

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

le plaignant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

la Commission

and/et

MARC LEMIRE

Respondent

l'intimé

and/et

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

Interested Parties

les parties intéressées

BEFORE/DEVANT:

ATHANASIOS D. HADJIS

CHAIRPERSON/
PRÉSIDENT

LINE JOYAL

REGISTRY OFFICER/
L'AGENTE DU GREFFE

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

HEARING HELD AT THE DAYS INN, 1677 WILSON AVENUE, TORONTO,
ONTARIO, ON TUESDAY, JANUARY 30, 2007

CASE FOR HEARING

IN THE MATTER of the complaint filed by Richard Warman dated November 23rd, 2003 pursuant to section 13(1) of Canadian Human Rights Act against Marc Lemire. The complainant alleges that the respondent has engaged in a discriminatory practice on the grounds of religion, sexual orientation, race, colour and national or ethnic origin in a matter related to the usage of telecommunication undertakings.

APPEARANCES/COMPARUTIONS

Richard Warman	On his own behalf
Giacomo Vigna	For the Canadian Human Rights Commission
Barbara Kulaszka	For the Respondent
Simon Fothergill	For the Attorney General of Canada
Paul Fromm	For the Canadian Association for Free Expression
Charlotte Kanya-Forstner	For the Canadian Jewish Congress

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1 Toronto, Ontario

2 --- Upon resuming on Tuesday, January 30, 2007

3 at 10:10 a.m.

4 THE CHAIRPERSON: Good morning.

5 MS KULASZKA: I wonder if I could
6 just make some submissions here about the discloser?

7 THE CHAIRPERSON: Yes.

8 MS KULASZKA: Yesterday I said I
9 would consult with Mr. Lemire about the prejudice
10 suffered as a result of the lack of disclosure of those
11 e-mails.

12 THE CHAIRPERSON: Remind me which of
13 the e-mails we are talking about?

14 MS KULASZKA: It's the exhibit --

15 THE CHAIRPERSON: The G onwards,
16 right?

17 MS KULASZKA: Yes.

18 THE CHAIRPERSON: 7-G and onwards.
19 Is that what we are talking about?

20 MS KULASZKA: 7-G to O.

21 THE CHAIRPERSON: Yes, the ones that
22 were sent to Network Solutions, right.

23 MS KULASZKA: Would you like to hear
24 these submissions now? I think it might be handy since
25 it's the end of their case for JRBooksOnline.

1 THE CHAIRPERSON: Yes, okay.

2 MS KULASZKA: The e-mails were made
3 by Mr. Warman in the summer of 2005 and he CC's them to
4 Dean Staegy, at least one of them, and another one --
5 and Dean Staegy, of course, is an investigator at the
6 Canadian Human Rights Commission. And in another one
7 he just put "CC Canadian Human Rights Commission".

8 So the Commission is well aware of
9 what he's doing. They were made -- it's obvious that
10 Mr. Warman made the e-mails in response to my letter of
11 June 3rd, 2005 which has been filed as Exhibit 7-F. And
12 in that letter it explained what had happened and that
13 a complaint had been made to an organization called
14 ICANN and --

15 THE CHAIRPERSON: Okay. Do you want
16 me to look at 7-F closer?

17 MS KULASZKA: Yes, it probably
18 wouldn't hurt.

19 In that letter I stated:

20 "In December 2000 Mr. Lemire
21 assisted an individual he had
22 met in the United States to
23 register this domain. Upon
24 receiving the updated complaint
25 from the Commission where it was

1 alleged his name appeared as
2 owner, Mr. Lemire followed the
3 standard process to correct
4 inaccurate WHOIS data through
5 ICANN, (Internet Corporation for
6 Assigned Names and Numbers).
7 This industry standard process
8 should have been followed by
9 Mr. Warman before submitting any
10 additional information to the
11 Commission."

12 And enclosed it was correct WHOIS
13 registration.

14 So at that point Mr. Warman starts
15 writing letters, the e-mails that we've seen.

16 THE CHAIRPERSON: Right.

17 MS KULASZKA: Now, disclosure by the
18 Commission and Mr. Warman, as far as I understand, was
19 a joint disclosure. It was made in October 2005,
20 whereas e-mails were made in the summer of 2005. And
21 those e-mails were not disclosed to us.

22 So the question is, if this
23 information had been disclosed, the respondent could
24 have -- one, we could have had the computer expert
25 which we will call, Bernard Klatt, examine the issue in

1 a completely different way. Why? Because what was
2 disclosed to us were trace routes and maps showing
3 trace routes. Don't ask me what that is, but computer
4 people know.

5 And Bernard Klatt, the computer
6 expert, spent four paragraphs and numerous pages of his
7 exhibits examining these trace routes and refuting this
8 evidence because this seemed to be the primary evidence
9 they were relying on.

10 That is not part of their case now.
11 They have not entered any of that evidence into their
12 case.

13 Bernard Klatt, in his expert report,
14 dealt with WHOIS in a very limited fashion, as my
15 letter of June 3rd, 2005 had given notice that the
16 standard procedure had been used to inform the official
17 regulating body, ICANN, of the incorrect registration
18 information.

19 Bernard Klatt, therefore, does not
20 deal in an extensive way with the WHOIS data and had we
21 known the fact that the trace route evidence was not
22 going to be relied upon, he would not have addressed
23 that issue.

24 So, therefore, we were sent down a
25 blind alley and a lot of money was spent in time and

1 effort trying to refute evidence that was not being
2 relied upon.

3 He also could have demonstrated
4 numerous examples of WHOIS data inaccuracy. WHOIS does
5 not guarantee the accuracy of its data and Mr. Klatt
6 could have done research and demonstrated its
7 inaccuracy by numerous examples.

8 He could have expanded greatly on the
9 ICANN complaint process, which is the industry
10 standard.

11 The e-mails which Mr. Warman did send
12 could have been analyzed by Mr. Warman, could have
13 analyzed what Mr. Warman did, and explained that what
14 he did was not following the standard process dictated
15 by the industry.

16 It's become important because
17 Mr. Warman refused conciliation and any settlement
18 negotiations allegedly because of what he called
19 Mr. Lemire's dirty hands.

20 MR. WARMAN: I'm sorry, that's simply
21 inaccurate. She's attempting to give information that
22 is incorrect to the Tribunal.

23 THE CHAIRPERSON: And you'll have
24 your opportunity to correct it.

25 MR. WARMAN: I'm concerned that an

1 officer of the court is attempting to provide knowingly
2 information that she knows is incorrect to the
3 Tribunal.

4 THE CHAIRPERSON: One at a time,
5 that's all I ask. I don't want these interruptions.
6 Just let her finish.

7 MR. VIGNA: Just briefly, Mr. Chair.

8 THE CHAIRPERSON: Yes?

9 MR. VIGNA: Issues of settlement and
10 negotiations have been discussed several times, but
11 they shouldn't be discussed before this Tribunal. They
12 are issues that are confidential and that section 40 --
13 I can't remember -- 47 says it should be confidential,
14 and they have been repeated several times and they are
15 also relying on it as part of defence. I didn't make
16 an issue about it before but now it's being repeated.

17 There's reference to issues about
18 settlement and confidential and negotiations which
19 should not even be the object of any discussion before
20 the Tribunal.

21 MS KULASZKA: I don't know what
22 Mr. Warman is talking about.

23 THE CHAIRPERSON: He's talking about
24 47(3) that says:

25 "Any information received by a

1 conciliator in the course of
2 attempting to reach a settlement
3 of a complaint is confidential
4 and shall not be disclosed
5 except with the consent of the
6 person who gave the
7 information."

8 MS KULASZKA: There was no
9 conciliator.

10 THE CHAIRPERSON: Anyways, look,
11 generally speaking, there is a settlement. There's
12 just a privilege with regard to settlement or
13 negotiations. That's recognized, although I don't know
14 who is bringing it up here in this file.

15 It's not helpful for me to hear what
16 discussions are in the course of settlement other than
17 what relates to the issue here today. I didn't even
18 take note of what you just said about the settlement in
19 any event. It's the bigger picture I'm concerned with.
20 Go on.

21 MS KULASZKA: For me it's a live
22 issue because they want Mr. Lemire to pay a fine. So
23 far I haven't heard the amount of fine, but of course
24 his intent and willfulness becomes an issue.

25 THE CHAIRPERSON: I understand. Keep

1 going.

2 MS KULASZKA: Mr. Warman refused --
3 he alleged that Mr. Lemire had dirty hands because of
4 JRBooksOnline. He did this in an e-mail. If we had
5 been made aware of his efforts, if this -- the spirit
6 of the Act is remedial, and if that been followed this
7 issue could have been resolved that summer. But it
8 wasn't. So that is the prejudice which has gone on
9 here.

10 THE CHAIRPERSON: The key prejudice
11 for the purposes of the hearing -- I'm not concerned
12 about what may have happened in the summer. We're here
13 now. But the key prejudice that you've raised is the
14 fact that your expert, one, oriented his analysis --

15 MS KULASZKA: Yes, oriented and --
16 down this path.

17 THE CHAIRPERSON: Because that
18 appeared to be the only information that was going to
19 be led with regard to identity on the -- with respect
20 to the JRBooksOnline website, right? But that in
21 addition now he's not prepared to deal with the path
22 that was chosen by the Commission for that sort of
23 evidence.

24 MS KULASZKA: Well, we had asked
25 leave Bernard Klatt be able to expand his expert report

1 and give this kind of testimony.

2 THE CHAIRPERSON: Okay. So that's
3 the ultimate way that you can be accommodated, leave to
4 expand his testimony to include this area. Would you
5 want him to file a report?

6 MS KULASZKA: I would have to talk to
7 him. He was going to come next week on Monday. I
8 don't know if he's got the time.

9 THE CHAIRPERSON: Okay.

10 MS KULASZKA: So I'll have to talk to
11 him.

12 THE CHAIRPERSON: But you are of the
13 opinion that Mr. Klatt could address these issues in
14 his evidence provided permission is given for him to
15 expand into that area?

16 MS KULASZKA: Oh, yes, he's an expert
17 in the Internet.

18 THE CHAIRPERSON: He would be able to
19 address this issue?

20 MS KULASZKA: Yes.

21 THE CHAIRPERSON: And inform the
22 Tribunal, through his evidence, his view on these
23 points?

24 MS KULASZKA: Yes.

25 THE CHAIRPERSON: And that's the

1 accomodation you seek?

2 MS KULASZKA: Yes.

3 THE CHAIRPERSON: I understand your
4 position.

5 Mr. Vigna?

6 MR. VIGNA: I don't have any
7 objection to any accomodation that needs to be made in
8 terms of expanding on the report and any time that is
9 required. And I think that that could properly be
10 addressed --

11 THE CHAIRPERSON: Moreover, I think I
12 will waive the requirement that he file a written
13 report in advance to give -- if he's able to do so, it
14 would be helpful to the Tribunal, Ms Kulaszka.

15 If you could provide a letter or
16 something it might assist me in understanding his
17 responses on that. But I will not hold you to that
18 given the late disclosure and the issues that you've
19 raised. And I don't have an objection from Mr. Vigna
20 to his testifying in that regard.

21 In any event, that would be my
22 finding, he be allowed to enter into that area and
23 address these matters with respect to JRBooksOnline.

24 Mr. Warman, do you have a different
25 position than Mr. Vigna?

1 MR. WARMAN: No, I don't. The only
2 thing I would say is I think it's important to maintain
3 some perspective about what this actually is.

4 THE CHAIRPERSON: I understand.
5 Nonetheless --

6 MR. WARMAN: As I indicated, I have
7 no problem.

8 THE CHAIRPERSON: Okay. So you've
9 noticed that, Ms Kulaszka?

10 MS KULASZKA: I have.

11 THE CHAIRPERSON: You'll be allowed
12 to explore these areas with your witness.

13 Yes, sir?

14 MR. FROMM: Sir, I was wondering in
15 terms of the transcripts of these first two weeks.
16 Will they be available prior to the commencement of our
17 second series of hearings?

18 THE CHAIRPERSON: Let's go off the
19 record and find out what our situation is.

20 (DISCUSSION OFF THE RECORD)

21 MR. VIGNA: I would like to have an
22 exclusion order. Yesterday, in the series of
23 preliminary matters there was an oversight. We didn't
24 ask for it, but we would like to ask for it today. At
25 the same time, we know that Mr. Fromm might be

1 potentially called as a witness which we intend to
2 object vehemently.

3 THE CHAIRPERSON: You intend to
4 object to what?

5 MR. VIGNA: To his potential
6 testimony.

7 THE CHAIRPERSON: So you object to
8 his potential testimony?

9 MR. VIGNA: Yes. We want an
10 exclusion order, for one.

11 THE CHAIRPERSON: Does that encompass
12 Mr. Fromm in your opinion? He has been participating
13 as a party from moment one.

14 MR. VIGNA: He's an intervenor,
15 Mr. Chair, and we are going to object to the relevance
16 of his testimony, plus we have another concern. If
17 he's in the room all the time, then he has to come and
18 testify. So to the extent he's not going to testify,
19 it's not a problem. But to the extent he testifies --

20 THE CHAIRPERSON: If he does not
21 testify that would not be a problem.

22 Yes, Mr. Warman?

23 MR. WARMAN: More to the issue,
24 though, is the fact that Mr. Fromm is in fact not a
25 party to this portion of the proceedings. He is a

1 party to the constitutional aspect of the proceedings,
2 and, therefore, if he is proposed to be put forward as
3 a witness of both fact and constitutionality, then he
4 should be excluded from the room because he is not, in
5 fact, a party to this portion of the proceedings. He
6 is, in fact, an intervenor.

7 All the intervenors have been
8 restricted very explicitly by the Tribunal to the
9 portion of the hearing that goes to the question of the
10 constitutionality of the legislation itself.

11 There is, in my mind, nothing that
12 would preclude you and, in fact, it's my submission you
13 should, in fact, exclude him.

14 THE CHAIRPERSON: Ms Kulaszka?

15 MR. WARMAN: I should just add, if
16 they propose to call him as a witness, if they are
17 willing to indicate now he is not going to, in fact, be
18 a fact witness then it's obviously not an issue.

19 THE CHAIRPERSON: I need to see the
20 witness list. Ms Kulaszka?

21 MS KULASZKA: That's what I was
22 doing, looking at the witness list.

23 THE CHAIRPERSON: That revised one
24 you gave the other day, did it include it?

25 MR. VIGNA: Yes.

1 MS KULASZKA: He's been included for
2 quite a while.

3 THE CHAIRPERSON: Yes, I know. But
4 the updated one would include that portion of it. So
5 let me just find it. Can you remind me what day it was
6 you sent the revised list?

7 MS KULASZKA: January 23rd.

8 THE CHAIRPERSON: I'm not sure what
9 the relevance of the complaint is.

10 MS KULASZKA: It's not relative to
11 the merits of the complaint. It's relative to the
12 constitutional issues. So I don't see any reason for
13 an exclusion order since he's not giving any kind
14 testimony about FreedomSite or JRBooksOnline.

15 I would like to be able to argue the
16 relevance of his testimony when he's called, make that
17 argument then. But certainly he will be called on no
18 evidence whatsoever concerning the merits.

19 THE CHAIRPERSON: So here's a simple
20 way we can get around the problem, then. If he's not
21 going to be called as a witness on the facts, he ends
22 up remaining in the room and he becomes your first
23 witness on the constitutional issue.

24 MS KULASZKA: Yes, he could.

25 THE CHAIRPERSON: That gets around

1 everybody's issue. Okay. So if you follow that
2 approach then, Mr. Fromm, then we've avoided the
3 problem.

4 Yes, Mr. Fothergill?

5 MR. FOTHERGILL: I would like to
6 address you on an issue of scheduling. I had an
7 exchange of e-mail with Professor Tsesis, and due to
8 his teaching commitments it's very difficult for him to
9 testify here in Canada on any day other than Monday,
10 and that's in part because of flight departures.

11 THE CHAIRPERSON: Monday the --

12 MR. FOTHERGILL: What he proposed was
13 either February 26th -- he would in fact be willing to
14 testify February 19th, which would be the first day of
15 the second block of hearing dates. It's not ideal, I
16 think procedurally, although I'm prepared to agree to
17 it just in order to accommodate the schedule.

18 It would make him the first witness
19 on the constitutional issue, and I don't know if that
20 makes a great deal of sense but it's not impossible.
21 As you said, we should all maintain some flexibility
22 about the order in which witnesses are called.

23 THE CHAIRPERSON: That would
24 interfere with Dr. -- or Professor Mock.

25 MR. FOTHERGILL: It could, and what

1 made me rise at this particular time is also the
2 suggestion that perhaps Mr. Fromm should be the first
3 witness on the constitutional issue, so it might
4 arguable conflict with him as well.

5 THE CHAIRPERSON: Yes, although
6 perhaps we would be able to start that issue at the end
7 of next week, if we're going at a good pace here on the
8 factual evidence.

9 MR. FOTHERGILL: In any event, I
10 would like to propose Professor Tsesis come on February
11 26th, the Monday. And if counsel could endeavor to
12 complete his testimony in a single day, I think it
13 should be possible, and similarly for Donald Downs. If
14 he were to come the following day and if counsel could,
15 once again, endeavor to complete his testimony in a
16 single day.

17 I do think it's a reasonable goal to
18 aim for because these two experts, university
19 professors, their points of view are well-reflected in
20 the literature, not only theirs but others. In fact,
21 both of their points of view are very well established
22 parts of an ongoing section.

23 THE CHAIRPERSON: So the examination
24 goes straight --

25 MR. FOTHERGILL: I would even invite

1 the Tribunal to place timing restrictions for both
2 examinations and cross-examinations for both these
3 witnesses because, as I said, their views were easily
4 situated in a well-established first amendment debate
5 in the United States. It's really not questions of
6 credibility. It's questions of argument and debate
7 which counsel can, to a very large extent, have in
8 their absence.

9 THE CHAIRPERSON: So their opinion
10 evidence is very -- one could read them into the
11 written material that accompanies their evidence and
12 get the essence of both these individuals' evidence and
13 perhaps we can expand upon it a little bit in the
14 course of their testimony, but the core of what they
15 mean to say is in their report.

16 MR. FOTHERGILL: It will come down to
17 submissions as well.

18 THE CHAIRPERSON: And submissions.

19 MR. FOTHERGILL: It's an academic
20 debate and I don't think that we'll see either of them
21 seed the ground when they are cross-examined. They can
22 certainly expand upon their respective testimonies, but
23 these are very well-established polar opposites in the
24 first amendment debate.

25 THE CHAIRPERSON: I hear your

1 position.

2 Ms Kulaszka, do you have any
3 objection? I was looking at that yesterday.

4 MS KULASZKA: I didn't have a chance
5 to contact Professor Downs, so could we leave it open
6 for now?

7 THE CHAIRPERSON: One more day. If
8 you have a chance to speak to Professor Downs -- the
9 sooner we resolve this issue the better I think it is
10 in terms of planning our file.

11 Do you have difficulty contacting
12 Professor Downs? Is that the problem?

13 MS KULASZKA: No, I have difficulty
14 finding time.

15 THE CHAIRPERSON: Like, I'm flexible,
16 but the sooner the better.

17 MS KULASZKA: Over lunch I will try
18 and contact him.

19 THE CHAIRPERSON: Again, I want to
20 remember where everyone is coming from. Dr. Mock is in
21 Toronto?

22 MR. VIGNA: Dr. Mock is in Toronto,
23 yes.

24 THE CHAIRPERSON: Just so I know
25 who's travelling and who's not.

1 MS KULASZKA: Bernard Klatt is
2 travelling from B.C.; Professor Downs is coming from
3 Wisconsin.

4 THE CHAIRPERSON: Wisconsin.

5 MS KULASZKA: Dr. Persinger is coming
6 from Sudbury; that's not too horrible.

7 THE CHAIRPERSON: It's quite a drive.

8 MR. FOTHERGILL: And Dr. Tsesis is
9 also coming from Milwaukee. In fact, I think he knows
10 Professor Downs.

11 THE CHAIRPERSON: Isn't that
12 interesting. We're going to have a Wisconsin debate.

13 MS KULASZKA: I would be -- to
14 install limits on the cross-examination. I don't think
15 it's necessary.

16 THE CHAIRPERSON: No, we can sort of
17 set some guidelines, not hard and fast. If everyone
18 targets that goal -- I understand these are busy
19 individuals. And if -- really, I'll read the material.
20 If the material they are going to utilize deals with
21 most of what they are going to say, we can then refer
22 to that material and just call upon their testimony to
23 supplement it in some way. That's an efficient way to
24 get through their evidence, I would guess.

25 MS KULASZKA: As for an order

1 excluding witnesses --

2 THE CHAIRPERSON: I didn't complete
3 that.

4 MS KULASZKA: I would like a
5 clarification on this. Is this for the entire four
6 weeks or --

7 THE CHAIRPERSON: Look, we've done
8 this division and it was mentioned by Mr. Warman
9 between fact and law, so at this time I guess we'll
10 just order the exclusion of fact witnesses and we'll do
11 the inverse at the next set.

12 MR. VIGNA: I'll maybe reserve my
13 right to renew my request for the constitution. I
14 don't necessarily think there's a need for it. I'll
15 consider it a bit more.

16 THE CHAIRPERSON: I'll issue an
17 exclusion order at this time for fact witnesses, I'll
18 say that much. Is there anybody in the room who is a
19 fact witness?

20 My sense is that you are all bringing
21 your witnesses as they become necessary. We were
22 talking about the experts and they are all going to be
23 flying in or driving in just before the hearing begins,
24 their testimony begins. I don't foresee this as being
25 a problem. If it is --

1 MR. VIGNA: Perhaps we can even
2 extend dates when the experts testify to go a bit
3 later.

4 THE CHAIRPERSON: I'm perfectly
5 willing to do so. I know your client, Ms Kulaszka, has
6 some time constraints. Perhaps if we have to run a
7 little long we could continue without -- or starting
8 early. You proposed at one point that we begin early
9 with your expert.

10 MS KULASZKA: I think with these
11 witnesses it's going to be absolutely necessary.

12 THE CHAIRPERSON: That we start
13 earlier.

14 MS KULASZKA: Yes.

15 THE CHAIRPERSON: And we will be in a
16 different location, don't forget. So traffic may be, I
17 don't know, less or more of an issue depending where
18 you are coming from.

19 Mr. Warman?

20 MR. VIGNA: Mr. Warman is under the
21 same oath as yesterday?

22 THE CHAIRPERSON: Yes.

23 PREVIOUSLY AFFIRMED: RICHARD WARMAN

24 EXAMINATION-IN-CHIEF BY MR. VIGNA (cont'd)

25 MR. VIGNA: Mr. Warman, we left off

1 yesterday on the issue of JR's Online and today we are
2 going to continue with Freedomsite. And I believe we
3 left off at tab 9, which, if I remember correctly, it
4 has been produced already.

5 THE CHAIRPERSON: I don't see it.

6 MR. VIGNA: I'm not sure.

7 THE REGISTRAR: Tab 9 has been
8 produced.

9 MR. VIGNA: So we'll just go to tab 9
10 anyways.

11 And to refresh our memory,
12 Mr. Warman, can you tell us what tab 9 represents in
13 terms of Freedomsite and what this particular document
14 is intended to prove in regards to Freedomsite?

15 MR. WARMAN: Yes. This is a WHOIS --
16 the results of a WHOIS search on the website Network
17 Solutions that I conducted on the 18th of November
18 2003. It indicates that the registrant and the
19 administrative contact for that website is Mr. Lemire,
20 then provides a variety of contact information.

21 MR. VIGNA: So it has been already
22 produced and this document is -- I'm not going to
23 repeat as much, but yesterday you mentioned about WHOIS
24 and what it's intended to do, and can you -- for the
25 record can you tell us what WHOIS is all about?

1 MR. WARMAN: I think it's been fairly
2 well established yesterday.

3 MR. VIGNA: Okay. I would like to go
4 on the same issue, tab 25. In the course of a
5 proceedings, in another proceeding, did you obtain an
6 affidavit regarding the same FreedomSite? Can you tell
7 us the circumstances and if there's any relation to tab
8 25.

9 MR. WARMAN: Yes. In the proceedings
10 before the Tribunal of Warman v -- Warman and CHRC and
11 Craig Harrison, a subpoena was issued by the Tribunal
12 dated, according to this -- and I don't have the date
13 in front of me, says it says 6 June, 2006. And that
14 was for information with relation to two, maybe three,
15 named pseudonyms for the registration information. I
16 should say that the subpoena was issued to a
17 Mr. Lemire.

18 In this affidavit that he submitted,
19 it was agreed between myself, counsel for the
20 Commission, and Ms Kulaszka, who represented Mr. Lemire
21 in relation to the subpoena before the Tribunal, that
22 we would accept an affidavit from Mr. Lemire with the
23 information we had sought to obtain by virtue of his
24 testimony.

25 MR. VIGNA: Was there a ruling in

1 that file regarding this whole issue?

2 MR. WARMAN: Yes, in fact the
3 subpoena -- the issuance of the subpoena was opposed by
4 Ms Kulaszka on behalf of Mr. Lemire and the Tribunal
5 ultimately issued the subpoena for the information
6 sought.

7 MR. VIGNA: And as a result of the
8 ruling?

9 MR. WARMAN: This affidavit was
10 submitted. It states:

11 "I, Marc Lemire, the person named in
12 a subpoena from the Tribunal --"

13 Sorry, I guess we haven't identified
14 that yet.

15 MR. VIGNA: So you are --

16 MR. WARMAN: So this is a copy of the
17 affidavit that was submitted to the Tribunal hearings
18 of which I was a part.

19 MR. VIGNA: Which exhibits?

20 MR. WARMAN: Yes, it's a two-page
21 affidavit with Exhibit A and Exhibit B attached.

22 MR. VIGNA: I note this may be two
23 copies of the affidavit, but it's only one copy that's
24 necessary. It's a two-page affidavit with Exhibit A
25 and Exhibit B.

1 THE CHAIRPERSON: Right, that's all I
2 have.

3 MR. VIGNA: So do you recognize the
4 document? And you've explained the circumstances in
5 which it was obtained. I would like to produce it.

6 THE CHAIRPERSON: Yes.

7 MR. VIGNA: Now, tell us basically
8 what the document tells us and what's relevant for the
9 purpose of this hearing?

10 MR. WARMAN: The affidavit states:

11 "I, Marc Lemire, the person
12 Named in the subpoena from the
13 Tribunal dated June 6, 2006,
14 make oath and say as follows:
15 1. I am the webmaster of the
16 freedomsite.org which, up until
17 January 2004, included a message
18 board. 2. On the message board
19 the required fields to register
20 a user account were first name,
21 last name, log-in name and
22 e-mail address. There was no
23 verification done on the first
24 name, last name or log-in name.
25 The only verification done was

1 to ensure a valid e-mail was
2 provided. 3. When an
3 individual signed up a new
4 account the password was
5 e-mailed to the address he or
6 she provided. This was an
7 automated process done by the
8 software package that I
9 installed."

