?

15 THE CHAIRPERSON: The witness won't  
16 answer that.

17 MR. FROMM: Of course not. I  
18 wouldn't either.

19 I think you directed us as well to  
20 Tab 31, and you headed off by focussing our attention  
21 by a statement by Glenn.

22 Could you explain how that statement  
23 contradicts his statement that Western Canada For Us is  
24 not a white supremacist organisation?

25 MR. WARMAN: Because he states --

1 first off in the context of the broader website, he  
2 attacks --

3 MR. FROMM: Just that statement.  
4 That statement. That was your evidence that his claim  
5 was not correct. I would just like you to explicate  
6 this for us why that statement there --

7 THE CHAIRPERSON: Which statement?

8 MR. FROMM: The statement, "I don't  
9 hate but I believe," how that would discredit his  
10 statement that Western Canada For Us is not white  
11 supremacist.

12 MR. WARMAN: In the context of the  
13 website, comments attacking, "Lax immigration laws" and  
14 describing billions of dollars spent by crime,  
15 unemployment, drugs, and welfare are clearly intended  
16 to target on non-white immigration.

17 There is no reference anywhere in the  
18 website that alleges that white immigrants or Aryan  
19 immigrants are the cause of such misfortunes.

20 Further, Mr. Bahr continues:

21 "I think there is a Jewish  
22 problem, and I do not believe  
23 all races are equal."

24 The Jewish problem, of course, being  
25 a historical term that has been used continuously to

1 refer to what to do with the Jews, usually as a  
2 precursor to "How do we get rid of them?"

3 MR. FROMM: On what expertise are you  
4 giving this evidence that "Jewish problem" means in the  
5 end a plan on how to get rid of Jews?

6 MR. WARMAN: Because that is what the  
7 Nazis, the National Socialist party of Germany,  
8 referred to their plan for the final solution. It was  
9 referred to as the Jewish problem.

10 MR. FROMM: Were there not other  
11 historical movements or governments that may have used  
12 the same terminology?

13 MR. WARMAN: Whether other people in  
14 addition used anti-Semitic slurring is irrelevant to  
15 me. The fact is that is a historical fact.

16 MR. FROMM: Are you a historian?

17 MR. VIGNA: Madam Chair, I think just  
18 the word "Jewish problem" --

19 MR. BAHR: That can mean anything.

20 MR. VIGNA: -- speaks for itself.  
21 You don't have to be a historian to know what that  
22 would mean. If somebody would use another term from  
23 another nationality, it would follow.

24 THE CHAIRPERSON: Yes, I agree.

25 Carry on, Mr. Fromm, please.

1                   MR. FROMM: So it is your contention  
2                   that concern about lax immigration laws -- whether or  
3                   not there is a connection, but high unemployment,  
4                   billions of dollars fighting crime, drugs, welfare,  
5                   that that is evidence of white supremacism, that  
6                   statement proves white supremicisism?

7                   MR. WARMAN: In the context of the  
8                   entire website, as I have mentioned, yes.

9                   MR. FROMM: Is Stephen Harper a white  
10                  supremacist?

11                  MR. VIGNA: Objection.

12                  THE CHAIRPERSON: Mr. Fromm, that is  
13                  not an appropriate question.

14                  MR. FROMM: Madam Chair, I would  
15                  think -- and I can't speak for the Conservative party's  
16                  advocate, but it would be fair to say they have at one  
17                  point or another criticized crime, complained about  
18                  unemployment, complained about drugs and welfare  
19                  problems, and made some comments about immigration.

20                  I am trying to grasp what about this  
21                  would be white supremacism.

22                  THE CHAIRPERSON: The question that  
23                  you directed to the witness was not an appropriate  
24                  question, so just carry on, please.

25                  MR. FROMM: So Harper is out.

1                   I don't think I will pursue any more  
2 of those, because I think all we are getting is  
3 sloganeering.

4                   I understand on Friday that you made  
5 some comments about the flag that is under Glenn's  
6 name. Did you identify that flag? I know it is kind  
7 of fuzzy here, but ...

8                   MR. WARMAN: I believe that, yes, I  
9 did.

10                  MR. FROMM: And what did you call the  
11 flag?

12                  MR. WARMAN: I described it as a red  
13 ensign, what I understand to be the pre-maple leaf  
14 flag.

15                  MR. FROMM: Did you say that that was  
16 a symbol for neoNazis?

17                  MR. WARMAN: No, I did not. I stated  
18 that it had been adopted by some groups as a symbol  
19 that are -- some groups that are, in fact, neoNazi or  
20 white supremacist. That symbol there is as a rallying  
21 cry, if you will, or a symbol of theirs.

22                  MR. FROMM: But it would not be your  
23 testimony that the flag in and of itself is a neoNazi  
24 symbol?

25                  MR. WARMAN: That wasn't my

1 testimony.

2 MR. FROMM: Okay. Thank you.

3 I was wondering if we might have the  
4 afternoon break at this time?

5 THE CHAIRPERSON: What time is it?

6 THE REGISTRAR: 10 after 3.

7 THE CHAIRPERSON: Sure. We will see  
8 you at 20 after 3. Thank you.

9 --- upon recessing at 3:07 p.m.

10 --- upon resuming at 3:23 p.m.

