

RICHARD WARMAN
- and -
CANADIAN HUMAN RIGHTS COMMISSION

Complainant

- and -

Commission

CANADIAN HERITAGE ALLIANCE

- and -

MELISSA GUILLE

Respondent

REASONS FOR DECISION

MEMBER: Pierre Deschamps 2008 CHRT 40
2008/09/30

I. INTRODUCTION 1

II. THE RELEVANT PROVISIONS OF THE CANADIAN HUMAN RIGHTS ACT 2

III. PRELIMINARY CONSIDERATIONS 3

A. The additional examples 3

B. The credibility of Mr. Warman 7

C. The status of the Canadian Heritage Alliance 8

D. The involvement of Ms. Guille in the Canadian Heritage Alliance 10

E. The constitutional challenge 14

F. The security measures put in place at the hearing 14

IV. SUBSTANTIAL ISSUES 15

A. Legal Issues 15

B. Legal Analysis 16

(i) Is the material referred to in the complaints likely to expose a person or a group of persons to hatred and/or contempt on the basis of a prohibited ground of

discrimination? 16

(ii) Was the impugned material communicated repeatedly in whole or in part on the Canadian Heritage Alliance website? 41

(iii) Did the Respondents, Melissa Guille and Canadian Heritage Alliance, communicate or cause to be communicated the impugned messages by means of the Internet? 42

(iv) Is the Respondent, Canadian Heritage Alliance, a group of persons for the purposes of section 13(1) of the Act? 42

V. REMEDIES 43

A. Cease and Desist Order 43

B. Order to pay a penalty 45

VI. ORDERS 57

I. INTRODUCTION

[1] On August 11, 2004, Mr. Richard Warman, the Complainant, filed a complaint against Ms. Melissa Guille in which he alleges that, on July 21, 2002 and onward, the latter discriminated against persons or groups of persons on the basis of sexual orientation, religion, race, colour and national or ethnic origin, by repeatedly communicating messages through an Internet website that would likely expose gays and lesbians, Jews, and Muslims, First Nations, Blacks, Arabs, other non-whites, and Roma (aka Gypsies) to hatred and or contempt contrary to section 13(1) of the *Canadian Human Rights Act*.

[2] The Complaint provides, according to the Complainant, eight representative samples of discriminatory material posted on the Canadian Heritage Alliance (CHA) website. The Complainant concludes that, based on the foregoing examples, he believes that Melissa Guille has discriminated against persons or groups of persons on the basis of sexual orientation, religion, race, colour, and national or ethnic origin, by repeatedly communicating messages through an Internet website that would likely expose gays and lesbians, Jews, and Muslims, First Nations, Blacks, Arabs, other non-whites, and Roma (aka Gypsies) to hatred and or contempt contrary to section 13(1) of the *Canadian Human Rights Act*.

[3] On August 11, 2004, Mr. Richard Warman filed a separate complaint against the Canadian Heritage Alliance alleging that, on July 21, 2002 and onward, the Canadian Heritage Alliance discriminated against persons or groups of persons on the basis of sexual orientation, religion, race, colour and national or ethnic origin, by repeatedly communicating messages through an Internet website that would likely expose gays and lesbians, Jews, and Muslims, First Nations, Blacks, Arabs, other non-whites, and Roma (aka Gypsies) to hatred and or contempt contrary to section 13(1) of the *Canadian Human Rights Act*.

[4] Given the similarities of the two complaints, the Tribunal will deal with them together.

[5] The Commission fully participated at the hearing into the complaint and was represented by legal counsel. The Complainant, who is a lawyer, represented himself. As for the Respondents, they were represented by two agents, duly recognized as such by the Tribunal. The Tribunal heard two witnesses: Mr. Warman and Ms. Guille.

II. THE RELEVANT PROVISIONS OF THE CANADIAN HUMAN RIGHTS ACT

[6] Section 13 of the *Canadian Human Rights Act* which deals with hate messages provides that

- (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.
- (2) For greater certainty, subsection (1) applies in respect of a matter that is communicated by means of a computer or a group of interconnected or related computers, including the Internet, or any

similar means of communication, but does not apply in respect of a matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

(3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of that matter.

[7] Section 3 of the *Act* defines the prohibited grounds for discrimination. It reads as follows:

- (1) For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.
- (2) Where the ground of discrimination is pregnancy or child-birth, the discrimination shall be deemed to be on the ground of sex.