10 It then goes to give the relevant
11 information relating to two pseudonyms in question.

12 MR. VIGNA: Exhibit A and B.

13 MR. WARMAN: Yes.

14 MR. VIGNA: Just briefly mention what
15 they are, since everybody was at that hearing.

16 MR. WARMAN: It's the information
17 that was related to two pseudonyms that were alleged to
18 have been used by Mr. Harrison in the posting of hate
19 messages to the FreedomSite message board and, as is
20 known, there was a subsequent finding that those two
21 pseudonyms were in fact used by Mr. Harrison to place
22 hate propaganda onto the Internet, to the FreedomSite
23 message board.

24 MR. VIGNA: So this affidavit was
25 filed as part of that hearing in the Warman versus

1 Craig Harrison?

2 MR. WARMAN: That's correct.

3 MR. VIGNA: Mr. Chair, for the
4 purposes of comprehension I'd like perhaps just for you
5 to take judicial notice of the decision, Craig
6 Harrison. We have a copy on your desk. I don't know
7 if you want to produce it as an exhibit. It's just to
8 have a better understanding of the affidavit.

9 THE CHAIRPERSON: I hesitate to
10 produce as exhibits --

11 MR. VIGNA: But you have judicial
12 knowledge anyways.

13 THE CHAIRPERSON: Sure, it's part of
14 the authorities of the Tribunal.

15 MR. WARMAN: Before I forget, I
16 should just mention the date of the affidavit is 14
17 June, 2006.

18 MR. VIGNA: That's when the hearing
19 took place?

20 MR. WARMAN: That was during the
21 period.

22 MR. VIGNA: It was in which city?

23 MR. WARMAN: The affidavit was sworn
24 in the City of Oakville.

25 MR. VIGNA: And the hearing took

1 place?

2 MR. WARMAN: It was in downtown
3 Toronto.

4 MR. VIGNA: Like I said, Mr. Chair,
5 it's not all that crucial, but just to understand then
6 the context of the affidavit there's the decision which
7 you can take judicial knowledge of. I've provided the
8 parties a copy, and Ms Kulaszka is familiar with the
9 decision.

10 So we're going to go back to tab 9 --
11 10, actually. Craig Harrison.

12 MR. WARMAN: This is a seven-page
13 document that I printed off from the FreedomSite
14 website. It's an article entitled:

15 "AIDS SECRETS: What The
16 Government And Media Don't Want
17 You To Know".

18 It was printed off by me on the 15th
19 of November, 2003 and provided to the Commission
20 pursuant to my complaint.

21 MR. VIGNA: So can you tell us if you
22 recognize the document? I guess by what you are
23 telling us it's sort of implied, but just to be
24 explicit.

25 MR. WARMAN: I printed off the

1 document and provided it to the Commission pursuant to
2 my complaint.

3 MR. VIGNA: I would like to produce
4 the document.

5 THE CHAIRPERSON: 15th of November,
6 2003? Is that when you printed it?

7 MR. WARMAN: That's correct.

8 THE CHAIRPERSON: Yes.

9 MR. VIGNA: So tell us where the
10 document was obtained, where and what it talks about
11 and, if it's still located, where you obtained it.

12 MR. WARMAN: The document, as you can
13 see from the printout, is from the FreedomSite. It's
14 from a section entitled "Controversial Columnists".

15 If you look at the bottom left of the
16 first page, it indicates the URL address at which it
17 was found, which is
18 www.freedomSite.org/colum/strom1.html.

19 It is, as I indicated entitled,
20 "AIDS SECRETS: What The
21 Government And The Media Don't
22 Want You To Know."

23 It's by an individual named Kevin
24 Alfred Strom. The middle name is A-L-F-R-E-D; last
25 name, S T-R-O-M. The article is dated July 10th, 10th,

1 1993.

2 The article states:

3 "What I am going to say will
4 shock you. It will disturb your
5 sleep. It will make you worry
6 for your loved ones. It will
7 give you nightmares of disaster,
8 plague and horrible death. It
9 will make you rethink the
10 priorities of your life. It
11 will change the way you look at
12 yourself and the world. There
13 is a killer loose in the land.
14 This killer cuts down all whom
15 he touches. If he touches you,
16 you will die. If he touches
17 your child, your child will die.
18 His victims die a slow, horrible
19 death. They waste away. They
20 drown in their own body fluids.
21 They lose control of their
22 bowels. They lose their
23 memories. They become demented.
24 They die in agony. There is
25 nothing that can be done to save

1 them. The killer's name is the
2 Human Immunodeficiency Virus, or
3 HIV for short. When he starts
4 to kill you, it is said you have
5 AIDS, or Acquired Immune
6 Deficiency Syndrome. This
7 killer emerged into our world
8 over a decade ago, rising like
9 an angel of death out of the
10 oozing rivers of body fluids
11 that spilled like fetid
12 waterfalls in the streets of
13 America from the sick and sleazy
14 pleasure houses of the
15 'liberated' homosexuals."

16 MR. VIGNA: Go on.

17 MR. WARMAN: States:

18 "When a killer like HIV is
19 stalking the landscape, one
20 would assume that the guardians
21 of the public health would be
22 galvanized into action taking
23 any and all measures to protect
24 the uninfected from coming into
25 contact with the killer."

1 It goes on to talk about them
2 withholding vital information from the public. At the
3 bottom paragraph it states:

4 "Why are we being betrayed and
5 lied to by those who are paid
6 with our tax money to protect
7 us? It has been well
8 documented, on this program and
9 elsewhere, that the tremendous
10 power of organized homosexuals
11 (which reaches even into the
12 White House as President
13 Clinton's appointments and
14 policies make clear) holds most
15 of our more craven and criminal
16 politicians in thrall. And it
17 should be obvious to Americans
18 still capable of thinking for
19 themselves that the homosexuals
20 have been greatly aided by the
21 controlled media. In the eyes
22 of the powerful minority which
23 controls the US media,
24 homosexuals are one among the
25 many 'oppressed minorities',

1 criticism of which is forbidden,
2 on pain of losing one's job or
3 character assassination. (Look
4 what happened to Andy Rooney)"

5 -- last name R-O-O-N-E-Y --

6 "when he mildly criticized
7 perverts, or what happened to
8 Jimmy the Greek when he
9 speculated on the reasons for
10 Black athletic success.)"

11 Continues:

12 "Yes, the power of organized
13 perversion is a factor in the
14 suppression of the truth about
15 AIDS. And it is certainly a
16 fact that the darling deviants
17 are a part of the media's push
18 to destroy America. But there
19 is more to it than that. If the
20 uncensored truth about AIDS were
21 released to the American public
22 it would have the potential of
23 waking up the sleeping American
24 people and our masters in
25 Washington, New York and Tel

1 Aviv cannot allow that to
2 happen."

3 Other portions. At the top of page 3
4 of 7 it talks about testing, then goes -- through some
5 other portions at the top of page 3 of 7, talks about:

6 "...testing all donated blood
7 for Hepatitis-B with which 80
8 percent of homosexual males are
9 infected due to their filthy
10 practices, and rejecting all the
11 blood that tested positive. The
12 higher-ups at both agencies
13 declined to make that
14 requirement. Tens of thousands
15 were sentenced to death by that
16 decision. Why? Because
17 homosexuals don't want to be
18 tested. They don't want to be
19 identified, and they don't want
20 their twisted six-year-old
21 appetites restricted in even the
22 slightest way. Homosexuals and
23 powerful forces, friendly to the
24 homosexualization of America,
25 have successfully blocked this

1 and many other common sense
2 proposals to protect the rest of
3 us from AIDS."

4 The bottom of page 3 of 7 --

5 MR. VIGNA: You are not reading the
6 whole document, but is it our understanding the whole
7 document is important?

8 MR. WARMAN: Yes. At the bottom of
9 page 3 of 7 it states:

10 "Infected individuals, even if
11 they work as dentists or doctors
12 or in other occupations where
13 they could easily pass on the
14 virus are not required to notify
15 anyone of their HIV-positive
16 status. The AIDS virus is the
17 only virus that has 'civil
18 rights'. Innocents must die so
19 that the sick sex games of the
20 pervert minority can continue.
21 The normal public health
22 measures that always have been
23 applied to other infectious
24 diseases are not being applied
25 to AIDS."

1 MS KULASZKA: I seem to have lost
2 you. What page are you on?

3 MR. WARMAN: Page 4 of 7, the first
4 paragraph.

5 MR. VIGNA: Please refer, Mr. Warman,
6 every time to the paragraph and page. You are going a
7 little bit fast, but go ahead.

8 MR. WARMAN: "The imposition of
9 universal testing and quarantine, where appropriate,
10 would end the anal fun, you see, and we can't, we
11 simply can't have that. They, the infected, have all
12 the rights and we, the uninfected, have none. A
13 complete inversion of what the public health system is
14 supposed to be all about!"

15 The second last paragraph on page 4.
16 The heading is "Racial Differences in AIDS Infection."
17 It states:

18 "So far the hidden facts about
19 this disease that I have pointed
20 out are hidden, at least partly,
21 at the behest of organized
22 perversion, which is very
23 powerful and which has powerful
24 friends in the controlled media
25 and even in the White House.

1 But I want you to realize that
2 the liars of the media are lying
3 not only to protect the
4 so-called 'human rights' of
5 homosexuals, they are also lying
6 to protect their one-world
7 multicultural agenda."

8 Page 5 of 7. First full paragraph
9 states:

10 "When looking at the data for
11 heterosexuals with AIDS, the one
12 fact that is most striking is
13 that blacks are between 14 and
14 20 times more likely to be
15 infected than are whites. 4 to
16 20 times more likely! In fact,
17 even though blacks account for
18 only about 12 percent of the
19 U.S. population, they account
20 for fully 90 percent of all AIDS
21 infections in this country which
22 were acquired through
23 heterosexual means."

24 Continues about half-way down the
25 page:

1 "And 42 percent of straight
2 white Americans with AIDS got it
3 by having sex with non-whites.
4 In other countries the figures
5 are more startling. In a study
6 entitled 'Patterns Of
7 Heterosexual HIV Infection In
8 Brussels', published by the
9 Division of Infectious Diseases
10 at St. Pierre University
11 Hospital, 250 heterosexual AIDS
12 patients were studied.
13 Astoundingly, in the very white
14 country of Belgium, fully 83
15 percent of these cases were
16 Black African immigrants. Most
17 of the white males with AIDS
18 lived in or travelled regularly
19 to Central Africa. 70 percent
20 of these men with AIDS has had
21 sex with black women in Africa.
22 Of the while women with AIDS,
23 all the lived exclusively in
24 Belgium, but 83 percent of them
25 had had sex with Africans or sex

1 with men returning from Africa.
2 Our young people need to be
3 informed of these facts. These
4 are the real life risks that
5 they face in this sorry world
6 that we have made for them. It
7 is criminal. It is homicidal to
8 deny them these facts just
9 because the conclusions one
10 might draw from them are at
11 variance with the multicultural,
12 one-world agenda that the forces
13 behind Liberalism are ramming
14 down our throats. We must shout
15 the truth about AIDS from the
16 housetops."

17 There's a new heading, "Protect
18 Yourself and Your Loved Ones." It states:

19 "What can you do to save your
20 family and your country from
21 this deadly epidemic? There's a
22 lot you can do."

23 At the top of page 6:

24 "Avoid all contact with known
25 homosexuals. If there is a

1 known homosexual district in
2 your area, do not go there.
3 Avoid the 'trendy,'
4 'fashionable' part of town
5 whenever possible. This is
6 often where the highest
7 percentage of homosexuals are to
8 be found. Particularly avoid
9 using public restrooms or eating
10 in restaurants in such areas.
11 If you live in a rural area or
12 small town that has preserved
13 traditional American values,
14 stay there. If you live in an
15 area where such values have
16 disappeared, where 'Gay Pride'
17 parades have replaced
18 Independence Day parades, and
19 where the Third World invasion
20 is in full swing, carefully
21 consider your options. Moving
22 into a racially, culturally and
23 medically healthier area should
24 be considered. Carefully choose
25 who you socially and

1 professionally associate with,
2 even if you must sacrifice
3 status or money to do it. It is
4 wise to avoid repeated close
5 contact with those in high risk
6 groups, including blacks, Third
7 World immigrants, homosexuals
8 and drug users. Do not allow
9 your children to associate with
10 individuals in these groups when
11 it can be avoided. Plan your
12 travels to skirt around areas
13 where such groups form a high
14 percentage of the population
15 even if it takes extra time and
16 gasoline to do. Remember, any
17 body fluid can transmit the
18 virus and it is impossible to
19 predict the occurrence of auto
20 accidents, altercations, the
21 need to use unsanitary toilet
22 facilities or emergencies in
23 which you may be placed in a
24 hospital environment in a highly
25 infected zone, possibly right

1 next to a terminal AIDS
2 patient."

3 Towards the bottom of the page it
4 indicates in bold:

5 "Are you a Writer? Submit you
6 pieces to be included on the
7 Controversial Columnists Page!
8 Just e-mail it to
9 webmaster@freedomsite.org."

10 Below that it indicates:

11 "The Freedom-Site has been
12 online since 1996 and served
13 over 10 million visitors."

14 MR. VIGNA: Now, this document
15 that -- like to spend a little bit more time. If we go
16 to the first page, we'll go step by step.

17 This document was located on which
18 site and in which country?

19 MR. WARMAN: It was located on the
20 Freedomsite website.

21 MR. VIGNA: Which has mostly what
22 kind of contents in terms of nationality? Is it
23 Canadian, U.S., American?

24 MR. WARMAN: Mr. Lemire indicates
25 he's, in fact, the registered owner and webmaster, so

1 Canadian.

2 MR. VIGNA: In terms of the first
3 page, there's different icons there.

4 MR. WARMAN: Yes, at the top left.

5 MR. VIGNA: This one would be where?
6 Where would you have to click?

7 MR. WARMAN: If you clicked on any of
8 those you would be taken by a link to those particular
9 sections of the website.

10 MR. VIGNA: This "AIDS SECRET"
11 document would be in which --

12 MR. WARMAN: In the columnists
13 section.

14 MR. VIGNA: In terms of this
15 document, in terms of its content, which prohibited
16 grounds seem to be concerned or targeted?

17 MR. WARMAN: Well, clearly sexual
18 orientation; clearly disability on the grounds of
19 either drug use or having AIDS or HIV; obviously race;
20 I would suggest religion.

21 THE CHAIRPERSON: Religion?

22 MR. WARMAN: Because there's numerous
23 references to our masters -- for instance, if I can
24 just find it.

25 MR. VIGNA: Go to page 4, second

1 paragraph.

2 THE CHAIRPERSON: I heard before
3 Washington, New York and Tel Aviv. Is that what you
4 are eluding to?

5 MR. WARMAN: Yes. Not only that, but
6 it makes repeated reference to the controlled media.
7 It makes repeated reference to -- states:

8 "In the eyes of the powerful
9 minority which controls the U.S.
10 media", at the top of page 2 of
11 7.

12 MR. VIGNA: Who would the powerful
13 minority be in accordance to the website from the
14 overall review of the website?

15 MS KULASZKA: I object to that.

16 THE CHAIRPERSON: It's a leading
17 question, Mr. Vigna.

18 MR. VIGNA: Sorry?

19 THE CHAIRPERSON: I think it's a
20 leading question. You are directing him to where it --
21 the answer is.

22 MS KULASZKA: He's being asked for an
23 opinion he isn't qualified to give.

24 THE CHAIRPERSON: Mr. Warman, it says
25 "controlled media". Does it say anywhere who controls

1 it in this article?

2 MR. WARMAN: Well, I would suggest
3 when you read that in conjunction with our political
4 masters in Washington, New York and Tel Aviv, the
5 inclusion of the term Tel Aviv makes a clear reference
6 to the Jewish population. And based on -- I don't even
7 have to refer to my own personal knowledge of having
8 looked at this material.

9 It has been a repeated finding of the
10 Tribunal that references to Jewish control of the
11 media, and specifically I can refer you to the
12 Jensen -- the decision of Member Jensen in the Kouba,
13 that Jewish control of the media is considered to be
14 one of the indicia by her of hate messaging. And I
15 would suggest that this article is entirely consistent
16 with that allegation.

17 THE CHAIRPERSON: Fine.

18 MR. VIGNA: Now, the date of the
19 article in question. Can you tell us when this article
20 was brought to your knowledge and what is the situation
21 today?

22 MR. WARMAN: Well, it was printed off
23 by me on the 15th of November, 2003 and to the best of
24 my knowledge it is no longer available.

25 It is my understanding that Ms

1 Kulaszka, on behalf Mr. Lemire, intended to call
2 Mr. Strom as a witness, but that he was subsequently
3 charged with possession of child pornography and they,
4 then, to the best of my knowledge, have dropped him
5 from the witness list.

6 MS KULASZKA: Does Mr. Warman have
7 proof of that?

8 MR. WARMAN: I indicated it was to
9 the best of my knowledge; that there are extensive
10 media reports, and in fact I forwarded it to you and
11 requested a response from you as to, in light those
12 media reports, whether you intended to continue calling
13 him. And there was no rely.

14 MS KULASZKA: Did you bring the media
15 report?

16 MR. WARMAN: In fact, one was
17 provided to you.

18 THE CHAIRPERSON: In any event, I
19 don't see what the issue is. He will not be
20 testifying. That's it.

21 MR. VIGNA: Do you know what point in
22 time this article was not there any more, if you know?

23 MR. WARMAN: No, I'm sorry, I don't
24 know exactly.

25 THE CHAIRPERSON: I didn't quite

1 understand the question. Are you aware that this
2 article is no longer on the freedomsite.org?

3 MR. WARMAN: That's my understanding,
4 yes.

5 MR. VIGNA: Do you know from what
6 point in time it was no longer available? That was my
7 second question.

8 MR. WARMAN: And my answer was no,
9 I'm not sure exactly when it was removed.

10 There are two other things I would
11 like to point out about the article. On the first page
12 on the left-hand side about half-way down there is the
13 image of two young children, two young self-evidently
14 white children. And having seen the article myself, I
15 can state that they were, although the photocopy isn't
16 that great, they were two young white children. And it
17 states, "Immigration hurts her future."

18 MR. VIGNA: For a visual, if you look
19 at tab 18. Is that the colour picture?

20 MR. WARMAN: That is. In fact, you
21 can see that underneath it it indicates "Canada First
22 Immigration Reform Committee." I understand that group
23 to be headed by Mr. Fromm.

24 MR. VIGNA: We'll come back to that
25 article later, but just for a visual you have a picture

1 there.

2 MR. WARMAN: On the next page, page 2
3 of 7, at the top there is an offer of web hosting
4 provided. It indicates the prices and it states that
5 what is offered is:

6 "Uncensored web space for the
7 political dissident!"

8 Underneath that image is the image of
9 a computer with barbed wire laid over a keyboard and
10 red sort of stop hand with "Free Speech Is Under
11 Attack"; "under attack" looking like some sort of
12 zombie movie poster or something.

13 Then it states, "Save Free Speech
14 Now", and there's a link to Canadian Association for
15 Free Expression, which I also understand to be headed
16 by Mr. Fromm.

17 THE CHAIRPERSON: Wait a second.
18 "Free speech Is Under Attack."

19 MR. WARMAN: Yes. And if you turn to
20 tab 18, the second page, the image is much clearer.

21 THE CHAIRPERSON: Okay.

22 MR. VIGNA: We'll be producing tab 18
23 later. Anything else, if there is anything else you
24 want to say?

25 MR. WARMAN: No.

1 MR. VIGNA: So at the last page of
2 the Document 7 --

3 MR. WARMAN: Sorry. There is one
4 thing. Just the fact it is entitled "Controversial
5 Columnists", and that is an indicator of full knowledge
6 of the type of material that appears there.

7 MR. VIGNA: The author was American,
8 I understand.

9 MR. WARMAN: To the best of my
10 knowledge.

11 MR. VIGNA: But at the end at page 6
12 of 7, the address you have at the bottom is a Canadian
13 address, I guess.

14 MR. WARMAN: There's two addresses
15 listed. The first one in the last, sort of, full
16 paragraph of the article lists the contact address for
17 a U.S. neo-Nazi group. But below that it's basically
18 the e-mail address for freedomsite.org.
19 Webmaster@freedomsite.org is given.

20 It then provides an address, a P.O.
21 box, for the Canadian Patriot Network, which I
22 understood to be sort of an umbrella or just an
23 organization run by Mr. Lemire. But it gives the
24 street address, the P.O. box address for the
25 Freedomsite website.

1 MR. VIGNA: If we cross-reference to
2 tab 8, which we saw earlier in terms of the WHOIS, can
3 you tell us if it corresponds perhaps to the exception
4 of the suite?

5 MR. WARMAN: It does, and in fact it
6 corresponds exactly. If you look at tab 17, with the
7 address that's provided there.

8 MR. VIGNA: I'm not sure 17 is
9 produced.

10 MR. WARMAN: It was, yes, it's tab
11 17.

12 THE CHAIRPERSON: Tab 17 was
13 produced, I think.

14 MR. VIGNA: It was produced, okay.

15 MS KULASZKA: Which one?

16 MR. VIGNA: 17.

17 THE REGISTRAR: Yes.

18 MR. VIGNA: So I guess that's it for
19 this tab. Tab 11. No, that's no good. Tab 12.

20 THE CHAIRPERSON: Tab 12 or 11?

21 MR. VIGNA: 11, we'll skip it. 12.

22 Now, tab 12, Mr. Chair, and
23 Mr. Warman will guide us. Ideally we would have put A,
24 B, C, D, but what I was proposing was just to put A, B,
25 C, as the witness will identify each e-mail.

1 THE CHAIRPERSON: Let me go through
2 it and see what you are referring to. Okay. So a
3 four-page e-mail, then a single page e-mail, another
4 single page, another, and another. Quite a few.

5 MR. VIGNA: We'll try to separate
6 them by A, B, C with the witness guiding us.

7 THE CHAIRPERSON: Can I suggest
8 something? We all take our pens, just put page 1 and
9 the sequence thereafter, so we'll all follow the same
10 thing one by one for each page? There's 14 sheets.

11 MR. VIGNA: Everyone has 14?

12 Mr. Warman, can you, first of all,
13 look over the document. It's 14 pages. I understand
14 they are different documents but looking them over
15 we'll produce them as one tab then we'll divide it A,
16 B, C and you suggest.

17 MR. WARMAN: Yes. This is a series
18 of postings that were present on the FreedomSite
19 message board. They were printed off by me, I believe,
20 universally on the 15th of November, 2003 and provided
21 to the Commission pursuant to my complaint.

22 MR. VIGNA: So we would like to
23 produce that at tab 12, series of postings on
24 FreedomSite. That would be the title, Mr. Warman?

25 MR. WARMAN: Yes, the FreedomSite

1 message board.

2 MR. VIGNA: Now -- so it's produced?

3 THE CHAIRPERSON: Yes.

4 MR. VIGNA: Now, can you take us
5 through the document, the various documents and tell us
6 how we best can divide them in terms of the A, B, C,
7 and in terms of understanding the documents one in
8 relation to the other, the parties, and what it's all
9 about. So I'll let you go on this, Mr. Warman.

10 The first document dated February 7,
11 2002?

12 MR. WARMAN: Yes, it's a four-page
13 document and what it is, it's a posting called "The New
14 Hate Laws." It was located on the FreedomSite message
15 board under the conference or the thread of "General
16 Messages". The posting date indicates it was February
17 7, 2002.

18 The poster posts material from an
19 organization run by former Klansmen David Duke called
20 the European-American Unity and Rights Organization
21 (EURO). It states:

22 "Below is information I thought
23 for you Americans you may want
24 to act on."

25 This goes through and decries

1 proposed anti-hate legislation in the United States.

2 At the second last paragraph on page
3 1 it states that:

4 "The -- leads directly to
5 broaden intimidation laws making
6 anyone who hurts the feelings of
7 a minority or homosexual into
8 'hate criminals'. Result: Free
9 speech is over and you go to
10 jail."

11 MR. VIGNA: What paragraph is that,
12 Mr. Warman?

13 MR. WARMAN: That's the second last
14 paragraph on page 1.

15 MR. VIGNA: Does?

16 MR. WARMAN: Yes. The next paragraph
17 continues stating:

18 "With the passage of anti-hate
19 laws there is zero tolerance of
20 a white male, who might let slip
21 a verbal slur against protected
22 minorities."

23 MS KULASZKA: Excuse me, what page is
24 that? The second page?

25 THE CHAIRPERSON: Mr. Warman, perhaps

1 when you begin referring to portions of a sentence in
2 the middle, perhaps you can be specific which line you
3 were, so we can find it. I realize you are in the
4 middle of that next sentence after the heading "One
5 Example". Right after the word "yet" it says "with".
6 That's what you started reading from, right?

7 MR. WARMAN: It is indeed.

8 THE CHAIRPERSON: So if you could
9 specify that, because I had to search for it as well.
10 So begin again, please.

11 MR. WARMAN: At the bottom of page 1
12 of 4, approximately half-way through last paragraph it
13 states:

14 "With the passages of
15 'anti-hate' laws, there is zero
16 tolerance for a white male who
17 might let slip a verbal slur
18 against protected minorities."

19 MR. VIGNA: Before that can you read
20 also, Mr. Warman, because it's important. The first
21 paragraph, "One Example." Right after.

22 THE CHAIRPERSON: That's what he just
23 read.

24 MS KULASZKA: Mr. Vigna is telling
25 Mr. Warman what to read. Mr. Warman is supposed to be

1 giving the testimony and Mr. Vigna is telling him what
2 to read.

3 THE CHAIRPERSON: Well, no, he's
4 directing him so that we can get to further evidence on
5 that. I don't have a problem with that. You can
6 direct the witness to what you would like to draw to
7 the attention of the Tribunal. That's not a problem.

8 MR. VIGNA: Mr. Warman, you started
9 at the middle of the paragraph. Can you just read the
10 whole paragraph?

11 MR. WARMAN: It states:

12 "While our judicial system
13 indulges the right of Jews to
14 describe those who criticize
15 them as 'anti-Semitic," or
16 homosexuals to deride Christians
17 as 'homophobes;' yet with the
18 passage of 'anti-hate' laws,
19 there is zero tolerance for
20 white male who might let slip a
21 verbal slur against protected
22 minorities."

23 MR. VIGNA: Go on.

24 MR. WARMAN: It then exhorts readers
25 to contact their political representatives and then

1 encouraging them to vote against such human rights
2 legislation.

3 MR. VIGNA: Page 2, you are going
4 pretty quickly, so I'll slow you down a bit. Page 2 in
5 terms of location -- second, third paragraph? "The
6 strategy"?

7 MR. WARMAN: I'm sorry, I don't see
8 it. Page 2.

9 MR. VIGNA: Just in terms of the
10 countries mentioned. "The strategy of the 'thought
11 police.'"

12 MR. WARMAN: It states -- this is the
13 third paragraph from the bottom on page 2. It states:

14 "The strategy of the 'thought
15 police' in both the United
16 States and Canada is: First,
17 enact what seemed to be
18 reasonable anti-intimidation
19 laws banning 'bias-motivated'
20 verbal intimidation; second,
21 broaden them by prosecuting and
22 winning flimsy cases like the
23 one against Lonnie Rae."