11 THE CHAIRPERSON: Good afternoon,  
12 everyone.

13 Okay. Mr. Fromm?

14 MR. FROMM: The parties have had a  
15 chance to take a look at this proposed exhibit?

16 THE CHAIRPERSON: Yes. Just a  
17 moment.

18 Mr. Fromm, sorry, go ahead.

19 MR. FROMM: Yes, drawing Mr. Warman's  
20 attention to the second last page in that sequence, the  
21 ones entitled "Northern Alliance (NA)" with a group  
22 shot of five people. Call his attention to:

23 "From: Richard Warman."

24 I would like to ask if he can confirm  
25 that he recognises these pictures posted on the site

1 called Citizensagainsthate.com.

2 MR. VIGNA: Madam Chair, I object on  
3 the relevance of the document in relation to the  
4 complaint.

5 THE CHAIRPERSON: Yes, Mr. Fromm,  
6 could you explain to me the relevance of this document  
7 to the complaints before the tribunal?

8 MR. FROMM: Well, most of this  
9 document is entitled "Western Canada For Us", and  
10 although the quality is very poor -- it is been at  
11 least through a couple generations of photocopying --  
12 these are pictures of various purported members of  
13 Western Canada For Us, a number of pictures of people  
14 whose names we have seen in the posts -- many of Glenn  
15 Bahr; somebody called DanKorps; Jessica Beaumont; Der  
16 totenkopf; Exterminance; in the case of Glenn Bahr, a  
17 post with his home address at that time in Surrey,  
18 British Columbia; a picture of Jamie Murphy or  
19 Irishcream with his birth date; a picture of Glenn Bahr  
20 with his address in Surrey -- sorry, in Langley,  
21 British Columbia.

22 We saw pictures, just to give a  
23 general flavour, of the postings that we have there, a  
24 posting of a group in Ontario called Northern Alliance.  
25 And in this case, this is Richard Warman. I simply

1 want him to identify that.

2 THE CHAIRPERSON: Sorry. My question  
3 was what was the relevance.

4 MR. FROMM: Oh, the relevance. Well,  
5 the relevance is that this is a picture of individuals,  
6 whether or not they were a part of Western Canada For  
7 Us. But the allegation is that they were and, where  
8 possible, their names, addresses, and other personal  
9 information about them. And this was put up on the  
10 website called Citizens Against Hate.

11 THE CHAIRPERSON: But how is it  
12 relevant to the complaint, the complaint --

13 MR. FROMM: It is relevant to this  
14 case.

15 THE CHAIRPERSON: Is it relevant to  
16 this complaint? This complaint --

17 MR. FROMM: It is relevant to this  
18 complaint in that I think this might be generally  
19 considered in the realm of a dirty trick.

20 We heard from Sergeant Camp that he  
21 would not reveal a great deal of information about a  
22 person called Estate, because he alleged that some  
23 people -- I don't know if he meant people in this  
24 room -- posted on Stormfront were a danger to the  
25 officer. So that seems to be a bad thing.

1                   And I wish to suggest here that that  
2 type of thing is precisely what Mr. Warman has done.

3                   THE CHAIRPERSON: I am going to allow  
4 this as an exhibit.

5                   MR. WARMAN: Madam Chair, if I can  
6 make a submission, please?

7                   THE CHAIRPERSON: Yes.

8                   MR. WARMAN: Madam Chair, I don't  
9 want to -- I won't go directly into my testimony, but  
10 my testimony will be that I did not download these  
11 documents, that I do not know the identity of the  
12 person who did, that I did not post these pictures, and  
13 that while I may have knowledge that this site may have  
14 existed at one time, that I have no way of identifying  
15 this document specifically.

16                   THE CHAIRPERSON: Okay. All right.  
17 I am content to have this marked for identification,  
18 but as far as it being an exhibit, Mr. Fromm, could you  
19 pursue some questions to help us identify this document  
20 and Mr. Warman's participation in the document itself?

21                   MR. FROMM: Well, I call his  
22 attention, then, to the second last page. It is a  
23 group shot of a number of individuals: Jason Ouwendyk,  
24 Tyler Chilcott, Tomas Szymanski, and Dave Ruud. And it  
25 says:

1 "From: Richard Warman  
2 (Richard)."

3 And a date.

4 THE CHAIRPERSON: And so the  
5 question?

6 MR. FROMM: My question to Mr. Warman  
7 is did he post this or can he explain how this would be  
8 on Citizens Against Hate with his name on it?

9 MR. WARMAN: With regard to this page  
10 only and certainly not the rest of the document, I was  
11 aware that there was this website in existence, and I  
12 did perhaps -- not perhaps, I did post the names of  
13 those individuals but not the photo.

14 THE CHAIRPERSON: So, I am sorry, the  
15 photo was already there?

16 MR. WARMAN: Yes, it was.

17 THE CHAIRPERSON: And you added sort  
18 of a --

19 MR. WARMAN: Just who four out of the  
20 five members were.

21 THE CHAIRPERSON: So as sort of a  
22 subscript, you added that content?

23 MR. WARMAN: Yes.

24 THE CHAIRPERSON: So where did you  
25 get the picture from, I guess?

1 MR. WARMAN: I am sorry. It is not  
2 my website. It is not my picture.

3 THE CHAIRPERSON: Okay. Fair enough.  
4 I am going to allow this to be entered as an exhibit,  
5 Mr. Fromm. Carry on with your questions. But first,  
6 Madam Registrar.