III. PRELIMINARY CONSIDERATIONS

[8] Before analysing the substantive issues that the present complaints raise, there are a number of preliminary issues that the Tribunal must consider. These are A. the additional examples of possible violations of section 13 of the *Act* tendered in evidence by the Complainant and the Commission, B. the credibility of Mr. Warman, C. the status of the Canadian Heritage Alliance, D. the involvement of Ms. Guille with respect to the Canadian Heritage Alliance website, E. the constitutional challenge, F. the security measures that had to be put in place at the hearing.

A. The additional examples

[9] In the course of his testimony, Mr. Warman referred to 37 postings which he downloaded from the Canadian Heritage Alliance website and which he alleges contravene section 13 of the *Canadian Human Rights Act*. These postings can be put into two categories: 1. articles written by different individuals which address different topics, 2. threads in which individuals expressed their views in relation to the views expressed by other individuals able to post on the CHA website.

[10] At the hearing, the issue arose as to whether or not the Tribunal was limited to the eight representative examples listed in the two complaint forms or could also consider the 37 or so postings and articles found in Exhibit HR-1, Tab. C of the Commission's Book of documents. The Respondents objected to the documents found in Exhibit HR-1, Tab. C being considered by the Tribunal given that they were not mentioned in the complaint forms. The Tribunal ruled that the postings found in Exhibit HR-1, Tab. C were admissible, but took the Respondent's objection under advisement.

[11] The record shows that, at the time of the filing of his complaints against Ms. Guille and the Canadian Heritage Alliance, Mr. Warman in his complaint forms specifically referred to 8 postings on the Canadian Heritage Alliance website which, according to him, showed a breach of section 13 of the *Canadian Human Rights Act*.

[12] The evidence shows that additional examples were adduced in evidence by the Complainant and the Commission later in the process. The record shows that the two complaint forms that

were referred to the Tribunal were never amended so as to incorporate additional examples of possible breach of section 13 of the *Canadian Human Rights Act* in them.

[13] The Respondents argued that this is a breach of the principle of natural justice, that a respondent, whoever he may be and however serious the allegations that are made, should know off-hand, from the beginning, what is the case that he or she has to meet so as to be in a position to defend himself or herself adequately. The Tribunal agrees.

[14] In *Warman v. Kyburz*, 2003 CHRT 18, the Tribunal had to decide if material filed with the Tribunal shortly before the hearing was to begin were admissible. The Commission asked to file the material, notwithstanding that the documents had not been disclosed to the Respondent in advance of the hearing. The Tribunal allowed the material to be filed at the hearing, reserving its decision as to what weight, if any, should be attributed to the documents. The Tribunal, after having stated that the complaint did allege that the discriminatory practice was ongoing, ruled that it did not need to resolve this issue and indicated that the additional documents added little to the complaint, in that they simply consisted of further examples of the type of messages already described.

[15] In *Warman v. Winnicki*, 2006 CHRT 20, the Commission asked that the complaints that had been referred to the Tribunal be amended to include additional grounds of discrimination. The Tribunal granted the request and the complaint was amended to include the additional grounds and the new material, referred to as the post-referral evidence, was appended to the revised complaint. The Tribunal stated in its decision that, as a result of the Tribunal's ruling, excerpts of the post-referral evidence were incorporated into the particulars of the amended complaint. The Tribunal further indicated that the amended complaint specifically contemplated the possibility that additional evidence of the violation of section 13(1) would occur by including the words 'and ongoing' in the date of the alleged discriminatory conduct. It must be noted here that the respondent did not object when the Commission introduced the post-referral evidence, which is not the case in the present proceedings.

[16] In *Warman v. Kouba*, 2006 CHRT 50, however, material that post-dated the filing of the complaint was submitted as evidence of the on-going violation of section 13 of the *Act* as alleged in the complaint form without any motion to have the complaint amended being brought. The Tribunal found it appropriate for it to consider the evidence that post-dated the filing of the complaint. The Tribunal based its decision on the fact that the respondent did not object to the production of the post-complaint material, that the evidence related to the ongoing nature of the alleged violations of the *Act*, and the fact that the respondent had notice through the complaint form and the disclosure of the material that additional material would be presented during the hearing.

