

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

Complainant RICHARD WARMAN **le plaignant**

and/et

Commission CANADIAN HUMAN RIGHTS COMMISSION **la Commission**

and/et

Respondent JESSICA BEAUMONT **l'intimée**

BEFORE/DEVANT:

ATHANASIOS HADJIS THE CHAIRPERSON/
LE PRÉSIDENT

CAROL ANN HARTUNG REGISTRY OFFICER/
L'AGENTE DU GREFFE

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

SITTING IN ROOM 13, THE VANCOUVER CONVENTION AND EXHIBIT CENTRE,
999 CANADA PLACE, VANCOUVER, BRITISH COLUMBIA, ON MONDAY,
DECEMBER 11, 2006, AT 9:30 A.M. LOCAL TIME.

CASE FOR HEARING/CAUSE DEVANT ETRE ENTENDUE

IN THE MATTER of the complaint filed under section 13.1 of the
Canadian Human Rights Act by Richard Warman dated January 6,
2005, against Jessica Beaumont. The Complainant alleges that the
Respondent has engaged in a discriminatory practice on the
grounds of religion, sexual orientation, race, colour, national
or ethnic origin and disability in a matter related to the usage
of a telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Richard Warman	Appearing for himself, Complainant
Giacomo Vigna	For the Commission
Paul Fromm	For the Respondent

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Vancouver, B.C.

--- Upon commencing on Monday, December 11, 2006
at 9:50 a.m.

REGISTRY OFFICER: Order, please.

Good morning. The case for hearing today is in the matter of the complaint filed under section 13.1 of the Canadian Human Rights Act by Richard Warman dated January 6, 2005 against Jessica Beaumont.

The complainant alleges that the respondent has engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour, national or ethnic origin and disability in a matter relating to the usage of a telecommunication undertaking.

The Presiding Member of this inquiry is Athanasios D. Hadjis.

The Tribunal now calls for appearances, please.

MR. WARMAN: Good morning, Mr. Chair. My name is Richard Warman. For the record, the last name is W-a-r-m-a-n.

THE CHAIRPERSON: Thank you, Mr. Warman.

MR. VIGNA: Giacomo Vigna for the

1 Canadian Human Rights Commission.

2 I have seen Mr. Fromm this morning.
3 He should be here soon.

4 THE CHAIRPERSON: Mr. Fromm is here?

5 MR. VIGNA: Yes.

6 THE CHAIRPERSON: I understand they
7 were told they could go downstairs for a cup of coffee,
8 but I think the time has passed and I would like to
9 begin. I will wait two minutes.

10 --- Pause

11 MR. VIGNA: Ms Jessica Beaumont is
12 here also, I believe.

13 THE CHAIRPERSON: Is she in the room?

14 MR. VIGNA: No, but she is outside.
15 I have seen her this morning.

16 THE CHAIRPERSON: In the meantime, is
17 this a Joint Book of Documents, Mr. Vigna or it's the
18 Commission's Book of Documents?

19 MR. VIGNA: It says joint, but I
20 don't think the complainant has a different Book of
21 Documents. I would suggest that you do not rely too
22 much on the table of contents because we reorganized it
23 totally yesterday.

24 THE CHAIRPERSON: That's fine.

25 MR. VIGNA: It's pretty much in

1 chronological order. Sometimes you will have tabs with
2 A, B, C and D in the same tab. Those were additions we
3 did yesterday at the last minute. We put in
4 photocopies that were more clear. We had to redo
5 almost the whole tab because the copies weren't clear,
6 but it seems to be fine. I think there's only one copy
7 that is going to be replaced with a clearer copy. At
8 the break we will get the one that is more clear.

9 THE CHAIRPERSON: I will ask you to
10 refer to the sub-tabs as well when you refer to the
11 documents for the record.

12 MR. VIGNA: Mr. Warman, maybe he can
13 show us the document every time he is talking so we can
14 visually see the actual document.

15 THE CHAIRPERSON: Yes, I expect
16 reference to each document. There's some loose papers
17 at the back.

18 MR. VIGNA: Those were the additions
19 but they are in the right place.

20 THE CHAIRPERSON: They are in the
21 right place. They just don't have holes in them.

22 MR. VIGNA: Exactly. There are five
23 documents that are like that, but in the right place.
24 They are the end between tabs 28 and 42.

25 THE CHAIRPERSON: So, 42 you said,

1 sir?

2 MR. VIGNA: Yes.

3 THE CHAIRPERSON: They have been
4 placed loose in the back here?

5 MR. VIGNA: Yes.

6 THE CHAIRPERSON: You won't be
7 referring to them before the break?

8 MR. VIGNA: No. The only one I might
9 refer to is tab -- there is one with admissions. It is
10 loose.

11 THE CHAIRPERSON: Just as long as
12 we're clear at that point. I would like them to be
13 entered at the break. We will do that at the next
14 break.

15 The question is being asked of me
16 right now, Mr. Vigna, we can treat this as your Book of
17 Documents?

18 MR. VIGNA: Yes.

19 THE CHAIRPERSON: It will be an HR
20 book.

21 MR. VIGNA: I will ask for an
22 exclusion of witnesses.

23 --- Off record discussion

24 THE CHAIRPERSON: Sir, please, can
25 you keep your voice down. You're speaking to the

1 Tribunal Registry Officer. It's like a court and we
2 expect the same level of decorum, please.

3 MR. IRELAND: Is it a court or is it
4 a tribunal?

5 THE CHAIRPERSON: It's a
6 quasi-judicial administrative tribunal. I can refer
7 you to the Supreme Court decisions on the level of our
8 jurisdiction.

9 Sir, are you a party to this case?

10 MR. IRELAND: I understood I was.

11 THE CHAIRPERSON: The only party to
12 this case is Ms Beaumont and Mr. Warman and the Human
13 Rights Commission. Everyone else please stay in the
14 room and please refrain from speaking.

15 Now, where is Mr. Fromm and Ms
16 Beaumont? They're still not here?

17 REGISTRY OFFICER: They're still not
18 here.

19 THE CHAIRPERSON: The case was
20 scheduled to begin at 9:30. We're starting.

21 Mr. Vigna, go ahead, please.

22 MR. VIGNA: I will ask for an
23 exclusion of witnesses.

24 THE CHAIRPERSON: All witnesses as to
25 be excluded from the hearing. Are there any people in

1 this room who will be testifying?

2 Sir, your name is?

3 MR. IRELAND: Jud Ireland.

4 THE CHAIRPERSON: Okay, sir.

5 Pursuant to the rules of procedure of the Tribunal, I'm
6 going to ask you to step outside.

7 MR. VIGNA: Mr. Chair, he wasn't
8 announced as a witness. I will be objecting to his
9 testimony.

10 THE CHAIRPERSON: I'm sorry?

11 MR. VIGNA: He wasn't announced as a
12 witness. This is a surprise to me.

13 THE CHAIRPERSON: You can raise that
14 objection at that time, but he declares himself as
15 being a witness.

16 MR. VIGNA: I'm just letting you
17 know.

18 THE CHAIRPERSON: Mr. Vigna, will you
19 be making any opening statements?

20 MR. VIGNA: I will be very brief.
21 Good morning, Mr. Chair.

22 The complaint before you today
23 involves section 13 of the Canadian Human Rights Act.
24 The complainant alleges that the respondent
25 discriminated against persons or group of persons on

1 the bases that are mentioned on the complaint.

2 The respondent did so repeatedly
3 communicating messages over the Internet which would
4 likely expose persons of various groups protected under
5 the Canadian Human Rights Act. The Commission is
6 confident that the evidence will be presented to the
7 Tribunal will be sufficient to establish that the
8 material communicated by the respondent is likely to
9 expose members protected by the Canadian Human Rights
10 Act.

11 During the course of the hearing, the
12 evidence will show that the respondent has posted
13 discriminatory material on one website in particular,
14 Stormfront in a discussion forum. That will be all the
15 exhibits that will be produced by Mr. Warman.

16 The respondent posted extensive
17 discriminatory material on Stormfront under the
18 pseudonym moniker Jessy Destruction. The only witness
19 for the Commission will be, and the only witness, Mr.
20 Richard Warman. He will explain how he was on the
21 website Stormfront, how he went through a process of
22 identifying an individual which was associated to this
23 pseudonym and moniker, Jessy Destruction.

24 Finally, once the case will be
25 terminated, the issues that the Tribunal will have to

1 address which are the ingredients of section 13 is that
2 the respondents communicated or caused to be
3 communicated the messages found on the websites. The
4 second issue is were the messages communicated
5 telephonically by way of the Internet. Three, is the
6 subject matter of the messages likely to expose a
7 person or group of persons to hated or contempt by
8 reason of the fact that they are identifiable on the
9 basis of a prohibited ground of discrimination.

10 THE CHAIRPERSON: May I just
11 interrupt you there for a second, Mr. Vigna? I noticed
12 two individuals came in whom I gather are the
13 respondent. Ms Beaumont?

14 MS BEAUMONT: Yes.

15 THE CHAIRPERSON: Good morning. And
16 Mr. Fromm?

17 MR. FROMM: Yes.

18 THE CHAIRPERSON: Good morning. It's
19 a pleasure to meet you.

20 We began because the scheduled time
21 to start was 9:30 and I was informed --

22 MR. FROMM: We were here, sir, at
23 9:30.

24 THE CHAIRPERSON: I know that. I was
25 informed that you were told that we would begin 15 to

1 20 minutes after the scheduled time, and that's when I
2 showed up.

3 All we have done in the meantime is I
4 have issued an exclusion order for the witnesses. One
5 gentleman was here, his name was Mr. Ireland, I
6 believe. He stepped outside because of the order. We
7 have just started with opening statements by Mr. Vigna.

8 MR. FROMM: I was wondering, seeing
9 that proceedings are started just whenever --

10 THE CHAIRPERSON: Well, not whenever,
11 sir. 9:30 they start.

12 MR. FROMM: I was here at 9:30,
13 actually before 9:30, and they did not start. I was
14 told because of the ridiculous prohibition of having
15 coffee in here, one has to go quite a distance.

16 THE CHAIRPERSON: Please refrain from
17 the use of that language, sir.

18 MR. FROMM: Sir, I find it offensive,
19 but anyway --

20 THE CHAIRPERSON: Sir, there is not a
21 single court in this land that will allow you to have
22 coffee.

23 MR. FROMM: This is not a court.
24 This is a tribunal.

25 THE CHAIRPERSON: Fine, if you don't

1 respect the Tribunal, sir, that's your issue. There is
2 no coffee allowed in the hearing, and we will commence
3 at the times indicated.

4 MR. FROMM: I was here at the time
5 indicated.

6 THE CHAIRPERSON: And we started ten
7 minutes to the hour.

8 MR. FROMM: I was wondering in terms
9 of the person excluded, we would like to tender him as
10 an expert witness and, under the rules of the Tribunal,
11 expert witnesses are allowed to be in the hearings.

12 THE CHAIRPERSON: That is possible,
13 but let's get to it. We're in the middle now of the
14 opening statement, so I will let Mr. Vigna complete his
15 opening statement and then you can discuss those
16 issues.

17 MR. VIGNA: I pretty much finished
18 Mr. Chair. I just wanted to mention that the
19 Commission will be seeking the remedies of a cease and
20 desist order, penalty and, more particularly in this
21 case, we'll ask for a section 54 in favour of Mr.
22 Warman because he was personally identified as an
23 individual on the websites. Mr. Warman will elaborate
24 on that.

25 UNIDENTIFIED SPEAKER: Excuse me,

1 sir, I can't hear you.

2 MR. VIGNA: We will ask for remedies
3 based on section 54, a cease and desist order, a
4 penalty, and also an award for Mr. Warman because he
5 was personally identified.

6 As far as the evidence, Mr. Chair,
7 since I have understood what Mr. Fromm has already
8 said, and we will get there when we get there, but we
9 will be objecting to any evidence that was not
10 announced and particularly an expert witness. It will
11 be highly prejudicial at this stage of the game, but
12 we'll get there when we get there.

13 THE CHAIRPERSON: Mr. Warman, do you
14 have an opening statement to make?

15 MR. WARMAN: I do.

16 Good morning. Mr. Chair, yesterday
17 was the anniversary of the proclamation by the General
18 Assembly of the United Nations of the Universal
19 Declaration of Human Rights on the 10th of December,
20 1948.

21 The Universal Declaration of Human
22 Rights includes the following passages. Article 1:

23 "All human beings are born free
24 and equal in dignity and rights.
25 They are endowed with reason and

1 conscience and should act
2 towards one another in a spirit
3 of brotherhood."

4 Article 7:

5 "All are equal before the law
6 and are entitled without
7 discrimination to equal
8 protection of the law. All are
9 entitled to equal protection
10 against any discrimination in
11 violation of this declaration
12 and against any incitement to
13 such discrimination."

14 Article 8 states:

15 "Everyone has the right to an
16 effective remedy by the
17 competent national tribunals for
18 acts violating the fundamental
19 rights granted him by the
20 constitution or by law."

21 Further on, article 29 sub (1)

22 states:

23 "Everyone has duties to the
24 community in which alone the
25 free and full development of his

1 personality is possible."

2 Article 30 states:

3 "Nothing in this declaration may
4 be interpreted as implying for
5 any state, group or person, any
6 right to engage in any activity
7 or to perform any act aimed at
8 the destruction of any of the
9 rights and freedoms set forth
10 herein."

11 As we know, the adoption of the
12 Universal Declaration of Human Rights followed the
13 tragedies and the horrors of the Second World War.

14 Later on, on the 20th of November,
15 1963, the General Assembly proclaimed the United
16 Nations Declaration on the Elimination of all Forms of
17 Racial Discrimination, stating:

18 "Considering that the Charter of
19 the United Nations is based on
20 the principles of the dignity
21 and equality of all human
22 beings, and seeks among other
23 basic objectives to achieve
24 international cooperation in
25 promoting and encouraging

1 respect for human rights and
2 fundamental freedoms for all,
3 without distinction as to race,
4 sex, language or religion..."

5 It continues:

6 "Considering that any doctrine
7 of racial differentiation or
8 superiority is scientifically
9 false, morally condemnable,
10 socially unjust and dangerous,
11 and that there is no
12 justification for racial
13 discrimination, either in theory
14 or in practice;

15 Convinced also that racial
16 discrimination harms not only
17 those who are its objects but
18 also those who practice it;

19 Convinced further that the
20 building of a world society free
21 from all forms of racial
22 segregation and discrimination,
23 factors which create hatred and
24 division among men is one of the
25 fundamental objectives of the

1 United Nation, proclaims this
2 declaration:

3 Article 1 stating
4 discrimination between human
5 beings on the ground of race,
6 colour, or ethnic origin is an
7 offence to human dignity and
8 shall be condemned as a denial
9 of the principles of the Charter
10 of the United Nations as a
11 violation of the human rights
12 and fundamental freedoms
13 proclaimed in the Universal
14 Declaration of Human Rights, as
15 an obstacle to friendly and
16 peaceful relations among nations
17 and as a fact capable of
18 disturbing peace and security
19 among peoples."

20 Article 9 states:

21 "All propaganda and
22 organizations based on ideas or
23 theories of the superiority of
24 one race or group of persons of
25 one colour or ethnic origin,

1 with a view to justifying or
2 promoting racial discrimination
3 in any form, shall be severely
4 condemned. All incitement to or
5 acts of violence, whether by
6 individuals or organizations,
7 against any race or group of
8 persons of another colour or
9 ethnic origin shall be
10 considered an offence against
11 society and punishable under
12 law."

13 Mr. Chair, I just think it's
14 important to harken back to what it is that section 13,
15 the prohibition on the use of the Internet to
16 disseminate hate propaganda, is based upon and why it
17 is that the international community of nations has come
18 together to prohibit such acts. I believe that those
19 should always be borne in mind in the back of our minds
20 during this hearing.

21 Thank you.

22 THE CHAIRPERSON: Thank you. Yes?

23 MR. VIGNA: I wanted to mention, I
24 don't know if the respondents identified themselves.

25 THE CHAIRPERSON: For the purposes of

1 the record.

2 MR. VIGNA: Yes.

3 THE CHAIRPERSON: We may have skipped
4 that process, that's true, but I certainly know who
5 they are and I think the court reporter knows who they
6 are too.

7 THE CHAIRPERSON: Mr. Fromm, I
8 understand that you're the agent for Ms Beaumont?

9 MR. FROMM: That's correct.

10 THE CHAIRPERSON: Do you wish to make
11 an opening statement at this time or does Ms Beaumont
12 wish to make an opening statement?

13 MR. FROMM: I wish to make an opening
14 statement.

15 THE CHAIRPERSON: Please go ahead at
16 this time.

17 MR. FROMM: May I have two minutes to
18 put something together?

19 THE CHAIRPERSON: Do it right here.
20 Would you rather be seated while you make your opening
21 statement?

22 MR. FROMM: No.

23 THE CHAIRPERSON: Mr. Fromm.

24 MR. FROMM: Sir, acting on behalf of
25 Ms Jessica Beaumont, I want to indicate that we are

1 proceeding under protest, that the decision to sever
2 her from her friend or boyfriend, Ciaran Donnelly, and
3 that was the defence that they had prepared, that the
4 charges were to be heard together, has put her at a
5 complete disadvantage.

6 Before I outline our case, I would
7 like to outline why we're proceeding under protest.

8 The protest has to do with what I
9 believe is the fundamental violation of Ms Beaumont's
10 rights to a fair hearing, a fundamental violation of
11 her right to natural justice.

12 Where to begin? Well, for one thing
13 she is not represented. I am her agent. I got
14 involved in this case very late in the day. Most of my
15 efforts have been directed to attempting to have the
16 hearings adjourned, not as perhaps one that the
17 complainant might suggest for reasons of trying to
18 delay proceedings but for the very good reason that
19 Ciaran Donnelly is very seriously ill. Up to now, that
20 had been my involvement.

21 I was quite frankly flabbergasted to
22 learn that, regardless of his medical condition, the
23 hearing would go ahead against Ms Beaumont today. Very
24 late in the day, when we still thought that the hearing
25 might not occur until the new year at some point, we

1 were offered the assistance of an expert witness. I
2 will come back to that later. That is the reason that
3 we have not been able to follow the rules outlined in
4 section 6.

5 I never thought that, considering
6 that the man was so ill and that the two cases -- that
7 they were being charged together, that this hearing
8 would go on today. That's the first point.

9 Secondly, Ms Beaumont has not had the
10 opportunity to have proper legal advice. I am very
11 much second best. I am here, of course, at my own
12 expense. I can offer some assistance perhaps to her
13 because I have been involved as an intervenor going
14 back to the Zundel case and the John Micka case, the
15 Mark Schnell versus Micka is the name of the case, and
16 that's M-i-c-k-a, and in the Zundel case it was Sabina
17 Citron, C-i-t-r-o-n, and the Toronto Mayor's Committee
18 on Community and Race Relations versus Ernst Zundel,
19 and other cases as well.

20 While I do have some knowledge of
21 section 13.1, it is certainly a section of the law that
22 I think any country dedicated in any way, shape or form
23 to freedom should hope to some day get rid of. But all
24 that aside, I am not really in a position to provide
25 her with proper legal counsel. So, why doesn't she

1 have proper legal counsel? It is a four-letter word.
2 It is not one that you can be ashamed to write: Poor.
3 Like all but one of the section 13.1 victims, and the
4 only exception was Ernst Zundel, the Commission has
5 chosen to proceed against respondents who are white,
6 who are poor, and almost all, like Ms Beaumont, young;
7 young and white and poor. She can't afford a lawyer.
8 She can barely pay her rent.

9 I know that certainly Mr. Vigna, Mr.
10 Warman and you, sir, are men of the world. You have a
11 pretty good idea what a lawyer would be likely to
12 charge for the preparation time necessary for Ms
13 Beaumont's case and for the three or four days that
14 we're here. I don't think a figure of \$8,000 to
15 \$10,000 would be at all out of line. She can't
16 consider \$800, let alone \$8,000 to \$10,000.

17 So, she comes before you at a huge
18 disadvantage, unrepresented. Now, I could have made a
19 motion and I have done this at another Tribunal, and I
20 am advised on good authorities it is based on good
21 authorities, and that's the decision of the Supreme
22 Court and the Okanagan Indian Band, where the Indian
23 band was charged, I believe, for logging offences, and
24 at the court of first instance they said they were
25 impoverished, they weren't able to defend themselves,

1 they were duly convicted. They appealed to the B.C.
2 Court of Appeal. The Court of Appeal said the
3 conviction was unjust, that they had a right to legal
4 counsel, and they directed that legal counsel be
5 provided for the Indian band. This was appealed all
6 the way to the Supreme Court of Canada, and the Supreme
7 Court of Canada upheld that judgment.

8 I have made this suggestion, made
9 this as a motion at two previous Tribunals and didn't
10 seem to get anywhere. But it seems to me that based on
11 that, Ms Beaumont is entitled to legal representation.
12 She can't afford it. Legal Aid does not cover civil
13 matters. She is essentially appearing before you
14 unrepresented. That is certainly, in my submission, a
15 denial of her Charter rights. This is something that I
16 think will be argued on a constitutional challenge in
17 another place.

18 She cannot, because of lack of
19 representation, present a proper case. In fact, it is
20 not even entirely clear to me what has been sent on to
21 the Commission because you are asking a 20-year old
22 girl, young lady, 20-year old young lady, to understand
23 legal procedures and legal issues that are very, very
24 arcane and require quite a background.

25 I think time is long past in this

1 country, when we said about an accused, oh, too bad if
2 that person is too poor to afford counsel, we are just
3 going to proceed anyway. Even in the criminal courts,
4 an accused appears before a judge, the judge is under
5 some obligation to try to help that person.

6 There is no such obligation here.
7 So, her right to a fair hearing on that basis alone has
8 been denied.

9 Secondly, and I think this will be
10 raised in another place, but I want this on the record,
11 the requirements under the Canadian Human Rights Act
12 for a Tribunal member are discriminatory and
13 prejudicial against the interests of the respondent in
14 a 13.1 case, because the member is required to have
15 special interest in and sensitivity to human rights.
16 As so very ably outlined by Mr. Warman, that's minority
17 rights, special rights, not individual rights, rights
18 like Ms Beaumont's, rights guaranteed under sections
19 2(a) and (b)B of the Charter to freedom of speech,
20 freedom of expression, freedom of belief, and I'm not
21 sure she would be invoking it, but freedom of religion,
22 but most of all freedom of expression and freedom of
23 belief.

24 This is not meant in any personal
25 way, sir, against you, but the process by which you

1 were selected, the qualifications that you had to
2 submit to obtain your appointment are such that the
3 interests of individual rights, the rights which are
4 very much in conflict with group rights, the group
5 rights basically not to be criticized, which is at the
6 end of the day I will argue 13.1 has come to mean, the
7 group right to have a free pass from criticism and
8 public debate is in dreadful conflict with the
9 individual right to have a belief and to be able to
10 express that belief.

11 The process, sir, under which you
12 were selected is discriminatory and prejudicial to Ms
13 Beaumont's rights in this case.

14 I am going to invite you, at the end
15 of the day, to find that these proceedings are
16 vexatious and frivolous, frivolous in that what you're
17 going to look at are in-house Internet communications
18 among people of like-minded views, whether you like
19 their views or not. So it's a specialized audience.
20 They're the views expressed by a 20-year old young
21 lady.

22 I am going to ask you, sir, as a man
23 of the world, man with I hope some judgment of the way
24 things really are, are the views expressed in-house of
25 a 20-year old young lady really likely to expose any of

1 the mentioned groups to hatred or contempt? Not to be
2 dismissive, but does anybody really care?

3 What was the impact? I think the
4 optics, sir, of these proceedings are terrible. The
5 full might of the Canadian government and experienced
6 counsel, Mr. Vigna for the Commission, Mr. Warman, the
7 complainant in so many cases, beating up on a 20-year
8 old girl for expressing herself.

9 I am going to invite you at the end
10 of the day to look at what has gone on, to look at what
11 she said and to say is this a message we really want to
12 be sending to young people? For generations, the older
13 generation have always griped about the younger
14 generation, that all they're interested in is partying
15 and dating and drinking and that the affairs of the
16 country may be in turmoil, but the younger generation
17 is not interested.

18 Well, we have an exception here. We
19 have a young lady who for a number of years has taken
20 an interest, has informed herself of certain things.
21 She is upset about immigration. She is upset about
22 some of the changes she sees in the country she grew up
23 in. Instead of adopting an attitude of whatever, let's
24 party, dude, she took it upon herself to involve
25 herself with the issues, to express herself. Are these

1 the views of a balanced learned Ph.D. who can qualify
2 his words? No. But should she be punished?

3 Fifty years ago, in the Dominion of
4 Canada, when we still had the red ensign, this country
5 would have given this young lady a medal. She probably
6 would have gotten the Lion's Club Young Citizen of the
7 Year award because she took an interest. Does that
8 mean everything she says is right? Probably not. But
9 we used to take the view that young people ought to be
10 given a little bit of latitude.

11 They're going to say some
12 off-the-wall things. They're going to go a little bit
13 overboard, but that's part of what growing up is. We
14 used to say for a young person to take an interest,
15 good on her, good for her, which brings me to the
16 question: What are we doing on a rainy Vancouver
17 morning at a Canadian Human Rights Tribunal instead of
18 saying, good on you, hope you continue to take an
19 interest and, as time goes on, you may modify your
20 views a little bit, but good for you.

21 Instead of that, we are told from Mr.
22 Vigna what the Commission is seeking is a cease and
23 desist order, a fine. I can tell you right now she
24 can't pay a fine. And section 54, what's that? Well,
25 she mentioned Mr. Warman. She hurt his feelings.

1 There does seem to me to be an
2 imbalance here, sir, between a 20-year old young lady,
3 just starting out with a job that can barely support
4 herself in serious emotional turmoil because her
5 boyfriend, who is also charged with her, is having a
6 bad bout with cancer and an experienced Ottawa lawyer
7 who has made complaint after complaint after complaint
8 seeking some form of retribution because she mentions
9 his name.

10 This I suggest, sir, is not the way,
11 as Mr. Warman was suggesting in terms of the UN
12 Declaration of Human Rights, to build a better world.
13 It will build a world, though, where young people will
14 get the message, and that is shut up. That doesn't
15 mean you don't think things; you just shut up or you're
16 a bit more careful of how you say things. Is that the
17 message we want to convey?

18 I am perhaps sketching this in broad
19 terms. We are proceeding under protest. I'm not the
20 representative that Ms Beaumont ought to have. She
21 ought to have a lawyer. She's too poor. That's the
22 basic reality.

23 In terms of our case, we are going to
24 be arguing that the expressions of Ms Beaumont, who is
25 a straight-forward, honest young lady, she doesn't deny

1 she posted certain things, she is honest, she owns up
2 to what she does, which in a repressive state is
3 perhaps not the brightest thing for her to do, but that
4 is what she has done. So she comes before you saying,
5 yes, those are my views or maybe those are a quotation
6 for my views.

7 I am going to be asking you, sir, to
8 look at the entirety of the expression because no
9 expression exists in a vacuum. So, what was the forum,
10 where was this set, and then what was the likely
11 impact?

12 For that, sir, you're going to have
13 to look at a contextual analysis. As if I understand
14 from the Commission's case, they will be assisting you
15 in that. They will be providing you with Mr. Warman
16 who will tell you the passages he didn't like and that
17 will be their evidence, and you will be invited to come
18 to some conclusion on your own.

19 I see this as an extremely dangerous
20 trend in section 13.1 cases. The original first few,
21 the ones in the old days when section 13.1 referred to
22 telephone answering machines essentially, the Taylor
23 case, the Tony McAleer case, and then the two cases
24 that were kind of borderline, that was Zundel and Mark
25 Schnell versus Micka, at that point the Human Rights

1 Commission was claiming it had jurisdiction over the
2 Internet and that was very much debatable. That was
3 clarified regrettably in the fall of 2001 when
4 Parliament turned over control of the Internet to the
5 Human Rights Commission.

6 But in those cases and I believe in
7 the one case in which you were involved in, sir, which
8 was Richard Warman versus Richardson and Kulbashian, et
9 cetera, an expert witness was led to assist the
10 Commission in looking at these expressions and coming
11 to a conclusion.

12 Here's an expression, but does it
13 breach the Act? Is it likely, whatever that means, to
14 expose to hatred or contempt, whatever those are, these
15 particular groups?

16 In more recent cases the Commission
17 has simply said, well, we don't even need to do that.
18 We're just going to go right ahead. We would like to
19 lead an expert witness who would give you, in terms of
20 context, expressions are made in a certain place at a
21 certain time. The F word, for instance, in the House
22 of Commons or in a learned assembly would be highly
23 inappropriate. In certain bars it's probably a
24 perfectly legitimate way to communicate. So, context
25 is everything.

1 We wish to lead an expert witness who
2 may be able to assist you in terms of what the context
3 of those expressions are and what the likely reaction
4 would be at this time.

5 So, those would be my opening
6 submissions, sir.

7 THE CHAIRPERSON: Thank you, Mr.
8 Fromm. You have raised the issue about this individual
9 who I previously asked to step outside.

10 MR. FROMM: Yes.

11 THE CHAIRPERSON: That's the end of
12 the opening statements. I think it might be sound to
13 deal with that issue of the witness.

14 I am familiar with a letter that I
15 believe you sent, Mr. Fromm, to the Tribunal Registry,
16 which we forwarded on in the ordinary course of how we
17 deal with section 13.1 complaints at the Tribunal.

18 To my recollection, this was a letter
19 that was sent on December 4th or 3rd, I believe,
20 stating that you might be calling an expert this week.