7 THE REGISTRAR: How would you like  
8 this described?

9 MR. FROMM: Picture gallery from  
10 Citizens Against Hate.

11 THE REGISTRAR: The document as  
12 described will be filed as respondent Exhibit GB-7.

13 EXHIBIT NO. GB-7: Picture  
14 gallery from Citizens Against  
15 Hate

16 THE CHAIRPERSON: Carry on,  
17 Mr. Fromm. Mr. Fromm, are you not going to ask any  
18 questions about this document?

19 MR. FROMM: No. I have no questions.  
20 It speaks for itself.

21 MR. WARMAN: Madam Chair, I am going  
22 to object to the entry.

23 THE CHAIRPERSON: You need to ask the  
24 witness some questions and give him an opportunity to  
25 deal with this document, Mr. Fromm. It is fairly

1 elemental to the process.

2 MR. FROMM: Okay. Mr. Warman, you  
3 were providing the identifications in the picture on  
4 the second last page of the sequence, the one on the  
5 Northern Alliance?

6 MR. WARMAN: It has just been my  
7 testimony.

8 MR. FROMM: Did you provide the  
9 identification text or any of the pictures about  
10 Western Canada For Us? I won't say members, but those  
11 people identified on the Western Canada For Us page  
12 that make up the whole of this document.

13 MR. WARMAN: I have no recollection  
14 of doing so, and I am unable to locate my name anywhere  
15 on there, whereas on page 11, it does indicate that.

16 MR. FROMM: So your testimony is you  
17 have no recollection of providing either the pictures  
18 or descriptions for any of the photographs on the pages  
19 called Western Canada For Us?

20 MR. WARMAN: That is correct. Again,  
21 it wasn't my website, so I wouldn't have had control  
22 over the ability to post pictures on it.

23 MR. FROMM: Do you know who runs the  
24 site called Citizens Against Hate?

25 MR. WARMAN: No, I do not.

1 MR. FROMM: If you did not know who  
2 ran it, how would you be able to add in the  
3 identifications for the Northern Alliance photograph?

4 MR. WARMAN: Because there was a  
5 forum on the website, and the group Citizens Against  
6 Hate contacted me about that and asked if I was able to  
7 identify anyone and gave me access to the forum.

8 MR. FROMM: So this is the sort of  
9 site where, in order to post, you would have to have a  
10 special access or special password?

11 MR. WARMAN: As I recall, yes.

12 MR. FROMM: It is your testimony,  
13 though, that you did not provide any of the information  
14 for the pictures on the pages that are headlined  
15 "Western Canada For Us"?

16 MR. WARMAN: Not to the best of my  
17 recollection.

18 MR. FROMM: Do you know whether this  
19 is a Canadian group, the Citizens Against Hate?

20 MR. WARMAN: I believe the group is  
21 located in the United States.

22 MR. FROMM: Why would they contact  
23 you in Ottawa for identification of the Northern  
24 Alliance group photo?

25 MR. WARMAN: I don't know that. You

1 have to inquire with them, I am afraid.

2 MR. FROMM: Did this inquiry come out  
3 of the blue, come as some surprise to you?

4 MR. WARMAN: I was aware of the  
5 group's existence previously, but I don't recall making  
6 any previous contact with them. It may have been  
7 because I was Canadian.

8 MR. FROMM: In seeking to obtain a  
9 copy of your notes when you talked to the ARA, I think  
10 you will recall Madam Jensen's ruling at your pleadings  
11 that such information might provide a chill on people  
12 seeking to involve themselves with this issue. Do you  
13 think assisting in posting the names of these  
14 individuals on a site like this, the Northern Alliance  
15 individuals, might create a chill in their lives?

16 MR. VIGNA: Madam Chair, I don't  
17 know. I will object to the question in terms of the  
18 series of questions. I understand the document be put  
19 in evidence, but the document, I don't see ...

20 THE COURT REPORTER: Sorry?

21 THE CHAIRPERSON: It is very  
22 difficult to hear you, Mr. Vigna, so if you could speak  
23 louder and more slowly?

24 MR. VIGNA: The document GB -- I  
25 forget the site, there is no mention of Glenn Bahr in

1 relation to Mr. Warman.

2 MR. BAHR: Well, actually, can I  
3 refer you to the picture and home address in Langley?

4 MR. VIGNA: I understand the other  
5 parts of the document refer to Mr. Bahr. But in terms  
6 of the association with Mr. Warman, which is the second  
7 last page with Northern Alliance

8 THE CHAIRPERSON: Yes, and we have  
9 Mr. Warman's evidence on the nature of his  
10 participation in this website. I understood the  
11 evidence.

12 Mr. Fromm, carry on.

13 MR. FROMM: If your question is,  
14 Mr. Vigna, that there is no mention of Glenn Bahr, on  
15 page 9, there is a picture of him and an address.

16 MR. WARMAN: Sorry, Madam Chair just  
17 to --

18 MR. FROMM: Page 12 as well.

19 THE CHAIRPERSON: Sorry?

20 MR. WARMAN: With regard to  
21 Mr. Bahr's photos and his personal home address,  
22 Mr. Bahr himself posted that information on Stormfront,  
23 so it was readily available to the world. I can  
24 specifically draw your attention to where he did that,  
25 if you wish.