24 Page 4 of 4, at the bottom. In
25 response to the article, individual using the pseudonym

1 "realcanadianson", who has been found by the Tribunal
2 to be Craig Harrison, posts on Tuesday, May 14th, 2002,
3 states:

4 "Liberals killed Canada. Did
5 you know Trudeau was a filthy
6 French draft dodger? Didn't
7 want to fight for Canada and his
8 family should be killed."

9 MR. VIGNA: Now, Mr. Warman, you said
10 it's Craig Harrison, but we understand that you have a
11 certain knowledge that it is, but can you just explain
12 why you know it's Craig Harrison? Not that it's really
13 a case of Craig Harrison, but just to understand the
14 connection between --

15 MR. WARMAN: There were a number of
16 things that led the Tribunal to their finding that --
17 it was Mr. Harrison that was responsible, one of which
18 was the use by him of his wife's e-mail address, which
19 is located right next to the pseudonym realcanadianson,
20 susen@sympatico.ca.

21 MR. VIGNA: And this is found -- is
22 this all found in court Tribunal determination?

23 MR. WARMAN: It is, yes.

24 MR. VIGNA: So we could put A for
25 pages 1 to 4, tab 7-A?

1 MR. WARMAN: I believe that would be
2 a good idea.

3 THE CHAIRPERSON: Sorry?

4 MR. VIGNA: We would like to identify
5 the first four pages as tab 7-A.

6 THE CHAIRPERSON: I don't have any
7 tabs.

8 MR. VIGNA: We just write it in,
9 unless you don't want --

10 THE CHAIRPERSON: I just did the page
11 numbering. Why don't we do the --

12 MR. VIGNA: That's fine. They're
13 different e-mails but there's no problem.

14 THE CHAIRPERSON: It's more
15 convenient for you to put the tabs in before you give
16 it to us. You expect 15 people -- find tabs.

17 MR. VIGNA: No problem, Mr. Chair.

18 MS KULASZKA: If I correct Mr. Vigna.
19 He keeps referring to these as e-mails. They are not
20 e-mails.

21 THE CHAIRPERSON: I realize, and I
22 followed his path and then I realized. I was incorrect
23 as well. They are all postings.

24 MR. VIGNA: Ms Kulaszka is totally
25 right. I apologize for the mischaracterization.

1 Page 5, Mr. Warman.

2 MR. WARMAN: This is a one-page
3 print-off of postings on the FreedomSite message board.
4 It is under the heading "Jokes and Trivia."
5 Individual -- sorry, the topic is a misspelled version
6 of Indians.

7 The first posting on Thursday, July
8 26, 2001 states:

9 "whats an indians favorite wine.
10 We want our land back
11 whaaaaaaaaaaaaaaaaaaaaa!!!!!!"

12 The next posting by Craig Harrison on
13 May 14th, 2003 states:

14 "why does aqua velva come in
15 different colours? because
16 indians like shooters too."

17 He continues with another joke:

18 "what does an indian woman say
19 when she is losing her
20 virinity?"

21 I presume that's supposed to be
22 virginity.

23 "Get off me dad your squishing
24 my smokes."

25 Another person follows on June 12,

1 2002:

2 "why are there no indians on
3 Star Trek? Answer: They don't
4 plan on working in the future
5 either."

6 Continues September 4th, 2002:

7 "why don't indian's take asprin
8 because there white and --"
9 should be, I presume "-- they
10 work."

11 The next page is from the topic
12 called -- it's under the, sort of, thread of "General
13 Messages" and on the topic or title is "Amazed by your
14 misplaced cry for 'equality'".

15 Craig Harrison posts:

16 "I did two years in jail for
17 kicking and beating a half breed
18 chink, spear chucker in 96."

19 The next page, page 7. The overall
20 thread is "CHA", meaning Canadian Heritage Alliance,
21 "Political Debates." Title is "Residence Schools."

22 It's posted by

23 RavennaX@canadianheritagealliance.com. It states:

24 "Should Canada's government and
25 churches be determined legally/

1 financially responsible for
2 abuses alleged by Indians in
3 residence schools?"

4 It's a posting dated November 19th,
5 2000.

6 Mr. Harrison responds on May 14th,
7 2002:

8 "no we should not be on the hook
9 for them. it was a good idea at
10 the time and most indians were
11 for it. I wish my ancestors had
12 killed them all so they wouldn't
13 be"

14 -- I presume that is supposed to be whining --

15 "today."

16 MR. VIGNA: What page are we on,
17 Mr. Warman?

18 MR. WARMAN: Page 8. Under the
19 thread on "Immigration." The title is, "Why Are you
20 People all so Yellow?"

21 Mr. Harrison on May 14th, 2002,
22 posts:

23 "I went to jail for 2 years
24 because I punched out a fucken
25 nigger in georgetown. i am a

1 real canadian hero like my
2 grandfathers in wars were. hey,
3 guess what? The french didn't
4 fight in the wars because they
5 were cowards and should be
6 driven into the sea."

7 Page 9. Again under the thread of
8 "Immigration," there's a title. The title is, "Just
9 what is a Canadian Supremist?????"

10 Individual name using the e-mail
11 apparently cynthia.kinsella@sympatico.ca, posts on
12 November 6, 2001:

13 "Apparently According to my
14 employer Frank Cuda from
15 Catanzaro Italy, I am. Why?
16 Because in defence of myself I
17 made the statement that 'In my
18 Country a person is innocent
19 until proven guilty.'"

20 Mr. Harrison responds on May 14th,
21 2003 saying:

22 "your boss is a dirty fucken wop
23 Nazi".

24 Page 10. Under the thread
25 "Immigration" under the topic, "Bill C11."

1 Mr. Harrison posts a message stating:

2 "We should kill mugabe and
3 cretchen because they are not
4 gods children."

5 That's on May 14th, 2002.

6 Page 11. Again under the thread
7 "Immigration," the topic is "Stinking East Indian Car
8 Shoppers."

9 Mr. Harrison, on Tuesday, May 14th,
10 2002 posts:

11 "kill anyone who is not white
12 because god says so."

13 MR. VIGNA: Mr. Warman, where does it
14 say, "Read seven times"? Do you have any idea?

15 MR. WARMAN: Yes, because it's my
16 belief that that is the number of times the posting had
17 actually been read.

18 Page 12. Again under the thread
19 "Immigration," the title is "Hi Canada, please read me
20 Im from England."

21 Mr. Harrison, posting on Tuesday, May
22 14th, 2002 states:

23 "i call on all my white brothers
24 to rise up and kill non-whites
25 because god gave Canada to the

1 white man."

2 MR. VIGNA: For "Read 12 times,"
3 would that be the same explanation?

4 MR. WARMAN: That's my understanding.
5 Underneath it there's an individual
6 who notes that:

7 "These types of comments can get
8 you in legal trouble. Just
9 warning you..." and then citing
10 Mr. Harrison's posting.

11 MR. VIGNA: Page 13.

12 MR. WARMAN: Harrison. Under the
13 "General Messages" thread, the topic is "Devastating
14 news - Jew Monitor in crisis."

15 Mr. Harrison, on Tuesday May 14th,
16 2002, posted a message stating:

17 "jews make good lamp shades."

18 Under the thread "Movement Activists
19 Chat", the topic is "Eliminate the Immigrants!"

20 On Tuesday, May 14, 2002 Mr. Harrison
21 posted:

22 "we have to kill the french
23 foreigners from Quebec."

24 Individual responds on June 5th,
25 2002, stating:

1 "don't be ignorant, all your
2 ancestors immigrated here in the
3 first place. They stole the
4 land from the First Nations
5 people so who the hell do you
6 all think you are to say that
7 they should not let anyone else
8 into this country? Your
9 organization is full of shit."

10 A different individual responds on
11 July 1st, 2002 stating:

12 "to the message above me,
13 actually NO we did not steal
14 their land if there dumb enough
15 to sell it for a couple bottles
16 of booze and some forks and
17 knives thats their own retarded
18 problem. and ya stop immigrant
19 from coming except white thats
20 because what do you think this
21 land was bought for mudds. i
22 think not it wasnt a mudd who
23 bought it it was a white person
24 and for what for white people
25 was he european yes are

1 europeans white yes therefore
2 its ourland and mudds can get
3 the fuk out! if anyone else
4 feels the same please let me
5 know."

6 MR. VIGNA: What is your
7 understanding of "mudd" in the context of the
8 e-mails -- the postings on the message board?

9 MR. WARMAN: Having seen the term
10 "mudd" used, it's my understanding it refers to
11 non-whites.

12 MS KULASZKA: I object.

13 THE CHAIRPERSON: It's his
14 understanding. That's fine. I accept his evidence on
15 the point. He specified it's his understanding, Ms.
16 Kulaszka. You'll have every opportunity to
17 cross-examine his understandings.

18 MR. VIGNA: So you are at page 14?

19 THE CHAIRPERSON: Would you repeat
20 the answer, because I had the objection.

21 MR. WARMAN: Yes. Based on having
22 viewed white supremacist and neo-Nazi material for the
23 past 20 years, it's my understanding that the term
24 "mudds" is used to refer to non-whites, and I believe
25 that is self-evident within the language of the context

1 of the posting itself.

2 MR. VIGNA: Now, Mr. Warman for
3 purposes of clarity and for the record, I'll ask you a
4 series of questions regarding this document before you
5 go on to other one, just so we can place back time when
6 it has to be analyzed.

7 All these postings were on which
8 website?

9 MR. WARMAN: They were on the
10 freedomsite.org website on the message board portion.

11 MR. VIGNA: In terms of the author,
12 you mentioned earlier about another decision, and the
13 name of realcanadianson. Can you tell us more about
14 that?

15 MR. WARMAN: The individual that was
16 found by the Tribunal to be responsible for the
17 postings was named Craig Harrison. He was from
18 Georgetown. It was found that he had posted under two
19 separate pseudonyms extensively on the Freedomsite
20 message board material that was not just, sort of, hate
21 messages but there were also extensive calls for
22 genocide against a wide variety of groups.

23 MR. VIGNA: And you are referring to
24 which decision, at the risk of being repetitive?

25 MR. WARMAN: The Warman v. Harrison

1 decision by the Tribunal.

2 MR. VIGNA: Is there anything else
3 you would like to say in terms of the tab in terms of
4 its importance?

5 MR. WARMAN: No.

6 MR. VIGNA: Thank you. Move onto tab
7 13. Look at the entire tab and perhaps we can do the
8 same thing, Mr. Chair, that you proposed earlier.

9 THE CHAIRPERSON: Tab 18?

10 MR. VIGNA: Tab 13.

11 THE CHAIRPERSON: 13. I heard 18.

12 MR. VIGNA: Tab 13. Would you like
13 to number the pages like we did in the previous tab?

14 THE CHAIRPERSON: Wow. This goes on
15 and on. There's some two-sided pages.

16 MR. VIGNA: Yeah, there are two sided
17 pages, some of them.

18 THE CHAIRPERSON: How many two-sided
19 pages? I saw one.

20 MR. VIGNA: I think it's only the
21 last one, actually.

22 THE CHAIRPERSON: So we can work
23 around that difficulty. Okay, everyone. Get our pens.
24 Number off each page, please.

25 MR. VIGNA: 23 pages.

1 THE CHAIRPERSON: I have also 22
2 pages, the last of which has a flip side. So when we
3 get to 22, we'll just refer to the flip side of 22.

4 MR. VIGNA: I put 23 on the flip, but
5 it's up to you.

6 THE CHAIRPERSON: We'll stay with the
7 sheets.

8 MR. VIGNA: So, Mr. Warman, can you
9 look at the documents yourself one by one, then we'll
10 produce them and we'll proceed in the same manner as we
11 did in the other tab.

12 MR. WARMAN: There's a series of
13 postings printed off on the 15th of November 28, 2003
14 and provided to the Commission pursuant to my
15 complaint.

16 MR. VIGNA: So I would like to file
17 this as the next exhibit.

18 THE CHAIRPERSON: Okay.

19 MR. VIGNA: So take us through the
20 document like you did earlier.

21 MR. WARMAN: The first thread is
22 under "Heritage Front." The topic is "Media Release
23 Immigration Legislation Hearings."

24 It indicates it's posted by Marc
25 Lemire with the e-mail address marc@lemire.com on the

1 21st of September, 1999. It's entitled, "Media
2 Release, March 2nd, 1998 For Immediate Release".

3 It states:

4 "On March 3rd and 4th, public
5 meetings are scheduled in
6 Toronto by the Legislative
7 Review Committee on Immigration
8 to allow public input out on
9 immigration reform in Canada."

10 It indicates they don't hold much
11 hope for the actual hearings resulting in much.

12 Towards the bottom of the page
13 there's a heading:

14 "The Heritage Front's Proposal
15 to Canada's Legislation Review
16 Committee on Immigration."

17 It states:

18 "We are happy to see that some
19 input has finally been permitted
20 those most affected by Canadian
21 immigration policies - the
22 people of Canada. Our proposals
23 are as follows: -- A moratorium
24 on immigration until full public
25 discourse has established the

1 extent of Canadian
2 support/disapproval of current
3 policies."

4 Next dash:

5 "-- A binding referendum to
6 permit Canadians --" this is on
7 page 2.

8 THE CHAIRPERSON: Hold on a second.

9 MS KULASZKA: I don't have that.

10 THE CHAIRPERSON: My page 2 is the
11 same page.

12 MS KULASZKA: I don't have that.

13 MR. VIGNA: There's two times page 2,
14 Mr. Chair.

15 THE CHAIRPERSON: So what we've
16 marked off as page 2, skip it and go to page 3.

17 MR. VIGNA: I apologize.

18 THE CHAIRPERSON: Page 3.

19 MR. WARMAN: It continues:

20 "-- A binding referendum to
21 permit Canadians the democratic
22 opportunity to participate in
23 the forum and content which
24 immigration is to take in
25 Canada."

1 The next point:
2 "Prior to a referendum, the
3 Government of Canada should
4 publish (in all major newspapers
5 on a regular basis) immigration
6 statistics, demographic trends,
7 social welfare usage profiles,
8 crime statistics by contributing
9 region, English or French as a
10 second language, direct and
11 indirect costs, health and
12 education usage, et cetera, with
13 associated cost breakdowns.
14 Full disclosure of pertinent
15 aspects of the impact, (socially
16 and financially) of immigration
17 should be fairly presented,
18 published and available to all
19 Canadians."

20 If you go down four points below
21 that, four paragraphs below that, it states:

22 "As Canada welcomes people of
23 immensely diverse racial and
24 religious backgrounds, one has
25 to ask, what will occur if our

1 economic climate changes?
2 Currently we see tolerance but
3 we do not enjoy harmony. There
4 is no nation or society where
5 even two diverse peoples (or
6 races) have successfully lived
7 side-by-side for any significant
8 period. Could we, in this
9 country, because of our
10 misguided immigration policies,
11 end up with future conflicts
12 like those in Bosnia, Sri Lanka,
13 Rwanda, India/Pakistan, Tibet,
14 Chechnya"

15 -- spelled C-H-E-C-H-N-Y-A --

16 "among others too numerous to
17 mention? As the demographic
18 makeup of the country changes
19 (when we have become a minority)
20 what guarantees do we have that
21 we will enjoy the same
22 privileges today's minorities
23 enjoy? As far as we know, the
24 only countries honouring the
25 various 'rights' (civil, human,

1 women's, minority, workers,
2 children's) are majority white
3 nations. Even the most
4 progressive of non-white nations
5 do not honour many of the rights
6 we have come to expect of
7 Canada."

8 To two paragraphs. The second
9 paragraph below that continued:

10 "It appears that the main
11 beneficiary of increased
12 immigration is big business.
13 There may be more consumers in
14 the nation, but among existing
15 Canadians it means less jobs,
16 lower wages, fewer guarantees
17 and overall betrayal of
18 expectations and diminished
19 faith in job prospects/career
20 opportunities. If these various
21 issues are not examined --" page
22 4. "If these various issues are
23 not examined closely, future
24 generations may curse us for our
25 negligence in bringing about

1 changes which irreversible."
2 And signed Wolfgang Droege,
3 national director of The
4 Heritage Front.

5 MR. VIGNA: Can you tell us in
6 regards to the last name you mentioned, if there was a
7 mention of this individual and a decision you were
8 reciting yesterday regarding the security certificate?

9 MR. WARMAN: Yes. Mr. Droege was
10 listed as the national director or president of the
11 Heritage Front immediately before Mr. Lemire.

12 I continue onto the posting at -- on
13 page 4 immediately below the end of the "Media Release"
14 that was posted by Mr. Lemire.

15 Craig Harrison responds:

16 "I love you wolfgang. your the
17 best. i was thinking of you
18 when I was in the hole at
19 maplehurst oops i mean nigger
20 hurst. I did 2 years for
21 beating a half breed child
22 molester. I guess were heros."

23 MR. VIGNA: Do the comments you made
24 earlier concerning the relation inter-connection
25 between Craig Harrison decision and this posting apply?

1 This posting, is it related also to the judicial
2 determination?

3 MR. WARMAN: Well, yes, it was
4 contained therein.

5 Page 5. The thread is
6 "Freedomsite-Canada". Topic is "White Nationalists
7 Disgusted by Mandela citizenship."

8 On Tuesday May 21st, 2002,
9 Mr. Harrison posts:

10 "that french cocksucker in
11 ottawa gives monkey man that
12 honour and he fucks the war
13 veterans around because they are
14 real canadians and not french.
15 Marilyn Bell swims the lake and
16 gets fuck all. go figure".

17 MR. VIGNA: Who are they referring
18 to?

19 MR. WARMAN: Nelson Mandela and the
20 honorary citizenship that he received.

21 MR. VIGNA: What about the mention of
22 the first four words in the posting?

23 MR. WARMAN: My understanding that
24 that was a reference to Mr. Chretien.

25 Page 6. The thread is "Singles --

1 Companionship." The topic is "Contact me proud white
2 Canadians."

3 Mr. Harrison posts a message May
4 16th, 2002 stating:

5 "skin head remember me? i'm the
6 guy from georgetown who got 2
7 years for thumping that nigger
8 on main street. come back soon,
9 we need you here for the cause.
10 god bless and take care."

11 Page 7. Under the heading "General
12 Messages". The title is "Commie Monument -- your tax
13 \$ --" using the dollar sign, "--at work". On May 15th,
14 2002 Mr. Harrison posts:

15 "i told you the only good french
16 man is a dead french man."

17 Page 8 under the thread again
18 "Freedomsite-Canada". "RCMP cover up anti-White hate
19 crime Nova Scotia" is the title. On May 21st, 2002,
20 Mr. Harrison posts:

21 "the indian heathens should all
22 be killed says i. a message from
23 gods chosen one."

24 MR. VIGNA: Do you know what that
25 mean, "indian heathens"?

1 MR. WARMAN: I believe it's referring
2 to Canadian's aboriginal population.

3 MR. VIGNA: But the word
4 "heathens" -- I'm not familiar with the word. Are you
5 familiar with the word?

6 MR. WARMAN: As I understand it, it
7 usually refers to non-Christians, or a term of contempt
8 used by Christians to refer to non-Christians.

9 MR. VIGNA: Okay.

10 MR. WARMAN: Page 9. The thread is
11 entitled "CHA", meaning Canadian Heritage Alliance,
12 "Political Debates". The title is "Indian Land
13 Claims." On May 21st, 2002 Mr. Harrison posts:

14 "the government should focus on
15 giving land to veterans and
16 their families before dealing
17 with the indian devils."

18 Again, this is all posted on the
19 FreedomSite message board, all of which was freely
20 accessible to the public. You didn't have to be any
21 sort of member or anything to read the materials.

22 Page 10. The thread is, again,
23 "FreedomSite-Canada". The title is "Excalibur, Read
24 this". On May 21st, 2002 Craig Harrison states:

25 "if you are not white then you

1 are not allowed in halton hills.
2 if you come here god has told me
3 to kill you."

4 Page 11 under the thread "CHA
5 Political Debates", the title is "Shut up already with
6 injun rights," injun spelled I-N-J-U-N. Mr. Harrison
7 posts on Mar 21, 2002:

8 "you should be killed for saying
9 that you pigg indian lover."

10 Page 12. The thread is "General
11 Messages" and the title is "Life of a injun," again
12 spelled I-N-J-U-N. Mr. Harrison, on November 15th,
13 2002 posts:

14 "people do not realize that when
15 the first europeans arrived in
16 Canada about 70 percent of the
17 land had not been stepped on by
18 anyone including indians. So
19 when you say indian land; is it
20 really? history tells us no but
21 professional aggitaters say yes.
22 and by the way pre european
23 numbers in Canada was a
24 population of about 300000 to
25 400000. presently in Canada

1 there are 1200000 indians at
2 last count and that doesnt add
3 up to genocide in my book.
4 considering with the
5 evolutionary flow the indians
6 were heading for exctinshon.
7 they should be thanking the
8 white man. these statments are
9 all true. Signed csh, a real
10 Canadian."

11 MR. VIGNA: And "csh", has there been
12 a judicial determination to who that is?

13 MR. WARMAN: Yes. It was found that
14 that was, in fact, Craig Harrison and his middle
15 initial begins with "S".

16 Page --

17 THE CHAIRPERSON: If we went to the
18 end of this exhibit, about five or 10 minutes, given
19 our late start.

20 MR. VIGNA: Yeah, I'll go to the end.

21 THE CHAIRPERSON: We could take a
22 lunch at that point, given our late start.

23 MR. WARMAN: Next thread entitled
24 "General Messages". The topic is "White people United
25 and let's buy us our own country." The post at the top

1 of this page is on November 14th, 2001, states that:

2 "I think if we all donated to a
3 fund and even if each white
4 person who wants a country for
5 their own kind donates \$20.00
6 then we could afford to say go
7 to Poland and buy a big piece of
8 it for a few billion and they
9 would gladly sell it. And thus
10 we have our own country. I will
11 be starting a 'COUNTRY FOR
12 WHITES ONLY FUND' after I check
13 all legalities with some
14 pro-white lawyers. Let me know
15 what you think? Hell, the nigs,
16 Jews, et cetera can donate too.
17 That way they can get rid of us.
18 Our country would be the best in
19 the world. White to the bone
20 and proud of it."

21 The second message below that by
22 "PontiffMaximus" on November 15th, 2001, states:

23 "Too damn cold in Poland lets
24 just buy America back from the
25 Jews and niggers then ship them

1 out."

2 Page 14. This is a continuation of
3 that same thread. The first posting on December 10th,
4 2001 states:

5 "Hell if the stinking Jews have
6 a country just for them selfs
7 then why is it impossible to
8 have a country just for true
9 white people? A nig-nog can
10 have a dream _KING_ but a
11 white man cant (ME). And they
12 say communism is dead. We can
13 buy some nig-nog country, hell,
14 they are all here anyway. At
15 least I dream and that's more
16 than I can say for a lot of
17 wannabe white people who just
18 sit on there asses and bitch and
19 moan. White to the bone and
20 damn proud of it."

21 The second message below that on May
22 15th, 2002, posted by Craig Harrison states:

23 "fuck buying it back. i say go
24 out and kill anything not white
25 and ensure yourself a place

1 government, such as Mr. Chretien.

2 MR. VIGNA: Move on.

3 MR. WARMAN: Page 16. Under the
4 thread "Media Propaganda", the topic is "Press
5 Release -- CBC manages News to Stifle Immigration" or
6 in this case it's I-M-M-I-G-R. Mr. Harrison, on
7 January 21st, 2003 states:

8 "if I ever see niggers or chinks
9 dealing in dealing in mky town
10 (I represent g-town) i will kill
11 them and anybody who dares
12 testify."

13 MR. VIGNA: "g-town" would be what,
14 to your understanding, now that the case is over in the
15 other file?

16 MR. WARMAN: Mr. Harrison lived in
17 Georgetown.

18 MR. VIGNA: Georgetown is about how
19 far from Toronto, to your knowledge?

20 MR. WARMAN: It's reasonably close to
21 Toronto.

22 MR. VIGNA: Move on.

23 MR. WARMAN: Page 17, under the
24 heading "Free Speech" the topic is "London Free Press,
25 Sunday, December 15.02." On January 19th, 2003

1 Mr. Harrison posted a message stating:

2 "georgetown has just declared
3 itself all white and the others
4 must go. it's my town so fuck
5 off d.p scum and the french and
6 dutch sell outs."

7 Page 18. Again, under the thread
8 "Free Speech", the topic is "White Pride versus Black
9 Pride". On January 19th, 2003 Mr. Harrison posts:

10 "god says rise up and kill all
11 whites who date blacks."

12 Page 19 under the thread "General
13 Messages", the topic is "Top 10 most wanted by Toronto
14 police." Mr. Harrison, on January 19th, 2003, posts:

15 "first off, canada needs a
16 canadian prime minister, not
17 some french man who were draft
18 dodgers in the wars. 3rd world
19 immigrant shit keeps them in
20 power. if you are worried about
21 health care then you have your
22 priorities backwards. its not
23 what your country can do for
24 you, but what you can do for
25 your country! refugees dont

1 land at airports. real ones are
2 in camps you liberal fall down
3 creeps. Go back to france you
4 garbage waste of flesh and
5 space."

6 Page 20. Under the thread "General
7 Messages", the topic is "I am 'unemployable'?????" On
8 January 19th, 2003, Mr. Harrison posts a message
9 stating:

10 "god says take your guns to jane
11 and finch (nigger town) and open
12 fire on the heathens. you will
13 have 20 virgins waiting for you
14 in the after life."

15 Go to page 22.

16 THE CHAIRPERSON: So we are skipping
17 21?

18 MR. WARMAN: Yes, please.

19 THE CHAIRPERSON: 22.

20 MR. WARMAN: In the thread "General
21 Messages", the topic is "Canadian Politics, a Lost
22 Cause for Whites."

23 An individual using the e-mail
24 address renegadel488ca@yahoo.com, who I understand is
25 an individual John Beck who is also facing a Tribunal

1 hearing, on the 28th of January, 2002 posts a message
2 stating:

3 "A couple of weeks ago Canadian
4 prime minister Jean Chretien
5 spit in the face of white
6 Canadians, and in particular
7 elderly white veterans by
8 appointing a gook immigrant --"
9 gook being G-O-O-K "-- from the
10 Philippines as Veterans Affairs
11 Minister. This was very
12 audacious considering the fact
13 that many of Canada's war
14 veterans fought against the
15 Asians in Japan and Korea, not
16 to mention Vietnam which
17 thousands of Canadians
18 volunteered to fight alongside
19 the Americans.

20 Alliance MP Roy Bailey
21 criticized this appointment
22 saying that a native born
23 Canadian would have been a
24 better choice. (Well, duhh, no
25 kidding.)"

1 The next paragraph states:

2 "Just when you thought this

3 pathetic episode in Canadian

4 politics was over, another

5 chapter was written this

6 weekend. Member of Parliament

7 Joe Pechisolido (a swarthy

8 southern Italian) announced he

9 was defecting from the Alliance

10 party to the liberal party. One

11 of the main reasons he gave for

12 this defection is the Alliance

13 party did not do enough to

14 chastise Roy Bailey for his

15 alleged racist remarks about the

16 Asian Veterans Affairs minister.

17 Prime Minister Chretien insults

18 and provokes white Canadians by

19 appointing an Asian-born

20 immigrant with a thick accent as

21 Veterans Affairs minister. A

22 Canadian Alliance member makes a

23 half-hearted criticism of this

24 appointment. The Alliance MP is

25 accused of racism and as a

1 result grovels to our enemies by
2 sticking his nose up the ass of
3 the man he first criticized.