21 MR. FROMM: Yes, that is correct.

22 MR. VIGNA: Mr. Chair, in fact, I am
23 objecting to the calling of the expert. I would like
24 to know what kind of expert. I am looking at the
25 material here.

1 THE CHAIRPERSON: This is the only
2 material I had. What has transpired after this? Let's
3 bring it out into the open.

4 Mr. Fromm, after this letter was sent
5 to the Tribunal, this was a December 3rd, 2006 letter
6 addressed to Ms Joyal, at the Registry of the Tribunal,
7 and as is the practice of the Tribunal with section 13
8 complaints, we act as intermediaries for all parties.

9 So this letter would have been sent
10 on to the Commission and Mr. Warman. Thereafter, Mr.
11 Fromm, did you follow up with an expert report or a
12 motion or something?

13 MR. FROMM: No, I did not.

14 THE CHAIRPERSON: A letter, anything?

15 MR. FROMM: Well, we learned on the
16 1st of December that this hearing would be proceeding.

17 THE CHAIRPERSON: Let me back you on
18 that because you made some statements and I want to be
19 clear on the record from the Tribunal's perspective.
20 Mr. Fromm, Ms Beaumont, this case had originally been
21 set down I believe back in the summer or spring to take
22 place on dates in October 2006.

23 Some weeks prior to that date the
24 Tribunal was notified that Mr. Donnelly would be
25 undergoing surgery at a certain point in time. So the

1 Tribunal called, if I recall, a conference call
2 together, at which time first Mr. Donnelly had not
3 appeared, then he later appeared on a call.

4 If I recall, some document was
5 submitted to show that he was undergoing surgery. I
6 believe, in fact, the surgery ended up being
7 contemporaneous with that call. The Tribunal, given
8 those facts, decided to adjourn the hearing.

9 We were given to understand, as I
10 recall, that call to have been -- it was not
11 recorded -- that he would be indisposed for about six
12 weeks or so. That's what he indicated to us during the
13 telephone call.

14 With that period in mind, the
15 Tribunal decided to adjourn at that point both files
16 together. One of the factors discussed during that
17 call, as I remember distinctly, was the short duration
18 of the adjournment.

19 A finding was made by the Tribunal to
20 adjourn, notwithstanding the objections being made by
21 Mr. Warman. I don't know if the Commission was
22 objecting or not, but certainly Mr. Warman objected
23 quite strongly and yet we postponed the hearing.

24 Another call was conducted, Mr.
25 Fromm, as I recall. Part of what had been said during

1 the first adjournment order was that Mr. Donnelly keep
2 the Tribunal informed of his condition and of his
3 prognosis. He did not do so. I asked numerous times
4 Ms Joyal what was going on with the file and she had
5 left messages, she had told me, and Mr. Donnelly had
6 not gotten back.

7 We made another call at some point in
8 time, I think it was the month of November, and Mr.
9 Donnelly then indicated that he would be better by the
10 end of the month of November. We canvassed the parties
11 for their dates of availability. Mr. warman was rather
12 insistent that the hearing be conducted in the week of
13 December 4th, and he was not available, he indicated,
14 for another week when everyone else was available in
15 January, he was not as available, and you indicated,
16 Mr. Fromm, that you were not that available this week.
17 But we set aside those dates.

18 I undertook to speak to the Registry
19 to try to find you those dates. The Tribunal at the
20 time -- and that was clearly said -- the Tribunal did
21 not have availability at that period, but I said I
22 would try our best. As luck would have it, some weeks
23 later this week freed itself up. I felt bad that I had
24 been so dilatory in getting back to the parties about
25 what date we would set down of the three options that

1 they had put to us, and we told the parties of that
2 date.

3 I was rather surprised afterwards to
4 hear that the immediate response on the part at least
5 of Mr. Donnelly, I guess through you, Mr. Fromm, was
6 surprise, how come this case was being set down when,
7 quite clearly at that call in November, we were told
8 that these are the dates of availability and I had
9 undertaken to find you dates. When I finally was able
10 to find dates within the requested time period, and I
11 was pleased that we could accommodate the parties, and
12 then have to be told how could we possibly be setting
13 down dates when it was coming out of the blue which was
14 the suggestion being made, I was rather surprised.

15 In any event, we set the hearing down
16 to continue at this time, given the previous
17 discussions.

18 You indicated to us, Mr. Fromm,
19 through the Tribunal Registry, that Mr. Donnelly was
20 still not well and that, as you recall, we had a
21 conference call, was it one or two that we had
22 recently. Initially I felt Mr. Donnelly did not
23 provide sufficient indication of what the additional
24 illness was. You were then able to produce to us a
25 very detailed medical report indicating his disability

1 at this time and that his prognosis is very long term,
2 it would seem.

3 Given those circumstances, we had no
4 choice but to continue with the other file.

5 Mr. Fromm and Ms Beaumont, I went
6 through this file quite clearly, and there were two
7 separate complaints filed. The two are clearly
8 unrelated. What was key was just a question of
9 resources. As you had indicated at one point, it made
10 sense to do them at the same time. There was a Joint
11 Statement of Particulars, though, in retrospect they
12 are raising the same kinds of issues that you just
13 raised right now. I don't see how that was negatively
14 affected by the absence of Mr. Donnelly here today.

15 All this to say that it's been made
16 quite clear from early on that we would be proceeding
17 as of October. You were to proceed in the month of
18 October. There was a delay granted until either the
19 week of December 4th or the week of December 11th or a
20 week in January. That is what we had said at that
21 call. I, at the Tribunal, with some difficulty,
22 accommodated that request.

23 Then I am told that Mr. Donnelly was
24 not physically prepared to sit at the hearing and we
25 have adjourned it with regard to his complaint.

1 All that being said, I just wanted to
2 make that clarification. We have this letter that came
3 about the same time as our recent discussions about the
4 hearing dates where you indicated that you wanted to
5 call an expert.

6 My question was: Our rules require
7 that before an expert testifies, an expert report must
8 be filed. It doesn't require any specific formality in
9 terms of how the report will look. We have seen
10 reports that are basically letters that have been
11 filed. Some people sometimes take extracts of material
12 that they have posted on the Internet to make their
13 expert's reports, but that is a requirement under our
14 rules as a matter of fairness.

15 Was anything disclosed of that
16 nature?

17 MR. VIGNA: Mr. Chair, it's the first
18 time I hear about this letter. I asked. The
19 complainant did not seem to receive this letter.

20 THE CHAIRPERSON: You did not receive
21 this letter? It was not forwarded to you.

22 MR. VIGNA: I honestly did not
23 receive it. I looked in my file to see if there was
24 a --

25 MR. WARMAN: I think there's a

1 mistake between the letter and the materials that Mr.
2 Fromm has just distributed.

3 THE CHAIRPERSON: I am talking about
4 this letter. This is what I am referring to. The
5 Tribunal received this letter dated December 3rd. I
6 can see it was faxed to our office.

7 MR. VIGNA: If I actually may see the
8 letter.

9 THE CHAIRPERSON: It was faxed to our
10 office, that's wrong, it says November 19th, but that's
11 an incorrect date on the top there. That's not our fax
12 machine. It's someone called Diane King. Her fax
13 machine says November 19th.

14 A copy was remitted to me on December
15 4th it says here.

16 REGISTRY OFFICER: It was sent to the
17 parties, and I believe that at the bottom of this
18 letter Mr. Fromm requested acknowledgement of receipt
19 by e-mail, and I did acknowledge that we had received
20 it and it was forwarded by e-mail, with a copy of the
21 letter scanned, to both the complainant and the
22 Commission counsel.

23 THE CHAIRPERSON: That would have
24 occurred, as I say, on or about December 4th, maybe
25 December 5th. The letter said.

1 "Dear Ms Joyal.
2 Please bring to the attention of
3 Member Hadjis, the case manager
4 in this matter, and the other
5 parties the more detailed letter
6 obtained from Dr. Kokum."

7 That's the letter to the doctor's
8 letter.

9 Then there's a second paragraph:

10 "Also, please advise the parties
11 that should we be compelled to
12 proceed against Jessica Beaumont
13 on December 11th, I shall be
14 tendering an expert witness in
15 the matter of communications. I
16 hope to have the report to the
17 parties by late Tuesday,
18 December 5th, 2006."

19 That's what I am referring to. Did
20 this report make to it the hands of the parties by
21 December 5th?

22 MR. FROMM: It didn't make it by
23 December 5th. I have only been able to get it together
24 for today. I have given both Mr. Vigna and Mr. Warman
25 Jud Ireland's curriculum vitae and his report. I think

1 you are asking in what sense is he an expert or what
2 would we like to tender him as an expert about?

3 THE CHAIRPERSON: Yes.

4 MR. FROMM: It deals with the impact
5 of the communications that Ms Beaumont has posted on
6 the Internet.

7 THE CHAIRPERSON: Yes. My
8 understanding of the question, given my experience with
9 other experts, is you're tendering him as an expert in
10 what?

11 MR. FROMM: An expert in
12 communications. His background is in communications.
13 He may be able to assist you in giving an opinion as to
14 what the impact of those words are because, at the end
15 of the day --

16 THE CHAIRPERSON: Can I have you
17 elaborate on communications? Is it writing or oral
18 communications or electronic?

19 MR. FROMM: His major forte has been
20 in written communications. He has been in a position
21 to advise some politicians here in the province of
22 British Columbia. So it will be, I think, his evidence
23 that he has a pretty good sense of what the impact of
24 written words would be.

25 THE CHAIRPERSON: His name again for

1 the record?

2 MR. FROMM: Is Jud Ireland as in the
3 country.

4 THE CHAIRPERSON: So, you have only
5 handed over this report --

6 MR. FROMM: Yes. Again, because I
7 might quarrel a little bit with the sequence of events
8 that you outlined, sir, only to the extent that it was
9 indicated all along that Mr. Donnelly was seriously ill
10 and any projections of will he be well by such and such
11 a date never came from the doctor. I think the figure
12 of six weeks was something Mr. Donnelly may have given
13 you.

14 THE CHAIRPERSON: He's the party;
15 he's the person who is communicating.

16 MR. FROMM: When it's an issue of
17 surgery and cancer, I really doubt that a layman's
18 opinion is worth a whole lot. The fact is he is
19 seriously ill and he indicated that to you and finally
20 got you the documentation from the surgeon that you
21 required.

22 It was on that basis that I really
23 did believe we would have more time to be able to give
24 the other parties proper notice.

25 THE CHAIRPERSON: I understand.

1 MR. FROMM: It's very difficult to
2 get a witness.

3 THE CHAIRPERSON: I understand. The
4 issue on the expert's report, it's a broader issue. I
5 appreciate what your discussions were about Ms Beaumont
6 being unrepresented without counsel, but I must tell
7 you this is not the first or the last case of not only
8 section 13, numerous provisions of the Act, where
9 respondents come before the Tribunal not even with the
10 assistance of someone as informed as yourself, Mr.
11 Fromm, to defend themselves and successfully.

12 Mr. Vigna has appeared before me a
13 couple of times where the respondents were
14 unrepresented, and they were successful in winning
15 their cases. The Tribunal works to accommodate all
16 parties. We try to make the process as straight
17 forward as possible. There is a binder that we hand
18 out to all parties in simple language setting out
19 exactly how the process works.

20 One of the points that is made in
21 that binder, as well as in our more formal looking
22 rules that I hold in my hand, is that you can't call an
23 expert without first setting out what that person is
24 going to say in advance. You can't call any witness
25 without first advising the other side what the witness

1 is going to be saying.

2 It says quite clearly that the dates
3 when that notice has to be provided are set out by the
4 Tribunal. In this case, they don't fall readily at
5 hand to me, but I believe it was over the course of the
6 summer on the respondent's side. That's the date when
7 you're supposed to tell the other side whom you intend
8 to call and what those people will be saying.

9 You can make exceptions, and the
10 Tribunal is certainly prepared to hear motions when
11 asked, but you don't have that right as of right under
12 any circumstances. It has to be asked of the Tribunal,
13 and at that point the effects of that request will be
14 taken into account.

15 You are actually physically handing
16 over the summary of this person's testimony to Mr.
17 Vigna and Mr. Warman this morning. I must say, it
18 clearly doesn't fall within the parameters of what are
19 set out in our rules. It can raise questions of
20 fairness, I can certainly see that. You can understand
21 that.

22 Whether we were proceeding in
23 December or January, that would have been too late.
24 That may have been too late in any event. This should
25 have been dealt with earlier. We knew we were going to

1 proceed in October; we thought we were going to proceed
2 in October. There was no reason to think otherwise, if
3 this expert was going to come forward.

4 I haven't had a chance to hear from
5 Mr. Warman or Mr. Vigna yet, but I can predict that
6 that will be their arguments, anticipated.

7 Mr. Warman or Mr. Vigna. Go ahead.

8 MR. WARMAN: I believe it was quite
9 clear in the responses that were submitted by both the
10 Commission and myself that this would be strongly, to
11 put it mildly, objected to.

12 THE CHAIRPERSON: Yes, I neglected to
13 refer to that. There was a letter that came afterwards
14 where you said you would be objecting to it.

15 MR. WARMAN: This is in no way even
16 remotely in compliance with rule 9 with regard to the
17 submission of expert witness testimony, expert witness
18 reports, the opportunity for reply, the opportunity to
19 submit. There is in fact no expert witness report that
20 has been submitted today or at any time in the past.

21 THE CHAIRPERSON: What is this
22 document? I have not had a chance to see the document.
23 Is there any objection that I look at it even if it's
24 for the purpose of our discussions here today?

25 MR. VIGNA: I don't have any problems

1 with that.

2 MR. WARMAN: I certainly have no
3 objection.

4 THE CHAIRPERSON: Let's pass it up so
5 I know what we're talking about. It's a bundle of
6 sheets. I am informed that the date for the
7 respondent's disclosure, which means the date when the
8 respondents, Ms Beaumont and Mr. Donnelly, was supposed
9 to inform the other side and the Tribunal of their case
10 and who their witnesses would be was received in fact
11 on May 3rd, a joint letter. It was actually a very
12 well-prepared document setting out the facts and issues
13 from the perspective of the respondent, and I believe
14 it had indicated that there may have been one witness,
15 Ms Saltman, who may be called to testify. That was on
16 the list of witnesses that the respondents together had
17 indicated. I say respondents. I am referring to the
18 other respondent, Mr. Donnelly.

19 Getting back to this document, this
20 is the document in front of me that you handed up.

21 MR. WARMAN: Documents, yes.

22 THE CHAIRPERSON: Documents. So
23 there's a cover --

24 MR. WARMAN: There's what purports to
25 be a curriculum vitae which indicates solely Mr.

1 Ireland's contact details, his age, his citizenship,
2 the fact that he is a numerologist, political research
3 and writer, and a few other assorted details.

4 This is followed by something that
5 states it is a modern history test in what appears to
6 be a forwarded e-mail, which appears to have little, if
7 anything, to do with this case.

8 There is then what appears to be
9 something with a 10/06 at the top of it. Then "Jud
10 comma". It is difficult to ascertain exactly what that
11 is intended to be, apart from what may be described as
12 a series of possible questions.

13 Then there is a longer document that
14 appears to be some sort of letter to the Prime Minister
15 about the Chinese head tax issue. Again, I'm at a bit
16 of a loss to understand what if any relevance that may
17 have.

18 THE CHAIRPERSON: Is this all one
19 document? Okay, that appears to be what I have in
20 front of me. I will turn to you, Mr. Fromm, if you
21 want to elaborate.

22 MR. WARMAN: My point is simply that
23 there is no expert report before us even today.

24 THE CHAIRPERSON: I understand, Mr.
25 Warman.

1 MR. VIGNA: Mr. Chair, if you look at
2 the document in terms of the curriculum vitae, I would
3 even object to the qualifications as an expert. It is
4 very rudimentary even as a resume.

5 Secondly, announcing this kind of
6 expert, if he would be qualified which is not what I am
7 saying, at this stage of the game would be highly
8 prejudicial because we would want to obviously call a
9 counter expert. But I am contesting the qualifications
10 as an expert.

11 Thirdly, on the issue that Mr. Fromm
12 made a big point about a lawyer and not being able to
13 have a lawyer, I would refer to the chronology of when
14 the complaint was referred. It was about a year ago.
15 So there has been ample time to do any efforts in that
16 direction. And also the case was adjourned the first
17 time in October. We were under the understanding that
18 we would proceed. The only reason they were put
19 together was for costs, not for anything to do with the
20 facts or the evidence in the case. So there is no
21 prejudice there.

22 I just wanted to mention that for the
23 purposes of the record.

24 THE CHAIRPERSON: In fact, I believe
25 that there were three complaints originally referred by

1 the Commission. The Commission's letter of referral
2 had requested that three complaints be heard together,
3 and then one complaint I think at the request of the
4 respondents against Mr. Tremaine had been severed from
5 this one.

6 MR. VIGNA: Correct.

7 THE CHAIRPERSON: Mr. Fromm, it's
8 true, I am looking at this. Please don't think that
9 we're extremely formalistic here. We try to be as
10 informal as possible, but there are some basics. I
11 don't even see those basics here in this document, not
12 to mention the delay issue.

13 Quite simply, it doesn't meet any of
14 the requirements, not on the time frame, not on what
15 the document is itself.

16 But what I am wondering is perhaps
17 can you summarize in summary what this person would be
18 testifying to because perhaps there can be an
19 acknowledgement from the Commission or Mr. Warman on
20 the point you are trying to make.

21 I understood you in your opening
22 statements to say something about context, that it's
23 very important to look at the context of what those
24 messages were saying. I can appreciate that. I am
25 thinking that that is an argument that can certainly be

1 put forth whether or not you have an expert in here.

2 You alluded earlier to the fact that
3 there was an expert who testified in the Warman versus
4 the Kulbashian and Richardson file. You will recall in
5 my decision that not much weight or very little weight,
6 if any at all, was given to that evidence because the
7 Tribunal felt that it was a matter that could be
8 addressed, the issues raised by that expert witness
9 were matters that the Tribunal was able to address
10 itself, given the nature of its mandate.

11 Perhaps what you are suggesting here
12 is that when looking at the material that is going to
13 be put before the Tribunal, one should look at the
14 context of that material. That might be something that
15 you could certainly raise in argument. I am just
16 putting that thought out there for you.

17 Right now on its face, I must say,
18 this does not meet the ordinary criteria one would
19 expect of an expert report.

20 MR. WARMAN: Mr. Chair, if I may, I'm
21 a little concerned. On the document numbered 10/06 at
22 the top left that starts "Jud," it states:

23 "There is really little here to
24 go on.

25 - In all such cases, the

1 accusation is usually sufficient
2 to get a conviction. So in many
3 ways you are flogging a dead
4 horse.

5 - Discrediting the accuser would
6 help if that were possible.

7 - Ms Beaumont is a bit extreme,
8 emotionally so, rather than
9 rationally so."

10 THE CHAIRPERSON: I don't think you
11 need to go further. I see what you're saying. This
12 seems to be a statement of opinion of how the file
13 should go.

14 MR. WARMAN: This appears to be a
15 direction to the purported expert witness on how to
16 prepare their testimony.

17 THE CHAIRPERSON: I understand.
18 These are the types of issues that have come up with
19 other experts as well before the Commission.

20 MR. WARMAN: But the content of this
21 is clearly problematic in the extreme.

22 THE CHAIRPERSON: Go ahead, Mr.
23 Fromm. I would like to hear from you.

24 MR. FROMM: First of all, obviously I
25 didn't write the expert report. As I think your

1 comments and jurisprudence indicate, experts march to
2 their own drummer and produce a report as they see fit.

3 What the point would be, and
4 apparently different from Warman versus Richardson and
5 Kulbashian, with expert witness Frances Henry basically
6 I believe gave you a presentation on racism and I think
7 it was your feeling that that didn't directly relate to
8 the communications.

9 THE CHAIRPERSON: There was an
10 ultimate issue there as well.

11 MR. FROMM: What Mr. Ireland I would
12 hope would be talking about would be the impact of the
13 communications that are complained about, and that
14 would be of assistance.

15 Mr. Vigna said the Commission would
16 be at a disadvantage. Actually, the Commission has had
17 an opportunity from the very beginning to lead an
18 expert witness who might assist you in terms of the
19 communication. I am the first to realize that this is
20 very late in the game.

21 I did not prepare the Statement of
22 Particulars. I was not involved in the case at that
23 time. That would of course have been the time to have
24 given notice of an expert witness, if indeed the
25 respondents at that time, in this case the respondent,

1 had such an expert witness. They didn't.

2 THE CHAIRPERSON: When did you first
3 become involved, Mr. Fromm? It has to be months now.
4 I have been communicating with you on conference calls
5 for months.

6 MR. FROMM: If I recall, it was
7 probably in September.

8 THE CHAIRPERSON: That's a fair bit
9 of time. Can there be any more later minute than the
10 middle of a hearing?

11 MR. FROMM: No, there probably can't
12 except at the end of the hearing. But it is not that
13 easy a thing for people who are not involved on a
14 day-to-day basis, like Mr. Vigna, Mr. Warman, to come
15 up with expert witnesses. This is new territory for a
16 lot of people.

17 THE CHAIRPERSON: I understand, but
18 Mr. Fromm you're experienced at this. You have
19 intervened in numerous files, as you have indicated. I
20 am familiar with at least another one that you've
21 intervened on that I'm working on. You're not new to
22 this. I understand the parties may have been new but
23 you have been involved since September.

24 The basic notice, that letter that
25 you sent on December 5th, could have been sent before

1 October, when this case was scheduled for hearing.

2 MR. FROMM: If we had had such an
3 expert witness, you certainly would have had it.

4 THE CHAIRPERSON: Mr. Fromm, I
5 appreciate what you're saying, but really, given the
6 context, I cannot see how I can permit. The issues of
7 fairness are huge here.

8 MR. FROMM: But what about fairness
9 to the respondent?

10 THE CHAIRPERSON: The fairness to the
11 respondent is there. The case was referred a year ago
12 to the Tribunal. As I say, she's not the first
13 respondent nor complainant, by the way, to show up
14 unrepresented. Complainants, due to the Commission's
15 decision to not show up in many hearings, complainants
16 are presenting cases on their own frequently these days
17 at the Tribunal. So, the Tribunal does do a lot to
18 accommodate the respondents and complainants who are
19 not represented by lawyers.

20 We have a process that far exceeds
21 what one can find in most other legal instances across
22 this land. It's quite clear in all our documents, it's
23 on our website, everywhere that if you want to bring
24 someone to testify, even if we weren't talking about an
25 expert, just any witness, you have to mention who that

1 person is and give a summary of that person's evidence
2 before the hearing begins.

3 The respondents here did. They
4 mentioned a Ms Saltman. She was listed as a potential
5 witness. I believe at a subsequent conference call it
6 was indicated that she would not be testifying or
7 somebody indicated that Ms Saltman would not be
8 testifying. I don't remember who it was in particular
9 at this point.

10 I was aware in going through my file
11 again the other day that Ms Saltman would not be
12 testifying because I had heard it during a conference
13 call. But beyond that, I'm sorry, I cannot allow the
14 expert to testify with such -- this so-called expert, I
15 should say, I have not identified the person as such,
16 where the document that has been handed over does not
17 even state the nature of the evidence that the person
18 will be giving, nor what that person's expertise is in,
19 nor does it really provide a detailed curriculum vitae.
20 It's seems rather general.

21 So, taking all those factors into
22 account, I can't see how I can allow that person to
23 testify at this time.

24 But as I say, issues that this person
25 has raised maybe you could address them in other

1 manners, sir.

2 MR. FROMM: I would like to clarify
3 two things. First of all, I think you said respondents
4 frequently come unrepresented and win.

5 THE CHAIRPERSON: Yes.

6 MR. FROMM: But not in 13.1 cases.
7 No respondent has ever won a 13.1 case.

8 THE CHAIRPERSON: There is always
9 time for a first time. Mr. Fromm, you have raised some
10 very interesting points in your opening statements. I
11 think you should pursue, in order to engage in the
12 debate here. I am not sure that -- I don't know what
13 evidence you will be leading.

14 MR. FROMM: Well, none. We are not
15 allowed to.

16 THE CHAIRPERSON: That's not a fair
17 statement, Mr. Fromm, because this question was asked
18 by me during a conference call to, I believe you were
19 on the call but certainly the respondents were on the
20 call: Will you be leading any evidence, and we were
21 told, no, Ms Saltman will not testify and we will not
22 be leading any other evidence, as a result of which
23 correspondence was sent by Mr. Warman and Mr. Vigna
24 indicating that, in their opinion, given that fact, the
25 case was now shortened from four days down to one

1 because of that statement that was said. In their
2 opinion they felt that the case could be handled in one
3 day. Of course, things can run longer than expected,
4 but that has been made quite clear by the respondents
5 that they did not intend to call any witnesses. Nobody
6 has prevented anyone from calling a witness.

7 You asked five days before the
8 hearing, you stated, you didn't even request the
9 Tribunal's permission to be exempted from the rules
10 that someone will be showing up to testify. That name
11 didn't even emerge until this morning.

12 MR. FROMM: That's the catch 22, sir.

13 THE CHAIRPERSON: That's not a catch
14 22, sir. Sir, don't tell me it's a catch 22.

15 MR. FROMM: Ms Beaumont really needs
16 a lawyer who is expert in these procedures. I do the
17 best I can, which obviously is not very good.

18 THE CHAIRPERSON: No, you are very
19 good. You have appeared in numerous hearings. Your
20 name is everywhere in the Tribunal docket. We know all
21 about you.

22 MR. FROMM: Only because they're too
23 poor to get a lawyer.

24 THE CHAIRPERSON: I appreciate that.
25 I think your contribution is noteworthy, but

1 nonetheless, you can't say that.

2 All that being said, I think we can
3 commence the hearing at this point, unless there is
4 another preliminary point that we should deal with.

5 MR. VIGNA: Just a very slight
6 detail. The exhibit that you just observed, I would
7 put it as an exhibit on the motion of Mr. Fromm in case
8 there is --

9 THE CHAIRPERSON: You're saying for
10 the purpose of the record that it should be filed as an
11 exhibit?

12 MR. VIGNA: As an exhibit on the
13 motion.

14 THE CHAIRPERSON: Would you have any
15 objection to that, Mr. Fromm? It may been an issue
16 that you yourself may be raising at some point perhaps
17 later on, so it might be helpful that this document be
18 filed for that purpose.

19 MR. FROMM: No, we have your ruling.
20 I would like the document back.

21 THE CHAIRPERSON: You don't want the
22 document filed?

23 MR. FROMM: No.

24 MR. WARMAN: Mr. Chair, I am sorry,
25 but in the event that there is any subsequent judicial

1 review on the basis of some procedural fairness
2 argument, the Tribunal record would of course be
3 inadequate and would be incomplete without these
4 materials. These materials were put before you; they
5 were considered by you; you examined them. I think
6 it's incumbent for the completeness of the record that
7 these materials remain on the record, not that they be
8 considered by you pursuant to your judgment, obviously,
9 because you have made a ruling on them, but they now
10 form part of the official record.

11 MR. VIGNA: I just want to say, Mr.
12 Chair, the document speaks for itself. We said a lot
13 in relation to the document, but if there's an appeal
14 in order to really appraise the document and what was
15 said, the best thing to do is to put it in as an
16 exhibit on the motion and then it would be on the
17 record. Then there would be no question marks in a
18 potential appeal, if it takes place.

19 THE CHAIRPERSON: Why do you object
20 to it being filed, Mr. Fromm?

21 MR. FROMM: Because it was rejected.

22 THE CHAIRPERSON: It was put before
23 the Tribunal.

24 MR. FROMM: It was put before it but
25 it's not being accepted. The qualifications of the

1 expert were dismissed as not sufficiently clear, the
2 report was dismissed as unclear. Mr. Warman made it
3 obvious he didn't think -- he wasn't even sure what was
4 sitting in front of him. This is not a part of our
5 case. We are not able to lead the expert -- or have
6 Mr. Ireland as a witness. So, we would like to
7 withdraw the document.

8 THE CHAIRPERSON: I don't want to
9 encumber the record. No, I will not file it. It never
10 really made it before the Tribunal. You can hold on to
11 your copies, Mr. Vigna and Mr. Warman, and if anything
12 happens later on, you can deal with it at that time.
13 It never really was properly before me. I didn't even
14 look at it with any great detail, other than for the
15 purposes of our discussions.

16 Is there anything else? Any other
17 preliminary points?

18 MR. VIGNA: No.

19 THE CHAIRPERSON: Mr. Vigna, you will
20 be calling your first witness?

21 MR. VIGNA: Yes. Mr. Richard Warman.

22 MR. FROMM: Would it be possible to
23 have a short recess?

24 THE CHAIRPERSON: Yes, we'll adjourn
25 for ten minutes.

1 --- Upon recessing at 11:10 a.m.

2 --- Upon resuming at 11:17 a.m.

3 MR. FROMM: If I might interrupt for
4 a moment. I object to the witness being sworn in as
5 the Supreme Court has ruled in Taro (ph) that truth is
6 no defence, it doesn't really matter what the witness
7 says, if truth is no offence.

8 THE CHAIRPERSON: Sir, what is that?
9 Please sit down. Please swear in the witness.

10 AFFIRMED: RICHARD WARMAN

11 EXAMINATION-IN-CHIEF BY MR. VIGNA

12 MR. VIGNA: Good morning, Mr. Warman.

13 MR. WARMAN: Good morning.

14 MR. VIGNA: We are here in the case
15 of Warman versus Ms Jessica Beaumont. Can you tell us
16 at what point in time you did an investigation in
17 relation to this complaint and what was generally
18 speaking -- we will get into the details later -- the
19 result of your investigation and the key persons you
20 identified in relation to certain monikers, and then we
21 will get into the nitty gritty of the various postings.