1 MR. BAHR: I don't believe I posted  
2 my home address anywhere.

3 THE CHAIRPERSON: Do you have that  
4 information, Mr. Warman?

5 MR. WARMAN: Yes. It is contained on  
6 the picture of his driver's licence.

7 MR. BAHR: My address was blacked out  
8 on that picture, Madam. I blacked it out myself.

9 MR. WARMAN: I will take you to  
10 Exhibit --

11 MR. BAHR: So I don't know where he  
12 is getting this from. I never posted my address on the  
13 internet.

14 MR. FROMM: Still looking for  
15 something, Mr. Warman, for an answer to my question.

16 MR. WARMAN: Madam Chair, if I can  
17 take you to 16 "J"? Bahr's address is blocked out.

18 MR. FROMM: Is that HR-36?

19 MR. WARMAN: It is. If you look at  
20 the base right beside Mr. Bahr's birth date and photo,  
21 it gives the home address in Langley, British Columbia.

22 THE CHAIRPERSON: Yes, we reviewed  
23 that yesterday, I believe.

24 Anyway, Mr. Fromm, you can carry on.

25 MR. FROMM: I think I did ask a

1 question. I don't know whether it was answered. The  
2 question was the tribunal had taken the position that  
3 even asking for the notes of the speech might have an  
4 intimidating effect on people wishing to get involved  
5 in these issues.

6 I was just asking Mr. Warman if the  
7 public posting of people's pictures with their  
8 addresses might also have that effect.

9 MR. WARMAN: Can you clarify whether  
10 that was, in fact, my submission or that of the  
11 Commission, please?

12 MR. FROMM: Well, that was your  
13 submission to Member Jensen that if you are required to  
14 provide to this tribunal the speech that you were asked  
15 to provide to the Winnicki tribunal, that this will  
16 have a chilling effect. This was personal information,  
17 and people would be afraid to come forth to make  
18 complaints.

19 MR. WARMAN: I am sorry, I remember  
20 the Commission making that submission, I just don't  
21 remember making it myself. If you could take me to  
22 that submission, I would be happy to respond.

23 MR. FROMM: I cannot. I don't have  
24 the documents in front of me.

25 Would you agree that the posting of

1 the picture of the gentlemen from the Northern Alliance  
2 with their names might have the effect of even  
3 intimidating them or creating a chill?

4 MR. WARMAN: No, I would not. It was  
5 my understanding that this was a closed website and  
6 not, in fact, a publicly accessible website.

7 MR. FROMM: Well, what do you  
8 understand with the people who would have access to  
9 this website have, these pictures and identifications  
10 and addresses?

11 MR. WARMAN: My understanding was  
12 that it would be limited to that group itself.

13 MR. FROMM: Who is that group?

14 MR. WARMAN: The group that is listed  
15 at the top of it as owning the website, Citizens  
16 Against Hate.

17 MR. FROMM: Who are they?

18 MR. WARMAN: The information that I  
19 have is that they were a small U.S.-based human rights  
20 group that had other sort of inquiries with other  
21 individuals in the human rights milieu, and it was  
22 indicated to me that that was who they were.

23 MR. FROMM: Thank you.

24 I distributed this letter from  
25 someone by the name of Watson. Mr. Warman, I was

1           wondering if you could identify this letter as one you  
2           wrote?

3                       MR. WARMAN: Madam Chair, perhaps if  
4           Mr. Fromm would establish the relevance?

5                       THE CHAIRPERSON: Mr. Fromm?

6                       MR. FROMM: Don't I have to first of  
7           all establish that Mr. Warman recognises it?

8                       THE CHAIRPERSON: A preliminary  
9           objection has been raised with respect to relevance. I  
10          will just take a minute to review this, but I am  
11          wanting to hear your submissions on the relevance.

12                      MR. FROMM: The relevance of this  
13          letter is that it goes to Mr. Warman's tactics with  
14          dealing with people's views he doesn't like. It is a  
15          letter directed to the minister of the Central United  
16          Church in western Ontario attempting to get him to  
17          cancel a booking for a fellow by the name of Tom  
18          Kennedy, who might be called a tax protester and a  
19          monetary reformist.

20                      THE CHAIRPERSON: Mr. Fromm, I have  
21          articulated my view of where I am going to draw the  
22          line of relevance in this matter, and this is, in my  
23          view, quite clearly falling outside the material that  
24          is not relevant to this tribunal.

25                      And I will refer you back to my

1 earlier comments, but I am not going to allow this to  
2 be entered, and I won't permit questions to be asked.

3 MR. FROMM: So I am wondering if  
4 Mr. Warman can identify this document in front of him?

5 MR. VIGNA: Madam Chair, I will  
6 object to the admission of the document. I haven't had  
7 a chance to read it all through at this moment, but I  
8 can't see any relevance to the present case.

9 MR. WARMAN: Madam Chair, I will also  
10 raise preliminary objections. Again, this is another  
11 document that Mr. Fromm requested be ordered disclosed,  
12 and Member Jensen declined to do so.

13 MR. FROMM: That is not exactly what  
14 happened. I was simply reasonably told by Mr. Warman  
15 it was on the internet, and if I wanted it, I could  
16 download it and look. I did so.

17 MR. WARMAN: I reiterate --

18 MR. FROMM: The entire document --

19 MR. WARMAN: -- Member Jensen  
20 declined it.

21 MR. FROMM: -- is not here. I only  
22 wanted to provide the pages that deal with Mr. Bahr.  
23 It is a much longer document entitled "The Canadian  
24 Scene", but I just wanted to provide the pages that  
25 involve Mr. Bahr.