[17] In an earlier decision, *Leblanc v. Canada Post Corporation*, (1992) 18 C.H.R.R.D/57, the Commission led evidence of incidents of alleged discrimination which were not set out in the complaint form. The Tribunal heard the evidence. In its decision, the Tribunal stated that it would have been preferable if the Commission had provided the respondent with particulars of every incident of discrimination being relied upon in the complaint form. However, it went on to say that in an administrative hearing such as this one, the Commission and the complainant are not necessarily restricted to the four corners of the complaint form. The Tribunal further stated

that the new evidence should be considered in light of the fairness of admitting it and concluded that, in that case, the respondent knew the case it had to meet.

[18] Complaints brought pursuant to section 13 of the *Act* are not ordinary discrimination complaints in that the *Act* provides, since 1998, that a respondent can be ordered to pay a penalty of up to ten thousand dollars. The addition of a penal element to the *Canadian Human Rights Act* is not, as one can see, without consequence for a respondent.

[19] The Tribunal is of view that, in any human rights complaint, a respondent is entitled to be provided with all the material elements upon which the Complainant and the Commission intend to rely on to prove a breach of the *Act*. The material elements should not only be part to the disclosure but of the complaint itself so that the respondent will know precisely the case he or she has to meet and be in a position to fully defend himself or herself.

[20] The fact that the complaint forms indicate with respect to the date of the alleged conduct 'ongoing' does not imply that the Commission or the Complainant can, at their leisure, add additional events or documents to the complaint without respecting the rules of natural justice and of procedural fairness.

[21] The Tribunal is of the view that, if additional material is considered by the Commission or the complainant to potentially be in breach of section 13 of the *Act*, they can, as the case law shows, ask that the complaint be amended so as to introduce additional elements of potential discriminatory acts. To say that the respondent was not taken by surprise by the filing of additional documents does not meet the procedural fairness principle of a hearing and the right of a respondent to present a full defence to any allegation of improper conduct made against him under section 13 of the *Act*.

[22] Furthermore, it is important to note that if a respondent is made aware that specific postings or articles are problematic and possibly in breach of section 13 of the *Act*, he or she will have the possibility of removing them, thus reducing the exposure of targeted groups to hatred and contempt.

[23] In the present case, the record shows that the Complainant expressed the belief in his complaint forms that, *based on the foregoing examples*, which amounted to eight, Ms. Guille was in breach of Section 13(1) of the *Canadian Human Rights Act*. If this is the case, then the addition of new material would only provide further examples of potential discriminatory acts. Basically, the eight examples provided in the complaint forms would still be in themselves sufficient to make the Commission's and the Complainant's case against the Respondents.

[24] The Tribunal is cognizant of the fact that Section 48.9 of the *Canadian Human Rights Act* states that *proceedings before the Tribunal shall be conducted as informally and expeditiously as the requirements of natural justice and the rules of procedures allow*. However, the Tribunal is of the view that the principles of nature justice and of procedural fairness trump expediency of the process and require that respondents be fully apprised, from the start and throughout the proceedings, what will be the case they will have to meet.

[25] The evidence shows, as will be seen, that Ms. Guille, upon learning that some postings or articles were problematic, decided to remove them from the Canadian Heritage Alliance website as soon as she learned of their existence. One can surmise that had she known earlier, i.e. at the

time of the filing of the complaint, she would probably have removed them earlier from the website, thus diminishing the exposure of the general public to material that is contrary to section 13 of the *Canadian Human Rights Act*.

[26] The Tribunal thus finds that Respondents' objection with respect to the filing of additional material by the Commission without having amended the complaint forms to be well founded. Hence, the Tribunal will not make findings with respect to the additional material listed in Annex 1.

B. The credibility of Mr. Warman

[27] In the present proceedings, the Respondents attacked Mr. Warman's credibility on many fronts.

[28] Firstly, the Respondents argued that Mr. Warman is a human rights activist who specializes in making complaints based on article 13 of the *Canadian Human Rights Act* and who formerly worked for the Commission. Secondly, the Respondents argued that Mr. Warman was not truthful about his identity using the pseudonym David Mclean in his dealings with Ms. Guille and the Canadian Heritage Alliance. Thirdly, the Respondents stated that Mr. Warman was himself in breach of section 13 of the *Act*, for having created accounts on racist websites using the name Lucie Aubrack and the90sareover and posted material, using pseudonyms such as axetogrind, that could be considered hateful. Fourthly, the Respondents argued that Mr. Warman was evasive in his answers.