22 MR. WARMAN: In general, in
23 approximately 2004 I began to be aware of individuals
24 in western Canada who were posting on a U.S. website
25 called Stormfront predominantly in the section devoted

1 to the forum for Canadian members of that forum.

2 Essentially they appeared to be
3 forming a group that would subsequently be called
4 Western Canada For Us. There were two individuals who
5 appeared to me to be the primary leaders, an individual
6 named Peter Kouba and Glenn Bahr. Those two
7 individuals have subsequently been the subject of
8 decisions by this Tribunal.

9 Two other individuals came to my
10 attention pursuant to looking at the individuals who
11 were involved in that, one of which was Jessica
12 Beaumont, who was posting on that website using the
13 pseudonym Jessy Destruction, first name J-e-s-s-y and
14 the last destruction with a capital D new word.

15 The other individual who came to my
16 attention predominantly was, and I apologize if I don't
17 pronounce it correctly, perhaps I can be corrected,
18 it's Ciaran Paul Donnelly who was posting under the
19 pseudonym Der and Totenkopf, T-o-t-e-n-k-o-p-f.

20 Also on that same forum, Ms Beaumont
21 and Mr. Donnelly appeared to be in some sort of a
22 relationship together.

23 That is roughly the time and the
24 individuals who came to my attention. My concern
25 stemmed from the variety of postings that were being

1 made by these individuals that appeared to my opinion
2 to violate section 13 of the Canadian Human Rights Act.
3 I collected the evidence that is here before us and
4 then submitted it pursuant to my complaint to the
5 Canadian Human Rights Commission.

6 MR. VIGNA: The complaint is in tab
7 1, I believe. Can you tell us if you recognize it and,
8 if so, I would like to file it as an exhibit.

9 MR. WARMAN: The first page at tab 1
10 is a Commission document.

11 MR. FROMM: I don't think we have
12 this material.

13 THE CHAIRPERSON: Have you not
14 provided it to the respondent, Mr. Vigna? What we are
15 going to do is for ease of our process, what we will do
16 is we will enter the entire binder as one exhibit. Ms
17 Hartung will do that in a moment. I would ask the
18 parties along the way to refer to the tabs as they go
19 along. If the Commission wishes to produce a document
20 to request the Tribunal that it be produced.

21 Ms Hartung will keep track of those
22 tabs that end up being produced. At the end of the
23 hearing, any tabs that have not been produced in that
24 manner, not identified, not produced will be removed
25 from the official record, from my book and they should

1 be removed from your book. We will do an inventory at
2 that point.

3 That way we won't have to interrupt
4 the hearing constantly to introduce everything as a
5 separate exhibit number.

6 MR. FROMM: I would object to
7 accepting the entire binder.

8 THE CHAIRPERSON: We are not, sir.
9 That is not what I just said. The document for now,
10 while we are in the hearing, will sit here as one
11 document with all the papers in it. By the end of the
12 hearing we will know which ones have been produced by
13 the Commission. A list is being kept by Ms Hartung.
14 Those that have not been produced or not properly
15 entered into evidence will be physically removed from
16 the binder.

17 MR. FROMM: All right.

18 THE CHAIRPERSON: Rest assured, I
19 will not go through this book before any document is
20 identified and produced properly.

21 Before you even go to the tab number,
22 why don't we introduce it as an exhibit, Ms Hartung,
23 the whole volume?

24 REGISTRY OFFICER: The binder of
25 Warman v. Donnelly and Beaumont, CHRC Book of

1 Documents, Volume of One of Three, tabs 1 to 43 --

2 MR. VIGNA: There is only one volume,
3 I want to mention.

4 REGISTRY OFFICER: And also this
5 hasn't yet been relabelled. It is just Warman v.
6 Beaumont. Correct?

7 MR. VIGNA: Yes, it is only one
8 volume. There is one of three because initially it was
9 done for the purposes of having two complainants.

10 THE CHAIRPERSON: I am deleting the
11 name Donnelly, and I am deleting "of Three." It will
12 just be marked as Warman v. Beaumont, CHRC Book of
13 Documents, Volume One, Tabs 1 to 43.

14 MR. VIGNA: I just want to mention
15 also, Mr. Chair, the volumes were all reorganized
16 yesterday. They should be all okay, but the parties
17 will follow along and if there is some mishap on one or
18 two documents we will get the document. They had to be
19 fundamentally reorganized and we did other copies and
20 the printing was not clear.

21 REGISTRY OFFICER: The document as
22 described will be marked as Canadian Human Rights
23 Commission Exhibit HR-1.

24 EXHIBIT NO. HR-1: Binder of
25 Documents entitled "Warman v.

1 Beaumont, CHRC Book of
2 Documents, Volume One, Tabs 1 to
3 43"

4 MR. VIGNA: Mr. Chair, the last
5 document which we were about to file was the complaint.
6 I believe that, Mr. Warman, you identified it and I
7 believe it was signed by you on January 6th of 2005?

8 MR. WARMAN: Yes, on the fourth page
9 of that exhibit that is my signature and that is a copy
10 of the complaint that I filed with the Canadian Human
11 Rights Commission.

12 THE CHAIRPERSON: You wish to produce
13 that, Mr. Vigna?

14 MR. VIGNA: Yes.

15 THE CHAIRPERSON: It's produced.

16 MR. VIGNA: I would like you to go
17 through it quickly. I understand from what you were
18 saying earlier much of the things you said touched upon
19 this document, but particularly you mentioned the
20 grounds that are of importance for this particular
21 complaint and this respondent and also the key
22 highlights that we will be going to later on in terms
23 of the actual postings that we would like to focus on.

24 MR. WARMAN: The grounds of the
25 complaint are the basis of religion, sexual

1 orientation, race, colour, national or ethnic origin
2 and disability, more specifically that the communicated
3 messages would likely expose Rastafarians, Jews, gays
4 and lesbians, Chinese, Hispanics, blacks, Aboriginals,
5 and other non-whites to hatred or contempt, contrary to
6 section 13 sub (1) of the Canadian Human Rights Act.

7 The complaint then goes through a
8 variety of those postings in question. That didn't
9 represent the totality of the material that I submitted
10 to the Commission because it is limited to three pages.
11 They were just excerpts of some of the material that
12 was submitted.

13 There is also a brief summary of why
14 I believed that the person using the pseudonym Jessy
15 Destruction was in fact Ms Beaumont.

16 MR. VIGNA: This summary is where
17 exactly in the documents?

18 MR. WARMAN: In terms of what? In
19 terms of the identity question?

20 MR. VIGNA: Yes.

21 MR. WARMAN: That is at the bottom of
22 the second page of the tab.

23 THE CHAIRPERSON: Bottom of the
24 second page of tab 1.

25 MR. WARMAN: It's maybe six inches.

1 It states "In a posting by Jessy Destruction."

2 THE CHAIRPERSON: Yes, in a posting
3 by. Okay, I see that.

4 MR. VIGNA: Just for my curiosity,
5 and I don't know if the word is familiar to everybody,
6 Rastafarians, can you tell us what that is?

7 MR. WARMAN: To the best of my
8 knowledge, Rastafarian is a religion predominantly
9 based in Jamaica that focuses on the former Ethiopian
10 emperor, Haile Selassie.

11 MR. VIGNA: This complaint was filed
12 with the Commission around January 6th, 2005?

13 MR. WARMAN: Yes.

14 MR. VIGNA: Just for a bit of the
15 chronology, there was an investigation that took place
16 or a process that took place with the Commission
17 subsequent to that?

18 MR. WARMAN: Yes, there was.

19 MR. VIGNA: And the complaint was
20 finally referred on what date to the best of your
21 recollection or if you can refer to documents?

22 MR. WARMAN: It was referred at some
23 point either in December of 2005 or January of 2006. I
24 don't know what the exact date of the Commission
25 meeting was.

1 MR. VIGNA: And the hearing was
2 scheduled about what time, the first time around when
3 it was adjourned in the fall?

4 MR. WARMAN: When it was
5 originally --

6 MR. VIGNA: If you remember, do you
7 remember when it was scheduled?

8 MR. WARMAN: I believe it's been
9 mentioned that it was in October.

10 MR. VIGNA: The materials that we
11 will be looking through later in the documents, before
12 we go to each one, can you tell us if these are
13 documents you actually printed yourself, from where,
14 and tell us generally the process you undertook and
15 then we will go into the specifics.

16 MR. WARMAN: Yes. As I explained,
17 essentially what happened was these are materials that
18 I saw on the Internet myself, printed off and then
19 provided copies to the Canadian Human Rights Commission
20 further to my complaint against Ms Beaumont.

21 MR. VIGNA: These documents all come
22 from the same website, I believe, Stormfront you said
23 earlier in your testimony?

24 MR. WARMAN: No. They are from a
25 couple of different websites, but I will make those

1 clear when I come to each of them as to which website
2 they originate from.

3 MR. VIGNA: Stormfront you mentioned
4 was a U.S. website but in terms of its Canadian
5 content, can you explain what is the Canadian content
6 element in terms of Stormfront?

7 MR. WARMAN: It's predominantly a
8 forum and it has sections on it which are devoted to
9 various national groups, one of which is the Canadian
10 forum and most of the messages from that website
11 originated within that specific section of the broader
12 Internet forum.

13 THE CHAIRPERSON: You mean most of
14 the web pages that you photocopied for the purposes of
15 the hearing are from that section?

16 MR. WARMAN: That part of the broader
17 Stormfront website forum, from the Canadian section of
18 the website forum.

19 MR. VIGNA: Can you describe a bit
20 the forum, what types of topics are discussed from what
21 you remember looking through? We will go to the actual
22 postings themselves and the forums, the number of
23 participants?

24 MR. WARMAN: I believe that will
25 become more clear as we go along.

1 MR. VIGNA: In general, what kind of
2 topics are discussed just based on what you remember?
3 Just give us a few examples.

4 MR. WARMAN: I believe that each one
5 has a specific heading title and I believe those issues
6 will become clear as we go along.

7 MR. VIGNA: The forum on the website,
8 can you just describe it to us visually? There's a web
9 page and what is there, a place where you say forum and
10 you click on it. Can you just describe the website in
11 general?

12 MR. WARMAN: If you look at it as
13 though it were a pyramid, when you first go to the
14 Stormfront website it's the forum and then you can pick
15 sub-headings. For instance, if I could turn to tab 2.

16 MR. VIGNA: Okay, go to tab 2.

17 MR. WARMAN: If you look
18 approximately four to five inches from the top left
19 corner you will see the word Stormfront, and then
20 there's an arrow International and then there's an
21 arrow Stormfront Canada, and then there's a sub part of
22 that that starts "Silencing Christians." Essentially
23 that's the different links that you would have to go
24 through in order to get to the Canadian forum first and
25 then to an individual topic within the Canadian forum.

1 So, you've got the broadest, which is
2 the Stormfront website, then the international, you
3 would click on, then you would click on Stormfront
4 Canada, and then there would be a wide variety of
5 postings with a wide variety of titles that are
6 supposed to indicate what the topic is that's being
7 discussed in those individual threads.

8 MR. VIGNA: Since you are on tab 2, I
9 would like you to look through the tab, tell us if you
10 recognize the tab, if so why, and then we would like to
11 file it as an exhibit.

12 MR. WARMAN: Yes. This material was
13 printed off by me on the 17th of May, 2005 and
14 submitted to the Commission pursuant to my complaint.

15 MR. VIGNA: Do you recognize the
16 document itself?

17 MR. WARMAN: I do. I submitted it.
18 It's from the Stormfront website and it's entitled
19 "Silencing Christians in Saskatchewan: You Can't
20 Criticize Homosexuals."

21 MR. VIGNA: This is like one topic
22 and one issue that's being discussed by various
23 participants?

24 MR. WARMAN: Yes. They're usually
25 called threads.

1 THE CHAIRPERSON: Mr. Vigna, do you
2 wish to produce this document?

3 MR. VIGNA: Yes. Exhibit 2.

4 THE CHAIRPERSON: As I say, we don't
5 have to give it a number. Tab 2 is produced.

6 Mr. Fromm, you have some objection?

7 MR. FROMM: Just a question on page 5
8 of tab 2. It appears that something is blacked out.
9 What would that be?

10 MR. WARMAN: Perhaps I can explain.

11 THE CHAIRPERSON: Yes, Mr. Warman.

12 MR. WARMAN: It's not actually
13 blacked out. You will see that the posting is actually
14 by Mr. Fromm and what it is is it's a little couch that
15 he's inserted as a little sort of image within his
16 posting. So there is nothing there blacked out at all.

17 MR. FROMM: Not to be a pest about
18 that, but on page 1 of the document, the first
19 paragraph, "It's homosexuals 1, Christians 0." There
20 is what is called a smiley. In this case it's an
21 unhappy face, a frown. I am just wondering why that
22 would be there, but I don't know what has been blacked
23 out on page 5, if we're going to have a complete
24 document.

25 THE CHAIRPERSON: I gather from what

1 is being said that the photocopy has rendered this as
2 what you would call a couch to be black.

3 MR. WARMAN: That's all it is.

4 MR. FROMM: Sir, that's clearly a
5 magic marker, isn't it?

6 THE CHAIRPERSON: Sir, his evidence
7 is that it's a couch. It might be helpful if someone
8 could pull out the original printout. Perhaps we can
9 do it later. I don't think it's necessary at this
10 point.

11 In terms of the document, other than
12 that, I think the document is complete. It ends at a
13 certain point, at page 9 of 9. So it has been
14 produced.

15 Feel free to cross-examine on the
16 documents, Mr. Fromm, later on. But at least it is
17 clear that we have evidence on what this is. I
18 understand this has happened before in many cases under
19 section 13 where photocopies end up looking very poor
20 by the time they get photocopied after photocopied.
21 So, having the original handy might be helpful if items
22 like this are identified by anyone.

23 MR. VIGNA: We will try to see if we
24 can get a clearer copy, but I don't know if it will be
25 possible. We will make efforts.

1 THE CHAIRPERSON: All right.

2 MR. VIGNA: Mr. Warman, in relation
3 to the tab we just produced, "Silencing Christians in
4 Saskatchewan," can you describe the chronology, how the
5 tab is to be understood? You mentioned about threads
6 and how this works in this particular case for example.

7 Before that, you mentioned here
8 Stormfront Canada. Is there different countries
9 mentioned, Canada, United States?

10 MR. WARMAN: Yes, there's a wide
11 variety of countries or geographic regions that have
12 their own particular branches of forums.

13 MR. VIGNA: Going to the question I
14 asked regarding the document how to be read and, more
15 particularly, what's of interest in relation to the
16 respondent that is before the Tribunal here today?

17 MR. WARMAN: Sure. If you look at
18 the document you can see about halfway down on the
19 left-hand side it states, "Yesterday, 09:30 PM" just
20 above the name Paul Fromm. What that indicates is that
21 the posting was from the day before. That would be the
22 16th of May, 2005. Underneath it's the name Paul Fromm
23 and a picture of him indicates that he joined this
24 forum on December of 2001 and that back in May of 2005
25 he had 600 and some odd posts.

1 If you look to the far right of that
2 box, just opposite the date, you will see a number 1,
3 just a number sign and then a 1.

4 THE CHAIRPERSON: Just to back you
5 up, on the photo, I have Mr. Fromm in front of me here
6 whose likeness here is much better than this photocopy
7 here. This is a very poor image. Is your evidence
8 that that was a picture of Mr. Fromm?

9 MR. WARMAN: It is, yes. That is a
10 picture of Mr. Fromm.

11 THE CHAIRPERSON: See if you can get
12 better copies than that. If you are going to be
13 referring to blotches like this in the future, it might
14 be helpful if you could get --

15 MR. WARMAN: I believe two tabs from
16 now will make it absolutely clear.

17 THE CHAIRPERSON: Just for the record
18 Mr. Fromm looks much better in person than on this bad
19 photocopy.

20 Go ahead. So, #1 is on the
21 right-hand corner. What does that mean?

22 MR. WARMAN: That indicates that Mr.
23 Fromm is the individual who has started this thread.
24 So, when someone wants to begin discussion of a new
25 topic, a new subject matter, they can start a new

1 thread provided that you're a member.

2 MR. VIGNA: The article speaks for
3 itself, but give us a bit about the topic that is being
4 proposed to the participants and what is being said and
5 what's the reaction.

6 MR. WARMAN: I will.

7 MR. VIGNA: Also, I just want to ask
8 you a question. This posting, for example, if somebody
9 wants to go to it today, can they do that?

10 MR. WARMAN: Unless it's been erased,
11 it would still be on the forum.

12 MR. VIGNA: The forums in Stormfront
13 are still active today?

14 MR. WARMAN: Yes, they are. Sorry, I
15 should say they were active as of yesterday.

16 What I was talking about was that an
17 individual who is a member of Stormfront can go in and
18 begin posting either new forum threads or can post to
19 existing forum threads, but any member of the public
20 could see this.

21 What this is it's a posting by Mr.
22 Fromm entitled "Silencing Christians in Saskatchewan:
23 You Can't Criticize Homosexuals." It then goes on to
24 say, "It's homosexuals 1, Christians 0." It states:

25 "The homosexual lobby has scored

1 another victory."

2 It then goes on to talk about Bill
3 Whatcott, a case that was decided by the Saskatchewan
4 Human Rights Tribunal in relation to him.

5 It describes the Tribunal in the
6 heroin fog of human rights repressive double speak. It
7 goes through to describe the case where Mr. Whatcott
8 was found to have discriminated against gays and
9 lesbians through the distribution of numerous
10 homophobic pamphlets and that damages were awarded
11 against him.

12 It goes on to discuss the actual
13 decision. At page 5 of 9 it states:

14 "The homosexuals may have come
15 out of the closet and, if Mr.
16 Whatcott's planned appeal is not
17 successful, Christians may soon
18 be driven back into the
19 catacombs. In Canada's
20 increasingly corrupted courts
21 and their sidekicks, human
22 rights tribunals, freedom of
23 speech and religion count for
24 little. Homosexual feelings and
25 self-esteem trump the right to

1 express the teachings of the
2 Bible again and again."

3 Then it's signed by Mr. Fromm in his
4 position as Director of the Canadian Association for
5 Free Expression.

6 What's of interest in relation to
7 this complaint is at the bottom of page 5 of 9 there is
8 a posting by an individual using the pseudonym Jessy
9 Destruction. It's indicated that it was posted
10 yesterday at 10:51 p.m. That would be the 16th of May,
11 2005 and it's responding to the post by Mr. Fromm.

12 It quotes:

13 "You Can't Criticize
14 Homosexuals."

15 On the next page, you will see at the
16 top left it gives Jessy Destruction's join date as
17 being October 2003, that she has made 885 posts by that
18 point, that her location is Coquitlam, British
19 Columbia, Canada.

20 It continues:

21 "Oh yes I can!
22 This type of sh*t just boils my
23 blood. They are allowed freedom
24 of 'sexuality' but I can't speak
25 my mind being freedom of speech

1 AND religion?

2 It says right in the bible that
3 homosexual relations are
4 punishable by death."

5 It then gives a quote from Leviticus.

6 The second quote states:

7 "If a man lies with a man as one
8 lies with a woman, both of them
9 have done what is detestable.
10 They must be put to death; their
11 blood will be on their own
12 heads."

13 Citing Leviticus 20:13.

14 It continues:

15 "So wouldn't that be infringing
16 on MY religious beliefs? On MY
17 freedom of speech?
18 Hell, they can be fags till the
19 day they die, and I'll be with
20 God for my life. But my
21 thoughts should not allow them
22 to get money for their
23 'suffering'. They should be
24 getting a lot of money in hell
25 then, they will be doing a LOT

1 of suffering there."

2 The posting continues or, sorry, the
3 thread continues with postings by Der Totenkopf, who I
4 previously identified as Mr. Donnelly. Mr. Fromm
5 responds, and that ends the thread at page 9 of 9.

6 MR. VIGNA: I believe that was filed
7 already?

8 THE CHAIRPERSON: Yes, I believe we
9 introduced that.

10 MR. VIGNA: Later on we will go back
11 on the issue of identity, but I understand that later
12 you will explain to us how you come to the conclusion
13 that Jessy Destruction is in fact the respondent, Ms
14 Jessica Beaumont?

15 MR. WARMAN: I will, yes.

16 MR. VIGNA: There has been admissions
17 also I believe at a certain point in the process. We
18 will also produce those admissions.

19 MR. WARMAN: I believe we will.

20 MR. VIGNA: Tab 4. Can you tell us
21 if you recognize this document? If so, why, when you
22 printed this document and then we will file it as an
23 exhibit.

24 MR. WARMAN: Yes. This is a document
25 that I printed off on the 3rd of July, 2005 from the

1 website FolkCom.com. It is a profile --

2 THE CHAIRPERSON: Sorry, you printed
3 it from where?

4 MR. WARMAN: If you look at either
5 the top centre or the bottom left --

6 REGISTRY OFFICER: It was tab 3 that
7 you're discussing? You called it tab 4.

8 THE CHAIRPERSON: You said tab 4, Mr.
9 Vigna.

10 MR. VIGNA: I made a mistake. I'm
11 sorry, tab 3.

12 THE CHAIRPERSON: Let's back up.

13 MR. VIGNA: Right in the middle it
14 says FolkCom.com. Can you maybe as we go through the
15 tab, Mr. Warman, just show them to make sure we all
16 follow. You can maybe take them out.

17 THE CHAIRPERSON: That's fine. We
18 are following. So, this document?

19 MR. WARMAN: It's a profile of a
20 member of that forum. The profile is of the member
21 Jessy Destruction. It was printed off by me on the 3rd
22 of July 2005 and provided to the Commission pursuant to
23 my complaint.

24 MR. VIGNA: I would like to file this
25 as the next exhibit.

1 THE CHAIRPERSON: Fine. I just want
2 to make it clear what you've just said. This is a
3 profile of a member of when you said "that forum," you
4 mean the FolkCom.com come forum?

5 MR. WARMAN: Exactly, yes.

6 MR. VIGNA: What is the link between
7 Stormfront and this forum? What is the purpose of
8 doing this? Can you explain it to us so we can
9 understand what's the purpose of this document?

10 MR. WARMAN: What these are are what
11 are generally referred to as social community websites
12 similar to My Space, anything like that. They are just
13 places where you can go establish your own little
14 community of interest on whatever subject matter that
15 is of particular interest to those individuals, and
16 this one describes itself as a European folk-ish
17 on-line community. Essentially what it is is you then
18 have pictures of individuals. If the individual member
19 wishes to post their picture they can.

20 Then there are also images or
21 pictures of the other individuals that they are friends
22 with or that they have chosen to link with.

23 MR. VIGNA: FolkCom.com, is that a
24 U.S. website, Canadian? What is the interlink, other
25 than the subject matter, between Stormfront and

1 FolkCom.com?

2 MR. WARMAN: I am not sure there is a
3 substantive link.

4 MR. VIGNA: What is the purpose of
5 this document in terms of identity?

6 MR. WARMAN: I am not sure it has
7 actually been entered as an exhibit yet.

8 THE CHAIRPERSON: Yes, it has.

9 MR. WARMAN: It has, sorry. The
10 purpose of it is at the top left it states Jessy
11 Destruction. There is a photo and I will endeavour at
12 the break to get a better copy of it, but the photo,
13 when you see it, is in fact of Ms Beaumont. It states,
14 going down on the iron cross there is "White Power, and
15 then going across it says "Canada."

16 MR. VIGNA: The age, can you go
17 through the different characteristics in terms of the
18 descriptions of the individual?

19 MR. WARMAN: Yes, I will. It states
20 female, 19 years old, Canada, that the last login by
21 that individual was the date that it was printed off
22 on.

23 To the right it states Jessy
24 Destruction's contacts. If you look on the second row
25 down, the second to the right, there's an individual

1 who is indicated as being Der Totenkopf who I know to
2 be Mr. Donnelly. There is a picture of him with a
3 goatee and a large Swastika flag behind him.

4 In terms of the personal details that
5 this person provides for their membership, it indicates
6 that they are straight or heterosexual, that they are
7 white, that they are five feet tall, that they smoke
8 and drink, that they are from Coquitlam, British
9 Columbia, that they are Christian, that they don't want
10 kids.

11 It then goes on to provide two
12 e-mail -- or one e-mail address on MSN Microsoft
13 Networks called Aryan.

14 THE CHAIRPERSON: Where is that?

15 MR. WARMAN: Sorry, this is on page 2
16 of 4. You have to kind of turn the binder.

17 THE CHAIRPERSON: Okay, MSN.

18 MR. WARMAN: The MSN e-mail address
19 is provided as aryan, a-r-y-a-n, underscore princess
20 88, meaning the numbers 8 and 8, @hotmail.com.

21 It then continues with comments left
22 by a number of individuals, predominantly by Der
23 Totenkopf.

24 If you continue to page 3, it states:

25 "General Information About Me."

1 It states white P skingirl. I
2 understand white P to mean white power or white pride.

3 It then goes down to books I like,
4 Katastrophie: A novel, The Turner Diaries.

5 Then if you look on the last page,
6 page 4 of 4, Canadian Hate Machine, who I understand to
7 be an individual named Nathan Touchet, leaves a posting
8 on June 28th, 2005 stating:

9 "Hey there Jessy, thanks for
10 adding me and stalking me on the
11 internet. Hope all is well with
12 you and Der Totenkopf and
13 perhaps one day Rich W..."

14 I understand that to be a reference
15 to me,

16 "...will find himself dead... Oh
17 no, I wonder if he monitors this
18 board to.. haha. Argh!"

19 MR. VIGNA: Mr. Warman, this is what
20 exactly? Is this what we would call a profile or is
21 this something else?

22 MR. WARMAN: Yes, this is a profile
23 but essentially people can go and leave comments on
24 individual's profiles on this website.

25 MR. VIGNA: For example, if we

1 compare to the profiles on Yahoo or MSN, is there any
2 difference with this type of profile compared to the
3 profiles you can build on Yahoo or MSN for the purposes
4 of chatting and all that?

5 MR. WARMAN: It's my understanding
6 that they are similar. I have seen My Space. My
7 Space, I can say, it's intended to be a replication of
8 that type of social networking forum or board,
9 community, if you will.

10 THE CHAIRPERSON: So the reference
11 that Mr. Vigna made to Hotmail just now, those are just
12 e-mail addresses. You are referring to My Space, which
13 is a place where someone can set up a --

14 MR. WARMAN: A profile of themselves.

15 THE CHAIRPERSON: Sort of like a
16 website but it goes in through My Space?

17 MR. WARMAN: Yes, exactly, like a
18 mini-profile of yourself where you purport to say this
19 is who I am to the world kind of thing or at least to
20 those with Internet access who wish to come and visit
21 your particular section of that website.

22 THE CHAIRPERSON: Have you accessed
23 My Space?

24 MR. WARMAN: Yes, I have.

25 MR. VIGNA: On the Stormfront is

1 there profiles also?

2 MR. WARMAN: There are, and I believe
3 we will come to that at a subsequent exhibit.

4 MR. VIGNA: In terms of the symbols
5 that are here, can you tell us about what symbols
6 basically struck your attention?

7 MR. WARMAN: The iron cross and the
8 Swastikas based on their affiliation with the World War
9 II era, the National Socialist regime, the Nazi party
10 in Germany.

11 MR. VIGNA: The height of the
12 individual is five feet?

13 MR. WARMAN: That is what it is
14 listed as.

15 MR. VIGNA: The individual that is in
16 the room today, did you see her height in relation to
17 yours and what would you say it is?

18 MR. WARMAN: I would estimate her to
19 be approximately that height.

20 THE CHAIRPERSON: I will leave it to
21 the -- you don't have to get up, Mr. Fromm. The
22 Tribunal will notice the height of the individual in
23 the room. It doesn't need to be documented by Mr.
24 Warman.

25 Yes, Mr. Fromm. An objection?

1 MR. FROMM: I object to the inclusion
2 of page 1 of this FolkCom.com.

3 THE CHAIRPERSON: Is a portion cut
4 off?

5 MR. FROMM: Yes, a portion is cut
6 off, but Mr. Warman testified to what I believe is the
7 content of that black box under Jessy Destruction and I
8 think the content of a black box to the left of the
9 banner FolkCom.com. At least in my copy it's just one
10 big black blur. It's impossible to tell what it is.

11 THE CHAIRPERSON: I understood his
12 evidence to have been with respect to the photo of what
13 looks to be a person and a cross shape underneath the
14 name Jessy Destruction that Mr. Warman said a better
15 copy will be produced later on because it's quite clear
16 that there is no way of identifying the human that
17 appears there, the person that appears there.

18 But I did not hear anyone testify
19 about the symbol that appears at the top of the page.
20 Are you alluding to that part of the diagram?

21 MR. FROMM: Perhaps I am a little
22 fuzzy on that too, but certainly we heard some
23 description of what was in the black box under Jessy
24 Destruction.

25 THE CHAIRPERSON: That is what you

1 are talking about.

2 MR. FROMM: Yes.

3 THE CHAIRPERSON: It's not clear in
4 my photocopy either. For the record, it remains just a
5 picture of a person and I can't see the words inside
6 the white cross. They do say "White Power Canada." I
7 can see them on my copy. If a better copy is not
8 produced, all I will have will be the evidence of Mr.
9 Warman. I guess it's incumbent upon the Commission and
10 Mr. Warman to see if they can get better copies.