4 Then a fellow Alliance MP
5 defects from the party because
6 the Alliance party didn't do
7 enough to discipline one of
8 their own for alleged racism.
9 Could Canadian politics be any
10 more anti-white? I don't think
11 so. I don't even see any point
12 in white Canadians going out to
13 vote. If you do vote make sure
14 you vote for the Rhinoceros or
15 Marijuana party. Don't vote for
16 these anti-white creeps in the
17 main stream Liberal and Alliance
18 parties. The best thing white
19 Canadians can hope for is that
20 this present crumbles of it's
21 own weight. Anything that can
22 be done to weaken the system as
23 a whole should be encouraged.
24 We sure as hell are not going to
25 vote our way out of this mess!"

StenoTran

1 MR. VIGNA: Turning the page.

2 MR. WARMAN: 23.

3 THE CHAIRPERSON: Let's call it page
4 23.

5 MR. WARMAN: This is the continuation
6 of that thread. On May 14th, 2002, Mr. Harrison posts
7 a message stating:

8 "we should rise up and kill our
9 enemies and let god sort them
10 out."

11 Shortly thereafter he posts another
12 message stating:

13 "des everyone remember the
14 illegal Asian invasion a year
15 ago? What does frenchy
16 chretchen doe? Makes a gook --"
17 I presume should be our "--
18 governer general. Slap in our
19 faces."

20 Then at the bottom of the page, he
21 posts again on November 13th, 2002 stating:

22 "hey, twisted, they brought more
23 than just money. They brought
24 more crime and disease so tell
25 the whole story you goof stiff

1 piece of dog dirt."

2 MR. VIGNA: In terms of this whole
3 series of postings, is there any judicial decisions
4 that you wish to bring to the attention of the Tribunal
5 in terms of, for example, tab 4, the mention of the
6 National Heritage Front and Wolfgang Droege?

7 THE CHAIRPERSON: You say tab 4?

8 MR. VIGNA: Just the names that are
9 there. Sorry, page 4 of the same tab. Tab 13, page 4.
10 There's a mention of Wolfgang Droege, national director
11 of the Heritage Front.

12 Is there a Federal Court decision
13 that makes a determination on who was behind the
14 National Heritage Front?

15 MR. WARMAN: Well, I mean, there's a
16 Canadian Human Rights Tribunal. There was a decision
17 against the Heritage Front and against Mr. Droege, and,
18 if I recall correctly, other members of the Heritage
19 Front. And there's more recently -- well, there was
20 subsequent contempt proceedings before the Federal
21 Court against them. And now most recently there is the
22 decision of Justice Blais and the security certificate.

23 MR. VIGNA: Which we all have a copy
24 of.

25 MR. WARMAN: Yes, naming Mr. Lemire

1 as the successor as the head of Heritage Front from
2 Mr. Droege.

3 MR. VIGNA: Just flip through it
4 quickly and refer to the relevant paragraphs. I can
5 guide you, but, Mr. Chair, I will let the witness go on
6 his own.

7 THE CHAIRPERSON: Will this be your
8 last question on this topic, and we'll take a break at
9 this point?

10 MR. VIGNA: Yes. I'll have to set up
11 the computer at lunch time, so if we can take a bit
12 more time.

13 THE CHAIRPERSON: Okay. I'm having
14 trouble finding it. Here it is. Decision regarding
15 the security certificate in the matter of Ernst Zundel.

16 MR. VIGNA: Correct.

17 THE CHAIRPERSON: 2005 FC295.

18 MR. WARMAN: The relevant paragraphs
19 would be 29 through to 40, and then perhaps 47 to 52.

20 THE CHAIRPERSON: You know, I'm going
21 to need those paragraph numbers again. 29?

22 MR. WARMAN: 29 to 40. Then -- I
23 believe those are the relevant passages in the
24 decision.

25 MR. VIGNA: I don't think we need to

1 read them. You can read them on your own.

2 THE CHAIRPERSON: The point is they
3 reference that Mr. Droege -- I don't know how to
4 pronounce that, Mr. Droege -- was a member of the
5 Heritage Front. Is that the purpose of that question?

6 MR. VIGNA: If you look at paragraph
7 34 -- actually 35.

8 THE CHAIRPERSON: Two successive
9 presidents of the Heritage Front.

10 MR. VIGNA: One of them, Wolfgang
11 Droege, and in 35 you see there's also Marc Lemire.

12 THE CHAIRPERSON: Can we interrupt
13 the examination here? It's already noon.

14 MR. VIGNA: Sure.

15 THE CHAIRPERSON: So you need some
16 time to set up?

17 MR. VIGNA: I have to basically hook
18 up the laptop to the projector, set up the screen. But
19 the other thing is I notice that we don't have -- on my
20 laptop I got it finally to get remote access but
21 there's missing Acrobat so I have to download the
22 Acrobat. I'm told --

23 THE CHAIRPERSON: You'll have some
24 difficulty connecting to the wireless because it's
25 intermittent.

1 MR. VIGNA: I checked yesterday with
2 the --

3 THE CHAIRPERSON: Does it work in
4 here?

5 MR. VIGNA: They told me --

6 THE CHAIRPERSON: May I recommend you
7 try as soon as possible to see? Because I'm not sure
8 it is working that well. I don't want to be cut up
9 with technical problems when we are in the hearing. So
10 I'll give you an extra 15 minutes. Seems long though.
11 Let's go to 1:30, and if you have enough time -- 1:30.

12 MR. VIGNA: No problem.

13 --- Recessed at 12:04 p.m.

14 --- Resumed at 12:07 p.m.

15 MR. WARMAN: I apologize for asking
16 the hearing be resumed.

17 I'm informed of two security matters
18 I would like to address before the Tribunal.

19 The first is that I understand -- I'm
20 informed by the Commission security staff and also by
21 one of the security guards of the Tribunal that a
22 witness, a proposed witness that has been put forward
23 named Mr. Livingston, on behalf of the respondent, was
24 found to be listening at one of the doors, one of the
25 exterior doors. I'm not sure which one it is, and they

1 can confirm that.

2 And the second issue is the matter of
3 Mr. Kulbashian who, I'm informed by a member of the
4 public who was present, has been distributing these
5 leaflets within the hearing room.

6 I take this very seriously. It is
7 clearly defamatory. I consider it to be a threat to my
8 personal security. I reiterate the concerns that I
9 first raised about his presence in this hearing room.
10 He was permitted to sit at counsel table --

11 THE CHAIRPERSON: He wasn't at --
12 there's lots of tables.

13 MR. WARMAN: -- counsel table.

14 THE CHAIRPERSON: There's lots of
15 tables in this room. He sat at one of the back tables.
16 Don't insist on that point. I'm not going to be that
17 formal. I don't like this document that is being
18 circulated.

19 MR. VIGNA: Mr. Chair, I have another
20 issue that I didn't mention but I was made aware of
21 last night. At lunch time yesterday the same
22 individual, Mr. Kulbashian -- wait a second. I want to
23 check something.

24 I will inquire more to get more
25 certainty on the issue.

1 THE CHAIRPERSON: I'm sorry?

2 MR. VIGNA: I want to inquire more.
3 There was something brought to my attention, but I want
4 to make sure that -- serious evidence. I won't say
5 anything for now.

6 THE CHAIRPERSON: So with respect,
7 first, to the witness -- I'll get to this in a second,
8 Mr. Warman.

9 The fact the witness is outside, I
10 don't want that witness to be overhearing the
11 conversation. He's a fact witness? Where is that list
12 again I had here? Is that one of your witnesses, Ms
13 Kulaszka?

14 MS KULASZKA: He's a witness. I
15 didn't know he was here, no. There is no reason for
16 him to be here today. He hasn't been in the room, as
17 far as I know.

18 THE CHAIRPERSON: So you weren't
19 aware of this. Can you please speak to your witness,
20 Mr. Livingston, and advise that person -- since he's on
21 the witness list he shouldn't -- it's a waste of his
22 time to sit around because he won't be testifying
23 today. That's fairly certain. If the person wants to
24 be in the building, that's fine, but they have to
25 be distanced from the doors.

1 MS KULASZKA: Yes, I will speak to
2 him.

3 THE CHAIRPERSON: And advise me what
4 information you acquire from him.

5 MS KULASZKA: As far as
6 Mr. Kulbashian goes, he's not a witness. I have no
7 control over Mr. Kulbashian.

8 THE CHAIRPERSON: I know, but what
9 can I do about that, Mr. Warman?

10 Mr. Fromm, you are getting up. Can
11 you do something about Mr. Kulbashian distributing --

12 MR. FROMM: No, I was out in the
13 hall. He had arrived, I guess, half an hour ago. He
14 was not aware of any witness exclusion because --

15 THE CHAIRPERSON: We put a notice on
16 the door.

17 MR. FROMM: He comes from Niagara
18 Falls. He arrived here half an hour ago, so he was not
19 trying to breach your order. He was not aware of it
20 and the security people apparently kept him out and
21 kept him away from the doors. So if he's advised of a
22 new --

23 THE CHAIRPERSON: When we're in
24 hotels it's a unique environment. There are all these
25 doors. When you are doing a hearing at the Tribunals,

1 hearing rooms, for instance, there's only one door and
2 that can be controlled.

3 But here there's -- please advise
4 him. So what is he planning on doing, staying for the
5 rest of the day even though he's excluded? Did you
6 speak to him about that, Mr. Fromm?

7 MR. FROMM: No.

8 THE CHAIRPERSON: If any of you speak
9 to him, advise him of the fact he's not likely to
10 testify today, I would guess, given that Mr. Warman
11 hasn't even completed his examination-in-chief, and he
12 can't be around the doors. And I'll advise our -- the
13 Commission security staff to be alert to the other
14 doors, that there is nobody listening in on our
15 conversation, if possible. Thank you.

16 Now, on this other point --

17 MR. WARMAN: Just so that there's no
18 discussion, Tribunal security.

19 THE CHAIRPERSON: Did I say
20 Commission? I meant Tribunal, sorry. But it was the
21 Commission security guard that caught --

22 MR. WARMAN: It's my understanding
23 that both security witnessed it.

24 THE CHAIRPERSON: My advice is the to
25 Tribunal security, and I don't care about what you talk

1 about the Commission security.

2 Now, what about this thing? What
3 would you like done?

4 MR. WARMAN: I would like an
5 exclusion order on the basis of security that
6 Mr. Kulbashian be excluded from these proceedings, from
7 either his presence or any, any entry within the -- and
8 based on the security issue, I would ask he be -- that
9 the hotel be asked that he be excluded from the
10 building.

11 Mr. Hadjis, if I may make submissions
12 on this point.

13 MR. FROMM: Exclude him from the
14 country. Deport him.

15 THE CHAIRPERSON: Mr. Fromm, please.

16 MR. WARMAN: Mr. Hadjis, if I may
17 just have a moment, please. Has Mr. Vigna provided you
18 with a copy of the --

19 MS KULASZKA: Should I take my coat
20 off?

21 MR. WARMAN: That's at your
22 discretion, madam.

23 MS KULASZKA: How long do you think
24 you will be?

25 MR. WARMAN: I'll be in the

1 Tribunal's hands, Ms Kulaszka.

2 Mr. Chair, I should refer you to tab
3 14.

4 THE CHAIRPERSON: You've handed up a
5 Book of Authorities of the Human Rights Commission,
6 Volume 2 of 2.

7 MR. WARMAN: What I would like to
8 refer to is the decision of Warman versus Kulbashian,
9 et al. If I could ask you to turn to tab 14.

10 MR. FROMM: Mr. Chair, is it possible
11 to have a copy of --

12 THE CHAIRPERSON: Can you just share
13 for the time being? This is a special circumstance
14 here. Just share it with Mr. Lemire.

15 Tab 14?

16 MR. WARMAN: Yes. Paragraph 136,
17 which is at page 42.

18 THE CHAIRPERSON: Uh-huh.

19 MR. WARMAN: With regard to the
20 question of special compensation. Paragraph 137 you
21 made a finding of fact that the complainant, being me,
22 was specifically named in the Vinlan Voice (ph)
23 newsletter no. 12 of December 10th, 2001:

24 "I have already determined that
25 the author of the article in

1 question was Mr. Kulbashian.
2 The article posted Mr. Warman's
3 home address and gave thanks 'to
4 that Jewish lawyer.' Mr. Warman
5 is apparently not Jewish but the
6 author obviously perceived him
7 as such. The article went on to
8 make cruel remarks about
9 Holocaust victims, including
10 those that the author assumed
11 were Mr. Warman's relatives.
12 The attack was very personal and
13 Mr. Warman testified that he
14 felt some concern considering
15 the reference to the murder of
16 Holocaust victims and the
17 posting of his home address in
18 the newsletter. He interpreted
19 the illusion to the death of
20 Jews in the past as a direct
21 threat to his own personal
22 safety. In my view, and in
23 keeping with my earlier
24 findings, regarding the Vinlan
25 Voice Newspaper no. 12, this

1 attack was likely to expose him
2 to hatred or contempt on the
3 basis of being identifiable on a
4 prohibited ground of
5 discrimination."

6 Mr. Chair, Mr. Kulbashian has a long
7 record of arrest, albeit not conviction, for racist
8 violence. Mr. Kulbashian has been found by you to have
9 threatened me to have -- excuse me. I'll re-state
10 that.

11 He has been found by you to have
12 posted my home address on the Internet, to have made
13 repeated references to Holocaust victims and described
14 me as a Jewish lawyer in the context of giving out my
15 home address.

16 I consider that there is substantial
17 reason for me to believe, particularly in light of this
18 latest action, that Mr. Kulbashian is a threat to my
19 personal security.

20 I would ask that, on that basis,
21 based on the extensive history of Mr. Kulbashian's
22 actions, that he be excluded not just from this hearing
23 room but that you ask -- you ask the hotel to -- if he
24 returns, to issue a trespass notice against him.

25 THE CHAIRPERSON: Where do I have the

1 authority to ask a hotel to give a trespass notice? I
2 can certainly manage the operations within the confines
3 of my hearing room. Where do I have that authority,
4 sir?

5 MR. VIGNA: Mr. Chair, I would like
6 to raise another point where you perhaps might have
7 authority.

8 If you look at the posting itself
9 that you have. I guess at this point we could even put
10 it in as an exhibit on this special issue. But you
11 have it on the other page.

12 THE CHAIRPERSON: Perhaps we should.

13 MS KULASZKA: I don't have a copy. I
14 don't know where it comes from.

15 THE CHAIRPERSON: Someone in the
16 audience has one.

17 MR. WARMAN: Member Hadjis, I'm
18 informed that Mr. Kulbashian was placing these
19 documents on the chairs in the Tribunal hearing room.

20 THE CHAIRPERSON: That will not be
21 permitted.

22 MR. VIGNA: If you look at the other
23 side, Mr. Chair --

24 THE CHAIRPERSON: Let's identify it.
25 We'll get a copy produced at the opening of the next --

1 after we come back from the break.

2 MR. VIGNA: I just want to raise the
3 point, more legal than security. On the other page of
4 the document there's a quote that's been associated to
5 Mr. Warman which, in part, is part of this whole
6 process and I think it's important to preserve the --

7 THE CHAIRPERSON: That's my principal
8 concern. This may be corrupting the process of
9 evidence being entered into the hearing. This goes to
10 the evidence that, in some way, may undermine the
11 evidence that is being presented by Mr. Warman and
12 others.

13 MR. VIGNA: The evidence and the
14 atmosphere of the courtroom, and we try to avoid it
15 becoming a circus.

16 THE CHAIRPERSON: And the decorum of
17 the hearing room.

18 MR. WARMAN: If I may just finish.
19 The issue is not whether you have the ability to order
20 the hotel to ask -- or to order the hotel to exclude
21 Mr. Kulbashian from the premises. You obviously don't
22 have that power.

23 What I am requesting, as a matter of
24 security, as a matter of decorum within this proceeding
25 so there is not any further issue, so that I don't have

1 to come back to you next time Mr. Kulbashian stands
2 outside the hearing room and does whatever, just simply
3 that the Tribunal request, on a request basis only,
4 that the hotel -- if they are voluntarily willing to
5 issue Mr. Kulbashian with a trespass notice should he
6 return.

7 THE CHAIRPERSON: I don't know if I
8 have that authority. I'm sorry, I don't know if I have
9 that authority. I'm not convinced, Mr. Warman, from
10 this document that there is a risk to you.

11 MR. WARMAN: Mr. Hadjis, I think that
12 ignores the clear history even if your finding is
13 based -- that he had posted my home address, referred
14 to me as a Jew and then -- look at all this stuff.
15 Look at what happened to the Jews in the Holocaust,
16 Auswitsch.

17 THE CHAIRPERSON: I know.

18 MR. WARMAN: You really can't ignore
19 the safety concerns I have in relation to --

20 THE CHAIRPERSON: But do you have
21 security here with you, do you not, Mr. Warman?

22 MR. WARMAN: Security is good to the
23 point in reducing risks. I think it would be folly not
24 to recognize Mr. Kulbashian as a security risk based on
25 his history, his acknowledged history and your finding

1 of fact in relation to the threat that he poses to me
2 and the direct attacks against me that he is engaged
3 in. I think it is --

4 THE CHAIRPERSON: I'll take it under
5 advisement, Mr. Warman.

6 What I will do is exclude
7 Mr. Kulbashian from participating -- from assisting
8 inside the hearing room because this is unacceptable.
9 This clearly undermines the evidentiary process of the
10 Tribunal. He should know better than to do that. He
11 is not foreign to this type of process we have here.
12 He has participated in other hearings and he should not
13 have done this. And I don't consider that acceptable.

14 Ms Kulaszka, do you have anything to
15 say? I know he's not your client or in any way
16 connected to you.

17 MS KULASZKA: He's not assisting us.
18 I don't know who he is assisting.

19 THE CHAIRPERSON: I don't know.
20 There was some indication that he's preparing for
21 somebody else. That was mentioned by somebody
22 yesterday. Was it Mr. Fromm?

23 MR. FROMM: Yes, I think in that
24 context he's the agent from Melissa Guille and Richard
25 Warman versus Melissa --

1 THE CHAIRPERSON: Distribution of
2 stuff like this only corrupts my process and I won't
3 allow this type of thing to go on. This is not Hyde
4 Park here. This is a hearing where we are trying to
5 get evidence, and I can't allow this type of stuff to
6 go on. He's left. On top of it all, he's not here
7 right now.

8 MS KULASZKA: I just want to put on
9 the record he's not assisting anybody for Mr. Lemire.

10 THE CHAIRPERSON: I understand that.
11 So there's no bearing on you. So I won't allow
12 Mr. Kulbashian to enter the hearing room again, given
13 what he's tried to do here with this distribution of
14 documentation.

15 Beyond that, I'll take under
16 advisement the other issue, and we'll extend the break
17 now until 1:45.

18 --- Recessed at 12:15 p.m.

19 --- Resumed at 1:51 p.m.

20 MS KULASZKA: I apologize for being
21 so late. We came in and it turns out Mr. Livingston
22 had been thrown out of the hotel.

23 THE CHAIRPERSON: I'm sort of told
24 something about that. That wasn't my direction at all,
25 obviously. I wasn't told before, I was just told right

1 now coming in.

2 MS KULASZKA: So Mr. Lemire just came
3 in and he went to management and he asked what
4 happened. The manager told him that the judge had
5 approached him, told him these two people shouldn't be
6 in the hotel, they were finished and they should be
7 thrown out.

8 THE CHAIRPERSON: That is entirely
9 untrue.

10 MS KULASZKA: I thought so.

11 THE CHAIRPERSON: Just for the
12 record, if that's been what you had been told, as soon
13 as we ended our proceedings here earlier I went
14 straight back to my retiring room, we all got into a
15 vehicle, we all three of us, and went straight for
16 lunch. There was no information provided by anybody to
17 anyone. So that's a mistake.

18 Do I need to -- have you resolved the
19 problem with Mr. Livingston?

20 MS KULASZKA: I'll approach the
21 manager. No, he's still outside. They won't let him
22 back in.

23 THE CHAIRPERSON: No, Mr. Livingston
24 was not told to leave the building. I advised you to
25 advise him that his presence was unnecessary given the

1 unlikelihood that he would be testifying today.

2 MS KULASZKA: That's right. I told
3 him that.

4 THE CHAIRPERSON: And that he not be
5 anywhere near the doors because the facility is not
6 designed like a hearing room.

7 MS KULASZKA: What I'll do is I'll
8 approach the manager during the break and I'll ask him
9 to identify who --

10 THE CHAIRPERSON: If the manager
11 needs to speak to me on this point, he can come and
12 find me as well. That's what my instructions are.
13 Speak to Ms. Joyal.

14 MS KULASZKA: I don't think it was
15 you, believe me. I know that.

16 THE CHAIRPERSON: He can speak to Ms.
17 Joyal, the manager.

18 Now, on the other matter, do we need
19 to proceed on that any further?

20 MR. VIGNA: No, Mr. Chair.

21 THE CHAIRPERSON: Mr. Fromm?

22 MR. FROMM: I was wondering in light
23 of what occurred at another tribunal, if you might
24 reconsider your decision in regards to Mr. Kulbashian.
25 There was a problem at the Warman versus Melissa Guille

1 and the Canadian Heritage Alliance. The ARA member
2 showed up and there was quite a concern. And at that
3 time the Commission lawyer, Miss Snyder, and Mr. Warman
4 adopted the position the ARA should be at least allowed
5 back into the room so that they could state their point
6 of view and that they were not a risk to anybody's
7 security and so on.

8 Mr. Kulbashian is, I guess, outside
9 the hotel and what he told me was that he had not meant
10 to leaflet the place, but had left the leaflets on the
11 chairs of the two gentlemen that are there that are
12 known to be supportive of Mr. Lemire. Now, if that was
13 not appropriate behavior I'm sure he could be
14 admonished.

15 In terms of a security threat to
16 Mr. Warman, despite your ruling in the other case
17 which, of course, is under appeal, Mr. Kulbashian has
18 never --

19 THE CHAIRPERSON: I'm not aware of
20 that. Is it?

21 MR. FROMM: I guess judicial review.
22 But Mr. Kulbashian has never involved himself in acts
23 of violence, he's not threatened violence against
24 Mr. Warman and --

25 MR. WARMAN: Mr. Chair --

1 MR. FROMM: -- and Mr. Warman has the
2 benefit of three security people. I've, on several
3 occasions, met the former prime minister, Mr. Mulroney,
4 and even he didn't have that much security when he
5 visited Mississauga.

6 Also, considering Mr. Kulbashian is
7 supposed to be an agent in the ongoing case of Warman
8 versus Melissa Guille and the Canadian Heritage
9 Alliance, I don't think Mr. Kulbashian is going to be
10 misbehaving.

11 THE CHAIRPERSON: Thank you,
12 Mr. Fromm.

13 MR. FROMM: Commission mentioned at
14 that time in that same case, and the decision was, in a
15 sense, put off until the future. There was a matter of
16 public access and freedom of expression.

17 MR. VIGNA: Mr. Chair, I believe this
18 is a non-issue. You've ruled on it. It was res
19 judicata --

20 THE CHAIRPERSON: No, no. I was not
21 doing decisions and rulings. I was just trying to
22 manage my hearing room. It's not a complaint under
23 section something of our Act involved.

24 MR. VIGNA: Nevertheless --

25 THE CHAIRPERSON: No, Mr. Vigna. I

1 have to tell you something. You presented that to me
2 and I thought it was a serious threat. I had my coat
3 on, about the leave, and I was brought back into this
4 hearing as if something very dangerous was going on in
5 this hearing room. I was brought back and I
6 understand -- I was told that somebody indicated to the
7 parties here that I had been recalled, and I was not
8 recalled.

9 I came back because I thought
10 something was wrong here. And, in retrospect now, I
11 had not given Mr. Kulbashian opportunity to explain
12 himself for what went on. I think that the document
13 that was distributed had risk of disrupting my
14 proceedings and corrupting the evidence in this
15 hearing, and it's unacceptable. But I am prepared to
16 hear from him if he wishes to hear from me about
17 re-entering this hearing room, if he so chooses.

18 MR. VIGNA: No problem. I can ask
19 him questions also.

20 THE CHAIRPERSON: Sorry?

21 MR. VIGNA: If he wants to come back
22 and explain himself, I have no problem.

23 THE CHAIRPERSON: I think I was too
24 abrupt earlier. I was a little concerned in the manner
25 in which I was brought back. But I'll leave it at

1 that.

2 MR. FROMM: Shall I go and see if
3 he --

4 THE CHAIRPERSON: I don't want to do
5 it now, Mr. Fromm. That disrupted -- at least for this
6 much -- you can tell him this much: His conduct
7 disrupted our process enough already. So maybe for the
8 time being he should stay away or maybe at a break you
9 can go speak to him. But I'll proceed now. So let's
10 go.

11 MR. VIGNA: I just want to inform the
12 Tribunal, and Ms Kulaszka asked me for 15, 16 of tab
13 13. I tried to look for it. She didn't ask me -- she
14 asked me when it was disclosed. I will try to do more
15 research later on tonight.

16 THE CHAIRPERSON: For which item?

17 MR. VIGNA: Ms Kulaszka asked me
18 about pages 15, 16 and 17 of tab 13, when they were
19 disclosed. I did try to do some research over the
20 lunch period, but I haven't been able to locate the
21 exact date it was sent. I'll try some more efforts
22 later tonight.

23 THE CHAIRPERSON: Is that okay with
24 you, Ms Kulaszka?

25 MS KULASZKA: That's fine.

1 MR. VIGNA: So we were at tab --

2 THE CHAIRPERSON: 14.

3 MR. VIGNA: 14.

4 THE CHAIRPERSON: I'm assuming if we
5 follow the numeric -- had we finished the tab 13?

6 MR. VIGNA: We finished with tab 13,
7 Mr. Warman. Has it been produced?

8 MR. WARMAN: I believe so. If I can
9 have five seconds just to make some notes.

10 MR. VIGNA: The next one would be 16.
11 Mr. Warman --

12 MR. WARMAN: Just a second, please.

13 THE CHAIRPERSON: What's going on?

14 MR. WARMAN: As a party I'm just
15 taking notes about what's transpired.

16 MR. VIGNA: Mr. Warman, for the
17 Commission I don't think there's a need for 14, 15, I
18 would like you to look at it. 15 was for admissions on
19 the identity but I think it's pretty clear at this
20 point.

21 THE CHAIRPERSON: So we are not
22 producing tab 15?

23 MR. VIGNA: Nor 14 or 15 as far as
24 the Commission is concerned. I would like to go to 16.

25 MR. WARMAN: There's a clear

1 admission on the record.

2 MR. VIGNA: That's it, so I will go
3 to 16.

4 MR. WARMAN: I think that should be
5 confirmed.

6 MR. VIGNA: Ms Kulaszka, do you admit
7 to the identity of FreedomSite and the owner being a
8 registrant? There's also an affidavit from your
9 client, and there's a letter which is tab 15.