1 THE CHAIRPERSON: And what are your  
2 submissions with respect to relevance? Would you  
3 direct me?

4 MR. FROMM: Yes, well, the pages in  
5 question would be the bottom of the second page, the  
6 summary about Alberta. It talks about the Edmonton  
7 Hate Crimes unit arresting Mr. Bahr, comments about  
8 Mr. Kouba, comments about the website, comments about  
9 the human rights complaint filed against Mr. Bahr,  
10 general discussion of Western Canada For Us and the  
11 various legal actions taken against them. And this  
12 seems to be authored by Mr. Warman.

13 THE CHAIRPERSON: Again, Mr. Fromm,  
14 this is not a relevant area of inquiry.

15 MR. FROMM: Mr. Warman, do you  
16 recognise this sequence, Mr. Marc Lamire and then  
17 response to it by Pogue Mahone?

18 MR. WARMAN: At the risk of sounding  
19 like a broken record, objection, Madam Chair.  
20 Relevance? I don't see WCFU anywhere. I don't see  
21 Mr. Bahr anywhere. There doesn't appear to be any  
22 direct relevance to this proceeding.

23 THE CHAIRPERSON: Mr. Fromm?

24 MR. FROMM: This has the name that  
25 you testified on Friday that you posted under to hide

1           your identity when you went on Stormfront to pursue  
2           what you said and the thread I was arguing.

3                         MR. WARMAN: Madam Chair, that may  
4           be, but there still has to be some relevance to this  
5           case.

6                         THE CHAIRPERSON: Mr. Fromm, I don't  
7           see how this exchange of posts relates to a complaint  
8           that is before the tribunal and in particular the  
9           defence that you have advised that you will be putting  
10          forward on behalf of Mr. Bahr, being that he did not  
11          make some of the posts that were alleged but rather  
12          someone else made them on his behalf.

13                        MR. FROMM: It might be inferential,  
14          but if you look at Mr. Lamire's post, this is not my  
15          submission, but there are those who might think this  
16          view from Mr. Lamire, coming as it does from a  
17          Christian website. This might be seen to be  
18          homophobic.

19                        THE CHAIRPERSON: I am sorry --

20                        MR. FROMM: That is not my  
21          submission, but there are those that would argue that.  
22          And Pogue Mahone, who apparently is Mr. Warman, did not  
23          want to post under his own name, and says:

24                                 "This is just wrong. Does  
25                                 anyone know how to contact this

1                   poor man? Maybe send a  
2                   donation."

3                   The poor man being the printer by the  
4                   name of Scott Brockie found guilty of a discriminatory  
5                   practice of the Ontario Human Rights Commission.

6                   THE CHAIRPERSON: Mr. Fromm, I don't  
7                   see that this material, this post, is relevant to the  
8                   specific complaint that is before us and the specific  
9                   defence that has been put forward.

10                  MR. FROMM: Well, my submission is  
11                  that it is certainly evidence of subterfuge. It might  
12                  be seen that Pogue Mahone is taking what might be  
13                  considered a homophobic position, which would certainly  
14                  not be Mr. Warman's position certainly from the view of  
15                  the complainant's file in this case.

16                  THE CHAIRPERSON: Mr. Fromm, I am not  
17                  convinced that this is a relevant inquiry, so, again, I  
18                  won't allow this to be admitted and won't permit a  
19                  question to be asked.

20                  MR. FROMM: I will ask Mr. Warman if  
21                  he recognises this thread here.

22                  MR. WARMAN: Madam Chair, the exact  
23                  same objection. There is no mention whatsoever of  
24                  Mr. Bahr and WCFU in connection in any way, shape, or  
25                  form to the present case.

1 MR. VIGNA: I take the same position.

2 MR. FROMM: Surely we cannot be  
3 strict only to what mentions Mr. Bahr. We have already  
4 been told Estate was an undercover policeman. We were  
5 not privileged to know his name. Pogue Mahone, another  
6 person who doesn't want us to know his name, is  
7 Mr. Warman, we are told.

8 Surely I should be able to pursue  
9 these postings by two people who are lurking on  
10 Stormfront, apparently, to try to -- why would you post  
11 under a phoney name and uttering views that are  
12 apparently not yours? I would like to pursue that.

13 THE CHAIRPERSON: Mr. Fromm, I have  
14 viewed this before, but perhaps it is a good idea to  
15 review it again, as this seems to be an ongoing  
16 problem.

17 Earlier in our discussions when we  
18 were looking at the relevance particularly of  
19 credibility evidence, we learned that the complaint --  
20 and we were reminded that the complaint against Glenn  
21 Bahr is restricted to his own postings on the  
22 discussion forum and his contribution and management of  
23 the other larger material that is on the website.

24 So posts to two different websites  
25 and the larger material that is on the website, so that

1 is the relevant area of inquiry with respect to  
2 Mr. Glenn Bahr.

3 The relevant area of inquiry with  
4 respect to WCFU relates to your defence that it is not  
5 a proper entity, and you have no instructions to  
6 represent them. So that area is not a particularly  
7 profitable area to pursue.