[29] The record shows that Mr. Warman has, over the years, litigated many complaints referred to the Tribunal by the *Canadian Human Rights Commission*. The Tribunal cannot ignore the fact that Mr. Warman is a human rights activist and that this may colour at times his testimony. This said, the Tribunal when making its determination as to whether or not there was a breach of section 13 of the *Act* and as to whether or not the material tendered in evidence constitutes hate messages will have to take into consideration not only the testimonial evidence of Mr. Warman but also the documentary evidence tendered.

[30] Furthermore, the Tribunal is of the view that the fact that Mr. Warman used a pseudonym, i.e. David Mclean, in his communications with Ms. Guille and the Canadian Heritage Alliance should not come as a surprise. This is common practice when going on the web. Generally speaking, people will not reveal their true identity.

[31] With respect to the fact that Mr. Warman might have posted on the Canadian Heritage Alliance website or on other websites material that could be contrary to section 13 of the *Canadian Human Rights Act*, the Tribunal finds that no conclusive evidence was tendered showing that this was the case. This said, if the Respondents feel that Mr. Warman has contravened section 13 of the *Act*, they can themselves file a complaint with the *Canadian Human Rights Commission*.

[32] As for Mr. Warman's evasiveness in his testimony, the Tribunal finds that Mr. Warman's answers were not always straightforward and notes that a certain form of animosity existed between himself and Respondents' agents which led Mr. Warman to object to questions put to him because he felt they were not relevant. As stated earlier, the Tribunal will consider the whole

of the evidence, testimonial, documentary and circumstantial to make its determination as to whether or not section 13 of the *Act* was breached by the Respondents.

C. The status of the Canadian Heritage Alliance

[33] In her testimony, Ms. Guille stated that the Canadian Heritage Alliance website was a means for people to express their views on free speech and government policies, that people could come to the website and post their articles and opinions, that they could start a thread in the forum section and exchange views, that debate was really promoted.

[34] Ms. Guille testified that at first, individuals posting on the forum section had to join up but later did not have to. She added, however, that because of some nasty things being written in the forum section, individuals had eventually to sign up or register in order to be able to post in the forum section. This allowed her to have knowledge of their email and IP address. Ms. Guille stated that this did not entail joining a group but joining a website.

[35] Ms. Guille stated in her testimony that if an individual wanted to post an article on the website, he would visit a specific link on the website, that this would give him a page with a user name field and a password field. The individual would then click "submit" and that would bring him to a form where he would post his material. When submitted, articles were posted immediately.

[36] [Ms. Guille testified that individuals joining the website needed to agree to the terms of service which stated that people were responsible for what they posted on the forum section and that they could not post things that were overtly hateful or crude. According to Ms. Guille, the number of people who joined the forum amounted at first to 100 then went down to around 20 to 30, that the number varied from year to year.](#)

[37] Ms. Guille expressed the view that the Canadian Heritage Alliance website was just a website. Asked about the membership, she stated that it was more a membership to the website, that there was, in fact, no membership list. Asked why a membership was created, she stated that it was to provide those interested in the website an information package explaining what the website was used for.

[38] The documentation tendered in evidence by the Complainant, and the Commission which was obtained from the Canadian Heritage Alliance website, as well as the material produced by the Canadian Heritage Alliance, such as the Membership Guide, show that the Canadian Heritage Alliance describes itself as a *collection of dissident writers and concerned Canadians* who seek to revive the civil liberties of the Canadian citizen that have been smothered by the voice of special interest groups. The documentation indicates that the Canadian Heritage Alliance is centered in Southern Ontario, but has members all across Canada and in the USA. The information found on the Canadian Heritage Alliance website also refers to the fact that the CHA is a *Canadian political lobby group*, formed in August 2000 to give political expression to Canadian citizens.

[39] The evidence further indicates that Canadian Heritage Alliance publishes a newsletter (Canadian Heritage News) and has staff journalists, that Ms. Guille is the Publications Director and Managing Editor of the Canadian Heritage News, that membership cards are issued as well as an information package.

[40] Whether or not Canadian Heritage Alliance has a membership in the traditional sense of the word, i.e. individuals who become part of an organisation, are issued a membership card, have the right to elect members to a Board of directors, pay dues, receive a newsletter, is somewhat irrelevant, or at least not conclusive in this case to the determination as to whether or not the Canadian Heritage Alliance constitutes a group of persons acting in concert. The Canadian Heritage Alliance describes itself as a *collection of dissident writers and concerned Canadians as well as a political lobby group*. The Tribunal finds that this, in itself, is sufficient to establish that the Canadian Heritage Alliance constitutes a group of persons acting in concert pursuant to section 13(1) of the *Canadian Human Rights Act*.