11 Go ahead.

12 MR. VIGNA: On the second page there
13 is mention of aryan_princess88 and j_destruction for
14 Yahoo and the other one for MSN. Can you tell us
15 anything about that?

16 MR. WARMAN: The MSN is obviously an
17 e-mail address.

18 MR. VIGNA: And the Yahoo
19 j_destruction, what would that be? What is the person
20 trying to tell us in this profile about those e-mail
21 addresses?

22 MR. WARMAN: The j_destruction I
23 believe would just be the instant messaging name to use
24 on Yahoo to contact that person, but they are just
25 simply meant to be ways of contacting that individual.

1 MR. VIGNA: On other websites, is
2 that the case?

3 MR. WARMAN: Not on other websites
4 but through the Internet or through the worldwide web.

5 MR. VIGNA: Is there anything else
6 particularly in terms of this tab regarding identity
7 that you would like to bring to our attention?

8 MR. WARMAN: No, thank you.

9 MR. VIGNA: Can you go to tab 4?
10 Tell us first of all if you recognize the tab and then
11 we will file it and ask questions on the tab.

12 MR. WARMAN: This is an 18-page
13 document from Stormfront entitled "Help Us Fight
14 Warman" printed off by me on the 2nd of December, 2005
15 and submitted to the Commission pursuant to my
16 complaint against Ms Beaumont.

17 MR. VIGNA: Do you recognize the
18 document?

19 MR. WARMAN: Yes, it was submitted by
20 me to the Commission pursuant to my complaint.

21 THE CHAIRPERSON: You printed it. Is
22 this the date that appears at the bottom?

23 MR. WARMAN: Yes, it's the bottom
24 right and the format is day, month, year. So it's the
25 2nd of December, 2005. That date format I should note

1 is in contrast to the posting dates on Stormfront which
2 go month, day, year.

3 MR. VIGNA: I would like to file this
4 as an exhibit.

5 THE CHAIRPERSON: It's an 18-page
6 exhibit. From the top to the back it says page 1 of 18
7 to page 18 of 18. All right, it's produced.

8 MR. VIGNA: Mr. Warman, in terms of
9 the content of the documents, can you tell us about how
10 we are to read the document and what is of particular
11 interest regarding this document in relation to the
12 respondent and are there other elements that you would
13 like to highlight regarding the documents without
14 having to read the entire document, which speaks for
15 itself?

16 MR. WARMAN: Just give me a second,
17 please.

18 MR. VIGNA: I believe the picture
19 that is there under Paul Fromm seems to be a bit more
20 clear?

21 MR. WARMAN: Yes. The first page
22 indicates that it is a posting by Mr. Fromm. The
23 picture is much more clear. Under the name Paul Fromm
24 it's a thread that he started entitled "Help Us Fight
25 Warman."

1 It then goes into a discussion for an
2 extended period with regard to the complaint that has
3 been filed against Mr. Lemire, Marc Lemire. That is of
4 little importance, but at page 7 of 18, there is a
5 posting by Jessy Destruction dated November 27th, 2005.
6 You will note that the avatar or the picture below the
7 Jessy Destruction forum member has in the background
8 what appears to be a Swastika flag. It holds the same
9 joined date. In the location it now lists, "In the
10 land of brainwashed whites" and states that the
11 postings are now up to 990.

12 In response to Mr. Fromm's posting,
13 she states:

14 "Seems to me like Warman won't
15 stop anytime soon. If it's up
16 to him, everyone on [Stormfront]
17 Canada..."

18 Shortened to SF Canada,

19 "...will be facing the same
20 retarded charges that few of us
21 are facing right now. I guess
22 Warman doesn't realize that we
23 know how to play this stupid
24 game to; but the best part is,
25 we DON'T give up. We MUST keep

1 fighting unless you all want
2 every single one of your
3 freedoms stripped away. I mean,
4 he wants to charge people with a
5 hate crime...for writing on the
6 internet. How asinine is that?

7 We need all the help we can,
8 either help, or sit on the side
9 lines and watch Canada crumble
10 farther than it already has into
11 multicultural, anti-freedom,
12 faggot loving, white hating
13 hell."

14 Below that in her signature block it
15 states:

16 "Fight for your race, because
17 failure is not an option!"

18 Then there is a quote:

19 "Many Jews are fond of referring
20 to anti-Semitism as a disease.
21 I agree, anti-Semitism is a
22 disease - you catch it from
23 Jews."

24 It then quotes an individual.

25 MR. VIGNA: Are you familiar with

1 Edgar Steele?

2 MR. WARMAN: I understand him to be
3 either a current or former attorney in the United
4 States who is well known as an anti-Semite.

5 MR. VIGNA: In terms of the postings,
6 the dates, can you just mention to us the dates of Paul
7 Fromm and the dates of Ms Jessy Destruction and times?

8 MR. WARMAN: They're both from the
9 same date, November 27th, 2005. That is the only item
10 that is of interest within that posting.

11 MR. VIGNA: They're about an hour
12 apart or a bit more, if you look at the time?

13 MR. WARMAN: Yes.

14 THE CHAIRPERSON: Careful. Quite a
15 few leading questions lately there. Mr. Warman is very
16 capable of getting his evidence in. I don't think he
17 needs that kind of assistance from you.

18 MR. WARMAN: They are approximately
19 an hour and a half to two hours apart, for what it's
20 worth.

21 If I could turn to tab 5.

22 MR. FROMM: I have a problem with the
23 testimony about page 7 of tab 4. We are told that
24 there is a picture there of a woman and there is a
25 Swastika in the background. Again, maybe my copy is

1 not very good, but all I see is what looks like a
2 girl's face and just black background.

3 THE CHAIRPERSON: I see two lines.
4 Your point is taken. I identified the same issue also,
5 Mr. Fromm. The lines could be a Swastika or they could
6 just as well be the letter H sideways or who knows
7 what, or a U. I understand your point.

8 It may not necessarily be a Swastika.

9 MR. WARMAN: If I could clarify my
10 testimony, perhaps for the assistance of the Tribunal.
11 When the image is shown in colour it bears the
12 hallmarks of a World War II era National Socialist
13 Swastika flag in that it is a black Swastika within a
14 white circle on a red background.

15 THE CHAIRPERSON: The image of the
16 individual there, that's a drawing, right? It's not a
17 photograph?

18 MR. WARMAN: It is what I understand
19 to be a cartoon drawing of Ms Beaumont done either by
20 Ms Beaumont or Mr. Donnelly.

21 THE CHAIRPERSON: It's a cartoon
22 drawing?

23 MR. WARMAN: It is.

24 MR. VIGNA: Can you look at page 8
25 and tell us if you notice anything of particular

1 importance on page 8?

2 MR. WARMAN: Mr. Fromm hosts again
3 but that's all. There is nothing of importance there.

4 MR. VIGNA: Are you mentioned on page
5 8?

6 MR. WARMAN: I am. Mr. Fromm states:
7 "Both Jessy and Cydonia are
8 right. We must back Warman's
9 victims to the hilt. That means
10 financial contributions and
11 moral support and attending
12 their meetings."

13 THE CHAIRPERSON: Attending their
14 hearings it says. You said meetings.

15 MR. WARMAN: I am sorry, their
16 hearings. Then it continues:

17 "Jessy, we're with you all the
18 way. No surrender!!!!!!!!!!!!!!
19 Paul Fromm."

20 MR. VIGNA: Anything else in this
21 document?

22 MR. WARMAN: No. The thread itself
23 continues on tab 5. Perhaps it would be easiest to
24 move to there.

25 MR. VIGNA: Which speaks for itself.

1 Tab 5, then, can you look at it and tell us if you
2 recognize it? We'll file it and then we'll ask
3 questions on it.

4 MR. WARMAN: Yes. It's a seven-page
5 document. It was printed off by me and submitted to
6 the Commission. It was printed off on the 2nd of
7 December, 2005 and provided to the Commission pursuant
8 to my complaint against Ms Beaumont.

9 MR. VIGNA: This was from which
10 website or as the other ones previously, is it always
11 from the same website?

12 MR. WARMAN: It's a continuation of
13 the same thread on the same website.

14 MR. VIGNA: I would like to file it
15 as an exhibit.

16 THE CHAIRPERSON: Okay.

17 MR. WARMAN: If you look at the first
18 page of this exhibit, approximately six inches down
19 from the top right corner of the page, you will see it
20 states page 2 of 4. There is a backward arrow and then
21 1, 2, which is highlighted, 3, 4 and then a forwards
22 arrow.

23 All that indicates is if you go back
24 to the first page of tab 4, it indicates that at that
25 same spot on that page, the number 1 is highlighted,

1 indicating that that is the first page from the website
2 of that thread and that tab 5 is the second page
3 extending that thread of continuing postings.

4 THE CHAIRPERSON: Do you have
5 personal knowledge of this? You clicked on these
6 buttons?

7 MR. WARMAN: Yes, I have used
8 Stormfront, the website forum extensively.

9 THE CHAIRPERSON: So, in pressing
10 number 2, 2 comes up, pressing number 3, 3 comes up?

11 MR. WARMAN: Yes. Not the individual
12 postings in sequential order, but rather there are --
13 after a certain point of length of postings, the space
14 loses out so the forum starts a second page and then a
15 subsequent page and so on and so forth in the future.

16 THE CHAIRPERSON: The arrows that
17 appear at the end of that sequence of numbers, 1, 2, 3,
18 4, they represent the previous and the next?

19 MR. WARMAN: They can take you
20 backwards or forwards in the thread. In this one at
21 page 5 of 7, tab 5 --

22 MR. VIGNA: It is filed as an
23 exhibit?

24 THE CHAIRPERSON: Yes. I am sorry,
25 which page, page 5 of 7 you said?

1 MR. WARMAN: Yes, please. It
2 suggests that it's a posting by Jessy Destruction on
3 November 29th, 2005. It quotes a previous poster
4 suggesting that people should try and hide their
5 identity, to which Jessy Destruction responds:

6 "Good point, BUT, what happens
7 when you are being attacked for
8 writing your opinions on a
9 like-minded message board, and
10 being sued for it? Then what?
11 SF [meaning Stormfront] is a US
12 message board, yet, I am being
13 charged as I am a Canadian
14 citizen.... who's next?"

15 It then repeats the quotes contained
16 in the signature line that I identified with regard to
17 race and Jews.

18 MR. VIGNA: What is in the quote
19 there on the box? What would that be from?

20 MR. WARMAN: A previous posting.

21 MR. VIGNA: From the same person or
22 from someone else?

23 MR. WARMAN: From someone else
24 usually.

25 MR. VIGNA: Did you mention the dates

1 and times?

2 MR. WARMAN: I did. This thread
3 continues at tab 6.

4 MR. VIGNA: Go to tab 6, please. I
5 won't repeat the same question, but for the purpose of
6 identification can you say what is necessary and then
7 we will file it.

8 MR. WARMAN: This is a printoff by me
9 on the 2nd of December, 2005. Subsequent pages from
10 the same thread that I provided to the Commission
11 pursuant to my complaint.

12 MR. VIGNA: Do you recognize the
13 document?

14 THE CHAIRPERSON: You printed it off?

15 MR. WARMAN: I did.

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

17 THE CHAIRPERSON: Yes, it's produced.

18 MR. WARMAN: You can see that this is
19 the continuation by seeing that six inches from the top
20 right of the first page it says page 3 of 4. If you
21 turn to page 5 of 7, Jessy Destruction posts on that
22 date and it contains the same discriminatory language
23 within the signature block.

24 THE CHAIRPERSON: I am sorry, I
25 missed the page.

1 MR. WARMAN: Page 5 of 7.

2 THE CHAIRPERSON: I'm just trying to
3 find it. Is this identical to the previous page we
4 saw?

5 MR. WARMAN: It's a subsequent
6 posting by the same individual because the signature
7 block is repeated every time you post something.

8 THE CHAIRPERSON: What we see in
9 quotation marks at the bottom of this entry is repeated
10 in every posting by Jessy Destruction. Is that what
11 you're saying?

12 MR. WARMAN: It's the same as with
13 any signature block, until such time as you change it
14 or eliminate it. It's my belief that this goes to the
15 repeated communication of hate messages.

16 MR. VIGNA: Mr. Warman, in terms of
17 the chronology, can you just look back at tab 5 and
18 then go to tab 6 and tell us when --

19 MR. FROMM: Mr. Chairman, I object to
20 the witness apparently giving expert testimony and
21 saying that the signature block constitutes a hate
22 message. He may object to it, but I don't think he is
23 in a position to testify it's a hate message.

24 THE CHAIRPERSON: It's his
25 submission. Let's be mindful he is a witness but he is

1 also a party. That's his position, that's how I
2 understood it to be, that it's a hate message and he
3 was quite specific in that he views this as being part
4 of the repeated nature of the message. I know it for
5 what it is, and I understand your intervention, Mr.
6 Fromm. That is his opinion. He is a party to the
7 case, let's not forget.

8 Go ahead. It's not binding on the
9 Tribunal in that sense. Go on, Mr. Vigna.

10 MR. VIGNA: Mr. Chair, I see there's
11 an extra binder there. I can perhaps give it to Mr.
12 Fromm because I think that one is much clearer.

13 REGISTRY OFFICER: That's the witness
14 copy.

15 MR. WARMAN: I'm the only witness so
16 I do have a copy.

17 MR. VIGNA: I will use it in the
18 meantime.

19 THE CHAIRPERSON: Because there is no
20 other copy?

21 MR. VIGNA: This was supposed to be
22 the witness copy but he's got a copy.

23 REGISTRY OFFICER: It is any clearer
24 than the copy that he has?

25 MR. VIGNA: Yes.

1 REGISTRY OFFICER: That's fine. If
2 there's another witness that is produced, then the
3 parties can produce another copy.

4 MR. VIGNA: This copy is clearer.

5 REGISTRY OFFICER: If it's clearer,
6 then the respondent should have that copy. But if
7 there is another witness who will be taking the stand,
8 the Tribunal requires a witness copy and the Commission
9 would be asked to produce a copy of their documents.
10 For now Mr. Fromm should have that copy.

11 MR. WARMAN: If I may make a
12 suggestion, why not have Mr. Fromm take out whatever
13 exhibits he has already made notes on like the first
14 six exhibits.

15 THE CHAIRPERSON: What is the point
16 of this discussion? I am a little confused here. You
17 don't have a copy of the exhibits right now, Mr. Vigna.
18 Is that the problem?

19 MR. VIGNA: I have a copy. We have
20 six instead of eight. The one I gave Mr. Fromm is not
21 as clear as the other ones.

22 THE CHAIRPERSON: He hasn't made any
23 objections. We will work that out later on. We are
24 noting all the spots where it wasn't clear and we will
25 get back to that. One copy is supposed to be there for

1 any witness. Yes, it looks like there is only one
2 witness, but they are supposed to be provided, and that
3 one I am going to hold the Commission to task for
4 because you know how many copies we need.

5 MR. VIGNA: We had eight copies. But
6 yesterday we were in Vancouver and we had to do them at
7 Staples, so we did as much as we could. But we have
8 what we need.

9 Mr. Warman, can you tell us tab 6 the
10 dates and the times, please?

11 MR. WARMAN: Tab 6, the date is
12 today. On page 5 of 7, which would be the 2nd of
13 December, 2005. I am not sure that the time is of any
14 particular importance.

15 MR. VIGNA: Other than what you
16 described on page 5 of tab 6, is there anything else on
17 that tab?

18 MR. WARMAN: No, the thread continues
19 at tab 7.

20 MR. VIGNA: Tab 7, can you describe
21 it, identify it and proceed in describing it.

22 MR. WARMAN: This is a three-page
23 document that was printed off by me on the 2nd of
24 December, 2005 from the Stormfront website. It's a
25 continuation of the same thread and was provided to the

1 Commission by me pursuant to my complaint.

2 MR. VIGNA: I would like to file it
3 as an exhibit.

4 THE CHAIRPERSON: Fine.

5 MR. VIGNA: Can you describe the
6 contents of the exhibit and what is particularly
7 interesting in regards to Jessy Destruction?

8 MR. WARMAN: It indicates that it is
9 a posting today at 5:32 p.m. on the 2nd of December,
10 2005 that begins on page 1 of 3. As I indicated, it is
11 the continuation of the thread started by Mr. Fromm
12 saying, "Help Us Fight Warman." Jessy Destruction
13 quotes two separate posters. The first one is a quote
14 stating "Originally Posted by renegade." It states:

15 "You would think so, wouldn't
16 you. The truth is that Canada
17 helped save the Jews from
18 Hitler."

19 "Save the Jews from Hitler"

20 being in bold.

21 "How do these Jew bastards thank
22 us? By undermining our society.
23 Conquering our nation from
24 within. Then while these Jews
25 are in the process of destroying

1 our nation and systematically
2 driving White Canadians into
3 extinction, they pass hate
4 speech laws making it illegal to
5 just talk about our problems,
6 never mind do anything about it.

7 A perfect analogy would be
8 you saving a man's life by
9 pulling him out of deep water as
10 he's about drown. After you
11 save him, he pays you back by
12 sleeping with your wife,
13 defrauding you of your life
14 savings, and charging YOU with
15 assault when you punch him in
16 the face for all the grief he's
17 caused you!"

18 Then a quote from another previous
19 poster states:

20 "Originally Posted by coldstar

21 I knew very little about
22 Jews until I moved to Canada.
23 It is here where my eyes were
24 opened in both shock and
25 amazement. The libraries across

1 the country are a fountain of
2 Jewish literature that could
3 make a peace dove turn into an
4 attack dog. Then add what they
5 state on radio and TV and
6 consider the weird sound or
7 pitch that comes through so many
8 Jewish voices, it makes me
9 shudder. I often think that
10 they are a representation of the
11 Devil. In fact these days when
12 somebody says Devil or Satan I
13 only think of Jews. I do not
14 believe in some mythical spirit
15 called Devil anymore, like Santa
16 Clause that tale is for kids."

17 The poster Jessy Destruction

18 continues:

19 "Cheers to both posts. And
20 Coldstar, I'm with you on the
21 Devil subject; except I believe
22 that Jews are the literal spawn
23 of Satan himself."

24 MR. VIGNA: In terms of the date it
25 says today, but to know the date that you mentioned

1 earlier, how do you come to that conclusion? I think
2 you explained it, but just to be clear.

3 MR. WARMAN: By the date that it was
4 printed off on, which was the 2nd of December, 2005
5 which is identified at the bottom right of the pages.

6 MR. VIGNA: Is this a continuation of
7 the other exhibit previously?

8 MR. WARMAN: It is, and the previous
9 exhibits since tab 4.

10 MR. VIGNA: Tab 8, can you identify
11 it for the purposes of filing and then describe the
12 contents, particularly, page 3.

13 MR. WARMAN: This is a four-page
14 document from a thread on Stormfront entitled "Jews
15 stage their own hate crime" printed off by me on the
16 3rd of January, 2006 submitted to the Commission
17 pursuant to my complaint.

18 MR. VIGNA: I would like to file this
19 as an exhibit.

20 THE CHAIRPERSON: Fine.

21 MR. VIGNA: Can you tell us what's
22 particularly important in this exhibit and also the
23 postings that are prior to the one on page 3, how they
24 flow one into another?

25 MR. WARMAN: On page 1 the thread

1 begins with a pseudonym WeveComeForWar, posting what
2 purports to be a newspaper report from the Pittsburgh
3 Post-Gazette. The title of the newspaper article
4 appears to be "Act of hatred or just an act?" But the
5 pseudonym has relabelled it "Jews stage their own hate
6 crime."

7 The first paragraph of the article
8 describes a family who say that neighbourhood
9 antagonists have poisoned their dogs, defaced their
10 property with swastikas and tried to burn down their
11 house. They claim they are under attack because they
12 are Jewish.

13 If you turn to page 3 of 4, there is
14 a posting by Jessy Destruction from the 3rd of January,
15 2006. It indicates that Jessy Destruction now has
16 1,009 posts. It quotes an excerpt from the article and
17 then the poster states:

18 "I understand why no-one
19 believes them, I wouldn't either
20 after learning this. But see,
21 if it was racial hatred; I don't
22 understand why someone would
23 attack helpless dogs opposed to
24 going off those dirty Jewish
25 animals directly."

1 MR. VIGNA: Tab 9. Tab 9 is a
2 nine-page document from Stormfront, a thread entitled
3 "mathdokter99 update" printed off by me on the 11th of
4 February, 2006 and provided to the Commission pursuant
5 to my complaint.

6 MR. VIGNA: I would like to file it
7 as an exhibit.

8 THE CHAIRPERSON: Fine.

9 MR. VIGNA: Can you describe these
10 postings and which ones are of particular interest in
11 tab 9, times and dates?

12 MR. WARMAN: This particular nine
13 pages is relevant only insofar as it provides the
14 context for at least one subsequent exhibit. It's a
15 posting by an individual named mathdokter99. This
16 poster at a Tribunal hearing has acknowledged that
17 their name is Terry Tremaine and they were the subject
18 of a separate hearing before this Tribunal.

19 They purport to describe what has
20 transpired in their life since a federal human rights
21 complaint was filed against them.

22 MR. VIGNA: Were you personally named
23 in this --

24 MR. WARMAN: Yes, I am. I am named
25 as the person, the individual having filed the

1 complaint against them. So it goes through three pages
2 worth of a description of how they feel they have been
3 hard done by, and then tab 10, perhaps if I could
4 identify that as a continuation of the thread.

5 MR. VIGNA: Do you recognize the
6 document?

7 MR. WARMAN: I do. It's a six-page
8 document, continuation of the same thread from
9 Stormfront printed off by me on the 11th of February,
10 2006 and submitted to the Commission.

11 MR. VIGNA: I would like to file that
12 as an exhibit.

13 Can you tell us the date and time?

14 THE CHAIRPERSON: Yes, it's filed as
15 an exhibit.

16 MR. VIGNA: And the logic that flows
17 from the previous document in terms of the contents?

18 MR. WARMAN: It's a posting by Jessy
19 Destruction. You can see that it's the 11th posting in
20 this thread by looking at the top right corner of that
21 posting about six, seven inches down from the top right
22 of that page. It's a posting on February 5th, 2006 at
23 11:35 p.m.

24 Jessy Destruction says:

25 "Glad to hear that you are going

1 better. Hopefully this b*ll****
2 will stop before everyone knows
3 what we've experienced. People
4 have lost their family, jobs,
5 and websites. (Among many other
6 things) And all because of that
7 retarded Jew Warman. We all
8 know he does this because he is
9 a very low and disgraceful
10 animal. He does this for his
11 own personal gain (be it
12 monetary or mentally)."

13 MR. VIGNA: In this tab is there
14 anything else of importance or is that basically the
15 main element of the tab?

16 MR. WARMAN: No, that was the
17 importance of the tab.

18 MR. VIGNA: The rest is a
19 continuation on the same topic by other --

20 MR. WARMAN: It is, other
21 individuals.

22 MR. VIGNA: Tab 11.

23 MR. WARMAN: This is again another
24 profile from a social networking website. This one is
25 called EveryonesSpace. It was printed off by me on the

1 23rd of May, 2006 and provided to the Commission
2 pursuant to my complaint.

3 MR. VIGNA: I would like to file this
4 as an exhibit.

5 THE CHAIRPERSON: Fine.

6 MR. VIGNA: Can you tell us the
7 importance and the key elements that we have to pay
8 attention to in terms of this document, particularly on
9 the issue of identity?

10 MR. WARMAN: Yes. This is a profile
11 for an individual named Jessy Destruction. Again,
12 consistent use of the same pseudonym. It describes
13 themselves as 20 years old, in Coquitlam, that they
14 last logged in on that date, and here at the left, top
15 left, about three inches down there is a picture that I
16 believe is much more clear as being one of Ms Beaumont.

17 If you look to the right-hand side
18 and go down about half of the page, it states, About
19 me, and then in bold it states whites only, all
20 capitalized, exclamation mark.

21 MR. VIGNA: Who is Chase McCool? Is
22 that a name that's familiar to you?

23 MR. WARMAN: No, it's not. If you
24 turn to page 2 of 5 -- sorry, at the bottom left of
25 page 1 it states "Jessy Destruction's Interests." And

1 then it continues at the top left of page 2, there's
2 what is purported or what appears to be a church
3 billboard out in front of a church. It states,
4 "Catholic Church" and there are three Swastikas put at
5 the top of the sign. It states:

6 "Church of the Dead Warman
7 Society, Warman haters allways
8 welcome."

9 MR. FROMM: Sir, on my copy of page 1
10 of this tab 11, the picture under Jessy Destruction,
11 all I can see is black and two little white lines, and
12 then on page 2 of this, obviously it's a building, but
13 that's about all I can see for sure.

14 THE CHAIRPERSON: There you can see a
15 better photo. My picture is quite clear on mine.
16 Ultimately, the Tribunal is going to want the cleanest
17 possible copy of this. Have you written at all in that
18 binder that you just gave Mr. Vigna?

19 MR. FROMM: No.

20 THE CHAIRPERSON: That's okay with
21 the Registry, then. You can keep the binder that you
22 have there.

23 MR. VIGNA: Is this the first time
24 you had seen this picture on the Internet, a picture
25 with a Catholic church?

1 MR. WARMAN: There are a number of
2 exhibits that follow and whether it was the first time
3 or within the span of a few days that I saw it I
4 believe will be made more clearer once I look at the
5 other dates.

6 I should note that underneath page 1
7 of 5 where it says Jessy Destruction it says "Jessy
8 Destruction - Father Krespi's Mistress."

9 At the top of page 2 of 5, in the
10 sort of pictures of friends sections, there's a picture
11 of the back of the head of Ciaran Donnelly. I know
12 that simply based on my --

13 MR. FROMM: With respect, I mean, how
14 is Mr. Warman able to testify that the back of a head
15 of somebody identified as Father Krespi is --

16 THE CHAIRPERSON: I think your point
17 is taken. This is someone that Mr. Warman believes to
18 be that person.

19 MR. WARMAN: Perhaps I can simply
20 explain how I know it to be Mr. Donnelly.

21 THE CHAIRPERSON: Okay. But
22 certainly your point is taken, Mr. Fromm, that it's a
23 picture of a man with a bald head in the back. That's
24 all.

25 MR. WARMAN: Based on a number of

1 other pictures that I have seen that were taken in
2 conjunction with that photo that indicate the
3 individual both with that picture and from the front,
4 that is how I know it to be Mr. Donnelly.

5 MR. VIGNA: Any other elements in
6 this --

7 MR. WARMAN: In fact, I think if you
8 turn to page 3 of 5, in the section "Jessy
9 Destruction's Friends Comments," if you go down to the
10 second last posting, Father Krespi or Mr. Donnelly
11 states.

12 "Make my dinner you woman and
13 tell those birds to stop eating
14 all the pasta."

15 On that page it also indicates that
16 the person's religion is Catholic and that their height
17 is five feet.

18 MR. VIGNA: Anything else on this
19 tab?

20 MR. WARMAN: No, thank you.

21 MR. VIGNA: Tab 12.

22 MR. WARMAN: This is a six-page
23 document that I printed off from a website called
24 "Blood & Honour." It's simply another forum. This
25 particular thread is entitled "Winnicki Gets 9 Months."

1 It was printed off by me and provided to the Commission
2 pursuant to my complaint against Ms Beaumont.

3 THE CHAIRPERSON: On July?

4 MR. WARMAN: Excuse me, on the 13th
5 of July, 2006.

6 MR. VIGNA: I would like to file this
7 as an exhibit and then go through the document step by
8 step, including the details of the dates and times and
9 any particular elements or photos.

10 MR. WARMAN: This is the first
11 posting by an individual called Canadian Hate Machine,
12 who I understand to be Nathan Touchet. He indicates
13 that they posted that on the same date that I printed
14 it off on the 13th of July, 2006.

15 The first section is an article
16 "Winnicki Gets 9 Months, City's 'biggest hater' gets 9
17 months in jail." It's an article by a journalist named
18 Randy Richmond with the London Free Press. What it
19 describes is the sentencing to nine months imprisonment
20 of Mr. Tomasz Winnicki by the Federal Court of Canada
21 for contempt of court, pursuant to his having violated
22 an injunction issued by the Federal Court prohibiting
23 him from posting further hate messages pending the
24 determination of the hearing before the Canadian Human
25 Rights Tribunal and the rendering of the Tribunal's

1 decision.

2 The article ends on page 3 of 6. Mr.
3 Touchet then makes two subsequent postings on page 4 of
4 6. In a posting by an individual calling themselves
5 Jessy Destruction, the posting is indicated as having
6 been made on the 13th of July, 2006. There is again a
7 cartoon drawing of what appears to be a young woman or
8 a girl who is dressed up to appear in a World War II
9 era Nazi uniform.

10 The individual indicates that their
11 location is Coquitlam, B.C. The person states:

12 "Shitty deal for Tom. It's
13 retarded how they (CHRC) can
14 even contemplate giving him jail
15 time for speaking his mind (in a
16 so-called 'free[country)'"

17 It quotes a line from the article
18 saying:

19 "'The sentence should serve as a
20 warning to other white
21 supremacists using the Net to
22 spread hate, Warman said.'"

23 Jessy Destruction continues her post:

24 "Nope, doesn't stop me. This
25 bastard isn't going to collect

1 one red cent from me. Lock me
2 up, big deal, just furthers my
3 feelings towards this BS. I
4 don't understand how they think
5 locking Tom up for 9 months will
6 make him 'change his mind' and
7 start loving niggers and Jews."

8 At the bottom of page 4 of 6 there's
9 the sixth posting in that thread begins, made that day
10 at 6:18 p.m. It's a subsequent posting by Jessy
11 Destruction. It states:

12 "ha ha. And boy oh boy would I
13 appreciated 3 meals and a nice
14 warm bed (without having to
15 hearing Ciaran snore) lol."