8 But when we are looking particularly  
9 at Mr. Bahr, the complaint is drawn very tightly and  
10 narrowly, and the defence is also very clear. And the  
11 defence, as I understand it, is twofold. First is  
12 someone usurped the name of Glenn Bahr, the moniker on  
13 that website, and contributed things pretending to be  
14 him or put other material on the website. And,  
15 secondly, your alternative position seems to be that,  
16 anyway, that material does not contravene  
17 Section 13(1).

18 MR. FROMM: That would be a fair  
19 summary of things.

20 THE CHAIRPERSON: Okay. And so for  
21 that reason, something like this, for example, that  
22 would suggest that there were posts made by the  
23 complainant and made by the police officer aren't  
24 relevant to the inquiry with respect to Mr. Bahr,  
25 because the complaint does not address the larger

1 content of the discussion forum but rather addresses  
2 the specific posts made by Mr. Bahr.

3 When I opened the door on  
4 credibility, I opened it precisely because it was  
5 identified to you from me that this impersonation was  
6 happening in terms of Mr. Bahr didn't make one or more  
7 of the posts, for example. And perhaps you will have  
8 evidence that he didn't create links or put material on  
9 the website. I don't know. I haven't heard that  
10 evidence yet.

11 But in any event, this document that  
12 you have produced to be entered before this tribunal is  
13 not relevant to the inquiry. And I would ask that it  
14 would be helpful to the tribunal if you would perhaps  
15 consider other avenues and be governed or directed by  
16 this comment that I am making to you so we can perhaps  
17 introduce some efficiency into the proceeding.

18 Thank you, Mr. Fromm.

19 MR. FROMM: Seeing as I have been so  
20 severely restricted, I think this will be all my  
21 questions.

22 THE CHAIRPERSON: Thank you  
23 Mr. Fromm.

24 It is 4:00. Mr. Fromm, the next  
25 witness is yours. Is he going to be here tomorrow?

1                   MR. FROMM: We have the Affidavit  
2                   from the police, from the RCMP, which we could  
3                   discuss --

4                   THE CHAIRPERSON: Thank you. We do  
5                   need to.

6                   MR. FROMM: -- and go over.

7                   THE CHAIRPERSON: I am sorry. I got  
8                   ahead of myself. Just a moment. Is there any  
9                   redirect?

10                  MR. VIGNA: Very brief.

11                  THE CHAIRPERSON: Yes? Excuse me,  
12                  carry on.

13                  MR. VIGNA: Mr. Warman, you were  
14                  asked at one point the question that is not verbatim  
15                  this way, but it was asked that the witness was down  
16                  and why would you submit a complaint anyways. And you  
17                  responded that if somebody committed a murder, you  
18                  would still charge him with murder if it was committed.

19                  However, I would like to ask you,  
20                  though the website is down, are you aware if Mr. Glenn  
21                  Bahr continued or SS-88 in other websites after, I  
22                  believe, the website was down in May of 2004?

23                  MR. WARMAN: I would have to  
24                  cross-reference the Stormfront postings.

25                  But, again, just to expand on my

1 original answer and perhaps give a better response, the  
2 question of whether that particular isolated website  
3 was no longer in existence was not, of course, my  
4 primary concern. My primary concern was the fact that  
5 one of the remedies available in the Canadian Human  
6 Rights Act is the permanent cease and desist order.  
7 While a website can be taken down one day, it can just  
8 as easily be back up the next, or an individual can  
9 simply be posting on a new website, can continue  
10 posting on different websites.

11 So the concern is to ensure that the  
12 conduct is not repeated.

13 MR. VIGNA: Are you aware if SS-88  
14 posted recently on Stormfront?

15 MR. WARMAN: No, I am not.

16 MR. VIGNA: My final question. There  
17 was a whole series of questions about if on the website  
18 Mr. Bahr, SS-88, discussed about holocaust denial, and  
19 you mentioned certain literature as "White Power" and  
20 "The International Jew". Can you elaborate a bit on  
21 "White Power", what knowledge you have about it and the  
22 contents of "White Power" and where you found them on  
23 the website?

24 MR. WARMAN: Certainly, I don't want  
25 to regurgitate Sergeant Camp's evidence, so perhaps I

1 will just say it was written by George Lincoln  
2 Rockwell, former head of the American Nazi Party. I  
3 reviewed it. At the time I reviewed it, I found that  
4 it was far in excess of Section 13(1) with hate  
5 messages. I think, really, the book speaks for itself  
6 voluminously.

7 MR. VIGNA: And that is found in the  
8 CD ROM produced in your testimony?

9 MR. WARMAN: It is.

10 MR. VIGNA: I don't have any further  
11 questions.

12 MR. WARMAN: Madam Chair, rather than  
13 go through sort of the charade of asking myself  
14 questions and then giving the answer, perhaps I can  
15 just give my reply directly?

16 THE CHAIRPERSON: Yes.

17 MR. WARMAN: I would just like to  
18 make a few points with regard to the video that was  
19 entered.

20 My position is that the video that  
21 was entered is not in any way, shape, or form an  
22 accurate portrayal of what transpired during those  
23 events. I would liken it to being a docu-drama as  
24 opposed to a documentary.

25 The video director edited the

1 material heavily. He changed dates, times, sequences  
2 of events. It is my allegation that the portion of the  
3 voiceover were, in fact, fabricated.

4 It includes his allegation of any  
5 falling apart of the groups that were opposed to  
6 Mr. Icke's visit. I would note, again, the video dates  
7 from March of 2000, and, therefore, if given any  
8 weight, it should be extremely limited.