10 MS KULASZKA: Mr. Lemire -- this was
11 an admission right from the beginning.

12 THE CHAIRPERSON: We're skipping a
13 couple of exhibits. I'll take note of that.

14 MR. VIGNA: Tab 16.

15 THE CHAIRPERSON: Ms Kulaszka, I just
16 want to be clear on what's admitted. It would be
17 helpful. The admission is that Mr. Lemire --

18 MR. VIGNA: Is the webmaster and
19 owner of the FreedomSite. If I look at the second
20 paragraph of tab 15 I guess it would be that.

21 THE CHAIRPERSON: I'm trying not to
22 look at the exhibit because we are avoiding it, right,
23 to the document that was in the exhibit.

24 MR. VIGNA: The webmaster and
25 registrant and the owner of FreedomSite.

1 MS KULASZKA: The letter doesn't say
2 that.

3 THE CHAIRPERSON: What is the
4 admission, just so I'm clear? I want to be clear on
5 admissions.

6 MS KULASZKA: The admission is
7 Mr. Lemire is the webmaster and owner of the
8 Freedomsite.

9 THE CHAIRPERSON: Webmaster and owner
10 of freedomsite.org, correct?

11 MS KULASZKA: Yes.

12 MR. VIGNA: Just let Mr. Warman
13 move -- if he wants to put it in as a party. If not,
14 I'm going to tab 16.

15 MR. WARMAN: That's fine.

16 MR. VIGNA: Tab 16 then. Can you
17 look at the tab and tell us if you recognize it, from
18 which website?

19 MR. WARMAN: Yes. This is a
20 Stormfront posting entitled, "Canadian Immigrant Poem"
21 by Marc Lemire that is printed off on the 9th of
22 February, 2004 and provided to the Commission pursuant
23 to my complaint.

24 MR. VIGNA: So you recognize that?

25 THE CHAIRPERSON: I'm not clear on

1 the numbering at the bottom again, the 0/02/04
2 that's --

3 MR. WARMAN: Day/month/year.

4 THE CHAIRPERSON: So 9th of February,
5 2004.

6 MR. WARMAN: Yes.

7 MR. VIGNA: Four-page document,
8 double-sided.

9 MR. WARMAN: Yes.

10 MR. VIGNA: So I would like to
11 produce this.

12 THE CHAIRPERSON: Yes.

13 MR. VIGNA: So, Mr. Warman, can you
14 tell us about what seems to be a posting, where it was
15 from, which website, who does it relate to, who is the
16 person identified in terms of the form, et cetera?

17 MR. WARMAN: It's a posting on the
18 Stormfront website within the Canadian section of the
19 website. If you look at the top left of the first page
20 it indicates that it's within the "Stormfront Canada"
21 section and that the heading is entitled, "Canadian
22 Immigrant Poem".

23 MR. VIGNA: If you look --

24 MR. WARMAN: If you look at the top
25 right-hand conner of the box of the actual posting

1 there's a number "1" there. That indicates that
2 Mr. Lemire initiated this thread -- this thread.

3 The date of posting is today, which
4 would have been the 9th of February, 2004. Mr. Lemire
5 has indicated as being a forum member, that he joined
6 the forum in June of 2002, that he has 103 postings and
7 this location is Toronto, Canada, and there is a
8 picture of him just below his name.

9 MR. VIGNA: Do you see him here
10 today?

11 MR. WARMAN: I have seen him here
12 today. He's currently blocked from my sight line by a
13 podium, but I understand him to be next to Madam Ms
14 Kulaszka.

15 The posting gives a thumbs down sign
16 beside the title "Canadian Immigrant Poem" and it
17 states:

18 "I cross ocean, poor and broke,
19 Take bus, see employment folk.
20 Nice man treat me good in there,
21 say I need to see welfare.
22 Welfare say, 'You come no more,
23 We send cash right to your
24 door.' Welfare cheques, they
25 make you wealthy, Medicare it

1 keep you healthy! By and by, I
2 got plenty money, Thanks to you,
3 Canadian dummy." Write to
4 friends in motherland, Tell them
5 'come fast as you can.' They
6 come in turbans and Ford trucks,
7 I buy a big house with welfare
8 bucks. They come here, we live
9 together, more welfare cheques,
10 it gets better. Fourteen
11 families, they moving in, but
12 neighbor's patience wearing
13 thin. Finally, white chap moves
14 away, Now I buy his house, and
15 then I say, 'Find more aliens
16 for house to rent.' And in the
17 yard I put a tent. Send for
18 family they trash, But they,
19 too, draw the welfare cash.
20 Everything is very good, and
21 soon we own the neighborhood.
22 We have hobby -- it's called
23 breeding, Welfare pay for baby
24 feeding. Kids need dentist?
25 Wife needs pills? We get free,

StenoTran

1 We got no bills? Canadian
2 crazy! He pay all year, To keep
3 welfare running here. We think
4 Canada damn good place! Too
5 damn good for the white man
6 race. If they no like us, they
7 can scam, Got lots of room in
8 Pakistan."

9 It then exhorts readers to visit "the
10 FREEDOM-SITE!", gives the link to the website, gives
11 the contact address. It advertises the Freedom site
12 message board, or a Freedom site message board. It
13 states: "Join the Freedom site mailing lists," and then
14 gives the URL links through which to do that.

15 MR. VIGNA: So can you tell us a bit
16 about the reactions to the poem which follow?

17 MR. WARMAN: Yes. They are largely
18 supportive. Two next ones indicated they consider that
19 to be very funny. After that it encourages another
20 individual to post saying, in effect, yes, I know
21 somebody who's just like that.

22 MR. VIGNA: Now, in terms of when you
23 look at the title of the poem and contents, what's the
24 message that is being said, basically?

25 MR. WARMAN: The message I take from

1 the poem is that either all non-white immigrants or, if
2 not specifically non-white immigrants from Pakistan, it
3 describes them simply denigrating stereotypical
4 examples that they are zappers of the welfare system;
5 that whites are fools to permit them to come over here;
6 that whenever they get the chance they bring their
7 entire extended families with them and that these
8 individuals will also drain the welfare system; that
9 they essentially drive down property values and then
10 take over neighborhoods by having driven out the white
11 residents; that they -- such individuals family's are
12 trash; that they have a hobby that is called breeding
13 and that, again, white Canadians are fools and if they
14 don't like this kind of conduct they can get lost.

15 MR. VIGNA: Can you look at page 3 of
16 the comment by Pure Canadian Scottish?

17 MR. WARMAN: Yes.

18 MR. VIGNA: Can you just perhaps tell
19 us the reaction to the poem?

20 MR. WARMAN: Again, it takes the
21 poem, for lack a better word, and then seeks to extend
22 that say, yes, that's exactly what happens and here's
23 an example. Here is an anecdotal example that is used
24 to support that assertion.

25 MR. VIGNA: If you turn the page,

1 page 4, on a technical point where it says, "Big
2 Boards" and says "347". Do you know what that is, or
3 you are not able to tell us?

4 MR. WARMAN: No, sorry, I can't say
5 what that is.

6 MR. VIGNA: Now, Stormfront, this
7 website question. Can you tell us a bit about the
8 website and if it's a Canadian or U.S. website or if
9 there's both components?

10 MR. WARMAN: Well, my understanding
11 is it's run out of the United States. Having examined
12 its contents extensively over the past several years, I
13 would describe it as a neo-Nazi forum. It contains
14 international sections for people from different
15 regions in the world, one of which is Canada, and
16 that's where this posting took place.

17 MR. VIGNA: Is there any judicial
18 decisions which have already dealt with individuals
19 participating on this website?

20 MR. WARMAN: For individual postings,
21 yes. There's is the Kouba decision, K-O-U-B-A; there's
22 the Bahr decision, B-A-H-R. Those are the two that
23 come to mind off the top of my head.

24 MR. VIGNA: When it says, "Posts 10
25 for the Canadian Association for Free Expression." You

1 mentioned already what it meant, but can you just
2 clarify it.

3 THE CHAIRPERSON: Show me what you
4 are referring to, Mr. Vigna?

5 MR. VIGNA: The first page underneath
6 "Marc Lemire."

7 THE CHAIRPERSON: Okay, yes, I saw
8 it.

9 MR. WARMAN: My understanding of that
10 is Mr. Lemire has made 103 posts onto Stormfront at
11 that time.

12 MR. VIGNA: Would that be posts in
13 general or would it be this particular posting?

14 MR. WARMAN: Well, I doubt he posted
15 this 103 times. I would presume they were a variety of
16 postings.

17 THE CHAIRPERSON: Just to be clear,
18 as I understand it, you mean that he's made 103
19 postings on the stormfront.org website to this date?

20 MR. WARMAN: At that time.

21 THE CHAIRPERSON: I mean the one in
22 the bottom right-hand corner. So it could be in other
23 threads, ones that he started or ones that others have
24 started? They would all qualify?

25 MR. WARMAN: Yes.

1 MR. VIGNA: This website is still
2 active today, to your knowledge?

3 MR. WARMAN: Best of my knowledge,
4 yes.

5 MR. VIGNA: Perhaps later we can go
6 visit it with the computer.

7 I guess we can go to tab 18 now, and
8 skip 17. It's a three-page document. What follows is
9 just photocopies, but we provided -- maybe not.

10 THE CHAIRPERSON: You've got colour
11 copies to begin with.

12 MR. VIGNA: Yeah, then there's an
13 extended part also.

14 THE CHAIRPERSON: Same content that
15 was done in black and white initially and you've
16 reprinted it in colour. Is that what you are saying?

17 MR. VIGNA: Yes, but I think there's
18 a bit more in black and white.

19 MR. WARMAN: I think it's just
20 smaller, actually.

21 THE CHAIRPERSON: Is the written
22 material -- that's what I mean by content. Is the
23 literature that's there the same in the colour and the
24 black and white?

25 MR. WARMAN: Yes, it is, but it's

1 printed smaller so it takes less space.

2 THE CHAIRPERSON: A smaller font, so
3 the base font on the computer it was accessing the
4 colour images is smaller, right? Is that what you are
5 saying?

6 MR. WARMAN: Yes.

7 MR. VIGNA: So we can perhaps -- can
8 you look at the document and tell us if you recognize
9 it? We'll produce it then we'll discuss it.

10 THE CHAIRPERSON: Should we work
11 principally with the colour? Do we need the black and
12 white?

13 MR. WARMAN: No, it will become clear
14 in a moment as to why they are both there.

15 THE CHAIRPERSON: Okay.

16 MR. WARMAN: The six pages at the
17 back that are in black and white were disclosed to me,
18 or I witnessed them on the website in conjunction with
19 the investigation, report from the Canadian Human
20 Rights Commission. So what the colour printout is is
21 by going to a website called archive.org.

22 THE CHAIRPERSON: I didn't get the
23 name, sorry.

24 MR. WARMAN: Archive.org. And
25 entering the URL address that's found at the top

1 right-hand corner of the first black and white page.
2 Essentially, what archive.org does is it uses computer
3 programs to make copies of Internet content on
4 historical dates.

5 So by entering that specific website
6 URL, I was able to view -- it came back with
7 approximately I would say maybe 10 different times
8 where that website had been copied from the FreedomSite
9 website and preserved in their computer records.

10 So this is a print-off of the most
11 recent example of that, which was -- and I forget the
12 exact date, but it was in 2004.

13 MS KULASZKA: Just for the record,
14 that's never been disclosed. That's the first time
15 we've ever seen this document.

16 MR. VIGNA: Mr. Chair, the document
17 black and white was disclosed, to my knowledge, or was
18 it?

19 THE CHAIRPERSON: Or -- that was a
20 funny comment on your part. It was or it wasn't?

21 MR. VIGNA: The colour pages were
22 done this weekend. It's the content that's in black
23 and white, but I'm trying to remember what happened
24 with the black and white.

25 THE CHAIRPERSON: I'll tell you

1 something. Here, I can help you a bit. I notice at
2 the bottom right-hand corner it has the "WA" numbers,
3 which I often see on Commission documents that have
4 been disclosed as they come from the Tribunal. So does
5 that mean it was disclosed? WA025. Can you see that?

6 MR. VIGNA: We'll check that on my
7 list.

8 THE CHAIRPERSON: Whenever I see that
9 stamp on the material that comes before the Tribunal,
10 it typically represents the Commission identification
11 number.

12 MS KULASZKA: I'm referring to the
13 colour copy, it comes from another website. I'm just
14 wondering why this is going in.

15 THE CHAIRPERSON: It's not in yet, by
16 the way.

17 MR. VIGNA: The colour copies is
18 basically the same as the black and white, but over the
19 weekend we decided to get a colour copy, something more
20 visually --

21 THE CHAIRPERSON: Is it more clear?

22 MR. VIGNA: More aesthetically --

23 THE CHAIRPERSON: Without the witness
24 having gotten there yet, the question I asked earlier,
25 sort of a technical question, was whether the content

1 was the same. And I was told yes. And the reason it's
2 three pages versus six was because the computer and
3 printer, I guess, that would have printed off the first
4 three pages had a smaller base font, I think is what
5 they call it, for the Internet.

6 Computers are all part of our lives,
7 Ms Kulaszka, so we have some knowledge. A person who
8 is in need of his glasses can set fonts higher than
9 others in order to better view it. That was my
10 understanding of what version 1, as on opposed to what
11 version 2 was.

12 Do you have reason -- is the content
13 different? Now that you are making your objection, is
14 the content of the three-page document different?

15 MS KULASZKA: I have no idea.

16 THE CHAIRPERSON: I mean, just
17 looking at it. When I mean content, I mean the
18 language. Do you see different phrases?

19 MS KULASZKA: Maybe Mr. Warman can
20 explain why he wanted the colour copy.

21 THE CHAIRPERSON: Okay, let's hear
22 that.

23 MR. VIGNA: To me it looks the same.

24 THE CHAIRPERSON: Why do you have the
25 colour copy, Mr. Warman?

1 MR. WARMAN: Because it's clearer and
2 easier to read --

3 THE CHAIRPERSON: Is that the only
4 reason?

5 MR. WARMAN: -- for purposes of the
6 Tribunal hearing.

7 THE CHAIRPERSON: It's not the first
8 time we've had evidence done in this way, Ms Kulaszka,
9 where the first version is not clear and another
10 version is reprinted.

11 I would be concerned if the content
12 was different, but if it's simply a colour version that
13 happened to be print on a different font, I'm not
14 concerned.

15 Ms Kulaszka, do you have anything to
16 say?

17 MS KULASZKA: I would have to examine
18 it.

19 MR. VIGNA: You can examine it, Ms
20 Kulaszka.

21 THE CHAIRPERSON: Let's work on the
22 hypothesis it's the same document, Ms Kulaszka, and in
23 the event there's something wrong there we can come
24 back to it and maybe strike some of the evidence from
25 the official record at that point.

1 I'm working on the assumption it's
2 the same document. Go ahead. And I will note for the
3 record it clearly is more legible in colour than it is
4 in the black and white version.

5 MR. VIGNA: Mr. Warman, can you tell
6 us what is the importance of this document and, at the
7 same time, why we have two versions, one which is more
8 aesthetically good looking.

9 MR. WARMAN: Well, why it's there is
10 because I believe that it constitutes further evidence
11 of hate messaging present on the FreedomSite website
12 that Mr. Lemire is responsible for. And why it's in
13 this form, again, is because it's more clear and more
14 legible.

15 MR. VIGNA: So I would like to
16 produce this document.

17 THE CHAIRPERSON: On the proviso if
18 Ms Kulaszka identifies a discrepancy she'll bring it to
19 my attention. But, yes, it's produced.

20 MR. VIGNA: So can you tell us the
21 importance of the document, the contents and anything
22 in regards to the images also?

23 MR. WARMAN: Yes. Again, what we can
24 see is that it's from the FreedomSite website and the
25 black and white copy has the exact URL address at the

1 top right of the first page. Then the title of this
2 section is called "Controversial Columnists."

3 At the far left, repeated images of
4 "Immigration Hurts Her Future, Canada First Immigration
5 Reform Committee.

6 On the second page at the far left
7 there is, again, the image advertising, "Uncensored Web
8 Space Hosting for the" Political "Dissident", although
9 it's spelled "Poltical".

10 Beneath that there's another image of
11 "Free Speech is Under Attack, Save Free Speech Now,"
12 advertising Mr. Fromm's group, Canadian Association for
13 Free Expression.

14 On the first page it indicates that
15 it is the "Collins Column" written by Doug Collins
16 entitled, "Freedom Is As Freedom Doesn't". I'm aware
17 that Mr. Collins was also the subject of the
18 substantiated human rights complaint in British
19 Columbia.

20 It continues, or it begins:

21 "The sinister attacks now taking
22 place on freedom of speech in
23 the Western world are applauded
24 rather than condemned thanks
25 mainly to the media and

1 lickspittle politicians."

2 The next -- and it's read from top to
3 bottom in columns.

4 THE CHAIRPERSON: Okay.

5 MR. WARMAN: So it states -- the next
6 paragraph begins:

7 "There are two subjects that
8 figure large on the
9 'verboten' --" V-E-R-B-O-T-E-N
10 "-- list: race and the
11 holocaust. You are free to be
12 anti-racist, of course, and you
13 are free back the official
14 version of the holocaust. But
15 if you believe immigration can
16 distroy your country or that
17 Jewish deaths numbered anything
18 less than the six million, take
19 cover."

20 So just after referring to the Jewish
21 holocaust there is an image of a person presumably
22 singing in a baseball game the national anthem.

23 MR. VIGNA: Where is that?

24 MR. WARMAN: That's on the second
25 page.

1 MR. VIGNA: The cartoon.

2 MR. WARMAN: At the top left. Yes,
3 the cartoon.

4 THE CHAIRPERSON: I'm going to look
5 at the original black and white.

6 MR. VIGNA: How do you know it's a
7 baseball game?

8 MR. WARMAN: Because there appears to
9 be a baseball diamond.

10 So immediately after mentioning the
11 holocaust they have the cartoon that states:

12 "Oh Canada, my Zionist dominated
13 land."

14 Then it goes on to state:

15 "Canada ranks high in the
16 kingdom of such political
17 correctness. Books frowned on
18 by pressure groups like the
19 Canadian Jewish Congress and
20 B'Nai Brith are banned."

21 So, again, we have the context of
22 that cartoon just after a mention of the holocaust and
23 what follows it immediately is discussion of two
24 national Jewish groups.

25 "Ernst Zundel and his lawyer are

1 denied access to the Parliament
2 buildings in Ottawa by unanimous
3 consent of our MPs, and
4 dissidents can be called before
5 kangaroo courts for having 'hurt
6 the feelings', of Jews and
7 immigrants. Hate laws are
8 anti-free speech laws, which is
9 why they figure in our Criminal
10 Code and we now never see them
11 criticized in the mainstream
12 media, owing partly to
13 increasing Jewish control. But
14 they also reflect the spirit of
15 the times. For a fascinating
16 account of what is going on
17 worldwide, read 'Return To the
18 Dark Ages,' an article in the
19 March issue of American
20 Renaissance Magazine, in
21 Germany, France, Spain,
22 Switzerland, Poland, Austria and
23 Lithuania. The Jewish holocaust
24 has become the one historical
25 event on which people can be

1 compelled to agree: Prison,
2 exile or massive fines face
3 those who disagree."

4 At the end paragraph on the third
5 page of the colour version it states:

6 "Hundreds of people have fallen
7 foul of that tyranny but,
8 contrary to what happened when
9 McCarthy was on the loose, their
10 fate does not much interest our
11 liberal watchdogs. On the
12 contrary, such victims are
13 usually denounced as Nazis,
14 neo-Nazis, Fascists, and 'white
15 supremacists' and so on."

16 MR. VIGNA: Do you know if this was
17 an article in the paper or -- where is this coming
18 from, to your knowledge?

19 MR. WARMAN: This is from the
20 Freedomsite website which is where it appeared and
21 where I have knowledge of it from.

22 On page 1, again, there's a second --
23 says:

24 "A prime example is that of
25 Germar Rudolf, a young German

1 who tested the 'gas chambers' at
2 Birkenau and concluded that they
3 could not have been used for
4 mass executions."

5 Further down it states:

6 "Switzerland has become no
7 better than Germany. It
8 embraced 'holocaust denial'
9 censorship in 1995 and is now
10 sending offenders to jail or
11 forcing them into exile."

12 On the second page, the fourth
13 paragraph down on the right-hand side it states:

14 "As most of us know, Zundel has
15 faced a long drawn-out human
16 rights hearing involving Jewish
17 complaints about a website that
18 bears his name but is run from
19 the U.S. How's that for
20 stretching things? But
21 elasticity doesn't worry the
22 chairman of the Tribunal, nor
23 does the truth. As he has
24 stated, 'The truth is not an
25 issue before us. The sole issue

1 is whether such communications
2 are likely to expose a person or
3 persons to hatred or contempt.'"

4 At the end of these articles, which
5 is the third page of the colour version, it closes
6 with:

7 "Are you a writer? Submit you
8 pieces to be included on the
9 Controversial Columnists Page!
10 Just Mail it to
11 webmaster@freedomsite.org."

12 It then repeats the contact
13 information, the P.O. box contact information at the
14 bottom, and exhorts its readers to:

15 "Please send what you can to
16 keep our website operational."

17 Those are the only issues I have with
18 regard to that posting.

19 MR. VIGNA: If you quickly flip
20 through the black and white version, can you tell us if
21 there is any difference in terms of the content?

22 MR. WARMAN: No, to the best of my
23 knowledge they are the same except -- the text is the
24 same, the layout is different.

25 MR. VIGNA: So you have nothing else

1 to say on this?

2 MR. WARMAN: No, thank you.

3 MR. VIGNA: Tab 19. I would like you
4 to go through the tab.

5 MR. WARMAN: Again, the original
6 black and white document came to my attention when it
7 was disclosed to me from the Canadian Human Rights
8 Commission's investigation report.

9 This is -- the black and white is a
10 four-page document entitled, "Vox Populi - The Voice of
11 the People," and the article is entitled, "Ottawa is
12 Dangerous."

13 The two-page colour document is the
14 same document that I viewed through archive.org within
15 the past few days and printed off because, again, it's
16 a much clearer copy and is legible.

17 MR. VIGNA: What is "archive.org"?

18 MR. WARMAN: I believe I've explained
19 given that answer, but it's just essentially an
20 Internet website that archives portions of the Internet
21 for future reference.

22 THE CHAIRPERSON: I just want to be
23 clear which part came from archive.org.

24 MR. WARMAN: The colour.

25 THE CHAIRPERSON: The colour came

1 from them. So the black and white version you viewed
2 on November 25th or November 25th, 2004? Or you viewed
3 it as a result of --

4 MR. WARMAN: As a result of the
5 Commission report.

6 THE CHAIRPERSON: So it wasn't
7 something that you sought out, but the Commission
8 disclosed to you?

9 MR. WARMAN: Yes.

10 THE CHAIRPERSON: Did you view it at
11 the time when you got the disclosure? Did you go
12 on-line?

13 MR. WARMAN: I did. I viewed the
14 other -- everything that the Commission disclosed to
15 me --

16 THE CHAIRPERSON: You went and viewed
17 it on-line, I meant?

18 MR. WARMAN: Either on-line or
19 through archive.org. I can't remember which exactly.
20 All the archive does is essentially take a snapshot of
21 what's on the Internet when it goes through the
22 website. So this is the same material as this.

23 MR. VIGNA: What you have in your
24 hands would be the pictures, the coloured two-page
25 reproduction of the black and white, which is in a

1 different format which has four pages but basically is
2 because the other one is condensed.

3 MR. WARMAN: Yes.

4 MR. VIGNA: So I would like to file
5 this as the next exhibit, Mr. Chair.

6 THE CHAIRPERSON: Fine. I gather it
7 was a later non-disclosure in the colour version as
8 well, Ms Kulaszka?

9 MS KULASZKA: Yes.

10 THE CHAIRPERSON: So verify again the
11 same way just to see if it's the same text. We're
12 working on the same hypothesis as the previous tab.

13 MR. VIGNA: The colour version was
14 printed by you at which time, Mr. Warman?

15 MR. WARMAN: I'm sorry, I don't
16 recall the exact time, but it was within the past few
17 days.

18 MR. VIGNA: So can you tell us about
19 the contents of tab 19?

20 MR. WARMAN: This is another column
21 that is present in the freedomsite's section called,
22 "Controversial Columnists". It indicates the author is
23 "John of Vancouver" and that the date is "January
24 Review 2001."

25 It's reviewing his reactions to the

1 November 2000 election results. At page 1 of the
2 colour version the fourth paragraph, three lines down
3 towards the end of that line it states:

4 "How is it that the English
5 speaking citizens of Ontario can
6 be so dim as to elect such an
7 odious band of in-bred French
8 jack-asses is quite beyond me."

9 The next paragraph it states:

10 "In Quebec they welcomed back
11 the Liberals but that can be
12 explained by the fact that the
13 province is populated by
14 Frenchmen. Who knows why the
15 French do anything? The last
16 time the French had any real
17 success in politics was when
18 they imported a Corsican bandit
19 to help them harry the rest of
20 Europe, and that ended rather
21 badly when the Brits came over
22 to beat them like a batch of
23 ill-mannered circus monkeys. It
24 has been thus ever since. If it
25 were not for the English

1 speaking countries of the world
2 the French would right now be
3 guzzling schnapps instead of
4 sipping wine and their children
5 would be goose-stepping their
6 way to school, and now they vote
7 liberal, those ungrateful
8 cheese-sniffers."

9 On the next page the first full
10 paragraph, approximately the fourth line down it
11 states:

12 "They must also enjoy the
13 multitudes of smiling immigrants
14 they receive, especially from
15 Haiti, China and Jamaica, who
16 make up 70 percent of their
17 overall in-take. In fact,
18 according to Ontario's fantastic
19 health care system, Ontario is
20 enjoying a renewed public
21 awareness of tuberculoses, which
22 only a few years ago had been
23 nearly eradicated from Canada.
24 Ottawa will begin mandatory TB
25 screening in its daycares this

1 September because there has been
2 a recent outbreak in the number
3 of cases of this disease. Not
4 surprisingly, 90 percent of TB
5 cases come from refugees and new
6 immigrants living in Toronto
7 area. Clearly multiculturalism
8 is very good for Ontario."

9 Again, at the end of this document it
10 states:

11 "Are you a writer? Submit you
12 pieces to be included on the
13 Controversial Columnists Page.
14 Just e-mail it to
15 webmaster@freedomsite.org."

16 And it provides the rest of the
17 contact information. And those are my comments on
18 that.

19 MR. VIGNA: The last two exhibits,
20 Mr. Warman, are they still on the website today? We'll
21 be going to it later today in terms of the website as
22 well as the contents of the website today, but do you
23 know if they are on the website today?