16 Which I understand to mean laugh out
17 loud.

18 "I can't stop posting my hate
19 filled messages, I think it is
20 what I was born to do."

21 It then quotes a previous posting
22 from Nathan Touchet saying:

23 "Jessy...We've been 'Warned'!!
24 You'd better stop posing your
25 vile, disgusting 'HATE' on the

1 internet!. Unless you want 3
2 squares and a cot for 9
3 months.... I 'HATE" you Warman I
4 can only hope that I live long
5 enough to piss on your useless
6 grave, you kyke."

7 Kyke I understand to be a slur for
8 Jews.

9 THE CHAIRPERSON: Just to be clear,
10 though, that's in the square box so that would have
11 been in a previous posting?

12 MR. WARMAN: It would have been
13 reposted by Ms Destruction.

14 THE CHAIRPERSON: I want to be clear
15 how this works.

16 MR. WARMAN: Yes. You would have to
17 take a positive step to include that in your reply.
18 It's not something where you would just -- because you
19 can see that it's not a complete posting.

20 MR. VIGNA: Can you explain that,
21 please?

22 THE CHAIRPERSON: Yes, how does that
23 work?

24 MR. WARMAN: If you look at the
25 bottom of page 5 of 6 -- sorry, not at the bottom, but

1 about halfway up at the bottom of the thing from Jessy
2 Destruction there's a box marked "Quote." So if you
3 press on that, you'll quote the posting that is there
4 in your reply to it, but you can then edit that. So
5 you can eliminate parts of it, as we have seen in
6 previous postings by Jessy Destruction where it only
7 quotes certain portions of postings.

8 THE CHAIRPERSON: It is not a
9 situation where there's a previous posting and then you
10 reply to this and your reply ends up -- I am thinking
11 of an e-mail analogy where if you just click reply
12 using Outlook, for instance, from Microsoft generally
13 speaking the original message appears at the bottom and
14 with the times and dates that it was sent and your
15 reply appears at the top.

16 MR. WARMAN: Perhaps I can show you
17 by referring to the page. If you go to the far left of
18 the bottom of that posting, there's a box marked "Post
19 Reply." So hitting that would not include the previous
20 material, but hitting "Quote" would include the
21 previous material. So you can in fact reply without
22 including the previous material, but in this case,
23 Jessy Destruction, whom I allege to be Ms Beaumont
24 deliberately included that material, which involves the
25 reposting of the:

1 "I 'HATE' you Warman I can only
2 hope I live long enough to piss
3 on your useless grave, you
4 kyke."

5 There is a conscious act involved in
6 re-posting that material.

7 MR. VIGNA: Mr. Warman, if we look at
8 the document visually it says "Originally Posted by
9 Canadian Hate Machine."

10 MR. WARMAN: Yes.

11 MR. VIGNA: How do we know that it's
12 from Jessy Destruction and not by Canadian Hate
13 Machine? How are we to understand the actual quote
14 being associated with Jessy Destruction?

15 MR. WARMAN: Because it's contained
16 within the broader box of posting number 6 by Jessy
17 Destruction.

18 MR. VIGNA: Posting number 6 would be
19 where, tab 6?

20 MR. WARMAN: No, tab 12. If you look
21 at page 4 of 6 at the bottom you can see the box starts
22 there and you can see by looking at the far right of
23 that box that it's the sixth post in that particular
24 thread.

25 THE CHAIRPERSON: In this particular

1 case, this is a direct quote. There has been no
2 editing done of it, right? I see that posting number 5
3 is what ended up being quoted, right, in posting number
4 6?

5 MR. WARMAN: Yes.

6 THE CHAIRPERSON: Have you actually
7 done this before yourself? How is it you know that it
8 works by pressing "Quote" or "Post Reply?"

9 MR. WARMAN: Just from extensive use
10 of these forums, including the Blood & Honour.

11 THE CHAIRPERSON: You have actually
12 done it yourself? You have clicked and been able to
13 post a reply?

14 MR. WARMAN: Yes. The point is not
15 that it is originally the words of Ms Beaumont or Jessy
16 Destruction. It is rather that it took a conscious
17 decision to repost that material and then it includes
18 further discriminatory material, including personally
19 naming me within the context of hate messages.

20 MR. VIGNA: The Winnicki case, the
21 case that was rendered this summer, I believe, if we
22 look at the document?

23 MR. WARMAN: July 13th, 2006 is the
24 date of the article from the London Free Press.

25 MR. VIGNA: Tab 13 -- no, sorry, not

1 tab 13.

2 THE CHAIRPERSON: Mr. Vigna, would
3 this be an appropriate time for us to break for lunch?

4 MR. VIGNA: Okay.

5 THE CHAIRPERSON: I don't want to
6 take too long. How long do you think you'll be for the
7 rest of the day?

8 MR. VIGNA: We should be finished by
9 the day but I don't know if it's 4:30 or --

10 THE CHAIRPERSON: I must inform the
11 parties, given the fact that we are only dealing with
12 one complaint, our arrangements were such that we're
13 here for three days for the hearing. I hope to be
14 closed by then but if we have to extend -- we are
15 working with three days; let's work on that basis. So
16 I am prepared to sit longer in order to ensure that the
17 case gets done.

18 How long would you like for a break?
19 Mr. Fromm? Until 2:00 o'clock?

20 MR. FROMM: That will be fine.

21 THE CHAIRPERSON: Two o'clock sharp
22 we will start.

23 --- Upon recessing at 12:37 p.m.

24 --- Upon resuming at 2:00 p.m.

25 REGISTRY OFFICER: Order, please.

1 All rise. Please be seated.

2 THE CHAIRPERSON: Yes.

3 MR. VIGNA: Mr. Warman, under the
4 same oath as this morning, we had left off at tab 12.
5 I believe we had finished speaking about tab 12 and
6 we're going to jump to tab 17.

7 The same questions: Do you recognize
8 the document? If so, why did you print it, where did
9 you get it, and then we'll file it and continue on.

10 Do you recognize the document?

11 MR. WARMAN: Sorry, Mr. Chair, if I
12 may, there's another copy of this document that I will
13 be able to identify, and the pages 2 and 3 of that are
14 about to come up in another exhibit. So I just think
15 there's a bit of -- if we could just skip to tab 19 I
16 think is the next one.

17 MR. VIGNA: Okay, we'll go to tab 19
18 and we have a clearer copy of that which I will provide
19 the Registry Officer.

20 THE CHAIRPERSON: Yes. Have you made
21 copies for everyone?

22 MR. VIGNA: Yes, Mr. Chair, the
23 respondent I put one on his chair.

24 THE CHAIRPERSON: You sent out the
25 replacement for the first page.

1 MR. VIGNA: The photo is much
2 clearer.

3 Can you tell us about tab 19 and if
4 you recognize it, from where, and if you printed this
5 document. Then we will file it and then we will go to
6 the key elements.

7 MR. WARMAN: There is page 1 of 2,
8 then page 2 of 2. That's a two-page document printed
9 off by me on the 23rd of December, 2004 entitled
10 "Profile Jessy Destruction" from the Stormfront website
11 that I provided to the Commission pursuant to my
12 complaint.

13 MR. VIGNA: So you recognize both
14 documents in the tab? Do you have also 1 of 6 at the
15 end, two pages 1 of 6?

16 MR. WARMAN: No, I don't. Can you
17 tell me what the title is?

18 MR. VIGNA: "Blacks in Western
19 Canada."

20 MR. WARMAN: No, I believe that
21 should be at 20A.

22 MR. VIGNA: We'll get to that one
23 later.

24 THE CHAIRPERSON: What are you
25 referring to, Mr. Vigna? I'm sorry, I've lost you.

1 Under tab 19 there's one two-page document and another
2 four-page document, it seems.

3 REGISTRY OFFICER: And I have two
4 pages of the 1 to 6.

5 THE CHAIRPERSON: I have pages 1 to 4
6 and then the last document says page 1 of 6, page 2 of
7 6 and then it stops there.

8 MR. VIGNA: 1 of 6, we can forget
9 about it for now. It's going to come up later.

10 REGISTRY OFFICER: If we're marking a
11 tab --

12 THE CHAIRPERSON: Yes, of course,
13 it's important for us to have it all in one or in a
14 separate tab unless it belongs together.

15 MR. VIGNA: 1 of 6 can be taken out.

16 THE CHAIRPERSON: We can remove it?

17 MR. VIGNA: Yes, because it's going
18 to come in the next one. It's the same document.

19 THE CHAIRPERSON: So you're saying
20 let's remove those sheets?

21 MR. VIGNA: Yes.

22 THE CHAIRPERSON: That's what I
23 wanted to understand.

24 MR. VIGNA: Yes, remove 1 of 6.

25 THE CHAIRPERSON: What do I do with 1

1 of 4?

2 MR. VIGNA: That we can leave it in.

3 MR. WARMAN: Mr. Chair, I think those
4 two different documents will need to be tabbed as tab
5 19A, and then the four pages will need to be tabbed 19B
6 because they are two separate documents.

7 THE CHAIRPERSON: Unfortunately we
8 don't have tabs here.

9 REGISTRY OFFICER: Pages 1 of 6 and 2
10 of 6 can be removed. Is that what you're saying?

11 MR. VIGNA: 1 of 6 can be removed.

12 REGISTRY OFFICER: And 2 of 6?

13 MR. VIGNA: Yes.

14 REGISTRY OFFICER: Are these specific
15 documents to be kept to be inserted at a later date or
16 are they replicated somewhere else?

17 MR. VIGNA: They are replicated right
18 after.

19 THE CHAIRPERSON: Let's go back here.
20 What we have at tab 19 is we have a two-page document,
21 page 1 of 2 and 2 of 2. There's a title that appears
22 near the top called "Town Hall with David Duke each
23 Sunday 2 p.m. Eastern."

24 Then what you're saying, Mr. Vigna,
25 is that you would like the other four pages that appear

1 under this tab to go as a separate tab. So we will
2 call that 19A. Are you following me, Mr. Fromm?

3 MR. FROMM: Yes.

4 THE CHAIRPERSON: We will mark the
5 first ones as tab A, under tab 19, 19A, and the other
6 four sheets as 19B.

7 What are you referring to, Mr. Vigna?

8 MR. VIGNA: Mr. Warman, the first
9 document 19A, can you describe it and then tell us if
10 you recognize it, and tell us which document you're
11 talking about so we can follow and the photo and
12 everything else.

13 MR. WARMAN: There's a two-page
14 document, page 1 of 2 and page 2 of 2 that at the top
15 is entitled "Stormfront White National Community - View
16 Profile: Jessy Destruction."

17 What this is is that you can go in
18 and pull up the profile of any individual member who is
19 a poster on Stormfront. So what I did was I went in
20 and pulled up the profile for Jessy Destruction.

21 You can see at the right-hand side of
22 it, about six inches down, there is a photo. I can
23 testify that that is a photo that is of Ms Beaumont and
24 that that photo is also the same photo that appears at
25 tab 3 within that blacked out square towards the left

1 about two inches down beside the iron cross that says
2 "White Power Canada."

3 Just under the name Jessy Destruction
4 on the left-hand side, you can see that the avatar or
5 symbol that is being used with it is the Swastika and
6 Totenkopf symbols. Underneath her name or underneath
7 her photo at the bottom of it she puts Jessy D.,
8 indicates that her last activity was the day before
9 that was printed off, being the 22nd of December 2004.

10 In the section entitled "Forum Info,"
11 it states that her join date was 10-08-2003. I
12 understand that to be October 8th, 2003. At the time
13 she had 510 posts.

14 If you look to the right under
15 "Contact Info," in instant messaging, it gives a
16 Hotmail e-mail address that is consistent with that
17 what was used in the other profiles for Jessy
18 Destruction. It gives a Yahoo instant messaging of
19 J_destruction, which is also consistent.

20 Under "Additional Information"
21 towards the left-hand side of the bottom of the page it
22 states that the birth date is 29 October, 1985.

23 If you flip over to the other side of
24 the page it gives the location as Coquitlam, British
25 Columbia, Canada, and the biography is listed as Der

1 Totenkopf's woman.

2 MR. VIGNA: Der Totenkopf, is that
3 one of the monikers of the people using the forum?

4 MR. WARMAN: Yes, that's the
5 individual that I previously indicated I identified as
6 Ciaran Donnelly.

7 MR. VIGNA: And B, B has been filed
8 already?

9 THE CHAIRPERSON: So, 19A would have
10 been produced. Explain to us 19B, Mr. Warman.

11 MR. WARMAN: Certainly. 19B is a
12 four-page document thread entitled "Gangs and Double
13 Standards" that I printed off from Stormfront 23rd of
14 December, 2004 and provided to the Commission pursuant
15 to my complaint against Ms Beaumont.

16 MR. VIGNA: Do you recognize the
17 document?

18 MR. WARMAN: Yes, I stated that I
19 printed it off and provided it to the Commission
20 pursuant to my complaint.

21 MR. VIGNA: I would like to file the
22 document.

23 THE CHAIRPERSON: Fine.

24 MR. VIGNA: Can you tell us the
25 substance of the document and the key elements that are

1 of interest?

2 MR. WARMAN: This is a thread started
3 by an individual calling themselves William Lyon
4 Mackenzie King. The thread is entitled "Gangs and
5 Double Standards." It states:

6 "Anyone notice how when a gang
7 is made up of white people they
8 are 'racist', and when a gang is
9 made up of non-whites
10 (Vietnamese or blacks for
11 example), they are not racist!"

12 There are a couple of different
13 posts. At the bottom of the second page of 4, there is
14 a posting by Jessy Destruction that quotes a previous
15 poster saying essentially that there were people who
16 were uncomfortable when this particular group of
17 individuals were flyering. The person says "so me and
18 my crew wear braces and laces, and boots and flight
19 jackets with swastikas on them, what's wrong with
20 this?" Et cetera, et cetera.

21 Jessy Destruction states:

22 "umm, I do believe that your
23 point probably had to go along
24 with the fact that we were a
25 'gang' of nazis, but if we were

1 nigs...
2 Meaning short for niggers as I understand it,
3 "...then we'd just be 'blacks
4 hanging out and eating' I didn't
5 even notice those fags until
6 they came out of their house
7 [laugh out loud] lol can't
8 really remember seeing them
9 inside the humptys.

10 We know that we're good
11 people, it just seems that no
12 one else knows it."

13 MR. VIGNA: Do you know what humptys
14 means?

15 MR. WARMAN: I believe it was the
16 restaurant or bar that they were at.

17 MR. VIGNA: So that's it for tab 19?

18 MR. WARMAN: It is.

19 MR. VIGNA: Tab 20.

20 MR. WARMAN: Just to make sure, tab
21 20A should be a six-page document Stormfront threads
22 stating "Blacks in Western Canada?"

23 THE CHAIRPERSON: Yes, it is. It's a
24 six-page document.

25 REGISTRY OFFICER: Under A?

1 THE CHAIRPERSON: Yes.

2 REGISTRY OFFICER: What about the
3 three documents at the beginning of the tab that
4 precede A?

5 THE CHAIRPERSON: I don't have it.

6 REGISTRY OFFICER: I have a page 1 of
7 6. I have a page 1 of 2.

8 THE CHAIRPERSON: So in the Tribunal
9 Registry's binder now we have nothing before tab 20,
10 correct?

11 REGISTRY OFFICER: That's correct.

12 THE CHAIRPERSON: And tab A follows
13 tab 20; hence, tab 20A has a six-page document. Right,
14 Mr. Warman?

15 MR. WARMAN: Yes.

16 THE CHAIRPERSON: Go ahead, please,
17 Mr. Vigna.

18 MR. WARMAN: That I printed off on
19 the 23rd of December, 2004 and provided to the
20 Commission pursuant to my complaint.

21 MR. VIGNA: So you recognize this
22 document and the title is "Blacks in Western Canada?"

23 MR. WARMAN: It is.

24 MR. VIGNA: We would like to file
25 this as 20A.

1 THE CHAIRPERSON: Yes.

2 MR. VIGNA: Once it is filed, can you
3 tell us, Mr. Warman, the key element of the tab which
4 is of interest, but also the chronology that leads to
5 the point of interest in the tab?

6 MR. WARMAN: Yes. This is a thread
7 that started out by a fellow named William Lyon
8 Mackenzie King. The title is "Blacks in Western
9 Canada?" It states:

10 "Are there any blacks in
11 Manitoba/Saskatchewan/Alberta/BC
12 ? Those of you have been to
13 Ontario, T.O. especially, is it
14 worse here in Ontario?"

15 It goes through a number of pages
16 where a variety of individuals describe their
17 perceptions of the presence of members of the black
18 community in western Canada.

19 Then on page 3 of 6, Jessy
20 Destruction posting on January 25th, 2004 states:

21 "It could get worse, let's just
22 cross our fingers and hope they
23 all die off from AIDS."

24 And this is just below having cited
25 the thread title of "Re: Blacks in Western Canada?"

1 MR. VIGNA: What is of concern to us
2 is the comments by Ms Destruction?

3 MR. WARMAN: It is.

4 MR. VIGNA: If we look at all the
5 tabs, they seem to be indicating a certain same topic,
6 if we look at all the postings prior to that?

7 MR. WARMAN: Yes, they are all
8 discussing that one topic of the presence of members of
9 the black community in western Canada.

10 MR. VIGNA: Tab 20B. Do you
11 recognize the tab? It says "Ur view on this
12 situation," street_infantry88. Is that what you have?

13 MR. WARMAN: Yes. This should be two
14 pages only of pages 1 to 5 of a document entitled "Ur
15 view on this situation."

16 MR. VIGNA: Before we get to the
17 point of interest, can you tell us what leads up to it.

18 MR. WARMAN: I just want to make sure
19 that Madam Registry Officer has the -- is that an
20 accurate description of what you have in yours?

21 THE CHAIRPERSON: I have a two-page
22 document, page 1 of 5, page 2 of 5.

23 REGISTRY OFFICER: So we don't have
24 3, 4, 5?

25 THE CHAIRPERSON: No, 3, 4 and 5 are

1 not there.

2 MR. WARMAN: No, that was deliberate.
3 This is a two-page document printed off by me on the
4 23rd of December, 2004 from Stormfront of a thread
5 entitled "Ur view on this situation" that I provided to
6 the Commission pursuant to my complaint.

7 MR. VIGNA: So we will file this as
8 an exhibit, 20B.

9 THE CHAIRPERSON: Yes.

10 MR. VIGNA: Can you tell us what
11 leads up to the point of interest in the exhibit, Mr.
12 Warman?

13 MR. WARMAN: The first posting by an
14 individual named street_infantry88, as in the number
15 88, asks for people's views on a situation. They then
16 describe that situation. It says:

17 "Let's say that your brother or
18 sister that you are really close
19 to comes home with a non-white
20 and says they are dating! In
21 this case what would you do?
22 Would you disown their sibling?
23 Or would you take their
24 'sweetheart' out back and beat
25 em up??"

1 Laugh out loud.

2 "I think personally that if my
3 sister came home with a black, I
4 would not talk to her until she
5 got rid of him....And if I ever
6 got the chance alone with this
7 guy I would show him what I
8 really think of this
9 'interracial' dating.

10 My cousin is dating a black
11 and I refuse to go over to his
12 house on even talk to him on the
13 phone.

14 It's disgusting!"

15 Jessy Destruction on January 28th,
16 2004 responds to that, stating:

17 "I told my sister already that I
18 would kill him and then beat her
19 up, she knows I would too.. but
20 she says 'blacks look funny so I
21 don't have to worry.'"

22 MR. VIGNA: Tab 20C, do you recognize
23 the document? It's a one-page document only. Right?
24 It says 1 of 6 but it's only a one-page document and
25 that was deliberate?

1 MR. WARMAN: Yes. This is a one-page
2 document that I printed off on the 23rd of December,
3 2004 and provided to the Commission pursuant to my
4 complaint.

5 MR. VIGNA: I would like to file this
6 document. It says 1 of 6 but there is only one page.

7 THE CHAIRPERSON: Okay.

8 MR. VIGNA: "Does Anyone Know?"
9 that's the title?

10 MR. WARMAN: Yes. The only posting
11 that is of any importance in this thread is the first
12 posting by Jessy Destruction, again with the same
13 indicia of the join date, the rough number of posts,
14 the location all being the same, this posting being
15 from, as I understand the date, May 4, 2004.

16 Jessy Destruction initiates the
17 thread asking:

18 "What might be considered
19 illegal under the new Hate Law
20 that was just passed for
21 homosexuals?

22 I appreciate any links or
23 information, just don't feel
24 like phoning up the police and
25 asking them."

1 MR. VIGNA: 20D, it's a two-page
2 document.

3 MR. WARMAN: Yes, this is a two-page
4 document Stormfront thread entitled "Re: Calgary
5 Alberta" that I printed off on the 23rd of December,
6 2004 and provided to the Commission pursuant to my
7 complaint.

8 MR. VIGNA: I would like to file the
9 document.

10 THE CHAIRPERSON: Yes.

11 MR. VIGNA: Can you tell us the point
12 of interest in the document?

13 MR. WARMAN: This is number 51 in a
14 thread discussing the issue of Calgary, Alberta. On
15 May 29, 2004, Jessy Destruction writes:

16 "ooh Marcus, the only nigger
17 who went to punk shows. Now I
18 see where you got the name
19 Darkus from... yeah I met him
20 like...4 or 5 years ago at a
21 show..."

22 MR. VIGNA: That's it for this tab?

23 MR. WARMAN: Yes.

24 MR. VIGNA: Tab 21, "Britkids
25 website" is the title I have. Theoden seems to be the

1 moniker. It's a six-page document. Is that what you
2 have in your tab, Mr. Warman?

3 MR. WARMAN: It is.

4 MR. VIGNA: Everybody has the same?

5 THE CHAIRPERSON: Tab 21?

6 MR. VIGNA: Yes.

7 THE CHAIRPERSON: Yes, I have a
8 six-page document.

9 MR. VIGNA: It's a six-page document
10 you have in your tab, Mr. Warman. Do you recognize it
11 and did you print it out?

12 MR. WARMAN: This is a six-page
13 Stormfront thread entitled "Britkids website" that I
14 printed off on the 23rd of December, 2004 and provided
15 to the Commission pursuant to my complaint.

16 MR. VIGNA: I would like to file this
17 as an exhibit.

18 THE CHAIRPERSON: Yes.

19 MR. VIGNA: Can you tell us, Mr.
20 Warman, the point of interest in this tab and also what
21 leads to it because I guess there is certain logic to
22 it.

23 MR. WARMAN: The first person Theoden
24 starts off the thread saying:

25 "Here is a link to a 'Britkids'

1 website."

2 It says:

3 "Take a close look at the 9
4 'British' kids of whom only one
5 is of White European descent.
6 Everyday liberals and
7 multiracialists are shoving this
8 PC..."

9 Meaning, I presume, politically correct,

10 "...blatantly anti-European crap
11 down the throats of Englands
12 brainwashed youth."

13 Then --

14 MR. VIGNA: I am just curious,
15 Britkids, what is this? Are you familiar with what
16 that is?

17 MR. WARMAN: As far as I recall, it
18 was a website dedicated to kids living in Britain, some
19 sort of children's website. It has been several years
20 since I looked at it, but that was my recollection of
21 it.

22 On page 4 of 6, at the bottom on 10
23 June, 2004, Jessy Destruction with regard to this
24 thread writes:

25 "I'm a Rastafarian, which means

1 that I believe in a black God
2 called Ras Tafari who was reborn
3 as a sign to black people. In
4 the 1930s he was crowned king
5 and emperor Haile Selassie of
6 Ethiopia, a country in Africa."

7 It then goes on to quote a number of
8 other things describing what this person believes the
9 Rastafarian religion to be about.

10 At the bottom of the post on page 5
11 of 6, Jessy Destruction posts:

12 "That's about the little
13 nignog's religion."

14 Nignog, as I understand it, being a traditional slur
15 for black people.

16 "This site is disgusting, it
17 really worries me even more so
18 about what my sisters are being
19 forced in school."

20 The only other thing that I would
21 note about this posting is that at the bottom of that
22 posting it states:

23 "Last edited by Jessy
24 Destruction."

25 Then gives a date, and it gives the

1 reason, changing font size. I believe that would be of
2 relevance in relation to any question about postings
3 having been altered.

4 MR. VIGNA: There is always the same
5 quote. Does that quote mean anything? Are you
6 familiar with that quote:

7 "My beliefs and opinions have
8 been shaped by my family, my
9 friends, my upbringing, what I
10 see, hear and read, and my
11 experiences of life."

12 MR. WARMAN: My knowledge of it is
13 simply as what I consider to be Ms Beaumont's and what
14 she has admitted to be her signature line.

15 MR. VIGNA: Tab 22A, the title is
16 "MSN are commies." Is that what you have, Mr. Warman?

17 MR. WARMAN: It is. It's a three
18 page document.

19 THE CHAIRPERSON: 22A is a three-page
20 document.

21 MR. VIGNA: Everybody has the same?
22 Do you recognize that document, Mr. Warman?

23 MR. WARMAN: This is a three-page
24 Stormfront thread entitled "MSN are commies" that I
25 printed off on the 23rd of December, 2004 and provided

1 to the Commission.

2 MR. VIGNA: I would like to file it
3 as an exhibit.

4 THE CHAIRPERSON: Yes.

5 MR. VIGNA: Tell us, first of all,
6 there's Der Totenkopf. We saw this name earlier before
7 in one of the profiles. Can you tell us the importance
8 of this?

9 MR. WARMAN: Yes. Mr. Donnelly,
10 using the pseudonym Der Totenkopf, starts this thread
11 that says MSN are commies. He then goes on to write a
12 short jeremiad saying:

13 "When I updated my MSN profile
14 today, I always put in, that I'm
15 a 'nazi'. Well it didn't let me
16 use the word 'nazi'. It tells
17 you it can't use swear words or
18 the word 'nazi'. This is new to
19 me cause I had the word there
20 before! Now you can't use the
21 word 'Nazi' in your profile.

22 MSN are becoming a bunch of
23 commie jews!

24 I know it's just a small
25 thing, but it really p#ssed me

1 off!, just ranting!"

2 To which on page 2 of 3, on June
3 17th, 2004 Ms Beaumont replies:

4 "Which is why my profile says
5 'full time n-a-z-i' there's ways
6 of getting around this BS."

7 MR. VIGNA: That is it for this tab?

8 MR. WARMAN: It is.

9 MR. VIGNA: Tab 22B, "My Rant About
10 Pride Week in TO," Toronto, SS_Panzer, is that what you
11 have, Mr. Warman?

12 MR. WARMAN: It is. It's two pages
13 of a six-page document.

14 MR. VIGNA: That's what it's supposed
15 to be. Everybody has the same?

16 THE CHAIRPERSON: Yes, two sheets,
17 page 1 and page 2 of 6.

18 MR. VIGNA: Do you recognize the
19 document? When did you print it?

20 MR. WARMAN: I printed this off on
21 the 23rd of December, 2004, a stormfront thread
22 entitled "My Rant About Pride Week in TO" and provided
23 to it the Commission.

24 MR. VIGNA: I would like to file the
25 document.

1 THE CHAIRPERSON: Yes.

2 MR. VIGNA: Can you tell us what is
3 important in this tab and the chronology that leads to
4 the comment at page 2? The topic of discussion first
5 of all is what?

6 MR. WARMAN: SS_Panzer starts off
7 this thread describing their unhappiness about the
8 pride week in Toronto. At the bottom of page 1 you see
9 that the second post was made on June 24th, 2004. If
10 you turn the page you will see it was by Jessy
11 Destruction. It states:

12 "I think we all know where
13 you're coming from with this
14 rant, we had [there is a hole
15 there] a week in Calgary, I
16 stayed in the whole week. But
17 about a week after I went
18 downtown and still saw some of
19 the fag banners hanging around
20 town."

21 Then there's a little unhappy face.

22 At the bottom of that page she makes
23 another posting on the same date that states, in
24 response to the immediate previous poster:

25 "White Riot, that's what I ment,

1 the pride banners, on 17th. You
2 can walk around town and find
3 freakin' rainbow stickers on
4 shops, which in my opinion
5 is...well... GAY!"

6 MR. VIGNA: I know there's a mention
7 of Calgary and the location is Coquitlam, B.C. Is this
8 the first time that the city of Calgary is mentioned
9 for a Ms Jessie Destruction?

10 MR. WARMAN: Without going back
11 through all the previous postings, I'm not sure.

12 MR. VIGNA: Anything else in this
13 tab?

14 MR. WARMAN: No.

15 MR. VIGNA: 22C. It's a one-page
16 document, 1 of 4 but only one page. The title is "Let
17 Muslim women keep hijabs on." Is that what you have,
18 Mr. Warman?

19 MR. WARMAN: Yes.

20 MR. VIGNA: And it's one page, but
21 it's one out of four. Right?

22 MR. WARMAN: It is.

23 MR. VIGNA: The same for everybody.
24 Do you recognize the document? When did you print it?

25 MR. WARMAN: I printed it off on the

1 23rd of December, 2004 and provided to it the
2 Commission pursuant to my complaint. It's a Stormfront
3 thread entitled "Let Muslim women keep hijabs on."

4 MR. VIGNA: I would like to file the
5 document. Now I would like you to direct us to the
6 relevant portion of the document.