9 The question of Mr. Icke's beliefs as  
10 to whether extraterrestrial lizards -- if he meant Jews  
11 by saying that was a red herring that was invented by  
12 the documentary director.

13 We made it quite clear to him -- at  
14 least I did -- that Mr. Icke's views regarding  
15 extraterrestrial lizards were of very little, if any,  
16 interest to me and that there was more than adequate  
17 information about his promotion of anti-Semitic  
18 material including "The Protocols of the Elders of  
19 Zion". There have been numerous written exposes in the  
20 major media in Britain of Mr. Icke's beliefs in this  
21 regard.

22 Mr. Ronson, the director, chose to  
23 ignore all of the evidence and focussed solely on his  
24 preferred question of does he mean Jews when he says  
25 extraterrestrial lizards?

1                   All of these concerns were  
2                   subsequently conveyed to Mr. Ronson after the  
3                   appearance of the video and his book.

4                   With regard to the discussion around  
5                   *Les Entartists*, this was, in fact, a wide-ranging  
6                   discussion that occurred over four to five hours in a  
7                   pub with two individuals that I had met for the first  
8                   time that day. And also it was the first time I ever  
9                   met the director and the video crew. We covered a vast  
10                  array regarding the nature of political discourse and  
11                  protest.

12                  I knew that the video would not be  
13                  shown for at least six months to a year, and even then  
14                  only in England. And I would note as well that the  
15                  sequence of events at the bar took place all at once.  
16                  It did not take place over the course of several days.  
17                  In fact, it occurred the first day that I had ever met  
18                  these individuals, and it was well before any of the  
19                  other events that were shown in this video took place.

20                  It was the director of the video,  
21                  Mr. Ronson himself, who provided the other two  
22                  individuals with the location of the second book  
23                  signing that is featured. It is my submission that he  
24                  was essentially acting as a provocateur in order to  
25                  make his video more interesting.

1                   I had no involvement whatsoever in  
2                   the pieing, if you will, of Mr. Icke, and I was, in  
3                   fact, hundreds of kilometres away at an unrelated  
4                   event, which was the primary reason that I was in  
5                   British Columbia at the time.

6                   The question at the end of sending a  
7                   letter to venues in England, I believe it is important  
8                   to note that the letter that was sent included simply  
9                   excerpts of his own writings along with a request that  
10                  the venues reconsider whether they wished to continue  
11                  with his booking based on those writing.

12                  And just to close on that point, you  
13                  indicated that you were looking to see if there was  
14                  evidence regarding the use of improper means to  
15                  fabricate evidence, and it is my respectful submission  
16                  that there is absolutely no evidence of this  
17                  whatsoever.

18                  Lastly, with regard to the allegation  
19                  that -- I obviously can't speak for Sergeant Camp, but  
20                  with regard to the allegation that I perhaps somehow  
21                  hacked into Mr. Bahr's identity as either SS-88 or  
22                  Glenn or hacked into their website in general, I  
23                  categorically deny that.

24                  THE CHAIRPERSON: Thank you.

25                  Anything arising, Mr. Fromm?

1 MR. WARMAN: Sorry, Madam Chair, is  
2 it not the usual process that there is examine in  
3 chief, then there is cross-examination, and then there  
4 is a reply?

5 THE CHAIRPERSON: I am a tennis  
6 player, so I am just going to send it over the net one  
7 more time.

8 Mr. Fromm?

9 MR. FROMM: Just two very quick  
10 questions.

11 Would you know of anybody who hacked  
12 into Mr. Bahr's e-mail or to the Western Canada For Us  
13 website or into Stormfront?

14 MR. WARMAN: No, I do not.

15 MR. FROMM: And how much are you  
16 being paid for you testimony this week?

17 MR. VIGNA: Madam Chair, I don't  
18 believe the question is admissible.

19 THE CHAIRPERSON: Thank you.

20 That is not an appropriate question,  
21 Mr. Fromm.

22 MR. FROMM: Well, I have been totally  
23 honest about our finances: zero. I was just wondering  
24 if Mr. Warman was being paid. Was his way paid out  
25 here to be a witness?

1 THE CHAIRPERSON: Thank you. It is  
2 not an appropriate question.

3 Okay, we need to deal with the  
4 matters that arose just after lunch. There was the  
5 matter of an Affidavit, that I think we should have  
6 filed as an exhibit. Do you have copies of that so we  
7 can have that filed?

8 MR. VIGNA: It is an Affidavit of the  
9 respondent. It is not part of the Commission.

10 THE CHAIRPERSON: Yes, I appreciate  
11 that. I have just sort of seen pieces of paper  
12 floating around. Do we have the copies so that we can  
13 include that as an exhibit, or do you want to wait  
14 until tomorrow?

15 And I also understand that the  
16 transcript that the officer spoke to just after lunch  
17 is also something what we should probably enter as an  
18 exhibit.

19 MR. VIGNA: I have researched on that  
20 issue, Madam Chair. The transcript of the officer, I  
21 have reserves on admitting the transcripts. If we  
22 admit it, it is only for the purpose of --

23 THE CHAIRPERSON: Yes. I heard your  
24 submissions this afternoon. I understood them. I  
25 understand the nature and quality of that kind of

1 evidence as it is introduced.