24 MR. WARMAN: To the best of my
25 knowledge they are not.

1 THE CHAIRPERSON: Not?

2 MR. WARMAN: They are not.

3 MR. VIGNA: Do you know when they
4 were taken out?

5 MR. WARMAN: No, I do not.

6 THE CHAIRPERSON: Tab 18 or 19?

7 MR. VIGNA: Tab 20. Can you tell us
8 if you recognize the document; if so, what it
9 represents and we'll produce it.

10 THE CHAIRPERSON: Is this something
11 that has multiple pages like the tab we saw before
12 lunch?

13 MR. VIGNA: Yes, maybe we can number
14 it.

15 THE CHAIRPERSON: I think that would
16 be a good idea.

17 MR. WARMAN: Just for the record
18 because they are double-sided, it may be best to
19 number --

20 THE CHAIRPERSON: The flip side as
21 well? Wherever there is print. What you are
22 suggesting? Do you think we -- I'm not going to put
23 numbers on blank pages. I don't think that's
24 necessary. Ms Kulaszka? We're going to number these
25 pages because --

1 MS KULASZKA: Yes, just the printed
2 pages?

3 THE CHAIRPERSON: Just the printed
4 pages.

5 MR. VIGNA: Mr. Warman likes to save
6 trees.

7 THE CHAIRPERSON: Let me finish.

8 MR. VIGNA: It was a joke.
9 Mr. Warman likes to save trees, so it makes us do a
10 double page.

11 THE CHAIRPERSON: That's good. I
12 believe the respondent asked the same thing.

13 I'm not putting a number on the page
14 on the back of page 7, okay, nor on the back of page
15 10, if everyone is following me, nor on the back of
16 what I see is page 19 -- no, we will. We will put a
17 number.

18 So page 4 of 4, which is on the back
19 of what I have as page 19, will be numbered as page 20.
20 I have a total of 22 pages. Mr. Vigna, the same?

21 MR. VIGNA: Yeah. So, Mr. Warman,
22 flip through the pages quickly and try to be as clear
23 as possible in terms of the description of each
24 individual document and page.

25 MR. WARMAN: This is a collection of

1 postings and an index of the threads that were present
2 on the FreedomSite message board on 11th of November,
3 2003 that I printed off and provided to the Commission
4 pursuant to my complaint.

5 THE CHAIRPERSON: Slow down a second.
6 Postings and threads.

7 MR. WARMAN: It's a collection of
8 postings.

9 THE CHAIRPERSON: Collection of
10 postings and threads, you said.

11 MR. WARMAN: And it's an index of
12 threads.

13 THE CHAIRPERSON: Collection of
14 postings are at the back?

15 MR. WARMAN: After the first page.

16 THE CHAIRPERSON: So tell me what the
17 first page is. It's an index?

18 MR. WARMAN: The first page is the
19 index of threads that were present on the FreedomSite
20 message board on the 11th of November, 2003.

21 THE CHAIRPERSON: Subsequent to that?

22 MR. WARMAN: Is the collection of
23 postings that I printed off from the FreedomSite
24 message board website and provided to the Commission --
25 all of which I provided to the Commission pursuant to

1 my complaint.

2 MR. VIGNA: The date is the date at
3 the bottom?

4 MR. WARMAN: Yes, the bottom left,
5 11th of November, 2003.

6 MR. VIGNA: The website is on the
7 bottom left?

8 MR. WARMAN: It is.

9 THE CHAIRPERSON: It's all from the
10 message board of freedomsite.org, this printing?

11 MR. VIGNA: Why is the title
12 "Conferences", Mr. Warman, if it says "message board"?

13 MR. WARMAN: It appears to have been
14 the name that Mr. Lemire chose to give to the threads.

15 MR. VIGNA: Now, the first page, you
16 kind've described it, but can you tell us if this index
17 has everything that follows or just certain portions?

18 MR. WARMAN: No, I don't have
19 everything that follows.

20 MR. VIGNA: Just tell us by looking
21 at it which part of the index concerns us more?

22 MR. WARMAN: Well, there's a great
23 deal of it so perhaps just by going through it will be
24 identified.

25 MR. LEMIRE: Do you want to produce

1 this?

2 MR. VIGNA: Yes, the whole document.

3 THE CHAIRPERSON: Okay.

4 MR. VIGNA: The whole --

5 THE CHAIRPERSON: Yes, the whole
6 thing from page 1 through page 22, as we've numbered
7 it.

8 MR. VIGNA: So the first page,
9 anything of importance other than the index,
10 Mr. Warman?

11 MR. WARMAN: Yes. I believe that by
12 going through the types of thread titles or conference
13 titles it becomes self-evident that the material in
14 there either will be hate messaging or is likely to
15 include hate messaging.

16 MR. VIGNA: Give us some examples,
17 please.

18 MR. WARMAN: The first example is the
19 "ZGram mailing list", which was short for the
20 Zundelgram mailing list.

21 The next is the group, The Canadian
22 Heritage Alliance.

23 MR. VIGNA: Has that group been the
24 object of a judicial determination?

25 MR. WARMAN: No, they are the subject

1 a current hearing before the Tribunal under section 13.

2 THE CHAIRPERSON: Sorry, what's the
3 subject of the hearing? I missed Mr. Vigna's question.

4 MR. WARMAN: The group The Canadian
5 Heritage Alliance is currently the respondent in a
6 section 13 complaint before the Tribunal. Mr. Zundel,
7 of course, was the subject of a --

8 THE CHAIRPERSON: I'm familiar with
9 the decision.

10 MR. WARMAN: -- Tribunal finding.

11 MR. VIGNA: Which other examples
12 would you like to give us?

13 MR. WARMAN: "The Heritage Front".
14 Again, the Heritage Front had been the subject of a
15 Tribunal ruling that they had violated section 13.

16 "Immigration." Underneath that,
17 "History and Historical
18 Revisionism".

19 MR. VIGNA: That term historical
20 revisionism, have you seen it before and what does it
21 refer to?

22 MR. WARMAN: In my belief it is
23 simply a euphemism for holocaust denial.

24 Below that is the section, "Jokes and
25 Trivia."

1 If you look at the threads that are
2 contained within that broader heading, one is called --
3 the first one is called "Black Jokes", then there is
4 "More Black Jokes", then there is, "Jewish Jokes".

5 If you continue further down about
6 seven or headings, there's "Spook Jokes".

7 MR. VIGNA: That term "spook," you
8 are familiar with it?

9 MR. WARMAN: I am. My -- any time
10 I've seen it in the past it's been used as a derogatory
11 term for blacks. I should correct that.

12 MR. VIGNA: Move on.

13 MR. WARMAN: Excuse me. I should
14 correct that. "Spook" can sometimes refer to ghosts.
15 None of the jokes in this section refer to anything
16 other than individuals of the black race.

17 "Politically Incorrect
18 Cartoons"; immediately below
19 that says, "Niggers"; the one
20 below that is entitled An
21 Englishman, "A Nigger and a
22 Jew."

23 If you continue down there's --
24 towards the bottom it states, "The Wet Back and the
25 Spick"; and the one immediately below that is, "Who Let

1 the Blacks Out?"

2 In terms of the "Wet Back and the
3 Spick", whenever I've seen those terms used in the past
4 they have been used to refer to persons who are
5 Hispanic, and the term "Who Let the Blacks Out" was
6 contemporaneous with the song "Who Let the Dogs Out?"

7 MR. VIGNA: Page 2.

8 MR. WARMAN: Page 2 is the first page
9 of 2 under the heading "Black Jokes", "Jokes and
10 Trivia".

11 The second poster, "Anonymous", on
12 September 25th, 1999 posts:

13 "Question: Why are scientists
14 now using blacks in medical
15 experiments instead of rats or
16 mice? Answer: Because they
17 multiply quicker and you don't
18 get as attached."

19 MR. VIGNA: The mention of 879, you
20 mentioned it in regard to other exhibits. Does the
21 same explanation apply here?

22 MR. WARMAN: Yes, it does.

23 In the -- below that, the next
24 posting by "Anonymous", October 1st, 1999 states:

25 "Question: What's long, black

1 and smelly? Answer: A welfare
2 line. Question: What's black,
3 has white teeth and knocks on
4 the glass? Answer: A nigger in
5 a microwave. Question: What do
6 you call 100,000 jigs at the
7 bottom of the ocean? Answer: A
8 good start."

9 MR. VIGNA: "Jigs" would mean what,
10 to your knowledge?

11 MR. WARMAN: I believe it to be a
12 diminutive of the term jigaboo, which again is a slur
13 for blacks.

14 MR. VIGNA: Page 3.

15 MR. WARMAN: I think that's
16 sufficient for those.

17 Turn to page 4. I'm not a hundred
18 percent sure because I don't come up with the same page
19 numbers.

20 THE CHAIRPERSON: Page 4 would be the
21 one that says page 1 of 1 beginning with "Read topic
22 starting at message #78" at the very top.

23 MR. WARMAN: Then that is one that
24 I'm going to skip over.

25 THE CHAIRPERSON: I was numbering the

1 flip side of page 2. We numbered that.

2 MR. VIGNA: What about page 3?

3 THE CHAIRPERSON: Page 3 being the
4 flip side of page 2, as I just said?

5 MR. VIGNA: Yeah.

6 MR. WARMAN: The issue is mine only
7 has page 1 of 2.

8 THE CHAIRPERSON: Mr. Vigna? I'm
9 assuming you numbered them the way I did.

10 MR. WARMAN: The only one of any real
11 relevance -- and, again, the collected works of these
12 jokes -- virtually all of the material I would consider
13 to be hate messaging. But just in terms of examples,
14 towards the bottom of page 3 the last in the first
15 posting states:

16 "Question: Why do Indians want
17 their kids to marry blacks?

18 Answer: So they are too lazy to
19 steal."

20 The next one below that states:

21 "What do Mike Tyson with no
22 arms? Fucking nigger."

23 MR. VIGNA: What about the elephants?

24 MR. WARMAN: I think it's just
25 easiest to continue. So the next is page 5.

1 MR. VIGNA: Describe every time,
2 Mr. Warman, so we make sure everybody has the same, the
3 dates and subject.

4 MR. WARMAN: Yes. This is called,
5 "Jewish Jokes", read 525 times and it says, "Read topic
6 starting at message 195" at the top.

7 THE CHAIRPERSON: That's what I have.

8 MR. WARMAN: So the first is:

9 "What is the difference between
10 a Jew and a pizza?"

11 The answer is:

12 "A pizza doesn't scream when you
13 put it an oven."

14 The next joke after the one
15 immediately following that is:

16 "How can you fit a hundred Jews
17 in a car? Two in the front, two
18 in the back and 96 in the
19 ashtray."

20 MR. VIGNA: What is the moniker for
21 those?

22 MR. WARMAN: It's listed as
23 "Anonymous", and the posting is dated December 7, 2000.

24 The next thing I would go to is page
25 12. At the top left it states:

1 "Topic: The Wet Back and the
2 Spick."

3 THE CHAIRPERSON: That's not the same
4 number. Okay, that's page 11. Mine is page 11. I
5 asked Mr. Vigna to skip --

6 MR. VIGNA: I didn't skip page 11.

7 THE CHAIRPERSON: I wanted you to
8 skip that page because it doesn't really say anything.

9 MR. WARMAN: Towards the bottom of
10 this page it states -- this is the fourth section up.
11 It states:

12 "The official Puerto Rican
13 mascot is a cockroach."

14 Underneath that:

15 "What do you get when you cross
16 a Puerto Rican with a gorilla?
17 Answer: A monkey with
18 sideburns."

19 Then:

20 "And how does a nigger pimp
21 grease his Cadillac?"

22 The answer is:

23 "He runs down the nearest Puerto
24 Rican"

25 -- although it's spelled "Puert Rican".

1 Then at page 12, the top should be
2 "Who Let the Blacks Out?"

3 THE CHAIRPERSON: Yes.

4 MR. WARMAN: So after that heading,
5 "Who Let the Blacks Out?" it says, "Of the zoo, zoo,
6 zoo!" And it states, "Sung to the theme 'Who Let the
7 Dogs Out'."

8 Page 13, approximately the heading is
9 "Read topic starting at message number 99"; is that
10 correct?

11 THE CHAIRPERSON: Yes.

12 MR. WARMAN: Half-way down there's a
13 posting by "klankid." The title is, "Info Wanted on
14 Mountee With Turbin." Posting on February 5th, 2001,
15 states:

16 "I know exactly what you are
17 talking about. The reason they
18 say we don't have a culture is
19 because they are killing it by
20 doing things like changing the
21 traditional uniform for some
22 stupid immigrant paki numnuts.
23 Come on everyone, let's take a
24 stand and put the 'white' back
25 in the great white north!"

1 Page 14, which is "Read topic
2 starting at message 621".

3 THE CHAIRPERSON: Yes.

4 MR. WARMAN: The topic is, "Ian
5 MacDonald: Holocaust Statistics." Indicates that it
6 had been read 103 times. It's from the thread "History
7 and Historical Revisionism". It states it's from Marc
8 Lemire, marc@lemire.com. It's posting February 13th,
9 2001. States:

10 "In the Associated Press article
11 when yet another Bronfman
12 'restitution' scam January 17th,
13 2001 the following bald
14 statement appears: 'Hitler's
15 forces....slaughtered six
16 million Jews and five million
17 others and enslaved 12 million
18 to use as labour in Germany's
19 Warman effort.'

20 Surely, 55 years after the
21 end of the Warman no legitimate
22 purpose served by attempting to
23 perpetuate this vicious
24 anti-German hate propaganda. It
25 may even be illegal to do so

1 unless Germans are excluded from
2 protection under the human
3 rights legislation. In any
4 event the 'six million' canard
5 has long since been discredited,
6 beginning with Winston
7 Churchill's definitive 'History
8 of the Second World War' in
9 which he pointedly omits any
10 reference to execution 'gas
11 chambers.' The subject with
12 which he would have been
13 well-informed through British
14 intelligence and would have
15 given prominent coverage had
16 they existed.

17 Other less fastidious
18 historians seeking to ingratiate
19 themselves with potential
20 benefactors have chosen to give
21 credence to the 'gas chambers'
22 story (or rather stories, since
23 'eye-witness' accounts differ
24 radically). But until now no
25 one has been able to produce a

1 shred of forensic evidence that
2 even one Jew died from gassing
3 or any form of organized
4 mega-killing. Had such taken
5 place, obviously, as any
6 crematorium operator or
7 physicist can confirm, there
8 would have been literally a
9 mountain of evidence to attest
10 to the fact, especially where
11 only coal and wood were
12 available for fuel and --"
13 something "-- thousands of
14 victims 'burned in pits' where
15 combustion would not have been
16 complete.

17 As for the '12 million
18 slaves', there is similarly a
19 lack of evidence to support the
20 story. Very large numbers of
21 non-Germans were employed in the
22 German Warman effort, but
23 according to professor A.S.
24 Millward (Edinburgh and Stanford
25 Universities), the foremost

1 authority on the subject and
2 author of 'The German Economy at
3 Warman, the 'foreign workers
4 were not slaves. Nor for the
5 most part were they prisoners'.
6 Most would have been motivated
7 by the job opportunities and
8 higher wages, then as now, and
9 by opposition to communism.

10 The reference in the AP
11 article to 'five million others'
12 is not clear. Certainly
13 millions died during and
14 immediately after the Warman. A
15 good proportion at the hands of
16 our Glorious Russian Ally whose
17 sickening barbarism in crushing
18 ethnic Germans, Ukrainians,
19 Balts and other freedom-seeking
20 minorities is unrivalled in
21 modern European history.
22 Stalin's chief executioner,
23 ironically but not
24 coincidentally, was Ilya
25 Ehrenberg who, along with a good

1 It's signed Ian V. Macdonald.

2 Go to page 17.

3 THE CHAIRPERSON: Yes.

4 MR. WARMAN: Posting by "JDoe". The
5 overall thread is "Religion", and the specific title is
6 "ADL vs WCOTC".

7 Having seen these terms used over and
8 over again, the "ADL" stands for the Anti-Defamation
9 League in the United States, and the "WCOTC" stands for
10 the World Church of the Creator, formerly named
11 neo-Nazi group.

12 The date is November 28th, 2002. It
13 posts what appears to be an ADL news release supporting
14 the success of a universalist-style church called the
15 Church of the Creator in winning a trademark
16 infringement lawsuit against the neo-Nazi version, the
17 World Church of the Creator, and thus ordering them to
18 cease infringing on the Church of the Creator's
19 trademark.

20 MR. VIGNA: Is there a Tribunal
21 decision regarding World Church Creator?

22 MR. WARMAN: No, there's not, not
23 that I'm aware of.

24 So then what appears to be the same
25 individual makes another posting immediately afterward,

1 which is the text of an item that was sent out by
2 Matthew Hale that I have seen and read in other
3 contexts.

4 And it states -- it's essentially a
5 diatribe against the U.S. Federal Courts -- excuse
6 me -- the U.S. District Court for the Northern District
7 of Illinois' decision finding that they had infringed
8 the other group's trademark. Mathew Hale was the
9 leader of the neo-Nazi World Church of the Creator.

10 If you go down half-way on that page,
11 this is page 18, it states:

12 "The World Church of the Creator
13 practices the religion of
14 creativity founded by Ben
15 Klassen in 1973. It's a
16 publication of nature's eternal
17 religion. Creativity is a
18 religion whose prime goal is the
19 survival, expansion, and
20 advancement of the white race."

21 Approximately two inches after that
22 it states:

23 "Reverend Hale, Pontifex
24 Maximus --" was the name that
25 they were using for the leader

1 of their group, "-- stated
2 today, 'Any court order ordering
3 the confiscation and burning of
4 a church's bibles is an obvious
5 violation of the Constitution of
6 the United States and should be
7 opposed by every American
8 citizen by whatever means.
9 After all, no federal judge has
10 the power to order a free people
11 to 'dutifully' turn over their
12 bibles so that they may be
13 destroyed by those who oppose
14 their religious beliefs. This
15 court order, thus, places our
16 church in a state of war with
17 this federal judge, and any
18 acting on authority from her
19 kangaroo court. In the
20 meantime, it is business as
21 usual for our World Church of
22 the Creator that has today as
23 much as it had yesterday, 10
24 years ago, and almost 30 years
25 ago when we were by Ben Klassen,

1 the right to distribute its
2 religious materials regardless
3 of any illegal usurpations of
4 the United States Constitution
5 by a federal judge. Such is
6 merely stating the facts.

7 I wish to further, however,
8 quote our founder, Ben Klassen,
9 himself since he predicted the
10 type of assault upon our
11 religion we are witnessing
12 today. 'Now we come to the crux
13 of our position. Should the
14 Jewish occupational government
15 use force to violate our
16 constitutional rights to freely
17 practice our religion to
18 peacefully assemble, to
19 peacefully organize, to
20 distribute our white man's
21 bible, to use the mails and any
22 other prerogative in promoting
23 and expanding our legal
24 religious organization and the
25 full practice of our religion,

1 and we have every right to
2 declare them as open criminals,
3 violating the Constitution and
4 the highest law of the land.
5 They then obviously are the
6 criminals and we can treat them
7 like the criminal dogs they are
8 and take the law into our own
9 hands. This is the obvious
10 logical thing to do. We must
11 then meet force with force and
12 open warfare exists. It will
13 then be open season on all
14 Jews.'"

15 Approximately two to three inches
16 below that there is a sentence at the right that
17 starts, "Clearly we", and it states:

18 "Clearly we cannot distribute
19 our white man's bible if they
20 have been consigned to the
21 flames of the Jewish altar."

22 If you go further down you'll see,
23 "Statement To JOG From the Adherents of the World
24 Church of the Creator", is the heading there under
25 article 2.

1 THE CHAIRPERSON: Yes.

2 MR. WARMAN: If you look to the
3 bottom left of the page immediately preceding that,
4 page 18. You'll note the last sentence begins, "Should
5 the Jewish Occupational Government." You note the J
6 and O are capitalized. Normally, having been seen this
7 material repeatedly, JOG, the "G" would normally be
8 capitalized as well. And that is what the acronym
9 stands for.

10 It continues:

11 "Our World Church of the Creator
12 is under assault. The 'order'
13 confirmed today of judge Joan
14 Humphrey," H-U-M-P-H-R-E-Y,
15 Lefkow"

16 -- L-E-F-K-O-W --

17 "states that all adherents must
18 turn over their holy books. The
19 World Church of the Creator
20 refuses and will defend its
21 right to free practice of its
22 religion by force, if force is
23 attempted against its adherents
24 in furtherance of this
25 unconstitutional order."

1 The next page is 21 it's, "Read topic
2 starting at message 1291."

3 THE CHAIRPERSON: Yes.

4 MR. WARMAN: Under the thread
5 "Freedomsite-Canada" and the title, "Life is not only a
6 racial question."

7 The first couple of postings are
8 advocating some sort of project. At the bottom of that
9 page "Deleted User" posts on May 1st, 2001:

10 "Look at what the Parti
11 Quebecois did. They wanted more
12 French-speaking immigrants so
13 they brought in Haitian niggers
14 to 'save the French language'.
15 Quelle sort de 'Pure Laine'
16 est-ca-la? Save the language
17 and destroy the white race.
18 Bastards!"

19 MR. VIGNA: How would you translate
20 that in English?

21 MR. WARMAN: What kind of pure wool
22 is that.

23 MR. VIGNA: Pure wool, what would it
24 mean in English? Is it a literal translation?

25 MR. WARMAN: No. My understanding of

1 the term is that it refers to white Quebecers, or white
2 francophone Quebecers more explicitly, as being the
3 pure wool of Quebec and that others are not endowed of
4 the same characteristics.

5 THE CHAIRPERSON: Francophone has to
6 be the component of that.

7 MR. WARMAN: Yes. I believe that's
8 all for that tab.

9 MR. VIGNA: Tab 21.

10 MR. WARMAN: This is a three-page
11 document. It's a thread from the Heritage Front -- the
12 FreedomSite message board entitled, "Toronto Star on HF
13 Health Alert" that I printed off on the 15th of
14 November, 2003 and provided to the Commission pursuant
15 to my complaint.

16 MR. VIGNA: I would like to produce
17 that.

18 THE CHAIRPERSON: Yes.

19 MR. VIGNA: Can you tell us what this
20 is all about since it talks about The Toronto Star? Is
21 it a newspaper article?

22 MR. WARMAN: Yes. Well, perhaps it's
23 easiest if I just go through it. The topic -- the
24 conference, the thread, is under "Heritage Front".

25 The topic is Toronto Star on HR,

1 meaning Heritage Front, health alert. It indicates
2 that "from" is listed as Marc Lemire, marc@lemire.com,
3 and the date is listed as February 22nd, 2001.

4 The Heritage Front name is given
5 below that. It lists a P.O. Box and the website is
6 listed as www.freedomsite.org/HF. The e-mail
7 immediately below that is
8 heritagefront@freedomsite.org.

9 It indicates that the Heritage Front
10 had been handing out material indicating that
11 immigration can kill you and that The Toronto Star had
12 subsequently written an article on it.

13 It states in the second paragraph,
14 the second sentence states:

15 "After all, none of the flyer's
16 text was quoted except for our
17 opening line. All the good
18 parts of the flyer where we
19 detail exactly how immigration
20 can kill you is gone."

21 Below in the actual -- it indicates
22 is the actually Toronto Star article, it states:

23 "Hamilton anti-racism activists
24 are demanding city and police
25 step-up protection of visible

1 minorities in the wake of a
2 white supremacist leaflet
3 campaign. Members of the
4 Heritage Front took advantage of
5 the mysterious illness of a
6 Congalese woman two weeks ago to
7 distribute racism leaflets
8 outside Henderson Hospital.
9 While doctors tried to determine
10 if the woman had the Ebola
11 virus, Heritage Front members
12 issued 'a community health
13 alert' that warned 'immigration
14 can kill you'."

15 It then goes through rest of the
16 article from The Toronto Star. At the bottom of it on
17 page 2 of 3 it exhorts people to get involved with the
18 Heritage Front now.

19 MR. VIGNA: And all this is found on
20 the same website?

21 MR. WARMAN: Yes, it's all the same
22 thread, same article, same posting. So it's "Get
23 involved with the Heritage Front now." Underneath that
24 it says, "Visit our website and on-line resource
25 centre," then gives the website again. "Join our

1 Internet mailing list and get updates daily." Lists
2 the address to do that as
3 www.freedomsite.org/mailman/listinfo/FS, as in FS
4 underscore announce.

5 On page 3 of 3 at the very bottom,
6 Craig Harrison in response to the article posted by
7 Mr. Lemire on May 14th, 2002 states:

8 "we all need to rise up and kill
9 non whites because thats gods
10 solution amen."

11 MR. VIGNA: You see it's Craig
12 Harrison because of the moniker which the Tribunal made
13 a determination on.

14 MR. WARMAN: That's correct.

15 THE CHAIRPERSON: I think it might be
16 a good time to take a small break.

17 MR. VIGNA: We can take a break,
18 Mr. Chair.

19 THE CHAIRPERSON: We'll take a
20 15-minute break.

21 --- Recessed at 3:23 p.m.

22 --- Resumed at 3:45 p.m.

23 THE CHAIRPERSON: Come to the
24 microphone, please. I'm informed you prepared this
25 document and had left it on chairs in my hearing room.

1 MR. KULBASHIAN: Actually, it was the
2 document I had prepared a while back. It was left for
3 specific individuals that I had met yesterday and I had
4 seen in the courtroom but when packing my stuff up they
5 left, so I left it for them. I was actually planning
6 on leaving initially until all this stuff happened.

7 THE CHAIRPERSON: I'm sorry? We had
8 this problem -- the hearing, remember? Slow down.

9 MR. KULBASHIAN: I was initally
10 planning on leaving because I was packing up my stuff,
11 but after all this stuff happened I ended up coming
12 back.

13 THE CHAIRPERSON: So what you did is
14 you didn't put it on every chair? You put it on a
15 number of chairs?

16 MR. KULBASHIAN: If I'm not mistaken,
17 I left it on three chairs specifically and I went right
18 back to the table and they were individuals that were
19 sitting down right there behind me that I met
20 yesterday, and --

21 THE CHAIRPERSON: I don't want this
22 material distributed anywhere near my hearing, this
23 room or anywhere in the premises.

24 MR. KULBASHIAN: I understand.

25 THE CHAIRPERSON: And the reason

1 being -- I know you may feel this is an expression of
2 your opinion, but this goes to the heart of what is
3 case is about. It may end up disrupting my process,
4 corrupting the evidence as entered. It may end up
5 doing harm to any of the participants here, so we don't
6 want this material distributed. And I don't know if
7 it's necessary that I file this in the record at this
8 point. I don't think so. It's actually it doesn't.
9 But you make references to Mr. Warman here, and to
10 statements -- I don't know. It relates to the case, so
11 I don't think that it's relevant.

12 MR. KULBASHIAN: I understand.

13 THE CHAIRPERSON: Now, I was very
14 upset earlier today and I didn't give you the
15 opportunity to express yourself. Do you want to remain
16 within the hearing room?

17 MR. KULBASHIAN: I do. Today I was
18 planning on leaving early. I do want to continue
19 remaining in the hearing room. My intent here is
20 purely -- I guess not academic but for -- because I am
21 an agent for another individual.

22 THE CHAIRPERSON: I understand that
23 you are and I understand you have an interest in these
24 types of proceedings. I was even informed today that
25 there is a judicial review ongoing of your decision.

1 But, nonetheless, you have to allow
2 the process to proceed in fairness for all and you
3 cannot get yourself involved. You can sit in the room,
4 just as everyone else is sitting in the room, and not
5 disturb it. And distributing material like this is
6 disturbing the process. And if it's repeated again in
7 any manner, I'm going to ask that you be excluded. I
8 already did exclude you, but I thought it through and I
9 don't think I gave you the opportunity to discuss and
10 explain yourself, which you've done now.