7 THE CHAIRPERSON: It is produced. Go
8 ahead.

9 MR. WARMAN: At the bottom -- the
10 original posting describes what purports to be
11 something by Prime Minister Paul Martin arguing that
12 Muslim women arriving at Pierre Trudeau International
13 Airport in Dorval shouldn't be required to remove their
14 head scarves as they pass through security and that
15 there had been a complaint about that practice.

16 Jessy Destruction on August 14th,
17 2004 writes:

18 "That drives me nuts, I take
19 photos for the citizenship,
20 passports, pr (permanent
21 residence), visa cards etc. And
22 as I have been told from human
23 resources that the ears MUST be
24 visible, which means, if your
25 hair covers your ears, it has to

1 be tucked back.

2 I don't care if it's a
3 religious thing or not, if you
4 don't want to follow our rules,
5 even if it is taking off your
6 scarf thing for one lousy
7 picture, then stay out of my
8 effing country!"

9 MR. VIGNA: Tab 22D.

10 MR. WARMAN: This is a six-page
11 document Stormfront thread entitled "Some semi-drunken
12 ramblings" that I printed off on the 23rd of December,
13 2004 and provided it to the Commission.

14 THE CHAIRPERSON: Everybody has the
15 document?

16 THE CHAIRPERSON: Yes.

17 MR. VIGNA: I would like that filed.

18 THE CHAIRPERSON: Yes.

19 MR. VIGNA: Entitled "Some
20 semi-drunken ramblings from the new member." So we
21 would like to file the document.

22 THE CHAIRPERSON: Fine.

23 MR. WARMAN: The first poster, using
24 the pseudonym Vesta states that they had been drinking
25 a little bit. It states that they are fourth

1 generation Torontonians and that nothing breaks their
2 heart more than seeing this city slip quietly into the
3 hands of filthy thirdworlders. It continues:

4 "I mean, WTF..."

5 Meaning what the fuck,

6 "I can't even walk along huge
7 stretches of Bloor Street
8 without passing a thousand
9 different stinking Ethiopian,
10 Korean, Indian restaurants and
11 without tripping over their
12 garbage. This town used to be
13 clean, decent and safe.....when
14 it was White. I'm no longer a
15 practicing Christian, but I feel
16 sad when I see the old beautiful
17 Protestant church in High Park
18 which was sold and turned into
19 an f#*\$ing mosque!"

20 Then it continues through that. On
21 page 4 of 6, three-quarters of the way down on August
22 14th, 2004 Jessy Destruction writes:

23 "Just think, all the mindless
24 pawns of the juden who believe
25 in race-mixing and all that

1 such, will be screwed over in
2 the end."

3 Juden being the German for Jews and
4 traditionally used as a pejorative.

5 MR. FROMM: I don't think Mr. Warman
6 can testify as a linguist. I can get into an argument
7 with him about Juden but I believe that's just the
8 German term for --

9 THE CHAIRPERSON: That is my
10 understanding. I will just leave it at that. Thank
11 you.

12 MR. VIGNA: 22E.

13 MR. WARMAN: It's a three-page
14 document that I printed off from Stormfront. It's a
15 thread entitled "The Most Sick Thing I Have Ever
16 Witnessed" that I printed off on the 23rd of December,
17 2004 and provided to the Commission.

18 MR. VIGNA: I would like to file the
19 document.

20 THE CHAIRPERSON: Let me just verify
21 it, please. Three pages, right, three sheets, "The
22 Most Sick Thing I Have Ever Witnessed," right.

23 MR. VIGNA: Rebel Soldier on the
24 site. Tell us what's important in this document and
25 also the sequence, at least to the key point.

1 MR. WARMAN: The first poster, being
2 the pseudonym Rebel Solder states:

3 "The Most Sick Thing I Have Ever
4 Witnessed.

5 Now I know with have all
6 seen different sickly
7 misegenated couples roaming
8 about this once great country,
9 but what I saw today takes the
10 cake. I saw a white man in his
11 early twenties with a veiled
12 muslim that looked fresh off the
13 boat, with the mud baby in the
14 stroller! He must have been
15 high on Afghani Opium to decide
16 to shack up with that one! I
17 bet the Zionists have a good
18 laugh when they see stuff like
19 that!"

20 To which Jessy Destruction on October
21 15th, 2004 replies:

22 "Ever seen a tar black
23 negriod..."

24 I'm presuming that should be negroid,

25 "...and a chink? That's a

1 pretty sick/funny site."

2 MR. VIGNA: Is this a site or a --

3 MR. WARMAN: Site. I can only
4 presume that it was misspelled.

5 MR. VIGNA: Can you tell us the
6 expression, "the mud baby," is that some expression
7 that's used?

8 MR. WARMAN: Mud baby, from what I've
9 observed over the time that I've observed these kinds
10 of forums, is generally used to refer to non-whites or
11 a mixed race.

12 MR. VIGNA: 22F.

13 THE CHAIRPERSON: How many pages?

14 MR. WARMAN: This is a six-page
15 document Stormfront thread entitled "Homosexual
16 pornography is art!?" that I printed off on the 23rd of
17 December, 2004 and provided to the Commission.

18 MR. VIGNA: Everybody has it?

19 THE CHAIRPERSON: Yes.

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

21 THE CHAIRPERSON: Yes.

22 MR. VIGNA: Tell us the chronology
23 that leads to the key point of Jessy Destruction on
24 page 2.

25 MR. WARMAN: The originator of the

1 thread is an individual named Fenrisson. It starts out
2 the thread entitled "Homosexual pornography is art!?"

3 It states:

4 "At the University of
5 Lethbridge, in the arts
6 department there is a program
7 that pays for visiting artists
8 to come and lecture/display
9 their art.

10 I missed this visiting
11 artist (fortunately) but I guess
12 the first few slides he showed
13 of his 'work' were of himself
14 performing oral sex on a twenty
15 year old male (I don't know how
16 old the artist is, and as soon
17 as I have his name it will be
18 posted). I guess much of his
19 work was of similar nature, and
20 after talking with other artists
21 who managed to sit through the
22 presentation (about two or three
23 dozen walked out), all that I
24 talked to failed to understand
25 the need for such graphic 'art',

StenoTran

1 in a required class...in fact
2 they didn't see the need for it
3 at all in an educational
4 environment.

5 As sick as the display was
6 it has had a positive effect in
7 exposing homosexuality for what
8 it really is. Those who were
9 undecided about homosexuality
10 and its nature were suddenly
11 full of opinion after this
12 recent display."

13 In response to that, Der Totenkopf,
14 Ciaran Donnelly states:

15 "It's not art, that was some
16 sick mental defect fag getting
17 off on the fact you guys having
18 to watch it, good for you for
19 walking out!

20 Homos are wrong and that was
21 not art!"

22 On page 2 of 6, towards the bottom,
23 Ms Beaumont quotes Mr. Donnelly's previous posting and
24 states, the quote states:

25 "It's not art, that was some

1 sick mental defect fag getting
2 off on the fact you guys having
3 to watch it."

4 Then she writes on the next page --
5 sorry, this is a posting dated October 22nd, 2004, she
6 writes in all capital letters:

7 "AGREED! F'ing perverts."

8 MR. VIGNA: Anything else for this
9 tab?

10 MR. WARMAN: No, thank you.

11 MR. VIGNA: Tab 23, do you recognize
12 it and when did you print it?

13 MR. WARMAN: There is a seven-page
14 Stormfront thread entitled "New \$20 bill" which I
15 printed off on the 23rd of December, 2004 and provided
16 to the Commission.

17 MR. VIGNA: I would like to file it
18 as an exhibit.

19 THE CHAIRPERSON: Yes.

20 MR. VIGNA: Can you tell us what's
21 important in this tab and what's important in relation
22 to the main point you want to outline in the tab?

23 MR. WARMAN: Angry Irish starts the
24 thread about the new \$20 bill. It states:

25 "New \$20 bill

1 ... becomes more multicultural!
2 It now features a first nations
3 traditional carving of a Haida
4 canoe. With a complete lack of
5 contribution to this country,
6 how is it that their culture is
7 considered Canadian? Even the
8 Asians have done more. We can
9 give until we're blue in the
10 fact. It will never be enough."

11 It then had a picture of the new \$20
12 bill. Then underneath it there's a quote that I would
13 presume to be from the Bank of Canada website, the URL
14 link is listed just above it and it describes:

15 "The artwork of Bill
16 Reid...inspired by the Haida
17 culture of Canada's northwest
18 coast, was chosen to represent
19 this theme. Internationally
20 recognized as one of Canada's
21 most accomplished artists, Bill
22 Reid embraced many art forms
23 during his career. His
24 magnificent works range from the
25 intricate to the monumental..."

1 Et cetera, and:

2 "Depicted on the new \$20 note
3 are The Spirit of Haida Gwaii,
4 The Raven and the First Men, The
5 Grizzly Bear, and Mythic
6 Messengers. Bill Reid was a
7 mentor, and his work continues
8 to inspire Canadian artists in
9 all fields."

10 Subsequent to that on page 4 of 7, on
11 November 1st, 2004 Jessy Destruction states:

12 "I haven't seen the new \$50
13 bills, but the \$20's and \$100's
14 I have seen. I have talked with
15 a few people about them (who
16 aren't WN)..."

17 WN meaning, as I understand it, white nationalists,

18 "...but they don't like the fact
19 that there is native stuff on
20 the bills. I mean, who wants to
21 pay for something and be
22 reminded of a chug?"

23 Chug, based on my having seen it, is
24 usually used as a pejorative for first nations people.

25 MR. VIGNA: Just on the same tab, Mr.

1 Warman, I am just curious. Right underneath what you
2 just read where it says Rivet Head, originally posted
3 by Jessy Destruction, what's the link with Jessy
4 Destruction in terms of the quote? Is there any or
5 it's just a --

6 MR. WARMAN: It's simply a quote from
7 her previous posting immediately above it, and you can
8 see that it's possible to edit the quote because it
9 only contains the second paragraph and not the first.

10 MR. VIGNA: Tab 24A, "Re: Successful
11 BC meet up occurred on Friday, Oct. 29th." It's a
12 three-page document. Is that what you have in your
13 tab, Mr. Warman?

14 MR. WARMAN: It is.

15 MR. VIGNA: Is that the case with
16 everybody?

17 THE CHAIRPERSON: Yes. Did you ask
18 if it was produced?

19 MR. VIGNA: Sorry?

20 THE CHAIRPERSON: Never mind. Go on.

21 MR. WARMAN: Three-page Stormfront
22 thread entitled "Successful BC meet up" that I printed
23 off on the 23rd of December, 2004 and provided to the
24 Commission pursuant to my complaint.

25 MR. VIGNA: Tab 22 is produced?

1 THE CHAIRPERSON: 23?

2 MR. VIGNA: Yes.

3 THE CHAIRPERSON: Yes. This is 24A
4 we're in.

5 MR. VIGNA: Yes, we're in 24, but I
6 wanted to make sure 23 was produced.

7 THE CHAIRPERSON: Yes, it was. So
8 you want 24A produced.

9 MR. VIGNA: Can you tell us the point
10 of importance in 24A and what is the comment and how it
11 has to be interpreted in light of the whole posting
12 thread?

13 MR. WARMAN: What it is is it's a
14 discussion of a meeting that the individuals indicated
15 was a get together of these types of people that
16 occurred on Friday, October 29th, 2004.

17 On page 2 of 3 at the bottom there's
18 a posting dated November 3rd, 2004 from Jessy
19 Destruction that states:

20 "Wish I could have gone, as it
21 was my 19th, there'll be more,
22 looking forward to another one."

23 I understand that to mean that
24 October 29th was her 19th birthday, which is consistent
25 with the birthday that she has listed on her profile,

1 her Stormfront profile.

2 MR. VIGNA: This is for purposes of
3 identity?

4 MR. WARMAN: It is.

5 MR. VIGNA: 24B.

6 MR. WARMAN: A five-page Stormfront
7 thread entitled "No Need to Feel Threatened" that I
8 downloaded on the 23rd of December, 2004 and provided
9 to the Commission.

10 MR. VIGNA: It's filed?

11 THE CHAIRPERSON: Yes.

12 MR. VIGNA: Tell us what's important
13 in this tab. I understand the first page indicates
14 Jessy Destruction. What about the rest?

15 MR. WARMAN: This is a thread that
16 basically discussed what was in essence the fact that a
17 particular individual didn't feel that there was a need
18 to feel threatened by association with non-whites.

19 So, Jessy Destruction, on November
20 12th, 2004, states:

21 "probably that 'it's okay to be
22 friends with other races' type
23 crap.

24 As well, I'm now curious,
25 what are the other things we've

1 accomplished (that makes
2 immigrants seem like a walk in
3 the park)?"

4 If you turn to the next page --
5 sorry, at the bottom of that page, page 1, Luh_Windan
6 quotes Jessy Destruction saying:

7 "probably that 'it's okay to be
8 friends with other races' type
9 crap."

10 Luh-Windan asks: "Are you suggesting
11 it's not?"

12 Then on the next page Jessy
13 Destruction states:

14 "Yes, Luh-windan, I am saying
15 that it is not, I am a NS..."
16 Which I understand the mean national socialist,
17 "...why in Gods name would I
18 befriend another race?"

19 MR. VIGNA: It says, "I agree with
20 you hellacat."

21 MR. WARMAN: That is simply a
22 reference to the posting that's immediately above, as
23 far as I can tell, or perhaps previous postings, but I
24 can't testify to it.

25 MR. VIGNA: And that's it for that

1 tab?

2 MR. WARMAN: Yes, please.

3 MR. VIGNA: Tab C, 24, "No Need to
4 Feel Threatened," is that the title?

5 MR. WARMAN: This is a continuation
6 of that thread, seven pages that I printed off on the
7 23rd of December, 2001 and provided to the Commission.

8 MR. VIGNA: Is this a continuation of
9 the previous thread you just spoke about?

10 MR. WARMAN: It is.

11 MR. VIGNA: I would like to file it
12 as an exhibit.

13 THE CHAIRPERSON: Yes.

14 MR. VIGNA: Can you tell us what the
15 key points are in the exhibit and what leads up to it
16 in terms of the topic, "No Need to Feel Threatened?"

17 MR. WARMAN: On page 2 of 7, halfway
18 down Jessy Destruction writes:

19 "Luh-Windan, sorry I did not
20 reply to your inane question as
21 soon as you would have liked."

22 She then quotes:

23 "What does that have to do with
24 anything? I know several NS
25 individuals who have non-white

1 friends. They are friends
2 because they mutually benefit
3 from the relationship. Would
4 you like to explain what's so
5 bad about that?"

6 Jessy Destruction then continues
7 writing:

8 "I just don't feel the need to
9 be-friend non-whites, as they
10 can do nothing for me, nor would
11 I like to associate with them.
12 I am fine with my own kind, and
13 always will/have been."

14 Then engages in some profanity.

15 MR. VIGNA: It says: "If not, PM
16 me." Do you know what that means in the lingo of
17 Internet?

18 MR. WARMAN: My understanding is that
19 it means private message me.

20 Then if you continue at page 5 of 7,
21 November 15th, 2004 Jessy Destruction responds to a
22 quote saying:

23 "I am fine with my own kind too,
24 but why would I limit by chances
25 [I presume that should be my

1 chances] for positive
2 experiences based on ethnicity?"

3 Jessy Destruction replies:

4 "positive experiences???"

5 MR. VIGNA: D. If nothing else in
6 this tab, D, do you recognize the tab, when did you
7 print it?

8 MR. WARMAN: This is a one-page
9 document Stormfront thread that was originally five
10 pages entitled "thought I'd introduce myself." I
11 printed it off on the 23rd of December, 2004 and
12 provided it to the Commission.

13 MR. VIGNA: So, it's one page out
14 of -- we don't have the other four pages because
15 they're not relevant?

16 MR. WARMAN: Yes.

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

18 THE CHAIRPERSON: Yes.

19 MR. VIGNA: Can you tell us what's
20 important about this 1 of 5?

21 MR. WARMAN: On November the 19th,
22 2004 Jessy Destruction writes, in response to this
23 person who was introducing themselves:

24 "Welcome, I am living in
25 Calgary...until Sunday. But you

1 can always PM me, or other
2 Calgarians. It's a nice city,
3 if you get past all the ARA
4 threats (which are just
5 that...empty threats) and homo
6 loving retards. And, if you
7 can, stay the f*ck away from the
8 North East and North West,
9 filled with non-whites, best
10 place is the good old south,
11 still white."

12 MR. VIGNA: Anything else of
13 relevance in that tab?

14 MR. WARMAN: No, thank you.

15 MR. VIGNA: Tab E.

16 MR. WARMAN: Tab E is five pages from
17 a Stormfront thread entitled "Canadian attempt" et
18 cetera that I printed off on the 23rd of December, 2004
19 and provided to the Commission.

20 MR. VIGNA: I would like to file it
21 as the next exhibit.

22 THE CHAIRPERSON: Yes.

23 MR. VIGNA: Can you get us to the key
24 point in the tab and whatever is important that leads
25 up to it?

1 MR. WARMAN: It describes the first
2 posting on page 1 by FreeMyPeople describes -- purports
3 to describe Muslim parents complaining about a video
4 that was shown depicting the feelings of children who
5 are taunted at school because their parents are
6 homosexuals.

7 There's a variety of responses to
8 that afterwards. On page 3 of 5 at the bottom, on
9 November 19th, 2004 Jessy Destruction writes, in
10 response to the person above:

11 "Rebel Soldier, I agree
12 completely with you. I also
13 would never send my kids to
14 public school, I remember in
15 Grade school, we used to have a
16 relaxed day of school before
17 Christmas break, where we would
18 all get together in the gym and
19 sing Christmas carols, and then
20 go back to class to all discuss
21 what we were doing for the
22 holidays, then it stopped,
23 because of ONE Jew out of our
24 entire school. Now they call
25 Christmas break 'Winter break'

1 it drives me up the wall."

2 MR. VIGNA: Anything of relevance
3 other than that in this tab?

4 MR. WARMAN: No.

5 MR. VIGNA: Tab 24F, do you recognize
6 it? Did you print it?

7 MR. WARMAN: I do and I did.

8 MR. VIGNA: Thank you. I would like
9 to file this as --

10 MR. WARMAN: Sorry, I should give the
11 date. It was printed off by me on the 23rd of
12 December, 2004 and provided to the Commission.

13 MR. VIGNA: I would like to file this
14 as the next exhibit.

15 THE CHAIRPERSON: Yes.

16 MR. VIGNA: Can you tell us the key
17 point in the tab which is relevant and what has to be
18 considered in relation to what you're identifying in
19 terms of relevancy?

20 MR. WARMAN: This is a Stormfront
21 thread entitled "Help" and plenty of dots.

22 Page 1 of 5 of this part of the
23 thread gives a list of people who the individual that
24 the Tribunal has found is named Glenn Bahr who that
25 person alleged was banning books.

1 On page 3 of 5 on November 24th, 2004

2 Jessy Destruction writes:

3 "DER says thanks for the link,
4 Jason."

5 Meaning the poster before whose name
6 is Jason.

7 "Makes me giggle, I own both
8 Turner Diaries and Protocols of
9 the Learned Elders of Zion."

10 And then quotes:

11 "The 'Turner Diaries' and the
12 'Protocols of Zion' are on a
13 list of books that the Canada
14 Customs and Revenue Agency
15 consider illegal to import into
16 the country, agency spokesman
17 Michel Cleroux confirmed."

18 MR. VIGNA: Are you aware of the
19 Turner Diaries are if they have been mentioned in other
20 Tribunal decisions, as well the Protocols of the
21 Learned Elders of Zion, what is the subject matter in
22 these books, if your knowledgeable on the issue?

23 MR. WARMAN: The Turner Diaries are
24 covered fairly extensively within the decision of
25 Member Lloyd in the Warman v. Bahr decision.

1 I am not 100 per cent sure if the
2 Protocols of the Elders of Zion have been covered in
3 previous decisions, but if they have, then perhaps that
4 is something that can go into argument.

5 MR. VIGNA: Generally speaking, the
6 Turner Diaries, I know they occurred in the Glenn Bahr
7 decision, but can you tell us more or less is it a
8 novel or what's the topic of the --

9 MR. WARMAN: It's a fictional
10 recounting of an apocalyptic race war where essentially
11 whites are involved in the slaughter of all non-whites
12 and Jews.

13 MR. VIGNA: From your recollection of
14 reading the Turner Diaries, do you remember the type of
15 language or the type of -- how would you qualify what
16 is said in the Turner Diaries in terms of description?

17 THE CHAIRPERSON: Have you read the
18 Turner Diaries, Mr. Warman?

19 MR. WARMAN: I have, yes. I would
20 describe it as being a horrific account of the genocide
21 of virtually all non-whites and Jews. As I said, it's
22 a description of an apocalyptic race war. I think the
23 Bahr decision, Member Lloyd quite adequately describes
24 it in her decision.

25 MR. VIGNA: The next page is another

1 one on Jessy Destruction. There is not much that is
2 being said there. What can you tell us about it?

3 MR. WARMAN: I'm not sure that
4 there's anything there that's relevant.

5 THE CHAIRPERSON: That was tab G?
6 You just looked at the entry there on page 4.

7 MR. VIGNA: Tab G, "Okay, Ladies" is
8 the title, Bunny88 is the person or moniker.

9 MR. WARMAN: It should be noted this
10 is G1.

11 THE CHAIRPERSON: There are two
12 documents. It just says G and then there is a 2
13 afterwards. We'll treat this as G1. I'll put a
14 sticker on it.

15 MR. VIGNA: Everybody has "Okay,
16 Ladies," Bunny88 as the inscription in the middle of
17 the page of G1. It's only two pages and a picture at
18 the end but it is 1 of 6.

19 THE CHAIRPERSON: Hold on a moment.
20 So, tab 24G, and we're calling it sub 1 because there's
21 a 24G, sub 2. Go on, yes.

22 MR. VIGNA: Can you describe the
23 document in G1, Mr. Warman, and tell us if you are
24 familiar with the document? Then we will file it and
25 we'll ask questions.

1 MR. WARMAN: I can. This is a
2 Stormfront thread entitled "Okay, Ladies" that I
3 printed off on the 23rd of December, 2004 and it
4 includes the link to the photograph which is the third
5 page in this sub tab. It's entitled -- I printed it
6 off and --

7 THE CHAIRPERSON: Where is this link
8 you just mentioned?

9 MR. WARMAN: If you turn the page 2
10 of 6. I'm sorry, I just wasn't sure whether we're
11 still at the identification stage.

12 THE CHAIRPERSON: Mr. Vigna, do you
13 wish to produce this?

14 MR. VIGNA: Yes.

15 THE CHAIRPERSON: It's a three-page
16 document. The last page from I gather what Mr. Warman
17 said is something that pops up when you hit a link that
18 is on page 2, right?

19 MR. WARMAN: Yes.

20 THE CHAIRPERSON: Tell us about that.

21 MR. VIGNA: Just for your
22 information, under the picture, Mr. Warman, those are
23 your notes, I believe?

24 MR. WARMAN: Yes, they are.

25 THE CHAIRPERSON: This handwriting on

1 this picture?

2 MR. WARMAN: Yes, that's just my
3 handwritten note.

4 THE CHAIRPERSON: Okay. It's your
5 opinion, then, that this is a picture of Mr. Donnelly;
6 those are your words?

7 MR. WARMAN: It was a sticky that was
8 on there when I provided it to the Commission to
9 provide them with the context.

10 THE CHAIRPERSON: Just tell us about
11 the photo to complete your evidence on how the photo
12 came to be.

13 MR. WARMAN: The first post in this
14 thread is by Bunny88 who says, "Okay, Ladies." It
15 talks about how sometimes women's pictures are posted
16 on there and about halfway through says:

17 "BUT, I have to wonder, when do
18 we get our chances to drool over
19 some attractive White males?"

20 On the second page of 6, on November
21 25th, 2004 Jessy Destruction writes:

22 "Here's a photo of the SEXIEST
23 man alive!!"

24 And then provides a photo of Ciaran
25 Paul Donnelly. If you click on that little thumbnail

1 sketch that's there, that little picture, that brings
2 you to a separate page that has the larger picture,
3 which has been printed off and is the third page of
4 this sub tab.

5 THE CHAIRPERSON: But it doesn't say
6 anywhere on the photo Donnelly, does it?

7 MR. WARMAN: I am simply testifying
8 from my knowledge of what Mr. Donnelly looks like.

9 THE CHAIRPERSON: Sorry, I didn't see
10 you stand up, Mr. Fromm.

11 MR. FROMM: Just to be clear about
12 this, for tab 24G --

13 THE CHAIRPERSON: G-1.

14 MR. FROMM: Sorry?

15 THE CHAIRPERSON: G-1 we have called
16 it because you will notice there's a little number 2
17 right afterwards. We are calling these first three
18 sheets G1.

19 MR. FROMM: 24G-1, what appears on
20 Stormfront, then, is on pages 1, 2 and the picture.
21 But the handwriting there is not on Stormfront?

22 THE CHAIRPERSON: No, that's clear.
23 In fact, what I will do is I will just strike lines
24 through that on my copy here. Because the evidence, I
25 understand, Mr. Warman, is that you had put a sticky

1 there with your notes and when the photocopying was
2 done for the purposes of the hearing, your notes stayed
3 on it. Those are your notes?

4 MR. WARMAN: Yes, the Commission did
5 it, but that's my understanding of what likely
6 happened.

7 THE CHAIRPERSON: The photo that you
8 have on page 3 is simply an enlargement of the photo
9 that appears in the thread?

10 MR. WARMAN: It is.

11 MR. VIGNA: You mentioned in the
12 handwritten notes that you make a link with Totenkopf,
13 the moniker?

14 MR. WARMAN: Yes.

15 MR. VIGNA: Can you explain how you
16 do that?

17 MR. WARMAN: I'm not entirely clear
18 it's relevant. I can do it, but I just don't know if
19 it's relevant.

20 THE CHAIRPERSON: I did not
21 understand the question.

22 MR. VIGNA: There's a mention of
23 Totenkopf under the picture. Is there a --

24 THE CHAIRPERSON: Are you talking
25 about the handwriting that's under the picture?

1 MR. VIGNA: The handwriting.

2 THE CHAIRPERSON: I've deleted that.
3 My understanding from Mr. Warman is that those are
4 personal notes of his.

5 MR. VIGNA: Fine. I'm going to move
6 on. It's not important.

7 MR. FROMM: I object to that. It's
8 been tendered as an exhibit. I object to that part
9 being deleted.

10 THE CHAIRPERSON: You want it in
11 there?

12 MR. FROMM: Yes. I think it has been
13 adequately identified as to what it is. It's not part
14 of the Stormfront document. It's a sticky written by
15 Mr. Warman.

16 THE CHAIRPERSON: It's clear from the
17 evidence that this is personal notes of Mr. Warman.
18 But I understand, maybe there's some purpose for your
19 argument later on, Mr. Fromm. It will stay on the
20 record but as long as it's understood that those
21 statements are Mr. Warman's personal notes. Go on.

22 MR. VIGNA: G-2.

23 MR. WARMAN: This is page 1 of 6 and
24 there's only the first page of a Stormfront thread
25 entitled "WHAT IS WITH HITLER" that I printed off on

1 the 23rd of December, 2004 and provided to the
2 Commission.

3 MR. VIGNA: So you recognize this
4 document?

5 MR. WARMAN: I do.

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

7 THE CHAIRPERSON: Yes, it's filed.

8 MR. VIGNA: Tell us what's important
9 in this?

10 MR. WARMAN: Yes, it's a thread
11 discussing Hitler. On the 29th of December, 2004,
12 Jessy Destruction posts:

13 "Hitler did a LOT of good things
14 for Germany and the German
15 people. As well, I am a
16 skin-girl and proud of it; but I
17 salute Hitler like any other
18 NS."

19 What I understand to mean national
20 socialist.

21 MR. VIGNA: The date of the posting?

22 MR. WARMAN: 29th of November, 2004.

23 MR. VIGNA: Do you know what a skin
24 girl is? I don't know myself.

25 MR. WARMAN: It's simply referring to

1 the skinhead, neo-Nazi version of skinheads.

2 THE CHAIRPERSON: Mr. Fromm.

3 MR. FROMM: I have to object. He's
4 not an expert on what a skinhead is and I think perhaps
5 other evidence might emerge later. If he wants to say
6 it stands for skinhead, fine; if he wants to say it's
7 neo-Nazi, I don't think that's appropriate.

8 THE CHAIRPERSON: I take these
9 comments as being Mr. Warman's opinion on it, his
10 understanding, but I understand your point.

11 MR. FROMM: I think he's trying to
12 back door expert testimony in here.

13 THE CHAIRPERSON: I'm mindful of the
14 reliability issues of those statements, Mr. Fromm.

15 MR. VIGNA: Tab H, "Norman Rockwell
16 is 'racially insensitive'" is the title, next to
17 sparrow and it's a three-page document. Is that what
18 you have, Mr. Warman?

19 MR. WARMAN: Yes. This is a
20 three-page Stormfront thread entitled "Norman Rockwell
21 is 'racially insensitive'" that I printed off on the
22 23rd of December, 2004 and provided to the Commission.

23 MR. VIGNA: I would like to file that
24 document.

25 THE CHAIRPERSON: Yes.

1 MR. VIGNA: Can you tell us what's
2 important in the document?

3 MR. WARMAN: Yes. The thread is
4 generally discussing Norman Rockwell. On page 2 of 3,
5 on December 2nd, 2004 Jessy Destruction writes:

6 "I love Norman Rockwell, he is
7 one of my favourite artists of
8 life. I have a collection of
9 his works, in one he has a
10 little black girl on her way to
11 school, the wall behind her says
12 'Nigger', as well a tomatoe has
13 just been thrown."