2 So on that basis, I think we need  
3 have them included on the record. And I am just not  
4 sure if we are ready to do that yet. It seems to me  
5 sometimes that we do not have enough copies of them.  
6 So should we introduce those as exhibits now?

7 Mr. Fromm, would you like to --

8 MR. FROMM: As far as I know, we only  
9 have the one copy of it.

10 THE CHAIRPERSON: No, there is a  
11 paper transcript, isn't there?

12 MR. FROMM: Yes. We got one -- I  
13 think it was an interim Affidavit yesterday, and we now  
14 have a more complete one from -- I don't know if he is  
15 an officer, but Mr. Hughson to the effect that he has  
16 reviewed the tape here and concluded that this is an  
17 accurate transcript of what is on the tape.

18 So we would like the -- I believe it  
19 is now two Affidavits submitted in evidence and the  
20 tape and the transcript of the tape. And perhaps we  
21 could play the tape tomorrow and follow along with the  
22 transcript.

23 I am going to have to get copies made  
24 because this one has only just arrived today.

25 THE CHAIRPERSON: Well, let us deal

1 with that tomorrow. Tomorrow, for the purposes of  
2 having those included in the record, we are going to  
3 need to have the appropriate number of copies made of  
4 them. So I will just give you a heads up as far as  
5 that goes. And we will deal with that issue tomorrow.

6 And, finally, just a reminder that  
7 Madam Registrar has the transcripts. If you want to  
8 make your arrangements with her, you can talk to her  
9 either after the proceeding this afternoon or tomorrow  
10 morning.

11 Anything else?

12 MR. FROMM: I was wondering, I did  
13 ask yesterday about the filing submissions. In several  
14 other cases I am aware of, in the John Micka case back  
15 in 2001, in the Winnicki case, and I believe in the  
16 Alexan Kulbashian case -- all of these under  
17 Section 13(1) -- there was a considerable period of  
18 time between the end of evidence and the final  
19 submissions, which allowed parties to have access to  
20 the transcript.

21 I know this is particularly helpful  
22 in the Winnicki case. I think the evidence was heard,  
23 I think, and concluded some time in October, and the  
24 final submissions were not until the middle of  
25 December. So the parties had an opportunity to read

1 the transcripts and then probably polish up their  
2 submissions. I was wondering if it was possible to  
3 come back in July or August.

4 THE CHAIRPERSON: I prefer to deal  
5 with these things while everyone's memories are fresh.  
6 I find that is a very effective way to conclude  
7 matters.

8 Having said that, Counsel, I am happy  
9 to hear what your position is.

10 MR. WARMAN: Madam Chair, with  
11 regards to the Winnicki case, that was only because we  
12 ran out of time was the reason that we were forced to  
13 come back. Certainly, I have made it abundantly clear  
14 throughout the beginning of the proceedings that if  
15 there was any extension beyond the first two weeks I  
16 consented to coming here based on the fact that it  
17 would be two weeks all in one period, that it would be  
18 completed within that, and that I would not have  
19 consented otherwise.

20 In fact, I made it quite clear that I  
21 would be asking that any subsequent period be moved to  
22 Ottawa based on not just costs but convenience.

23 CHAIRPERSON: But your perspective  
24 particularly with submissions, would you prefer to have  
25 them conclude this week as well?

1 MR. WARMAN: Oh, yes, immediately.

2 THE CHAIRPERSON: Right.

3 Mr. Vigna?

4 MR. VIGNA: Madam Chair, personally,  
5 I wouldn't mind what the respondent is proposing, but I  
6 am conscientious of the concerns of the complainants,  
7 so I think it would be better to have it this week,  
8 because there is a cost involved on that. So it is --  
9 like I said, in an ideal world, I would prefer more  
10 time, but I understand there are certain concerns for  
11 the complainant to come back here for that and myself  
12 also for the Commission.

13 THE CHAIRPERSON: Right.

14 MR. WARMAN: Madam Chair, in fact,  
15 the issue of dividing the hearing into separate  
16 portions has already been canvassed. It was just  
17 canvassed shortly before the hearing with Member Jensen  
18 and was, in fact, denied.

19 THE CHAIRPERSON: All right. Well, I  
20 will give that some thought, and I will review the file  
21 again tonight. I can address those concerns. I am  
22 noting that it is Tuesday. We still have a number of  
23 days before the week is concluded, and so I anticipate  
24 that counsel and their representatives will have time  
25 to prepare.

1                                   So see everybody in the morning.

2           Thank you.

3                                   MR. WARMAN:   Sorry, could I very  
4           briefly speak?  By saying that, do you mean that you  
5           will -- because there is one other point.

6                                   If you are going to render a decision  
7           without hearing us further on that, I would like to  
8           just raise one short issue, if I may.

9                                   There has been a week and two days  
10          now.  Counsel and Mr. Bahr's agent have had abundant  
11          time during the evenings to review the testimony and  
12          begin preparing closing arguments and that every day  
13          that requires us to stay here costs.

14                                  THE CHAIRPERSON:  Yes, and I have  
15          disclosed, I guess, what my preference is, but I think  
16          it is appropriate in the circumstances to give it some  
17          thought.

18                                  So thank you very much, and we will  
19          see you in the morning.

20          --- whereupon the hearing adjourned at 4:19 p.m.,  
21                  to resume on Wednesday, May 31, 2006,  
22                  at 9:30 a.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.

  
Eveliène Symonds

C.S.R.(A), R.P.R.