11 MR. KULBASHIAN: I understand.

12 THE CHAIRPERSON: I'll permit you to
13 stay in the room, but you are not to disturb the
14 process in any way; also it also might be good idea for
15 you to avoid any contact with the complainant or
16 Mr. Vigna because they were quite upset about this.

17 MR. KULBASHIAN: I have had no
18 contact with them.

19 THE CHAIRPERSON: Fine, let's keep it
20 that way.

21 MR. KULBASHIAN: I understand.

22 THE CHAIRPERSON: Anyone else wish to
23 add anything?

24 MR. WARMAN: I think that it wholly
25 ignores the concerns that I expressed with regard to my

1 personal security.

2 THE CHAIRPERSON: I looked into that,
3 Mr. Warman. I looked into my decision. I don't think
4 it reflects the way you present it. I did not make any
5 findings of the kind you indicated.

6 I read the material closely,
7 Mr. Warman, what was on this document. I don't see it
8 as such. It clearly relates -- it relates to
9 statements that are alleged to be linked with you that
10 were the object of a motion that took place in this
11 hearing. I know exactly the message that is behind
12 this letter. It is not this document. It is not one
13 of violence, it is one of a specific position that they
14 have adopted with regard to the merits of this case.

15 And I know exactly what's being
16 alluded. It's done in a certain inflammatory way, but
17 I don't see it as a threat to you. And, besides, all
18 the rights -- if you feel yourself threatened you have
19 all the rights available to you to act in accordance
20 with your sentiments on that.

21 From the Tribunal's perspective, my
22 concern is that a fair hearing be conducted here and I
23 don't see this -- I see the presence of these documents
24 within the hearing area as disrupting my hearing
25 process. I do not accept that they be here.

1 I'm prepared to allow this individual
2 to continue to sit in a hearing provided he undertake
3 to never do anything of this sort again, or any one in
4 this room or anyone else who may show up in the future.
5 But that will be the extent of my orders at this time.

6 If you feel that you need to do
7 something else on your own, Mr. Vigna or Mr. Warman,
8 you are citizens of this country, you can do as you
9 wish.

10 MR. KULBASHIAN: My intent was never
11 to disrupt the hearing. I'm sorry. I understand how
12 it would be disruptive.

13 THE CHAIRPERSON: You've been to the
14 hearing before, Mr. Kulbashian. You know these types
15 of things are not acceptable at a hearing. I told you
16 before how we have to run this in as clean a process,
17 and these are disruptive. That was my concern, that
18 you should have known this would be disruptive. In any
19 event, I will allow you to remain in the room.

20 MR. KULBASHIAN: Thank you very much.

21 MS KULASZKA: If I could, apparently
22 Mr. Kulbashian was in the lobby when Mr. Livingston was
23 thrown out of the hotel. I wonder he you could just
24 let you know what happened.

25 MR. KULBASHIAN: I was thrown out as

1 well. I witnessed the private security hired by the
2 Commission in the --

3 MR. WARMAN: Mr. Chair, I'm going
4 object to this. This has no bearing whatsoever on the
5 matters that are before you.

6 THE CHAIRPERSON: I understand. I am
7 concerned that -- someone -- we've had this happen
8 before. I've heard on other occasions people speak on
9 behalf of the Tribunal outside, and I would like to
10 know what went on here.

11 I was told, look, if you have an
12 issue Mr. Kulbashian was not sworn in, then I'll hear
13 it from Ms Kulaszka.

14 MR. WARMAN: Please.

15 THE CHAIRPERSON: Ms Kulaszka, why
16 don't you state -- tell me what your information is
17 based on what you've learned as counsel.

18 MS KULASZKA: I spoke to
19 Mr. Kulbashian. He was --

20 THE CHAIRPERSON: It's hearsay, but
21 go ahead.

22 MS KULASZKA: And he said it was the
23 two commissioned security men who did this. It wasn't
24 the Tribunal security men. He recognized them
25 because --

1 THE CHAIRPERSON: Who asked
2 Mr. Kulbashian to step outside?

3 MS KULASZKA: No, Mr. Livingston, my
4 witness who apparently was just in the lobby.

5 THE CHAIRPERSON: Mr. Vigna, you are
6 speaking to your security people, fine.

7 Mr. Kulbashian, we had a bit of an
8 issue on tables. I don't mind you sit, as that woman
9 is sitting also at a table. Would you sit at a table
10 behind, at least? I've sort of reserved that for
11 counsel for this hearing.

12 MR. KULBASHIAN: I'm sorry.

13 THE CHAIRPERSON: Mr. Vigna?

14 MR. VIGNA: Mr. Chair, the
15 information I have is that all that was done was they
16 alerted the manager to the pamphlet and afterwards it
17 was -- it was the manager that acted upon. And I
18 understand there was some discussion was getting a bid
19 rowdy between different individuals, and people were
20 thrown out.

21 But the Commission -- all they did
22 was alert, I respectfully submit, to the issue of the
23 pamphlet and the manager who was responsible for this
24 hotel undertook to take necessary steps that they
25 deemed appropriate.

1 THE CHAIRPERSON: That has nothing to
2 do with Mr. Livingston.

3 MR. VIGNA: There was no mention of
4 Mr. Livingston.

5 THE CHAIRPERSON: Let me give
6 everyone the benefit of the doubt that it was done by
7 inadvertence. Let's be clear. I said it before, I
8 unfortunately used the word "Commission" by mistake at
9 one point.

10 The Tribunal's security people are
11 the only people who are dealing with security at this
12 hearing on behalf of the Tribunal. And Ms. Joyal
13 speaks for me when I'm not speaking directly.

14 As for Mr. Livingston, he's allowed
15 to be on the premises and nobody is to prevent him from
16 being on the premises. He's not allowed to be near the
17 doors, thereby enabling him to hear the goings-on of
18 the hearing. Is that clear by everyone? Okay.

19 If anyone should see him they should
20 remind him he should stay away. In any event, as I
21 indicated, he has no business being here this day,
22 because he is not going to not testify. All he'll be
23 doing is sitting in the lobby. So if he wants, he'll
24 have to sit in the lobby or the coffee shop but no way
25 near the hearing because apparently our microphones,

1 our speakers are loud and they can be heard outside the
2 doors.

3 MS KULASZKA: Yes, I spoke to him.
4 He wasn't aware of the order. He went to the washroom
5 over there and then he was just leaning against the
6 wall here.

7 THE CHAIRPERSON: It's possible. I'm
8 not accusing anyone of anything at this point. I'm
9 saying that's the situation. Okay?

10 MR. VIGNA: Anyway, it's very clear
11 for me, very clear for security people. They were told
12 not to do anything else but to protect myself and
13 Mr. Warman. And we're not going to take any blame for
14 any other --

15 THE CHAIRPERSON: I'm not putting
16 blame. I just want this to move on.

17 MR. VIGNA: It's very clear. We'll
18 move on.

19 Mr. Warman?

20 MR. VIGNA: We left off at tab 22, I
21 believe, Mr. Warman. Do you recognize the document in
22 tab 22 which is a four-page document? Double-sided,
23 but four pages.

24 THE CHAIRPERSON: Okay.

25 MR. VIGNA: Four with the double

1 side.

2 THE CHAIRPERSON: It's one tab so
3 we'll just treat it as one tab.

4 MR. WARMAN: The document that I
5 printed off on the 23rd of November, 2003, it's the
6 results of a search using the search engine of the
7 FreedomSite message board for the words "Craig" and
8 "Harrison". I printed it off and provided it to the
9 Commission pursuant to my complaint.

10 THE CHAIRPERSON: You want to produce
11 it first?

12 MR. VIGNA: Yeah, Mr. Chair.

13 THE CHAIRPERSON: I would like to
14 better understand what exactly you meant by your
15 explanation, Mr. Warman.

16 MR. VIGNA: What's the relevance?

17 THE CHAIRPERSON: Go ahead.

18 MR. VIGNA: Mr. Warman, can you
19 explain what you did in terms of searching "craig" and
20 "harrison" on the website, FreedomSite, and the purpose
21 of this document in terms of this proceedings?

22 MR. WARMAN: Yes. What it is is I
23 had reason to believe that an individual named Craig
24 Harrison was responsible for postings under the
25 pseudonyms, one is "rump" and the other is

1 "realcanadianson" on the FreedomSite message board.

2 What I did was I went to the
3 FreedomSite message board and then conducted a search
4 using their search engine using the search term "craig"
5 and "harrison", meaning the words "craig" and the word
6 "harrison" together.

7 The results were 71 messages using
8 those two pseudonyms. A variety of these postings have
9 been provided already pursuant to the previously
10 entered tabs.

11 THE CHAIRPERSON: You see the two
12 pseudonyms. Perhaps I wasn't paying attention closely.
13 You typed in as a search "craig" and "harrison"?

14 MR. WARMAN: Yes.

15 THE CHAIRPERSON: And messages would
16 crop up where the poster -- the person who posted would
17 appear to be "rump" and the other one? Is that what
18 you mean?

19 MR. WARMAN: Rump and
20 realcanadianson. And I believe that the reasons for
21 that affiliation are that -- well, I think the results
22 speak for themselves.

23 The Tribunal made a finding that
24 those two pseudonyms were associated with the name
25 Craig Harrison, with the individual named Craig

1 Harrison, that he was responsible for their postings.

2 THE CHAIRPERSON: I just want to be
3 clear that when you say you did the search for "craig"
4 and "harrison", you got all these messages that we're
5 seeing here, and when you clicked on them you would see
6 that the posting person was named either
7 "realcanadianson" or "rump"?

8 MR. WARMAN: Yes.

9 THE CHAIRPERSON: I understand.

10 MR. VIGNA: And, Mr. Warman, is there
11 a link to be made regarding this tab and any particular
12 judicial decision?

13 MR. WARMAN: Well, it's been
14 considered in the Harrison decision, and the relevance
15 it -- part of the relevance of it, I believe, is the
16 fact that it shows 71 separate posts, many of which
17 have been entered into evidence here taking place
18 between May 13th, 2002 and January 21st, 2003; many of
19 which contain outright and explicit hate propaganda
20 and, in a number of cases, calls for genocide against
21 various identifiable groups.

22 What it also demonstrates is that the
23 postings by Mr. Harrison were done over a large number
24 of threads and topics within those threads so that his
25 presence was fairly widespread within the message

1 board.

2 MR. VIGNA: It's from a legal
3 perspective within section 13 what link in terms of the
4 evidence are you making with the violation of section
5 13 here?

6 MR. WARMAN: That this material was
7 present over an extended period of time in extensive
8 quantity on a website forum that Mr. Lemire was
9 responsible for and was in charge of.

10 MR. VIGNA: In terms of the
11 headlines, what can you attract our attention to?

12 MR. WARMAN: Well, if you go down the
13 first page you see, "Jewish attempts to muzzle free
14 thought";

15 "HF" meaning Heritage Front

16 "responds to more..."

17 "Islam means peace";

18 "White pride versus black
19 pride";

20 "Life of an injun";

21 "Indians being --" this is the
22 second page, "Indians being
23 given special status";

24 "Shut up already with injun
25 rights";

1 "RCMP cover up anti-white hate
2 crime";
3 "White nationalists disgusted by
4 Mandella", et cetera;
5 "Amazed by your misplaced cry
6 for equality";
7 "Toronto Star on Heritage Front
8 Health Alert";
9 "Stinking East Indian Car
10 Shoppers";
11 "Just what is a Canadian
12 Supremist?";
13 "The new hate laws", et cetera.

14 MR. VIGNA: And are you asking that
15 this tab in question be cross-referenced with the
16 Harrison decision for which the Tribunal can take
17 judicial knowledge?

18 MR. WARMAN: Yes.

19 MR. VIGNA: So we'll go to tab -- we
20 produced it, I believe.

21 THE CHAIRPERSON: It's been produced,
22 yeah.

23 MR. VIGNA: Tab 23. Can you look at
24 it and tell us if you recognize it and we'll produce
25 it?

1 MR. WARMAN: There is a nine-page
2 document printed off by me on the 18th of November,
3 2003, similar to the previous tab. What this was, was
4 this was a search on the FreedomSite message boards
5 search engine seek results for the search "Marc",
6 M-A-R-C, with the "@" symbol, "lemire.com".

7 MR. VIGNA: I would like to produce
8 this, Mr. Chair.

9 THE CHAIRPERSON: Yes.

10 MR. VIGNA: So tell us the importance
11 of the document, the cross-referencing that needs to be
12 made and which Tribunal decision, considering that it's
13 similar to the previous exhibit?

14 MR. WARMAN: So what it indicates is
15 that there were 212 messages containing
16 marc@lemire.com, and what I had originally done was
17 searched for "marc" and "lemire" but that came back
18 with material that simply mentioned Mr. Lemire, so I
19 refined it because the postings that I viewed made by
20 Mr. Lemire, he included his e-mail address
21 marc@lemire.com, and whereas posts that were simply
22 mentioning him would give his name, it was the posts he
23 had made himself that would have his e-mail address in
24 them. That's why I refined the search.

25 THE CHAIRPERSON: Can I just

1 interrupt? I notice handwriting on the first page. It
2 looks like a yellow Post-It note.

3 MR. VIGNA: Can you explain that?

4 MR. WARMAN: That's just a stickie
5 that was on the posting or on this search when I
6 submitted it to the Commission.

7 THE CHAIRPERSON: "Download showing
8 number of times Marc Lemire posted to this chat section
9 of the Freedomsite."

10 MR. WARMAN: Yes.

11 THE CHAIRPERSON: It's referring to
12 how you describe, the process that you've just done?

13 MR. WARMAN: Yes.

14 MR. VIGNA: For the same subject, tab
15 22, is it the same explanation?

16 MR. WARMAN: Yes, it is.

17 MR. VIGNA: On the top, the
18 handwriting note?

19 MR. WARMAN: Yes.

20 MR. VIGNA: Go one.

21 MR. WARMAN: So what this shows is
22 that between the 21st of September, 1999, which is the
23 212th post, and the first post which is dated July 29,
24 2003, there were 212 messages posted to the Freedomsite
25 message board by Mr. Lemire. What I would like to do

1 is just go through them because they describe a wide
2 variety of the kinds of materials he was posting under.

3 The first one if you are coming down
4 the top is, "Passavist publisher rots in jail",
5 referring to Ernst Zundel.

6 The second below that, "Does the CJC"
7 -- meaning the Canadian Jewish Congress --

8 "understand democracy?"

9 Continuing on down, number 16,
10 "Helping the Heritage Front".

11 17, in "Immigration", it states,
12 "Origin of SARS - Chinese eating cats".

13 On this page alone Mr. Lemire is
14 posting in "Free speech", "Immigration", "Enemies of
15 Freedom", "Heritage Front", "General Messages",
16 "History and Historical Revisionism", "Canadian
17 Heritage Alliance", "Movement Activists Chat", "News",
18 "Stay Up-to-date." The last, the 25, is "Zundel,
19 Prisoner of Conscience".

20 Posting 26, "Anti-racism is a form of
21 mental illness".

22 THE CHAIRPERSON: Just to be clear,
23 these are the topics of the thread, is that right? Or
24 what was the term used by this website instead of
25 threads you mentioned earlier?

1 MR. WARMAN: Conference is the
2 equivalent of thread.

3 THE CHAIRPERSON: Oh, conference
4 is -- no, conference.

5 MR. WARMAN: Conference is sort of
6 the higher-up level.

7 THE CHAIRPERSON: Topic would be the
8 thread?

9 MR. WARMAN: Yes.

10 THE CHAIRPERSON: There was someone
11 who started the thread number 26 called "Anti-racism
12 is a form of mental illness"?

13 MR. WARMAN: Yes.

14 THE CHAIRPERSON: Someone started it
15 and others have added to it?

16 MR. WARMAN: Yes.

17 THE CHAIRPERSON: What we are looking
18 at is threads in which the search identifier
19 marc@lemire.com have appeared?

20 MR. WARMAN: Yes.

21 THE CHAIRPERSON: It doesn't
22 necessarily mean, am I correct, that Mr. Lemire began
23 these threads?

24 MR. WARMAN: No.

25 THE CHAIRPERSON: And it doesn't tell

1 us what the content of his own -- of -- if contributed,
2 what his comments were in that thread at this point?

3 THE WITNESS: No. In fact, the point
4 of this is simply to show Mr. Lemire's pervasive
5 presence on the FreedomSite message board. Not only
6 that, but in a wide variety of both conferences and
7 topic headings that I believe are -- self-evidently
8 would contain or are likely to contain hate messages,
9 such as, "Origin of SARS - Chinese eating cats".

10 Posting 31, the topic is, "More
11 "Special Treatment For Blacks". The one immediately
12 after that is, "Ontario Court Grants Black Drivers
13 Immunity".

14 34 and 35 are "Free Ernst Zundel!"

15 41 is, "Don't Raise the Gas Tax, Cut
16 Immigration".

17 46, "Heritage Front Pro-White, Not
18 Racist".

19 48, "Canadians Prefer Immigrants From
20 Euro".

21 53, "Immigration Can Kill You".

22 Number 68, 69, 71 to 73 all "Heritage
23 Front" or "Heritage Front Halifax" threads.

24 75, "The Asian Invasion".

25 Number 97, "Hate Crimes: The

1 Anti-white Double Standard".

2 Number 101, "HF", meaning Heritage
3 Front "Flyers in Halifax Cause Stir".

4 119, "Ian Macdonald: Holocaust
5 Statistics."

6 122, "Question about the holohoax".

7 124, "Heritage Front Warns Hamilton
8 Residents".

9 THE CHAIRPERSON: Some of these
10 appear to be the threads we've seen already, right?

11 MR. WARMAN: They are.

12 THE CHAIRPERSON: Such as the one
13 about the statistics.

14 MR. WARMAN: Yes.

15 127, "White Nationalism in the
16 Environment".

17 137, "The Heritage Front Alive and
18 Well".

19 140, "Merry Christmas from the
20 Heritage Front".

21 144, "George Burdi from RAHOWA a
22 Traitor?" And in terms of that one, Mr. Burdi was the
23 lead singer for a neo-Nazi band called RAHOWA, short
24 for racial holy war.

25 MS KULASZKA: I object. Mr. Warman

1 is not an expert in George Burdi music.

2 THE CHAIRPERSON: On RAHOWA, though,
3 there have been numerous decisions, including mine,
4 that have accepted that that is at least one
5 interpretation of the word RAHOWA. Not the band,
6 perhaps, but it might stand for racial holy war. I'm
7 familiar with that term.

8 MS KULASZKA: Mr. Warman can refer to
9 that decision and ask for judicial notice.

10 THE CHAIRPERSON: As for Mr. Burdi's
11 membership in a band, I'm not -- I can't take judicial
12 notice of that.

13 MR. WARMAN: It is my personal
14 knowledge.

15 THE CHAIRPERSON: You can make your
16 objections. I see your point. I understand whenever
17 Mr. Warman makes these comments it's his personal
18 knowledge of this information. It can be subjected to
19 cross-examination.

20 MS KULASZKA: If he has seen George
21 Burdi's band and gone to a concert, I'll cross-examine
22 him on that.

23 THE CHAIRPERSON: And heard his
24 music.

25 MR. WARMAN: Mr. Burdi subsequently

1 left the neo-Nazi movement, married a south Asian
2 woman, thus the title, "George Burdi from RAHOWA a
3 Traitor".

4 161, "Quebec Jews Perpetrate
5 unprecedented..." That thread was in relation to a
6 fraud.

7 THE CHAIRPERSON: So the word "fraud"
8 followed the "unprecedented".

9 MR. WARMAN: That's what the thread
10 dealt with.

11 163, "Holocaust Survivors: LIES and
12 longevity".

13 Again, 182, "Holocaust Survivors:
14 LIES and longevit".

15 187, "Ernst Zundel Barred From
16 Parliament".

17 188, "Truth No Defence in Zundel
18 Hearing".

19 189, "Immigration Can Kill You".

20 191, "New Hate Law Changes - Sign
21 Out --" that I believe should be "sign our petition".

22 197 and 198 deal with the Heritage
23 Front again.

24 204, "See we told you immigration can
25 kill you."

1 205, "4th boat from China!!!".

2 And number 212, "What happened to the
3 Heritage Front?"

4 So what we see is 212 postings over a
5 four-year period from 1999 to 2003, and I believe that
6 that demonstrates that Mr. Lemire was -- his presence
7 on the FreedomSite message board was pervasive.

8 MR. VIGNA: At 119 -- does the name
9 Ian Macdonald, is that a name that you are familiar
10 with in terms of this hearing?

11 MR. WARMAN: Yes, in fact that
12 posting has been entered and it was a posting by
13 Mr. Lemire of an article by Ian Macdonald, an oral or a
14 letter.

15 THE CHAIRPERSON: That's the one I
16 referred to earlier in this book.

17 MR. WARMAN: Yes.

18 MR. VIGNA: Do you know if this is
19 someone who is being called as a witness?

20 MR. WARMAN: It's my understanding
21 yes.

22 THE CHAIRPERSON: I'm sorry?

23 MR. VIGNA: Do you know if this is
24 one of the witnesses that's being called by the
25 respondent?

1 MR. WARMAN: That is my
2 understanding. Mr. Chair, in that regard, I would like
3 to make request from the respondent to provide me
4 postings from the Ian Macdonald since they are calling
5 him as a witness. I think they are arguably relevant
6 to his potential calling as a witness.

7 THE CHAIRPERSON: Hold on a second.

8 MS KULASZKA: Ian Macdonald -- draft
9 as a witness in the last revision.

10 THE CHAIRPERSON: So he's not going
11 to be testifying?

12 MS KULASZKA: No.

13 MR. VIGNA: So in terms of the tab
14 23, is that all you wish to say, Mr. Warman?

15 MR. WARMAN: Yes, thank you.

16 MR. VIGNA: So we'll skip 24,
17 Mr. Chair, we can even extract it because it's going to
18 be found in the other tab.

19 THE CHAIRPERSON: Okay.

20 MR. VIGNA: And relates to the
21 present website.

22 THE CHAIRPERSON: So where do you
23 wish to go?

24 MR. VIGNA: 25 has already been
25 produced.

1 THE CHAIRPERSON: Yes, it has.

2 MR. VIGNA: So we'll go to 26.

3 THE CHAIRPERSON: 26.

4 MR. VIGNA: And we can go to 26-A.

5 MR. WARMAN: Yes.

6 MR. VIGNA: So can you tell me if you
7 recognize tab 26-A? I note we've identified them as B,
8 C, D until E. So go to each one individually.

9 First of all A, do you recognize it?

10 MR. WARMAN: Sorry, can you just give
11 me one second, please.

12 MR. VIGNA: I did not produce,
13 Mr. Warman, tab 24.

14 MR. WARMAN: I'm aware of that.
15 Mr. Chair, I'm just thinking, if I may, just discuss
16 with Mr. Vigna whether it's -- given the fact that
17 Mr. Macdonald has been dropped as a witness, whether
18 it's necessary to introduce this document.

19 THE CHAIRPERSON: As a party.

20 MR. WARMAN: Yes.

21 THE CHAIRPERSON: I'll allow it.

22 MR. VIGNA: Mr. Chair, I'm advising
23 my position for A, we won't need it any more, the
24 latest information we have.

25 THE CHAIRPERSON: Okay, that's for A.

1 MR. VIGNA: Now we go to B. I don't
2 know if you want to reorganize it?

3 THE CHAIRPERSON: You mean removing
4 it and sticking all the tabs back? No, that's fine.
5 We'll just leave it as is. Leave it as is. We'll be
6 simply removing A, ultimately, and it will only be 26-B
7 onwards. Eventually it will be removed when we do
8 the -- remember I indicated at the end of the hearing
9 we will be removing a whole number of tabs, assuming
10 some have not been produced.

11 MR. VIGNA: So we'll go straight to
12 26-B. There will be no A.

13 Can you look at 26-B, Mr. Warman, for
14 yourself and tell us if you recognize the document?
15 We'll produce it then we'll go through the document in
16 terms of its relevance and from which website.

17 So do you recognize the documents.

18 MR. WARMAN: I do. This is a 16-page
19 document that I printed off on the 11th of September
20 11th, 2002. It's entitled, "Online Petition - CAFE
21 Freedom of Speech Online Petition" and it's from
22 Mr. Fromm's website, canadianfreespeech.com. I was
23 printed off by me and provided to the Commission
24 pursuant to my complaint.

25 MR. VIGNA: And that's the date at

1 the bottom on the right-hand side?

2 MR. WARMAN: It is.

3 MR. VIGNA: Which would be the
4 11th --

5 MR. WARMAN: Of September, 2002.

6 MR. VIGNA: So we would like to file
7 this as the next exhibit.

8 THE CHAIRPERSON: Okay.

9 MS KULASZKA: Can I just raise a
10 little objection here? If I could get Mr. Warman's
11 testimony correct. He printed this off for this
12 complaint, is that correct, and gave it to the
13 Commission?

14 THE CHAIRPERSON: What did you just
15 say?

16 MR. WARMAN: Well, I'm not sure that
17 it was originally printed off pursuant to this
18 complaint, but it has been -- it's now provided to the
19 Commission pursuant to my complaint.

20 MS KULASZKA: Yes, I just noticed the
21 date on the bottom is 2002 and the complaint was 2003.
22 This was printed off a year before the complaint.

23 THE CHAIRPERSON: Okay. Interesting
24 point. But the witness --

25 MR. WARMAN: It has become relevant.

1 THE CHAIRPERSON: Bring it up in your
2 cross-examination, I guess, Ms Kulaszka, because for my
3 purposes right now all I need to know is can this
4 person identify this exhibit. He testified he printed
5 it off himself on this date. So it's produced.

6 MR. VIGNA: Just for clarity, if we
7 go to -- you mentioned earlier about archives. We are
8 going to be going to the computer at one point. If we
9 go to archives do you think we can try to locate this
10 petition in the archives?

11 MR. WARMAN: I'm not sure it would be
12 necessary, but it's possible.

13 MR. VIGNA: We'll try maybe seeing if
14 we can find it on the archives at one point later.

15 THE CHAIRPERSON: I didn't understand
16 Ms Kulaszka's concern to be related to whether or not
17 it was on the web but as to the timing of the printout.
18 I think that's best left for cross-examination.

19 MR. VIGNA: Can you tell us firstly,
20 Mr. Warman -- the last page talks about scripts created
21 by certain individuals. And what mention is there in
22 terms of individuals?

23 MR. WARMAN: Says, "Scripts created
24 by Matt Wright and edited by Marc Lemire". This is
25 a --

1 THE CHAIRPERSON: I'm sorry, what did
2 you read from just now?

3 MR. VIGNA: The last page, last
4 sentence.

5 THE CHAIRPERSON: Last page.

6 MR. VIGNA: Before you go any
7 further, from which website -- at the bottom we see
8 "Canadian Free Speech". Is this from the Freedom site
9 or another site?

10 MR. WARMAN: No, this is from
11 Mr. Fromm's website for the group, the Canadian
12 Association for Freedom of Expression, or Free
13 Expression.