14 Tomatoe with an "e".

15 "She has 3 black men escorting
16 her towards school; the painting
17 is titled 'What we all Have to
18 Live With'."

19 MR. VIGNA: Are you familiar with
20 Norman Rockwell?

21 MR. WARMAN: In general as a
22 quintessential American artist of a very stylized type,
23 yes.

24 MR. VIGNA: Tab 25A, a six-page
25 document entitled "16 Facts...." Is that what you

1 have, Mr. Warman?

2 MR. WARMAN: It is. This is a
3 Stormfront thread entitled "16 Facts...." that I
4 printed off on the 23rd of December, 2004 and provided
5 to the Commission.

6 MR. VIGNA: I would like to file it
7 as an exhibit.

8 THE CHAIRPERSON: Yes.

9 MR. VIGNA: Can you describe the
10 document at tab 25 a bit more in detail and slowly,
11 please?

12 MR. WARMAN: It's a posting dated the
13 2nd of December, 2004 by Jessy Destruction. It states:

14 "I got this off a US site, but I
15 feel it applies to Canada as
16 well."

17 It then states:

18 "CRITICAL FACTS THAT YOUR KIDS
19 WILL NOT LEARN IN SCHOOL

20 1. The White race made American
21 what it is today.

22 2. American heritage is White
23 heritage.

24 3. American law is based upon
25 White concepts from White

1 European thought.

2 4. The American all-White
3 neighborhoods of the past were
4 demonstrably safer, and freer of
5 crime of all sorts than
6 integrated neighborhoods of
7 today."

8 Without going through and reading all
9 of them, it goes through and states that racial
10 integration --

11 MR. VIGNA: Which paragraph?

12 MR. WARMAN: Paragraphs 6, 7 --
13 essentially I am just going to summarize the whole
14 content. It's just basically in essence saying that
15 miscegenation within society has resulted in decay;
16 it's a very bad thing, to put it in the colloquial.

17 "...the black race..."

18 At paragraph 8,

19 "...it is clear that it is not
20 capable of creating or
21 maintaining an advanced
22 society."

23 "In every case (such as Haiti)
24 where it has been given a
25 thriving society, it has killed

1 it, driving it into the same
2 primitive state that its people
3 have always lived in, in their
4 native Africa. (For any who is
5 foolish enough to doubt history,
6 we have the sad spectacle of
7 South Africa playing out before
8 us, which should erase all
9 doubts.)"

10 It states that:

11 "...Hispanic peoples are also
12 deficient in creating advanced
13 societies like the White race
14 has repeatedly created."

15 This is at paragraph 10. It states
16 that:

17 "We may honourably allow only
18 White immigrants, or no
19 immigrants at all"

20 At paragraph 13:

21 "It provides the sort of usual
22 indicia of hate messaging as
23 outlined in the Kouba decision
24 that whites, as a percentage of
25 world population, is now down

1 into the single digits and
2 falling fast, that white nations
3 are accepting large numbers of
4 non-white immigrants, and that
5 this could lead to the
6 extermination of the white
7 race."

8 Then in paragraph 16 it states that:
9 "Those who support American
10 diversity, Nonwhite immigration,
11 miscegenation, integration,
12 and/or Affirmative Action, are
13 either: 1) ignorant of the above
14 critical facts; or 2) blatant
15 haters of the White race and
16 seeking to end its existence on
17 planet Earth."

18 At the bottom of page 3 of 6, Jessy
19 Destruction provides a link to that.

20 MR. VIGNA: Did you go on this link?

21 MR. WARMAN: I did. I did click on
22 it and it provided me with a link where I could find
23 that material.

24 Then on page 4 of 6, on December 3rd,
25 2004 Jessy Destruction posts what is purported to be a

1 Bill of Racial Rights. It's essentially that white
2 people should be permitted to engage in segregation, to
3 reject all non-white cultures within their segregated
4 territories, that they should have the right to place
5 their own interests over the interests of any other
6 race or people, that they should have the right to
7 prohibit all forms of miscegenation, that they should
8 have the right to force people to speak the language of
9 the white people who created the country within those
10 borders, and that white people have the right to
11 produce and to consume entertainment and advertising
12 that is free from mention or depiction of members of
13 other races.

14 It then states:

15 "If you are not willing to fight
16 for your rights, you don't have
17 any!"

18 MR. VIGNA: Anything else of interest
19 in this tab?

20 MR. WARMAN: No.

21 MR. VIGNA: 25B, it's four pages of a
22 seven-page document, "5 things that concern you?" is
23 that what you have, Mr. Warman?

24 MR. WARMAN: Yes, it's a thread from
25 Stormfront that I printed off on the 23rd of December,

1 2004 and provided to the Commission pursuant to my
2 complaint.

3 MR. VIGNA: I would like to file this
4 document.

5 THE CHAIRPERSON: Yes.

6 MR. VIGNA: Can you tell us what's
7 important in the document, Mr. Warman?

8 MR. WARMAN: Yes. Glenn Bahr posting
9 under the pseudonym SS-88 states "5 things that concern
10 you?" He says that he's gathering up information for
11 an upcoming flyer and was wondering if there were five
12 things that concern you as a white Canadian citizen.
13 He then lists his particular obsessions and goes on to
14 page 4 of 7.

15 Jessy Destruction on December 6th,
16 2004 states that the five things that concern her are:

- 17 "1. Immigration.
18 2. Freedom Of Speech (and
19 everything else).
20 3. People need to wake up, and
21 grab a sense of morality.
22 4. People who support 'gay
23 marriages' although are not gay,
24 even if they are ...IT'S SICK!
25 5. Basis of/for Deportations

1 for illegal immigrants (this
2 needs to be followed through
3 with a LOT faster, and more
4 watched)."

5 MR. VIGNA: Mr. Warman, on the first
6 page where you mentioned SS-88 and you mentioned Mr.
7 Glenn Bahr, do you know if that has been the object of
8 a Tribunal decision?

9 MR. WARMAN: It has in the Warman v.
10 Bahr decision.

11 MR. VIGNA: The moniker was
12 associated to Mr. Bahr?

13 MR. WARMAN: Yes, it was.

14 MR. VIGNA: The issue about the flyer
15 that's mentioned here and then the kind of a suggestion
16 at page 4, do you know what this is all about to your
17 knowledge and from what knowledge?

18 MR. WARMAN: As I recollect, it was a
19 flyer that the group Western Canada For Us was
20 attempting to produce for distribution.

21 MR. VIGNA: The group Western Canada
22 For Us was one of the parties in the same decision as
23 Mr. Bahr?

24 MR. WARMAN: They were, yes.

25 MR. VIGNA: 25C.

1 MR. WARMAN: This is a six-page --
2 there's six pages and then there's a subsequent page 1
3 of 7 which is all part of the same thread from
4 Stormfront entitled "Answer these questions only if
5 your worthy!" that I printed off on the 23rd of
6 December, 2004 and provided to the Commission.

7 MR. VIGNA: I would like to file this
8 as the next exhibit. The 1 of 7 is interlinked with
9 the first one of 6. Correct? Is that what you're
10 saying?

11 MR. WARMAN: It is.

12 THE CHAIRPERSON: Okay.

13 MR. VIGNA: Can you tell us first of
14 all, 1 of 6 what's relevant and how we should read
15 these documents in tab 25C?

16 MR. WARMAN: It's a thread started by
17 a person using the pseudonym White Snake. Basically it
18 says:

19 "What am about to expose here is
20 a nightmare, I want to have your
21 thoughts on it and reactions
22 (it's very important to me)."

23 It then talks about one sister who
24 apparently broke up with her boyfriend and then
25 announced to the family that she was pregnant with a

1 new boyfriend who was black.

2 It goes on to talk about the fact
3 that during family sort of get togethers this
4 individual doesn't want to appear when those two will
5 be there.

6 At page 1 of 7, at the last page of
7 this thread, of this tab, Jessy Destruction on 7
8 December, 2004 responds:

9 "I would stay away from the get
10 together as well, my sisters
11 know how addiment I am about
12 race-mixing. And would never
13 bring home a nig if they wanted
14 to ever see me again. Your
15 sister will understand when you
16 aren't at the reunion, and if
17 she doesn't realize it's her
18 fault; then I am truly sorry to
19 hear that."

20 MR. VIGNA: That is when in relation
21 to in terms of timing to White Snake which is on page
22 1?

23 MR. WARMAN: It's the same day, later
24 that same day.

25 MR. VIGNA: Is there anything else in

1 this tab that you would like to mention?

2 MR. WARMAN: No, thank you.

3 MR. VIGNA: Tab 25D, "Giant Menorah
4 on Queens Park." It's a four-page document. Is that
5 what you have, Mr. Warman?

6 MR. WARMAN: It is.

7 MR. VIGNA: Do you recognize the
8 document?

9 MR. WARMAN: It's a four page
10 Stormfront thread entitled "Giant Menorah on Queens
11 Park" that I printed off on the 23rd of December, 2004.

12 MR. VIGNA: I would like to file it
13 as an exhibit.

14 THE CHAIRPERSON: Yes.

15 MR. VIGNA: Can you tell us, Mr.
16 Warman, then, how we are to read the document in
17 relation to the moniker that's always the same, Jessy
18 Destruction?

19 MR. WARMAN: Essentially it's
20 describing a Menorah that was located or that they
21 indicate was located in front of the Ontario
22 Legislature, also known as Queen's Park. The first
23 poster describes this as a very negative thing.

24 At the bottom of the first page on
25 December 8th, 2004 if you turn to page 2 of 4 it

1 continues Jessie Destruction states:

2 "That's sick, I'm sure something
3 like this will happen in Van.
4 Sick, sick, sick!!"

5 Then further down on that page on the
6 9th of December, 2004 she writes again:

7 "I saw in the newspaper on the
8 8th, they had a quarter page
9 spread of some rabbi lighting
10 BC's largest menorah in Van,
11 sick sick sick."

12 MR. VIGNA: Do you know where Van is?

13 MR. WARMAN: I believe it's short for
14 Vancouver.

15 MR. VIGNA: Is that all for that tab?

16 MR. WARMAN: It is.

17 MR. VIGNA: Tab 25E, "Can I get a big
18 White Power for another white child!!!!" is the title
19 in the middle.

20 THE CHAIRPERSON: Hold on. Which
21 tab?

22 MR. VIGNA: 25E.

23 THE CHAIRPERSON: Okay.

24 MR. WARMAN: I am just wondering if
25 we could take a five- or ten-minute break.

1 THE CHAIRPERSON: It's 3:21 according
2 to my clock, so we'll come back at 3:30.

3 MR. WARMAN: Thank you.

4 --- Upon recessing at 3:21 p.m.

5 --- Upon resuming at 3:30 p.m.

6 THE CHAIRPERSON: Mr. Fromm, yes.

7 MR. FROMM: On a matter of
8 housekeeping, I was seeking some clarification. It
9 looks as though we may be able to finish Mr. Warman's
10 testimony today. I anticipate tomorrow morning perhaps
11 a couple of hours, no more of cross-examination.

12 THE CHAIRPERSON: Sure.

13 MR. FROMM: Then I propose to have Ms
14 Beaumont as a witness. From my point of view, that
15 will probably be a couple of hours. So would it be
16 reasonably safe to say that we can have the summations
17 on Wednesday morning?

18 THE CHAIRPERSON: That is my goal.
19 That is my intended game plan, if you will. I am
20 prepared to start earlier, keep our breaks more
21 restricted in order to ensure that that will happen so
22 we can get this done by then.

23 MR. FROMM: I was also wondering if
24 it would be possible to break today at 4:30 as Ms
25 Beaumont is not feeling all that well.

1 THE CHAIRPERSON: I would like to
2 stay on track as much as possible through the material,
3 mindful of what you just said. I will be
4 accommodating, if need be.

5 Mr. Warman, you stood up. I know Mr.
6 Vigna is not here.

7 MR. WARMAN: If we finish tomorrow
8 morning early, I would very much prefer to continue
9 with closing submissions tomorrow afternoon so as not
10 to incur the extra expense. But in the event that -- I
11 am just saying --

12 THE CHAIRPERSON: My habit is to be
13 as quick as possible. I am not going to stretch it out
14 for three days. I am worried that we might run out of
15 the three days. That is my concern.

16 MR. WARMAN: If tomorrow afternoon we
17 finish at 2:00 o'clock, say, with Ms Beaumont so that
18 there is not someone saying to the Tribunal, oh, I
19 thought we were going Wednesday morning with
20 submissions, just so that all parties are ready to go
21 tomorrow afternoon.

22 THE CHAIRPERSON: I understand what
23 you're saying, but I am also reasonable about this.
24 For submissions you need some time to look through your
25 notes. I am mindful of what you are saying, Mr.

1 Warman, but we have to be realistic too.

2 Will there be any objection to Ms
3 Beaumont testifying, on your part, Mr. Warman? I know
4 she wasn't included officially in the will-say, but I
5 must say that the principles that I raised earlier
6 today with regard to a third party witness I am not as
7 comfortable setting those out with respect to a party.

8 MR. WARMAN: I would like to have an
9 opportunity to discuss it with my colleague but I doubt
10 there would be any objection.

11 THE CHAIRPERSON: There was a
12 will-say that was given to me. I gather Mr. Fromm has
13 distributed a will-say. Did you receive it, Mr.
14 Warman. Have you passed it to the other side?

15 MR. FROMM: I did right after lunch
16 to all parties.

17 THE CHAIRPERSON: I don't have it in
18 front of me, but the Registry Officer has it in front
19 of her right now. It is what one would expect a
20 respondent to be saying in terms of what is being
21 described in there.

22 MR. WARMAN: I would like to
23 continue.

24 THE CHAIRPERSON: You don't want to
25 wait for Mr. Vigna?

1 MR. WARMAN: No.

2 THE CHAIRPERSON: If you think that
3 Mr. Vigna will not take offence.

4 MR. WARMAN: He won't. I'm sure he
5 won't, and I'm faster.

6 THE CHAIRPERSON: Go ahead, sir.

7 MR. WARMAN: Tab 25E is a two-page of
8 six Stormfront thread entitled "Can I get a big White
9 power for another white child!!!!" that I printed off
10 on the 23rd of December, 2004 and provided to the
11 Commission pursuant to my complaint. I guess I would
12 like to tender that as an exhibit, please.

13 THE CHAIRPERSON: We will be
14 consistent. You would just like it to be produced.

15 MR. FROMM: No objection.

16 THE CHAIRPERSON: Thank you, sir.

17 MR. VIGNA: Sorry, Mr. Chair.

18 THE CHAIRPERSON: We just started
19 without you, Mr. Vigna, because Mr. Warman felt
20 comfortable going ahead.

21 MR. FROMM: You've dropped the
22 charges.

23 THE CHAIRPERSON: I don't see it
24 happening and we don't call them charges.

25 MR. VIGNA: I am really sorry, Mr.

1 Chairman. I was getting nervous because he was taking
2 time to --

3 THE CHAIRPERSON: It depends how they
4 set those wands sometimes. In some airports you slide
5 right through and other airports they make you
6 practically take all your clothes off. I hope they
7 didn't do that to you, Mr. Vigna.

8 MR. VIGNA: No.

9 THE CHAIRPERSON: Mr. Warman already
10 had us look at tab 25E and it's been produced. Go
11 ahead.

12 MR. VIGNA: 26.

13 THE CHAIRPERSON: It's been produced
14 but we haven't gone through it yet.

15 MR. VIGNA: Can you tell us, then,
16 what's important in 25E?

17 MR. WARMAN: This is simply an
18 individual who was saying I had a child, can everyone
19 sort of congratulate me on it. Basically what happens
20 on page 2 of 6 is that on the 9th of December, 2004
21 Jessy Destruction writes:

22 "Congrats. You have both been
23 blessed. How much of a premie
24 was she?"

25 Et cetera. Then in about 20, maybe 30 point font all

1 bold states "WHITE POWER."

2 MR. VIGNA: Is that all or is there
3 more?

4 MR. WARMAN: That's all.

5 MR. VIGNA: Tab 26.

6 MR. WARMAN: The first part of it is
7 a seven-page document. Then there's a blank page
8 separating the next five pages.

9 MR. VIGNA: They're interlinked?

10 MR. WARMAN: Which is a continuation
11 of that thread, that same thread.

12 THE CHAIRPERSON: So basically tab
13 25A is a long thread, over two sections on the website?

14 MR. WARMAN: Yes, that I printed off
15 on the 23rd of December, 2004, provided to the
16 Commission and it's a Stormfront thread entitled
17 "Canadian Court Approves Same-Sex Marriage."

18 MR. VIGNA: I would like to file that
19 as the next exhibit.

20 THE CHAIRPERSON: Yes.

21 MR. VIGNA: Can you tell us what's in
22 the first batch 1 to 7, what's of importance, and then
23 go on to the next batch, 1 to 5?

24 MR. WARMAN: Essentially what it is
25 is it's a thread discussing the Supreme Court reference

1 with regard to same-sex marriage. A lot of them are
2 extremely negative with regard to the decision. On
3 page 5 of 7 Jessy Destruction on December 9th, 2004
4 writes:

5 "I was proud before, to say that
6 AB..."

7 Meaning Alberta,

8 "...was one of the only
9 provinces to not allow Same sex
10 'marriages' but now, it's all
11 the same AIDS peddling sh*t."

12 MR. VIGNA: The date of the posting?

13 MR. WARMAN: I identified that it was
14 the 9th of December, 2004.

15 MR. VIGNA: The next batch.

16 MR. WARMAN: The next section on page
17 1 of 5, there's a posting at the top there by Mr. Fromm
18 dated 10 December, 2004 that states:

19 "Well, the buggers won another
20 victory."

21 It then goes on to make extremely
22 disparaging comments about the Supreme Court. Jessy
23 Destruction replies to that, essentially to another
24 posting by an individual named LaFascista2, and states:

25 "...to me, it seems like you are

1 defending fag marriages. I
2 don't know about anyone else
3 here, but even if I put my
4 religion aside, I still think
5 fags are wrong, vile, and
6 disease ridden, as well as
7 figging perverts."

8 MR. VIGNA: The second page?

9 MR. WARMAN: That's everything of
10 relevance.

11 MR. VIGNA: So the other mention of
12 Jessy Destruction is more or less --

13 MR. WARMAN: It's just discussion.

14 MR. VIGNA: Tab B.

15 MR. WARMAN: This is a three-page
16 Stormfront thread entitled "Partial Victory in Homo
17 Killing" that I printed off on the 23rd of December,
18 2004 and provided to the Commission.

19 MR. VIGNA: I would like to file that
20 as the next exhibit.

21 THE CHAIRPERSON: Yes.

22 MR. VIGNA: At page 2, what's the
23 relevance of it?

24 MR. WARMAN: If you look at the first
25 page, it sets the context for the thread. It's dated

1 the 10th of December, 2004 and it states:

2 "The homosexuals on the
3 Vancouver t.v. stations are
4 really crying the blues. I
5 guess the judge didn't believe
6 the 'young offenders' who
7 testified. The good guys lost
8 yesterday, but won today!
9 [mostly anyhow]"

10 It then quotes from what it indicates
11 is a Canadian Press Report saying:

12 "Split verdict in fatal gay
13 swarming Cran guilty, Rao
14 acquitted.

15 A convicted killer quietly
16 accepted his guilty verdict
17 Friday but a second acquitted
18 man swore angrily at spectators
19 as sheriffs led him away
20 following a tense hearing that
21 spilled outside the courtroom."

22 It then gives a link to a [canada.com](#)
23 report on it. At the bottom of the first page, you can
24 see there's a posting that was dated the 10th of
25 December, 2004, and in response to the heading "Re

1 Partial victory in Homo Killing," Jessy Destruction
2 quotes part of what I understand was the article
3 saying:

4 "She said he was a human being
5 and he was murdered.

6 'Aaron was peaceful, loving,
7 kind, she said, weeping. 'We
8 hope he will be remembered that
9 way, not as the homosexual
10 murdered in Stanley Park.'"

11 Jessy Destruction replies saying:

12 "Just to spite this fags sister,
13 I am now going to remember that
14 he was the gay killed in Stanley
15 park."

16 MR. VIGNA: That's it for this tab?

17 MR. WARMAN: Yes.

18 MR. VIGNA: Tab C, always in the same
19 24, it's a two-page document of an eight-page document,
20 "Did you know?" Is that what you have, Mr. Warman?

21 MR. WARMAN: Yes. It's a Stormfront
22 thread entitled "Did you know?" that I printed off on
23 the 23rd of December, 2004 and provided to the
24 Commission.

25 MR. VIGNA: I would like to file this

1 as the next exhibit.

2 THE CHAIRPERSON: Yes.

3 MR. VIGNA: Mr. Warman, can you tell
4 us what's important about this exhibit?

5 MR. WARMAN: It's an individual using
6 the pseudonym White Snake, and states:

7 "Did you know?

8 Apparently there is a law in the
9 Canadian constitution that give
10 you the right to marry a kid?
11 and it still effective?

12 I just heard that a few weeks
13 ago on the news, a pedofile
14 marry a little girl (7 yr old)
15 who is now 12 yr (Quebec). The
16 man is accused of child
17 molesting, and base is defend on
18 the fact that in the Canadian
19 constitution you have the right
20 to marry a kid, as long as it is
21 you're wife there is no crime he
22 proclaim."

23 It goes on to talk about:

24 "I mean, it's outrageous, those
25 pedofiles are destroying the

1 future of this country."
2 It talks about sexual predators:
3 "...predator is the right name
4 for these bastards. They are
5 after our youth, seeking
6 destruction from the inside..."

7 Then Jessy Destruction in a posting
8 on the 13th of December, 2004 replies:

9 "If this is the true, it's the
10 Jews who made that law. I'll
11 try and find out if it is true
12 or not."

13 MR. VIGNA: Tab 26D, a six-page
14 document. Is that what you have?

15 MR. WARMAN: Yes, it's a six-page
16 Stormfront thread entitled "How the Mark of the Beast
17 changes you" that I printed off on the 23rd of
18 December, 2004 and provided to the Commission.

19 MR. VIGNA: Tell us the importance of
20 the tab which is most important on page 2 and then the
21 rest?

22 THE CHAIRPERSON: Did we say it's
23 produced?

24 MR. VIGNA: Sorry, is it filed? D
25 has not been produced.

1 THE CHAIRPERSON: Do you want it
2 produced?

3 MR. VIGNA: Yes.

4 THE CHAIRPERSON: Yes.

5 MR. VIGNA: We produced also C, I
6 believe, right?

7 THE CHAIRPERSON: C was produced.

8 MR. VIGNA: D, now that it's been
9 filed, can you tell us what's important in that tab?

10 MR. WARMAN: The thread was basically
11 a discussion of the Mark of the Beast and related sort
12 of numbers, including 666 that are traditionally
13 associated with Satanism. I note that there's a bunch
14 of numbers in there, so it's unfortunate that we didn't
15 have an expert in numerology perhaps, but if you
16 continue on, it's page 2 of 6, Jessy Destruction on the
17 19th of December, 2004 responds to How the Mark of the
18 Beast changes you, and says:

19 "Religion is not here for us to
20 make fun with it. To quite a
21 few people Religion is life,
22 like mine. I fight for God
23 above anything else. I pray
24 before every meal, after every
25 meal, while I'm driving,

1 working, shopping for groceries.
2 For me, Religion is EVERYTHING.
3 God, Race, Nation."

4 Signed Jessy D.

5 Then in response to that, right after
6 that, Cornflake_Girl8 asks:

7 "Are you a pastor then? Or a
8 priest?"

9 MR. VIGNA: That's at page 4?

10 MR. WARMAN: That's at the bottom of
11 page 2 and the top of page 3 of 6.

12 MR. VIGNA: You said Cornflake_Girl.
13 That's right after page 2?

14 MR. WARMAN: Yes.

15 MR. VIGNA: And then, "Are you a
16 pastor then? Or a priest?" And then?

17 MR. WARMAN: At the bottom of page 4
18 of 6, Jessy Destruction on the 19th of December, 2004
19 responds, quoting:

20 "Are you a pastor, then? Or a
21 priest?

22 I am not a pastor or a priest.

23 However, if you want to get

24 cocky, my grandfather is now a

25 reverend. Reverand Harold

1 Beaumont, NS."

2 MR. VIGNA: Is that it for that tab?

3 MR. WARMAN: It is.

4 MR. VIGNA: Tab 27. It's a four-page
5 document.

6 MR. WARMAN: It's a four-page
7 Stormfront thread entitled "homos marrying in Alberta?"
8 that I printed off on the 23rd of December, 2004 and
9 provided to the Commission.

10 MR. VIGNA: There might be two copies
11 of the same thing, but it's a four-page document.

12 THE CHAIRPERSON: Sorry?

13 MR. VIGNA: In my binder I have two
14 copies of the same thing.

15 THE CHAIRPERSON: Let me look. That
16 appears to be the case. The second one is a poorer
17 copy than the first one. Would there be any objection,
18 Mr. Vigna, to my removing the last four pages?

19 MR. VIGNA: No.

20 THE CHAIRPERSON: Do you have eight
21 pages too, Mr. Fromm?

22 MR. FROMM: Yes.

23 THE CHAIRPERSON: Let's remove the
24 second four pages. Just to be clear, then, tab 27 is
25 made up of a four-page document.

1 MR. VIGNA: Do you recognize this
2 document, Mr. Warman, and did you print it?

3 MR. WARMAN: Yes. It's a four-page
4 document entitled "homos marrying in Alberta?" that I
5 printed off on the 23rd of December, 2004 and provided
6 to the Commission.

7 MR. VIGNA: I would like to file that
8 as an exhibit.

9 THE CHAIRPERSON: Yes.

10 MR. VIGNA: Can you tell us, Mr.
11 Warman, what's the point of interest in this exhibit
12 and what leads up to the point of interest?

13 MR. WARMAN: Black heart, the
14 individual first the poster talks about:

15 "if anyone read the Calgary Sun
16 lately, you would have seen
17 ralph klien in the paper talking
18 about how he will never allow
19 same sex marriages in Alberta
20 and if Ontario passes the
21 legislature allowing it in
22 Canada he still won't allow it
23 in Alberta, he is calling for
24 help for anyone out there who
25 can help, and I believe it is

1 our duty as Canadians to back
2 Ralph as much as possible.
3 We won't let them marry here
4 ever!
5 Does anyone have any ideas on
6 what we can do?"

7 Page 2 of 4, Jessy Destruction
8 writing the day before, that would be the 22nd of
9 December, 2004 states:

10 "I hope Alta [short for Alberta]
11 never lets those degenerates
12 marry, it's just vile!"

13 MR. VIGNA: Is that it for this tab?

14 MR. WARMAN: It is.

15 MR. VIGNA: Tab 28. It's a tab
16 that's loose, but it's in there. Can you describe the
17 document in tab 28, Mr. Warman? It's four pages of a
18 12-page document. Is that what you have?

19 MR. WARMAN: Yes, it's from
20 MySpace.com and it's from an individual whose pseudonym
21 is Canadian and it bears a large thing on the front of
22 it saying "Brutality is reality" that I printed off on
23 the 6th of April, 2006 and provided to the Commission.

24 MR. VIGNA: So we have to read this
25 in a horizontally way, right? Can you continue on the

1 document in question and bring to our attention the key
2 elements of the document?

3 MR. WARMAN: Sorry, has it been
4 identified?

5 MR. VIGNA: Have we filed it?

6 THE CHAIRPERSON: You didn't file it
7 yet.

8 MR. VIGNA: Can I file this document?

9 THE CHAIRPERSON: Yes.

10 MR. VIGNA: You printed it when.

11 MR. WARMAN: 6 April, 2006.

12 MR. VIGNA: Tell us what's important
13 in this document and the relevance of this document in
14 respect to the entire evidence.

15 MR. WARMAN: This is an individual
16 who I believe to be Nathan Touchet. It's a posting --
17 it's the same idea. It's My Space. It's simply the
18 social networking-type sites where you can set up your
19 own little profile and talk amongst yourself and your
20 friends.

21 So, Canadian, if you look at the
22 bottom right of the first page, you will see there are
23 pictures of Canadian's friends. There's a picture of
24 Father Krespi, who I believe to be Mr. Donnelly. Then
25 there's a picture of Jessy, and I believe that picture

1 is reflective of Ms Beaumont.

2 On page 2 of 12, Canadian's friends
3 comments start.

4 Then if you look at the second
5 comment, Jessy, on April 5th, 2006 at 7:22 p.m., then
6 on the next page you will see that there is the same
7 image that has been previously seen as she posts the
8 sign of the Catholic church with three Swastikas and
9 the text stating:

10 "Church of the dead Warman
11 Society Warman haters allways
12 welcome."

13 Then if you continue, the posts work
14 their way backwards. So, here we have the 5th of
15 April, 2006 at 7:21 p.m. Then she's posted it again,
16 the same image.

17 MR. VIGNA: If you cross-reference
18 this exhibit with the one at tab 11 can you tell us if
19 they're the same pictures that are there?

20 MR. WARMAN: Yes, they are.

21 MR. VIGNA: Which picture in
22 particular do you see?

23 MR. WARMAN: The top left image on
24 page 2 of 5 of tab 11.

25 MR. VIGNA: Can you tell us about the

1 clothing of the picture of the girl that's on page 1
2 and the one we just saw on page 3 of 12 that we're
3 looking at right now?

4 MR. WARMAN: The clothing is the same
5 in the pictures.

6 MR. VIGNA: In respect to tab 28, is
7 there anything else, or is that it?

8 MR. WARMAN: No.

9 MR. VIGNA: In respect to tab 29, can
10 you tell us if you recognize this document, from which
11 website and when you printed it?