14 So what this is, is this is a
15 Jeremiad, essentially, against Bill C-36, part of which
16 amended the Canadian Human Rights Act and made explicit
17 the fact that the Internet was included within the
18 meaning of telecommunications.

19 So this complains that this would gag
20 the Internet. It refers to portions of the Criminal
21 Code that would allow a judge to order deletion of
22 material from Canadian websites that might be "hate
23 propaganda" before any such charge had been proved.
24 I'm looking at the paragraph that's approximately four
25 inches from the bottom.

1 THE CHAIRPERSON: First page, right?

2 MR. WARMAN: Yes. "Whereas no one
3 died because of the Internet on September 11th, but
4 over 5,000 persons, including several dozen Canadians,
5 died because of poor screening of immigrants and
6 "refugees".

7 Then it continues to complain about
8 Bill C-36, portions that I believe to be relevant to
9 this.

10 Page 11 of 16 --

11 THE CHAIRPERSON: Just a second,
12 please. Page 11 of 16?

13 MR. WARMAN: The third posting down
14 states:

15 "It's a very sad state of
16 affairs when the government uses
17 the events of September 11 to
18 sneak legislation clauses that
19 restrict Canadians' rights to
20 freedom of speech. The 'human
21 rights' Commission is just a
22 tool used by special interest
23 groups to silence their
24 opposition. Where truth is no
25 defence and the commissioners

1 are clearly biases, the land of
2 'human rights' commissions is
3 sickening and scary. Please,
4 please, please do away with bill
5 C-36!"

6 Posting is signed Marc Lemire.
7 E-mail address is given, "webmaster@freedomsite.org
8 Toronto on, Canada, Wednesday, November 7, 2001." Then
9 gives a time.

10 I note in particular that Mr. Lemire
11 is associated with the webmaster@freedomsite.org.

12 At page 13 of 16, the third post down
13 states:

14 "Although this proposed
15 legislation now includes only
16 'hate propaganda within the
17 meaning of subsection 320(8) or
18 data within the meaning of
19 subsection 342.1(2)' it is very
20 a small step to expand it in the
21 future to include all the
22 grounds covered by the infamous
23 Canadian Human Rights Act (Race,
24 national or ethnic origin,
25 colour, religion, age, sex,

1 sexual orientation, marital
2 status, family status,
3 disability, et cetera). Given
4 the history of certain
5 well-financed religio-ethinc
6 special-interest pressure groups
7 with direct access to the
8 highest levels of government,
9 this is not an unreasonable
10 concern. See: --" then gives a
11 URL link to the website.
12 "It also appears that portions
13 of Bill C-36 are meant as
14 retaliation for our principle
15 stand in defence of freedom of
16 expression on the Internet, as
17 documented at --" and gives
18 another URL link.
19 "The authors and promoters of
20 the sections of Bill C-36 that
21 criminalize expression of
22 thought, ideas, belief and
23 opinion are a disgrace to
24 Canada. This proposed
25 legislation must be amended or

1 defeated."

2 MR. VIGNA: Signed?

3 MR. WARMAN: Bernard W. Klatt with
4 the e-mail address "bwklatt@ftcnet.com, Oliver, B.C.
5 Canada, Thursday, November 01, 2001".

6 MR. VIGNA: Are you familiar with
7 this individual in relation to this hearing and other
8 hearings?

9 MR. WARMAN: Yes. It's my
10 understanding the respondent intends to call him as a
11 witness.

12 Tabs C, D and E are --

13 MR. VIGNA: Before that, can you go
14 to page 14?

15 MR. WARMAN: Yes.

16 MR. VIGNA: Last -- "Bill C-36 is a
17 disgrace."

18 THE CHAIRPERSON: I lost you.

19 MR. VIGNA: "Bill C-36 is a
20 disgrace." Page 14 of 16.

21 THE CHAIRPERSON: I have it.

22 MR. VIGNA: Can you tell me what it
23 says and who says it?

24 MR. WARMAN: States:

25 "Bill C-36 is a disgrace. The

1 root cause of terrorism in
2 Canada is poorly screened
3 immigration. To fight terrorism
4 we must regain control of our
5 borders, which means keeping out
6 terrorists and those who hate
7 us, and deporting the legions
8 who have slipped through our
9 sloppy saggy nets. Instead, the
10 politically correct in Ottawa
11 have chosen to make war on
12 dissent, particularly on
13 immigration reformers whom they
14 fear. All who are concerned
15 should fax, e-mail or phone
16 their MPs and urge them to amend
17 C-36 and remove the attach on
18 the Internet."

19 It's signed Paul Fromm; e-mail
20 address is "paul@paulfromm.com, Rexdale Ontario Canada,
21 Tuesday, October 30th, 2001".

22 MR. VIGNA: Are you familiar with
23 this individual in connection with this hearing?

24 MR. WARMAN: Yes. He's representing
25 an intervenor, and it's my understanding the respondent

1 intends to call him as a witness.

2 MR. VIGNA: Is that all for B, or is
3 there anything else?

4 MR. WARMAN: Well, I believe that
5 what is meant by the expression, "given the history of
6 certain well-financed religio-ethnic special-interest
7 pressure groups," will come clear based on the
8 subsequent documents.

9 MR. VIGNA: Where were you reading
10 from?

11 MR. WARMAN: This is page 13 of 16
12 contained in the posting by Bernard Klatt.

13 MR. VIGNA: So now would you like to
14 go to tab C, 7C?

15 MR. WARMAN: Yes, please.

16 MR. VIGNA: So go through the tab and
17 let us know if you recognize the tab and then produce
18 it and we'll discuss the tab.

19 MR. WARMAN: This is the first link
20 from Mr. Klatt's posting. It is a five-page document
21 from the website geocities.com/ftcnet, and I downloaded
22 it on the 8th of December, 2006 and provided it to the
23 Commission pursuant to my complaint.

24 MR. VIGNA: When you say it's from --
25 from which website you are saying?

1 MR. WARMAN: It's a website
2 maintained on geocities but that is related to
3 Mr. Klatt's company. The company is called the
4 Fairview Technology Centre.

5 MR. VIGNA: So somebody that wants to
6 go to this document on the web would go, what, to
7 "geocities"?

8 MR. WARMAN: They would go to the URL
9 website "geocities.com/ftcnet", then whatever portion
10 that they wanted to go to.

11 MR. VIGNA: I would like to produce
12 this document.

13 THE CHAIRPERSON: Fine.

14 MS KULASZKA: Could I object to this?

15 THE CHAIRPERSON: Yes, you can
16 object.

17 MS KULASZKA: I think if they want to
18 use this somehow to discredit Bernard Klatt, they
19 should put that to Bernard Klatt. This has nothing to
20 do with Mr. Lemire. It's not from Mr. Lemire's
21 website. It's nothing to do with him. It's something
22 to do with Bernard Klatt. It shouldn't go in evidence
23 against Marc Lemire. They should be using it --

24 THE CHAIRPERSON: I see where you are
25 going.

1 MS KULASZKA: Then he can answer.

2 THE CHAIRPERSON: Right, except
3 perhaps what -- well, perhaps I'm anticipating your
4 remark. Precisely that, sometimes we have to
5 anticipate what evidence is coming and you put it in
6 through the witness who can identify it.

7 Are you putting it in for the
8 purposes of it being identified so that you can,
9 thereafter, put it to Mr. Klatt?

10 MR. VIGNA: That's the purpose from
11 the Commission's perspective.

12 THE CHAIRPERSON: I've seen it
13 before, that's why I'm raising it with you, simply so
14 that you don't object to this document being put to
15 Mr. Klatt at some point later and saying, we don't know
16 what this is.

17 MS KULASZKA: If that's the purpose
18 that's fine with me, but at this point Mr. Warman
19 shouldn't be giving any kind of testimony about it. He
20 doesn't -- he printed it off but I think it's up to
21 Mr. Vigna to put it to Mr. Klatt and he can --

22 THE CHAIRPERSON: Let's see where it
23 goes. Your initial objection, the answer to that is it
24 is simply for the purposes of identifying the document,
25 getting it properly produced so that it can then be put

1 to that witness. Am I correct?

2 MR. VIGNA: You are correct,
3 Mr. Chair, plus you can make the necessary distinctions
4 regarding Mr. Marc Lemire and Mr. Klatt in relation to
5 the documents when you assess the evidence.

6 THE CHAIRPERSON: So there's
7 something that relates to Mr. Lemire here? I'll let
8 you ask your questions. On the objection, I don't
9 maintain that objection.

10 MR. VIGNA: It's mainly Mr. Klatt.

11 THE CHAIRPERSON: I'm sorry?

12 MR. VIGNA: To my understanding, it's
13 Mr. Klatt, the announced witness. We are putting it in
14 now because Mr. Warman is able to identify the
15 document.

16 THE CHAIRPERSON: So it's been
17 identified and, therefore, produced.

18 MR. VIGNA: Are you okay?

19 MR. WARMAN: Yes, thank you.

20 MR. VIGNA: Do you take the same
21 position on the document, that it's for the purposes of
22 Mr. Klatt?

23 MR. WARMAN: Yes.

24 MR. VIGNA: So can you explain the
25 document and the relevance in relation to --

1 MR. WARMAN: Yes, what this -- this
2 is the first link that was provided by Mr. Klatt in his
3 posting to the website petition. And what it states is
4 Ottawa agrees with B.C. to expand hate law review.

5 It basically states that the British
6 Columbia Attorney General had asked for a review of the
7 Criminal Code to help fight hate crime, including hate
8 propaganda on the Internet. It says it's a release,
9 first off, from the Ministry of Attorney General, June
10 4th, 1998.

11 It indicates there's a belief that
12 the existing provisions of the Criminal Code have not
13 kept pace with the proliferation of propaganda through
14 new technology.

15 If you continue down, one of the
16 things that it states is about the fourth paragraph
17 from the bottom, or the fourth bullet point from the
18 bottom. It states:

19 "Allowing seizure of computer
20 hard drives storing hate
21 propaganda. _This should be a
22 fun assignment for rookie RCMP
23 constables)."

24 It continues and makes a reference to
25 the "...Aryan Dating Page (a 'hate' page according to

1 Sol Littman --" Sol Littman, being the former head of
2 the Friends of Simon Wiesenthal Centre Canada "-- and
3 Hatewatch.org)".

4 The comments that are in the
5 brackets, my understanding of those --

6 MS KULASZKA: I object to this. At
7 this point Mr. Warman has no knowledge whatever. That
8 should be put to Bernard Klatt.

9 MR. WARMAN: It's my belief.

10 MS KULASZKA: We can all believe
11 whatever we want. You have to have -- I mean, he could
12 put the document in, they could put it to Bernard
13 Klatt.

14 THE CHAIRPERSON: But he's also
15 testifying as to his understanding what the document
16 is, and you can cross-examine him on all of this.

17 MR. WARMAN: It's my belief that the
18 comments in brackets were inserted by Mr. Klatt in
19 response to the portions of the press release and that
20 the same style is followed through the documents that
21 will come afterwards.

22 At the bottom, the last point states:

23 "Expanding the identifiable
24 groups to include race, national
25 or ethnic origin, language,

1 colour, religion, sex, age,
2 mental or physical disability
3 and sexual orientation. (So we
4 are forbidden to express
5 'contempt' or 'hatred' for the
6 identifiable sexual orientation
7 of perverts?"

8 The next page states:

9 "The working group is co-chaired
10 by the Ministry of Attorney
11 General (B.C.), and the
12 Department of Justice. Dosanjh
13 said he will ensure that the
14 group share information and
15 strategies with the
16 federal/provincial/territory
17 working group that is addressing
18 pornography (don't most
19 pornographers have an
20 identifiable sexual
21 orientation?) and other
22 offensive materials on the
23 Internet?"

24 MR. VIGNA: Mr. Warman, the
25 connection to Mr. Klatt, can you tell us what your

1 deduction here?

2 MR. WARMAN: Yes, it's that Mr. Klatt
3 is responsible for the postings in brackets and that
4 also that this document appears on the website for the
5 company that I understand him to be the head of,
6 Fairview Technology Centre.

7 MR. VIGNA: And the website of that
8 company would be -- what would be the name, do you
9 remember?

10 MR. WARMAN: Well, the website is
11 here at the bottom, "geocities.com/ftcnet".

12 MR. VIGNA: But would the company be
13 a part of this larger website?

14 MR. WARMAN: No. Geocities, as I
15 understand it, is simply a larger U.S. company that
16 provided hosting space for a small website.

17 MS KULASZKA: Mr. Warman is not
18 being -- he should be accurate in his testimony. He's
19 missing out half of what is actually there. What it
20 actually says is,
21 "http://anon.user.anonymizer.com/http://www.geocities.c
22 om/ftcnet.bcagall.htm".

23 THE CHAIRPERSON: A mouthful, right?

24 MR. WARMAN: What was asked of me,
25 though, of where the website be found. And what I gave

1 was www.geocities.com/ftcnet.

2 MR. VIGNA: Okay. Perhaps later in
3 the tabs it can become clearer, because I see
4 something --

5 THE CHAIRPERSON: I just want to make
6 clear. What was your objection, Ms Kulaszka? Is is
7 the "anonymizer" part you want to clarify?

8 MS KULASZKA: Yes, he thought he
9 should be accurate about what's at the bottom of the
10 page.

11 THE CHAIRPERSON: Okay.

12 MR. VIGNA: So.

13 MR. WARMAN: So the next article
14 is -- indicates that it's a letter.

15 MR. VIGNA: "Your Adina" (ph)?

16 MR. WARMAN: No, I'm on page 2 of 3,
17 half-way down the page. It appears to be a letter from
18 the Attorney General of British Columbia to the former
19 Minister of Justice Anne McLellan, McLellan being
20 M-C-L-E-L-L-A-N.

21 States in the second paragraph:

22 "As you know, the Province of
23 British Columbia has been in the
24 public spotlight as a result of
25 Internet hate messages emanating

1 from Oliver, BC (unproven
2 accusation by BC AG). The mayor
3 and citizens of Oliver displayed
4 exemplary courage in resisting
5 (??with the help of CJC)"

6 -- meaning Canadian Jewish Congress --"

7 "this kind of activity and their
8 willingness to embrace diversity
9 in the community."

10 MR. VIGNA: Just for purposes of
11 information, this reference to Oliver and the mayor of
12 Oliver and certain appearances in Oliver, are you aware
13 from news reports what took place in Oliver and what
14 we're dealing with here exactly?

15 MR. WARMAN: I believe the next tab
16 will quite adequately address the question of what it
17 is that's being referred to.

18 MR. VIGNA: Okay.

19 MR. WARMAN: So what this is, this
20 just continues on with the request for cooperation.

21 On page 3 of 5 at point 3 it states:

22 "Provide definitions of both
23 possession and public place as
24 they relate specifically to
25 computers. This would reduce

1 the problem related to the
2 investigation and prosecution of
3 Internet crime."

4 There's a comment inserted:

5 "(Any ISP that is reluctant to
6 immediately delete web content
7 that Sol Littman, CJC, B'Nai
8 Brith, et cetera complains about
9 would be liable for charges
10 under this section.)"

11 Next page, page 4 of 5, at point 5,
12 it states:

13 "Expand the identifiable groups
14 enumerated under section 318.
15 There is no reasonable basis for
16 limiting the groups protected
17 from hate propaganda to colour,
18 race, religion and ethnic
19 origin. The groups protected
20 under the sentencing provisions
21 dealing with hate crimes,
22 (section 718.2), should be
23 mirrored in the hate propaganda
24 provisions. They would then
25 include race, national or ethnic

1 origin, language, colour,
2 religion, sex, age, mental or
3 physical disability, sexual
4 orientation"

5 -- in bold.

6 There's then a bracket, comment
7 inserted:

8 "(Child molesters, pedofiles,
9 pederasts, et cetera, will like
10 this! or any other similar
11 factor."

12 Another comment:

13 "Does he have any idea what cull
14 orientation includes.)"

15 So if you continue onto page 5 of 5,
16 there is a link at the end to "Petition to protect free
17 speech in Canada."

18 MR. VIGNA: Can you turn to tab D?
19 Do you recognize the tab and can you tell us where it's
20 from, the date and the inter-relation between the
21 previous exhibit and this one?

22 MR. WARMAN: Tab D is a 21-page
23 document from the FTC website, Fairview Technology
24 Centre. It was printed off by me on the 8th of
25 December 2006.

1 MR. VIGNA: Fairview Technology
2 Center is a company that belongs to who, to your
3 knowledge?

4 MR. WARMAN: Mr. Klatt.

5 MR. VIGNA: I would like to produce
6 the document, Mr. Chair.

7 THE CHAIRPERSON: Okay.

8 MR. VIGNA: So go through the
9 document and explain the relevance of the documents and
10 any inter-connection with the previous exhibit and how
11 it all is to be understood, one in regard to the other.

12 MR. WARMAN: Sure. Perhaps I can
13 just explain in terms of the URL address that's given
14 at the bottom of the page.

15 As I testified previously, its simply
16 an anonymizer program that does not result in you
17 giving out your IP address when you visit the website
18 that you so desire, in this case the geocities.com
19 website, and that was the purpose of me using the
20 anonymizer program, and it doesn't in any way affect
21 the content.

22 MR. VIGNA: Is that a program you
23 buy?

24 MR. WARMAN: You can buy it, yes.
25 They have, at times in the past, had free -- you can

1 use it for free in terms of using it as testing.

2 So what this is, this is material
3 entitled, "B.C. Tel versus Sensors." And it shows a
4 cartoon of a man on stilts above alligators or
5 crocodiles stating: "Free speech isn't worth saving."

6 It shows him dropping his briefcase
7 which has the inscription "ftcnet.com", Fairview
8 Technology Center, beside it, and the crocodiles or
9 alligators waiting below to eat -- that appear to
10 desire to eat the individual, are tabled as "Simon
11 Wiesenthal Center, CJC, C.A.R.E.S.", meaning the
12 Canadian Anti-Racism Education and Research Society,
13 the "Oliver Chronicle, S.A.C.A.R", which I understand
14 to be the Salmon Arm Coalition Against Racism, and
15 "B'Nai Brith".

16 THE CHAIRPERSON: Can you just give
17 me what your understanding of C.A.R.E.S. is again?

18 MR. WARMAN: Yes, the Canadian
19 Anti-Racism, Education and Research Society.

20 MR. VIGNA: What kind of organization
21 and where is it located?

22 MR. WARMAN: It's located in British
23 Columbia and it is a human rights group that is active
24 in the area.

25 THE CHAIRPERSON: Would you repeat

1 for me what S.A.C.A.R. is again?

2 MR. WARMAN: The Salmon Arm -- -

3 THE CHAIRPERSON: Oh, yes, the city,
4 or the town?

5 MR. WARMAN: Yes. Coalition Against
6 Racism.

7 MR. VIGNA: Is that a city in B.C.?

8 MR. WARMAN: I'm not sure of the
9 city, but it's a municipality in British Columbia.
10 And, again, the group has similar purposes to
11 C.A.R.E.S.

12 MR. VIGNA: Is it a nonprofit
13 organization?

14 MR. WARMAN: I'm not sure. I would
15 imagine they are, but I don't know their exact
16 corporate status.

17 So basically what the next 21 pages
18 purport to do is that they give news articles in
19 relation to Mr. Klatt and his company, the Fairview
20 Technology Center, along with what I believe are
21 inserted comments by Mr. Klatt throughout.

22 So what we have is on page 2 of 21 at
23 the fifth paragraph from the bottom, sixth paragraph
24 from the bottom, Mr. Klatt is quoted as saying:

25 "'Besides you, me and Sol, do

1 you really think anyone else in
2 the South Okanagan is actually
3 interested in any of this?'
4 Klatt asked, referring to Sol
5 Littman of the Friends of Simon
6 Wiesenthal Center."

7 He's quoted as saying:

8 "Why does it matter? Do you (or
9 Littman, CJC B'Nai Brith) plan
10 to smear any network access
11 provider that provide a
12 connection to ftc.com regardless
13 of whether or not any
14 controversial websites are
15 actually hosted on an FTCnet
16 server?"

17 Klatt did confirm that he gave B.C.
18 Tel notice of termination in April. States -- this is
19 at page 3 of 21, second last paragraph:

20 "Asked whether he was being
21 unduly persecuted due to the
22 controversy over the websites
23 previously carried on his
24 server, Klatt said the real
25 issue now is that he feels the

1 Wiesenthal Center is falsely
2 accusing him of carrying racist
3 sites now, which he denies.
4 (Who determines if a website is
5 racist?)"

6 The next material is entitled,
7 "Racist site still active.
8 Oliver's Bernard Klatt up to his
9 old tricks, according to Simon
10 Wiesenthal Centre."

11 Then goes on and indicates that there
12 is some dispute about whether Fairview Technology
13 Center has in fact ceased hosting material.

14 The next article that starts on page
15 4 of 21 is entitled, "B.C. Tel criticized over Web
16 hate-site service".

17 States:

18 "Opponents of the site want
19 service for an Oliver Internet
20 provider cut off."

21 States:

22 "B.C. Tel said Friday it found
23 hate propaganda on an Oliver
24 Internet service provider's
25 website."

1 Goes through to quote a number of
2 individuals in relation to the nature of the content
3 that was on the website. Quotes an individual
4 stating -- named Allen Dutton, who's one of the leaders
5 of the Canadian Anti-Racism Education and Research
6 Society on page 5 of 21.

7 MR. VIGNA: Which paragraph?

8 MR. WARMAN: The second last
9 paragraph states:

10 "He said the Fairview site
11 included (a whole range) of hate
12 material including, at one time"
13 -- there's a comment inserted --

14 "alleged death threats on a page
15 for a French group called the
16 Charlemagne Hammer Skinheads."

17 States:

18 "Some members of the group have
19 been charged in France and the
20 page has recently"

21 -- comment inserted --

22 "it wasn't renewed, been pulled
23 from the Fairview site."

24 THE CHAIRPERSON: Will you be putting
25 this material to Mr. Klatt?

1 MR. VIGNA: Yes. It's for the sole
2 purpose of cross-examination, it's not for the --

3 THE CHAIRPERSON: Mr. Warman at this
4 point seems to be really reading stuff that's already
5 there. I know on occasion you've had your own input,
6 but -- for instance, explaining to me what your
7 understanding is of some of these abbreviations of
8 acronyms. But if you are just reading into the record
9 material that you'll be putting to Mr. Klatt --

10 MR. VIGNA: We'll skip and we'll just
11 put it into the record and go to E. Is that okay with
12 you, Mr. Warman?

13 MR. WARMAN: That's fine.

14 MR. VIGNA: Can you tell us if it's
15 in connection to Mr. Klatt or something else? If you
16 recognize the document, firstly.

17 MR. WARMAN: Yes. This is a one-page
18 document that I printed off from the FTCnet website on
19 the 8th of December, 2006 and provided it to the
20 Commission pursuant my complaint.

21 MR. VIGNA: I would like to file it
22 as an exhibit.

23 THE CHAIRPERSON: Hm-hmm.

24 MR. VIGNA: It's for the purposes of
25 cross-examination, eventually, for Mr. Klatt. Can you

1 tell us, Mr. Warman, what the document is represents?

2 MR. WARMAN: Yes. It's simply a page
3 stating:

4 "What happened to FTCnet.com?
5 Is free speech dead in Canada."
6 States that it was the last free
7 speech ISP in Canada. It gives
8 an e-mail address for Mr. Klatt.
9 It lists a number of things,
10 links to a number of other
11 documents, and one of the
12 websites it links to is the
13 Freedomsite, and that's the
14 third last link on the page.
15 Then immediately under that
16 there's the Ayran dating page.

17 MR. VIGNA: To your knowledge, and
18 only if you know, FTCnet, do you know who owns that, if
19 you know?

20 MR. WARMAN: To the best of my
21 knowledge it's Mr. Klatt's company.

22 MR. VIGNA: Now, the next document,
23 F, relates to another witness that's anticipated. Can
24 you tell us if you recognize the document and, if so,
25 you can just read it for the record -- put it the

1 record. Do you recognize the document?

2 MR. WARMAN: This is a nine-page
3 document that I printed off on the 21st of February,
4 2003 and subsequently provided it to the Commission
5 pursuant to my complaint. It's from website
6 sobran.com. It's an article entitled "For Fear of the
7 Jews".

8 MR. VIGNA: Now, this Sobran name,
9 what's the connection with this hearing?

10 MR. WARMAN: My understanding is it
11 is respondent's intention to call him as a witness.

12 MR. VIGNA: What's his full name?

13 THE WITNESS: I believe it's Joseph
14 Sobran.

15 MR. VIGNA: Is there anything in
16 particular you want to read from the document or we'll
17 deal with it when the witness shows up?

18 MR. WARMAN: No, I believe the
19 material largely speaks for itself.

20 MR. VIGNA: So that's been produced?

21 THE CHAIRPERSON: Yes.

22 MR. WARMAN: At this point,
23 Mr. Chair, we can perhaps call it a day and we'll
24 continue tomorrow with the second binder which deals
25 primarily with the present website, and concurrently

1 I'll perhaps go to get a better visual representation
2 on the Internet or the website FreedomSite and we'll
3 show it on the wall.

4 THE CHAIRPERSON: Yes.

5 MR. VIGNA: We have paper copy of the
6 present website.

7 THE CHAIRPERSON: That's the smaller
8 binder here?

9 MR. VIGNA: Yeah, the green one.

10 MR. FOTHERGILL: Before we leave this
11 last document, I don't see Mr. Sobran's name on the
12 respondent's witness list. I do recall at one point
13 there was suggestion he might be called as an expert on
14 the constitutional issue, which is the only reason I'm
15 addressing it. I'm wondering if Ms Kulaszka will ever
16 clarify for us whether in fact Mr. Sobran is expected
17 to be called.

18 MS KULASZKA: Joseph Sobran was never
19 on our witness list.

20 THE CHAIRPERSON: So he's not
21 testifying?

22 MS KULASZKA: He's not. He's never
23 been our witness. I think Mr. Warman is getting
24 confused.

25 MR. WARMAN: Sorry, I believe it was

1 Mr. Fromm's witness, in fact.

2 MR. FROMM: He originally was
3 supposed to be on our witness list, because of health
4 reasons -- we obviously never got an expert report from
5 him so that's -- he's not on the witness list.

6 MR. VIGNA: Maybe we can disregard it
7 in that case.

8 THE CHAIRPERSON: The exhibit?

9 MR. VIGNA: What do you think,
10 Mr. Warman?

11 MR. WARMAN: Yes.

12 THE CHAIRPERSON: Well, it's been
13 produced now.

14 MR. VIGNA: You don't have to
15 consider it.

16 THE CHAIRPERSON: Fine, I won't
17 consider it. We've already ticked it off. We'll leave
18 it in the binder. Okay. So we'll take our break then
19 until tomorrow morning. Is that your suggestion?

20 MR. VIGNA: Yes, Mr. Chair. 10
21 o'clock, right?

22 THE CHAIRPERSON: Okay. 10 a.m.

23 --- Adjourned at 5:05 p.m.

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I hereby certify the foregoing to be
the Canadian Human Rights Tribunal
hearing taken before me to the best
of my skill and ability on the 30th
day of January, 2007.

Sandra Brereton
Certified Shorthand Reporter
Registered Professional Reporter