12 MR. WARMAN: Yes, this is another My
13 Space profile for an individual calling themselves
14 Tara. It was printed by me on the 6th of April, 2006
15 and submitted to the Commission pursuant to my
16 complaint against Ms Beaumont.

17 MR. VIGNA: It's a three-page
18 document of originally a 12-page document? There's
19 three pages?

20 MR. WARMAN: Mr. Chair, if I could
21 just have a moment to refer to the original document
22 that I have at my table, I believe there are perhaps
23 some pages missing from this exhibit.

24 THE CHAIRPERSON: Mr. Vigna.

25 MR. FROMM: Is there a three-hole

1 punch?

2 REGISTRY OFFICER: I'm just getting
3 one.

4 THE CHAIRPERSON: I'm looking for one
5 too, but I was told it will come later. I would ask Ms
6 Hartung to give it to you right now so we can use our
7 time resourcefully.

8 MR. VIGNA: There's a page 4 that's
9 missing, Mr. Chair, in this document, I would like to
10 perhaps bring it in later tomorrow.

11 THE CHAIRPERSON: Do you want to
12 proceed with these three pages and complete the exhibit
13 until tomorrow?

14 MR. WARMAN: The exhibit has no
15 relevance without the fourth page.

16 THE CHAIRPERSON: Then just skip the
17 tab and come back tomorrow. So it's not produced then.

18 MR. VIGNA: In case we finish today
19 the examination, I just want to reserve the right to
20 bring it in.

21 THE CHAIRPERSON: Mr. Fromm, you're a
22 little preoccupied. It appears that this exhibit is
23 not complete so they won't be referring to it. It's
24 not produced at this moment. That was tab 29. But
25 they have reserved the right to complete it tomorrow.

1 If we finish today, I will give them the right to
2 provide that exhibit tomorrow.

3 The exhibit is present in the room
4 but it has not been photocopied so that we can use it.

5 MR. FROMM: Understood.

6 THE CHAIRPERSON: Show to it Mr.
7 Fromm.

8 MR. VIGNA: We will reserve our right
9 to --

10 THE CHAIRPERSON: That's okay, you
11 can produce it tomorrow.

12 MR. VIGNA: 31 is the same as 12 so
13 we won't elaborate on that.

14 THE CHAIRPERSON: It's the same as
15 12?

16 MR. VIGNA: Yes.

17 THE CHAIRPERSON: So you won't be
18 producing this document?

19 MR. VIGNA: Not in 31.

20 THE CHAIRPERSON: Tab 31 is
21 withdrawn. Can we just withdraw it right now?

22 MR. VIGNA: Let me check. We have a
23 document at tab 12 which is the same that is in tab 31.

24 THE CHAIRPERSON: I can leave it here
25 for now. If it's not referenced in the evidence, it

1 will be withdrawn automatically at the end of the
2 hearing.

3 REGISTRY OFFICER: Did I miss tab 30?

4 MR. VIGNA: We are in tab 30. Tab
5 30, mr. Warman, is a loose document?

6 MR. WARMAN: Yes, sorry.

7 MR. VIGNA: With five pages.

8 MR. WARMAN: Yes.

9 MR. VIGNA: Do you see tab 30, a
10 five-page document, EveryonesSpace.com, it's
11 horizontal?

12 MR. WARMAN: I do. This is in
13 essence simply a separate date version of tab 11, I
14 believe.

15 MR. VIGNA: Is there any difference
16 between the two tabs?

17 MR. WARMAN: The only relevance of it
18 would be that the material was there on two different
19 days.

20 MR. VIGNA: In June and the other one
21 in May, I believe.

22 MR. WARMAN: Yes.

23 THE CHAIRPERSON: What's the date
24 here? It's April 6th or June 4?

25 MR. VIGNA: If you look under Jessy

1 Destruction, Mr. Chair, in tab 11 right underneath it
2 says last login.

3 MR. WARMAN: I believe it's 4 June,
4 2006.

5 THE CHAIRPERSON: Okay.

6 MR. VIGNA: Do you recognize this
7 document at tab 30?

8 MR. WARMAN: I do. It was printed
9 off by me on the 4th of June, 2006 and provided to the
10 Commission pursuant to my complaint against Ms
11 Beaumont.

12 MR. VIGNA: It's similar in respect
13 of contents to the document that you just described,
14 but the difference is the date, you're saying?

15 MR. WARMAN: Yes.

16 MR. VIGNA: The last login, what does
17 that mean where it says Jessy Destruction, last login?

18 MR. WARMAN: To the best of my
19 knowledge, it means that that's when the person last
20 logged in and used that -- logged in to that part of
21 the website, so their profile.

22 MR. VIGNA: Can you just go quickly
23 through it in terms of the identity elements that are
24 important?

25 MR. WARMAN: The identity issue is

1 simply that it uses the same pseudonym, that it
2 provides a picture of Ms Beaumont, identifies her
3 location as being Coquitlam, provides the same direct
4 mention of me within the hate messaging on the second
5 page, and gives the same responses in terms of the
6 profile.

7 MR. VIGNA: Is that it for that
8 document?

9 MR. WARMAN: Yes.

10 MR. VIGNA: Tab 32, we have a
11 document that's ten pages? Is that what you have, ten
12 pages back and front?

13 MR. WARMAN: Yes.

14 MR. VIGNA: The title would be
15 "Warman: The Destruction of Terry Tremaine."

16 MR. WARMAN: It is, yes. It's a
17 ten-page Stormfront thread entitled "warman: The
18 Destruction of" that I printed off on the 17th of
19 April, 2006 and provided to the Commission pursuant to
20 my complaint against Ms Beaumont.

21 MR. VIGNA: I would like to file this
22 document.

23 THE CHAIRPERSON: Yes.

24 MR. VIGNA: Can you tell us, then,
25 what's the importance of this document and from which

1 website you got this document?

2 MR. WARMAN: It is from Stormfront.
3 It's a thread that was started by Mr. Fromm. The date
4 is 29 March, 2006. It describes me using derogatory
5 and what I consider to be defamatory terms. Then it
6 makes note of my having written a chapter within the
7 B'nai Brith League for Human Rights 2005 audit on
8 anti-semitic incidents.

9 He then goes on to describe some of
10 his other views about the case against Mr. Terry
11 Tremaine that I had filed as a federal human rights
12 complaint.

13 Then other individuals come through
14 and post their responses subsequent to that.

15 On page 9 of 10, Jessy Destruction
16 writes:

17 "Re: Warman: The Destruction of
18 Terry Tremaine (Mathdokter)"

19 The posting is listed as having been
20 made that day, that being the 17th of April, 2006. She
21 states:

22 "If people continue to sit on
23 their [and I assume that should
24 be haunches] then EVERYONE will
25 be affected by this parasite

1 (Warman). Hell, I'm only 20 and
2 he's coming after me. He
3 started after me just after my
4 19th birthday. I haven't done
5 anything wrong unless speaking
6 my mind is wrong (which by
7 Canadian standards; it is)."

8 She quotes another poster saying:

9 "You worry too much! The court
10 system is not so scary once
11 you've been through it a few
12 times, it's not that big of a
13 deal. It's not like anyone is
14 going to USP Florence, or a real
15 bad ass joint like that in the
16 states."

17 Jessy Destruction continues:

18 "I agree, although I have been
19 through the court system a few
20 times in my life...it's not
21 scary, it's just a HUGE hassle.
22 Having to get money for lawyers,
23 and even if you don't (get a
24 lawyer). It's the fact of
25 having to deal with the pounds

1 upon pounds of paper they send
2 you, deadlines, etc.

3 STAND UP FOR YOU RIGHTS BEFORE
4 YOU HAVE NOTHING LEFT!"

5 And then the signature continues:

6 "Fight for your race, because
7 failure is not an option."

8 And:

9 "Many Jews are fond of referring
10 to anti-Semitism as a disease.
11 I agree, anti-Semitism is a
12 disease - you catch it from
13 Jews."

14 That's the relevant portion of that.

15 MR. VIGNA: Tab 33.

16 MR. WARMAN: Tab 33 is an eight-page
17 document. It's a continuation of that same thread that
18 I printed off on the 26th of April, 2006 and that I
19 then provided to the Commission pursuant to my
20 complaint.

21 MR. VIGNA: It's an eight-page
22 document. Do you recognize it?

23 MR. WARMAN: Yes. I just said that I
24 printed it off and provided it to the Commission, and
25 it was printed off on the 26th of April, 2006.

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

2 THE CHAIRPERSON: It's filed.

3 MR. VIGNA: Can you tell us the
4 importance of the document and tell us in relation to
5 what aspects of this document shall we pay particular
6 attention particularly in respect of future evidence?

7 MR. WARMAN: Yes. On page 1 of 8,
8 Jessy Destruction makes a posting on the 19th of April,
9 2006 stating:

10 "Sometimes people don't realize
11 they wrote information, I've
12 been on this site for a few
13 years, I can't tell you how many
14 times I've forgotten to what
15 thread I posted, etc. I didn't
16 even remember I wrote my last
17 name on SF [meaning Stormfront].
18 Sh*t happens, it just takes the
19 smart ones to figure how to get
20 out of it."

21 Then that concludes with the same
22 signature block.

23 I think if you turn to page 5 of 8
24 there's a further posting by Mr. Fromm there and I
25 believe it shows quite clearly -- well, quite clearly;

1 it shows more clearly the fact that the previous
2 portion that Mr. Fromm was concerned might have been
3 blocked out on one of his postings is in fact a couch
4 that he himself put into the posting both on this one
5 and on the previous one.

6 THE CHAIRPERSON: On my copy it does
7 look more like a couch. Okay.

8 MR. VIGNA: Does it mention here the
9 last name? Do you know if you've seen the last name on
10 Stormfront which she mentions?

11 THE COURT REPORTER: I'm sorry, Mr.
12 Chair, I didn't hear that.

13 THE CHAIRPERSON: Mr. Vigna, you must
14 speak up, please.

15 MR. VIGNA: In the posting you just
16 read on page 1 of 8, do you know if you've seen any
17 postings where the last name would have been mentioned?

18 MR. WARMAN: Yes, there are two
19 postings where the last name has been mentioned. One
20 that has already been introduced and one that needs to
21 be introduced where the last name Beaumont is
22 mentioned.

23 THE CHAIRPERSON: You're saying in
24 this document the word Beaumont appears?

25 MR. WARMAN: Not in this one. This

1 one states, I didn't even remember I wrote my last name
2 on Stormfront. So, what we're referring to is the fact
3 that previously she wrote her last name Beaumont.

4 MR. VIGNA: In terms of this
5 document, that is all you need to say?

6 MR. WARMAN: Yes.

7 MR. VIGNA: Tab 34. Can you tell us
8 if, in the course of the proceedings, there was a
9 discussion regarding admissions and if any admissions
10 were made at one point in time?

11 MR. WARMAN: Yes. What this is is
12 it's a three-page document that was provided to me by
13 the Tribunal indicating that it was a response by Ms
14 Beaumont and Mr. Donnelly with regard to whether it was
15 possible to come to some common ground on the identity
16 of the individuals responsible for certain of the
17 postings that were at issue in this complaint.

18 It's dated Thursday, August 24th,
19 2006.

20 MR. VIGNA: And you received this?

21 MR. WARMAN: I did, from the
22 Tribunal.

23 MR. VIGNA: I would like to file this
24 as an exhibit.

25 THE CHAIRPERSON: Yes.

1 MR. VIGNA: Can you tell us about the
2 importance of this document in relation to Ms Beaumont?

3 THE CHAIRPERSON: We should have got
4 this document earlier today. It might have gone a bit
5 faster.

6 MR. VIGNA: Can you read us the
7 important segments of the document?

8 MR. WARMAN: Ms Beaumont indicates at
9 the first page, "Messages by Jessy Destruction." She
10 then indicates that the first posting she lists she
11 doesn't recall making it, that being the blacks in the
12 west. She indicates that she remembers having made the
13 post about the Rastafarians; that she remembers having
14 made the post about being a full-time Nazi; about
15 remembering, referring to quoting Mr. Donnelly's words
16 about gay men or a specific gay man with some sick
17 mental defect fag, and that she then replied, agreed,
18 f'ing perverts; that she remembers having made the
19 comments about the new Canadian \$20 bill; that she
20 remembers having posted I believe it's the 16 things
21 your children won't learn in school.

22 She remembers having made the posting
23 about "fag marriages" and that fags are wrong, vile,
24 and disease ridden, as well as frigging perverts.

25 She questions the part about saying

1 that she would beat up her sister if she engaged in a
2 misegenous-type relationship.

3 She remembers having written about
4 Hitler doing a lot of good things for Germany and the
5 German people, and that she salutes Hitler.

6 MR. VIGNA: Can we file this as an
7 exhibit, please?

8 THE CHAIRPERSON: Yes.

9 MR. VIGNA: If you go through the
10 binder, are there any other exhibits that we've missed,
11 Mr. Warman, that haven't been placed in evidence?
12 Maybe you can go through it and we can take a break if
13 there is a need to.

14 MR. WARMAN: There are two. There's
15 tab 43.

16 MR. VIGNA: Can you tell us if you
17 recognize the document at tab 43?

18 MR. WARMAN: I do. It's a one-page
19 document that was provided to me from the Commission.
20 It's dated 15 December, 2005 and it appears to have
21 been signed by Ms Beaumont and Mr. Donnelly. It
22 discusses the cases and the joinder that had occurred
23 between their cases and that of Mr. Tremaine.

24 MR. VIGNA: That's just for the
25 purposes of understanding the chronology or relating

1 relevance in terms of the content.

2 MR. WARMAN: That's initially for the
3 purposes of identifying it as an exhibit.

4 MR. VIGNA: I would like to file this
5 as an exhibit.

6 THE CHAIRPERSON: That's fine. It's
7 in the Tribunal's file. I have seen this document
8 before. You're not aware of this letter, Mr. Fromm?

9 MR. FROMM: I was just wondering,
10 should this not be number 36?

11 THE CHAIRPERSON: That makes sense.
12 Let's put it at tab 36.

13 MR. VIGNA: No problem.

14 THE CHAIRPERSON: Tab 35 is free.

15 REGISTRY OFFICER: Maybe for ease of
16 reference, 29 which has been complete, 31 which we were
17 leaving and possibly taking out, and 13 through 18 have
18 not been put in.

19 MR. VIGNA: They are not relevant for
20 now.

21 MR. WARMAN: This has now been
22 entered?

23 THE CHAIRPERSON: That last letter?

24 MR. WARMAN: Yes.

25 THE CHAIRPERSON: Yes, it's been

1 entered but at tab 35.

2 MR. WARMAN: This is essentially I
3 believe a further admission or acknowledgement because
4 at the statement beginning:

5 "As well, we would like to add
6 that we (Ciaran Paul Donnelly)
7 and myself, Jessica Beaumont are
8 not causing the messages to be
9 communicated.

10 Section 13 requires 'repeated'
11 communication."

12 Then it states that the owner of
13 Stormfront.org is the one who is causing the messages
14 to be repeatedly communicated rather than I, Jessica
15 and Ciaran Paul Donnelly.

16 I believe that to be relevant in
17 terms of an acknowledgement that they are in fact
18 responsible for those postings.

19 MR. VIGNA: What was the other tab
20 you mentioned earlier, Mr. Warman?

21 MR. WARMAN: If you turn to tab 17 --

22 MR. VIGNA: Is this the tab where we
23 wanted the clearer picture?

24 MR. WARMAN: We have, it was
25 photocopied when I was at the Commission's offices, but

1 it doesn't appear to be in there. So I am just
2 wondering whether we can submit this tomorrow. I can
3 describe what it is and if we can provide the actual
4 clear picture of it tomorrow.

5 THE CHAIRPERSON: So it's this
6 document with a clearer version?

7 MR. WARMAN: Yes.

8 THE CHAIRPERSON: You can refer to it
9 now as long as you provide a clearer document tomorrow.

10 MR. VIGNA: Do you recognize the
11 document?

12 MR. WARMAN: This is the first of a
13 three -- the second pages 1 and 2 of 2 that are Ms
14 Jessy Destruction/Beaumont's profile are not relevant.
15 So those should come out.

16 THE CHAIRPERSON: You wish to remove
17 those documents?

18 MR. WARMAN: Yes, those should not be
19 in there. Page 1 of 2 and page 2 of 2.

20 THE CHAIRPERSON: You pointed to me
21 but I would like the respondent to be able to see them
22 too. These two documents at the back. I have removed
23 them so we are only looking at one sheet then, Mr.
24 Warman? It says page 1 of 3.

25 MR. WARMAN: It does, and we will

1 provide all three pages just for the completeness of
2 it.

3 The only relevant portions are on the
4 first page.

5 The document, and you can't read it,
6 but above where Forum Member is, underneath, "To: DER
7 TOTENKOPF," it states Jessy Destruction and it
8 states -- you can tell that that's the case by the fact
9 that there's the same insignia, the Swastika with the
10 death heads symbol.

11 THE CHAIRPERSON: So the portion that
12 doesn't show -- because right above forum member it
13 says Jessy Destruction.

14 MR. WARMAN: Yes, right above that.

15 MR. VIGNA: Where would that be?

16 THE CHAIRPERSON: I understand, Mr.
17 Vigna. Why does it not appear?

18 MR. WARMAN: I have no idea. This
19 isn't my copy. In the copy that I will provide it will
20 be clear.

21 MR. VIGNA: We will reserve, Mr.
22 Chair, the right to bring it in tomorrow.

23 THE CHAIRPERSON: Yes.

24 MR. WARMAN: You can tell because all
25 the information is the same, the join date, the

1 location, Coquitlam, et cetera. It is posting to Der
2 Totenkopf. It says:

3 "I wrote this one for my man,
4 this distance thing sucks.
5 I am SLOWLY getting back into
6 writing.
7 Together Nocturnal - Jessica
8 Beaumont."

9 June 17, '04 I presume that to be.
10 Then it gives a poem that I won't read out.

11 But then the next posting, and again
12 the name for reasons that I have no idea is not clear,
13 but Der Totenkopf responds and says:

14 "Awwwwwww! you sweetie, I'll
15 see you soon sexy!"

16 MR. VIGNA: Perhaps it's fresh in the
17 memory of everyone, but at one point we had an exhibit
18 that said Der Totenkopf's woman.

19 MR. WARMAN: Yes, I believe that's
20 present in a number of the profiles on the social
21 networking websites.

22 THE CHAIRPERSON: I recall seeing it,
23 Mr. Vigna. Do you have a question that comes from
24 that?

25 MR. VIGNA: No. I just wanted to

1 cross-reference but I think it's fresh in everybody's
2 mind.

3 In terms of the exhibits, conditional
4 to the ones you're going to bring tomorrow, are there
5 any other exhibits or have we pretty much covered
6 everything?

7 MR. WARMAN: Could I just have one
8 quick moment to discuss?

9 --- Pause

10 MR. VIGNA: Mr. Chair, I just want a
11 few seconds to look through my files.

12 --- Pause

13 MR. VIGNA: We have practically
14 finished with the exhibits, Mr. Chair. I am going to
15 continue with some more questions.

16 There won't be much more exhibits
17 than the ones that we said we would bring tomorrow.

18 THE CHAIRPERSON: While you were out
19 being checked earlier, I had received a request from
20 Mr. Fromm on behalf of Ms Beaumont that we try and
21 complete as soon as possible after 4:30 or around there
22 to accommodate her. So if you could target that, I
23 would appreciate it.

24 MR. VIGNA: Mr. Warman, could you
25 tell us in terms of the predominance of Jessy

1 Destruction in the forum, in comparison to the other
2 participants, what would you say would be the frequency
3 of the -- we noticed at one point there were several
4 postings, but can you tell us the number of relative
5 postings by Jessy Destruction?

6 MR. WARMAN: Certainly in comparison
7 to the other Canadian posters, she's one of the
8 heaviest posters, one of the heavier or heaviest
9 postings, people posting, I guess, is the appropriate
10 way to put it.

11 You will note on her profile she had
12 over 1,000 postings at one point and she was quite
13 prominent within the group that formed up Western
14 Canada For Us: Her nominal boyfriend, I guess you can
15 call him that, Mr. Donnelly, Mr. Bahr and Mr. Kouba.

16 THE CHAIRPERSON: When you refer to
17 those postings that are numerous, you mean on
18 stormfront.org the Canadian version of it?

19 MR. WARMAN: Yes. The Canadian
20 section of Stormfront forum.

21 MR. VIGNA: Mr. Warman, can you tell
22 us what remedies, if the complaint is substantiated,
23 you're seeking and detail them, please?

24 MR. WARMAN: A permanent cease and
25 desist order, a penalty, and damages for having been

1 personally named within the discriminatory material.

2 MR. VIGNA: Can you tell us, Mr.
3 Warman, in terms of recently if you went on Stormfront
4 or if you've seen anything associated to Jessy
5 Destruction, if Stormfront is still active? What can
6 you tell us in terms of update?

7 MR. WARMAN: Certainly that Jessy
8 Destruction's profile is still there.

9 THE CHAIRPERSON: Wait a second,
10 where is it?

11 MR. WARMAN: On stormfront.org.

12 THE CHAIRPERSON: How recently have
13 you said you checked?

14 MR. WARMAN: I looked at that within
15 a few days.

16 THE CHAIRPERSON: Mr. Vigna.

17 MR. VIGNA: I am almost finished.

18 In the exhibits we have seen, in
19 terms of you being personally named, can you tell us
20 what frequency that you noted you were being personally
21 identified?

22 MR. WARMAN: Within these materials,
23 I believe there's at least six or seven exhibits that
24 identify me as having been personally named within the
25 context of the discriminatory hate messaging.

1 MR. VIGNA: What range of remedy are
2 you looking for in terms of 54?

3 MR. WARMAN: I will be making those
4 submissions during my closing submissions.

5 MR. VIGNA: Just a few seconds, Mr.
6 Chairman.

7 THE CHAIRPERSON: Yes.

8 MR. FROMM: I was wondering, sir, if
9 you could direct Mr. Warman to answer Mr. Vigna's last
10 question. I think your goal, I've heard the goal of
11 perhaps having final submissions tomorrow afternoon. I
12 suggest that possibly it would be more likely on
13 Wednesday morning, but in either case there's a lot of
14 material to digest, and I think it's quite important
15 certainly for our submissions to know what it is Mr.
16 Warman is asking for. I don't think we should be
17 subjected to the dance of the seven veils to find out
18 tomorrow. Mr. Vigna asked the question. I think that
19 question deserves a response.

20 THE CHAIRPERSON: Mr. Vigna.

21 MR. WARMAN: It's in the Statement of
22 Particulars.

23 THE CHAIRPERSON: But I think it's
24 material and I think it should be evidence; it should
25 be part of the record so it can be dealt with and

1 addressed by the other side in their cross-examination
2 of you.

3 Quite frankly, I don't have it
4 readily at hand, the Statement of Particulars.

5 MR. WARMAN: Neither do I.

6 THE CHAIRPERSON: Do you recall what
7 you're asking for and on what basis you're asking for
8 it?

9 MR. WARMAN: I described each of them
10 individually in my previous answer.

11 THE CHAIRPERSON: I think it's the
12 quantum that is being sought and the factors that come
13 into play for quantum. It's in your interest to put
14 that material in evidence.

15 MR. WARMAN: But I believe that
16 material is already in evidence and then I will simply
17 refer to it.

18 THE CHAIRPERSON: You're alluding to
19 everything we have seen already?

20 MR. WARMAN: Yes.

21 THE CHAIRPERSON: Including the six
22 or seven instances where you have been named?

23 MR. WARMAN: Yes.

24 THE CHAIRPERSON: What is the sum?
25 Does anyone have it readily at hand? Okay, we're

1 finding it. Remedies sought. It's not specified with
2 a sum, Mr. Warman. In your Statement of Particulars
3 received by the Tribunal April 24th, 2006, it's stated
4 at paragraphs 13, 14 and 15 the remedies sought. The
5 references to an order to cease the discriminatory
6 practice, that the respondents pay penalties and that
7 the respondents pay penalties under 54(1)(b) and
8 54(1)(c). I said "and" but those are the two
9 provisions.

10 So it's the penalty under 54(1)(c)
11 which is a penalty of not more than \$10,000. The word
12 "penalty" is used there, but it's the compensation
13 provision 54(1)(b) that's referenced in your statement.

14 Your Statement of Particulars say
15 that the respondents pay penalties pursuant to section
16 54(1)(b). 54(1)(b) is not a penalty. It's an order
17 under section 53(3) to compensate a victim specifically
18 identified in the communication that constituted the
19 discriminatory practice, but you haven't indicated a
20 sum. 53(3) references a sum not to exceed \$20,000.

21 So, given all that, what are you
22 asking with respect to the two financial amounts? That
23 is the point of your objection, Mr. Fromm, the two
24 financial amounts. Right?

25 MR. FROMM: Yes, Mr. Vigna asked Mr.

1 Warman for a figure and he told us we would find out
2 tomorrow.

3 MR. WARMAN: The penalty would be
4 towards the mid to higher end, and the order with
5 regard to having been personally named will be towards
6 the mid range.

7 THE CHAIRPERSON: Meaning that your
8 claim for damages is in the range of about \$10,000. Is
9 that what you're saying?

10 MR. WARMAN: Give or take.

11 THE CHAIRPERSON: Do you have a
12 specific amount that you will disclose?

13 MR. WARMAN: I haven't completed. My
14 objective was to finish my closing arguments tonight
15 and to submit that material then. But if you want me
16 to specify a specific dollar amount, I don't --

17 THE CHAIRPERSON: It forms part of
18 submissions and of course it complicates things, you're
19 the party and the pleader on submissions, but typically
20 complainants are asked that question by the Commission
21 on other files, how much are you asking for?

22 MR. WARMAN: I mean, I have given a
23 general -- this is roughly where the amount will lie.

24 THE CHAIRPERSON: Fine, I understand
25 what you're saying. Mr. Fromm, you have an idea of

1 what he's asking for?

2 MR. FROMM: A vague one, yes.

3 MR. VIGNA: My understanding is that
4 mid range would be \$10,000.

5 THE CHAIRPERSON: That's what I just
6 said, Mr. Vigna.

7 MR. VIGNA: Mr. Warman, I don't have
8 any further questions, but if there is anything else
9 that you have to say as a party, maybe at this point we
10 can just end the day and maybe tomorrow morning, after
11 having thought it over, you can mention whatever you
12 would like to add at the beginning of the
13 recommencement of the hearing and add also the various
14 exhibits that we have to produce.

15 Is that agreeable with you?

16 MR. WARMAN: Yes, that's fine.

17 THE CHAIRPERSON: You will complete
18 tomorrow. You have nothing else to say now. Is that
19 what you're saying?

20 MR. WARMAN: I don't have any further
21 exhibits to enter.

22 THE CHAIRPERSON: And no further
23 evidence to lead?

24 MR. WARMAN: No.

25 MR. VIGNA: I just want to give him a

1 chance.

2 THE CHAIRPERSON: I understand, but
3 he's the party who is testifying at the same time.

4 We will continue tomorrow. We have
5 those two exhibits where clearer copies have to be
6 produced tomorrow and if there is anything else to
7 complete quickly, I would like to proceed to the
8 cross-examination thereafter by Mr. Fromm.

9 Mr. Vigna, while you were out again,
10 we discussed the issue of the respondent, Ms Beaumont
11 testifying. There was a will-say statement
12 distributed. Mr. Warman basically indicated that he
13 did not object to her testifying and, quite frankly, I
14 think the issues that we discussed earlier today with
15 respect to the expert witness with the late disclosure
16 is one thing, but when it comes to a party testifying,
17 I think that notwithstanding whether the will-say was
18 there before or earlier or later, the respondent should
19 be given an opportunity to testify.

20 MR. VIGNA: Mr. Chair, I don't have
21 any major objections. I just would like that perhaps
22 because it's been announced kind of late that if
23 there's anything I need to check, I get an adjournment
24 at certain points if required.

25 THE CHAIRPERSON: You would like some

1 flexibility in case something arises unexpectedly?

2 MR. VIGNA: Yes. Because
3 theoretically she is late but I'm not going to make an
4 issue out of it.

5 THE CHAIRPERSON: We will proceed
6 tomorrow morning. Is 9:30 appropriate or would anybody
7 like it earlier than that? 9:30 is fine.

8 MR. VIGNA: Mr. Chair, the closing
9 arguments, when can we expect? Wednesday I would say.

10 THE CHAIRPERSON: That is what Mr.
11 Fromm suggested. Mr. Warman would like to proceed
12 earlier if possible. I will try to be expeditious in
13 the hearing, but it might be difficult to hit that
14 target, Mr. Warman. It looks like Wednesday and that
15 is what Mr. Fromm indicated again while you were
16 outside. So you have to be back on time.

17 Mr. Fromm.

18 MR. FROMM: Two things. Can we leave
19 material here?

20 REGISTRY OFFICER: Yes.

21 MR. FROMM: Secondly, is the Tribunal
22 able to do photocopying for us?

23 THE CHAIRPERSON: We don't have a
24 facility here. Let's go off the record on this.

25 --- Off record discussion

1 --- Whereupon the hearing adjourned at 4:40 p.m.
2 to resume on Tuesday, December 12, 2006
3 at 9:30 a.m.

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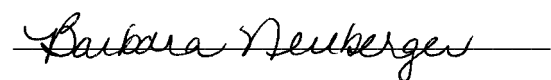
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I hereby certify that I have
taken down in Stenograph and
transcribed the foregoing to
the best of my skill and
ability.



Barbara Neuberger

C.S.R., R.P.R.

StenoTran