[41] Hence, the Tribunal finds that Canadian Heritage Alliance is more than a website, as argued by the Respondents, but that it is in fact a group of persons acting in concert for the purposes of section 13(1) of the *Act*. The Tribunal thus finds that the Canadian Heritage Alliance is a proper respondent in this case and that it is within the authority of the Tribunal to make an order as against it.

D. The involvement of Ms. Guille in the Canadian Heritage Alliance

[42] Beyond a shadow of a doubt, the record establishes that Ms. Guille is the site administrator or webmaster of the Canadian Heritage Alliance website. A WHO-IS search conducted by the Complainant reveals that Ms. Guille was, at the time of the complaint, the registrant contact, as well as the administrative, technical and billing contact of the Canadian Heritage Alliance website. A posting on the Canadian Heritage Alliance forum made by Ms. Guille indicates that she is the site administrator.

[43] In an email exchange with David Mclean, a.k.a. Richard Warman, Ms. Guille states that she was one of the three individuals involved in the creation of the Canadian Heritage Alliance. She furthermore testified that she registered the url for the website and set up the website, i.e. created a visual page with information links, the title page and categories.

[44] In her testimony, Ms. Guille acknowledged that she was the person who had the power to remove what had been put on the website, that she was the person who edited postings and articles and who designated the moderators for the website. She however added that she did not know their identity and had no authority over the moderators.

[45] Asked what steps she took before deciding who would become a moderator, Ms. Guille answered that she looked at their postings on previous boards and made the decision to whether or not select them as moderators. She chose, she said, individuals who had a long history of posting on the forum and with whom she never had any problems. She testified that moderators could remove and edit material. Asked if it would not have been appropriate to have a more substantive record of who these people were, Ms. Guille stated that she did not feel that it was necessary.

[46] Ms. Guille further testified that she did not know the identity of the individuals posting on the Canadian Heritage Alliance website. She stated that usually people will not provide their true identity, that the Canadian Heritage Alliance website is dedicated to free speech and that this meant discussing controversial issues that may not be part of every day conversations. Ms. Guille stated that controversial issues were for her immigration, free speech, race, culture, ethnic origin, religion, sexual orientation.

[47] Asked who was in charge of the Canadian Heritage Alliance website forum, she stated that nobody was specifically in charge but that, as the administrator, she took care of the back-end content and that if she came across something that needed to be removed or edited, she would remove it.

[48] Ms. Guille testified that were a few complaints about some of the postings, that if someone took strong exception to an article, she enjoyed it because it opened up the discussion and that if someone brought something to her attention as being problematic, the decision to remove the material would depend on the nature of the problem. Asked what she used to guide herself, she stated that she used her best judgment, that she could not hire a lawyer, that when she received the complaint, she realized that she had to take into account more that section 319 of the *Criminal Code*.

[49] Given Ms. Guille's testimony, the Tribunal finds that Ms. Guille had full control over the Canadian Heritage Alliance website.

[50] On another note, the evidence shows that Ms. Guille has close ties with neo-nazi and white supremacists sympathizers which, in this day and age, is quite disconcerting. Throughout her testimony, she referred to her friends, who are shown to be neo-nazi sympathisers on pictures tendered in evidence by the Commission, as associates. She stated candidly when asked if she had any difficulty sitting in a room with a nazi flag hanging on the wall that she did not see this as problematic.

[51] Asked in the course of her testimony if she was a white supremacist or a neo-nazi, she stated that she was not, that she treated everybody equally, that in her university days, she had to deal with people of various racial backgrounds or sexual orientations, and that today, in the relationship with her community and in her workplace, she did not have difficulty in getting along with people of different backgrounds.

[52] There is not doubt in the Tribunal's mind that, over and above the fact that the Canadian Heritage Alliance website is a forum for discussion of very sensitive and controversial subjects, the people who are associates of Ms. Guille, the case law shows, have been found to be close to the neo-nazi and the white supremacist movements and found to have been in breach of section 13 of the *Act*. The Tribunal is however mindful that this, in itself, does not prove that Ms. Guille and the Canadian Heritage Alliance have violated section 13 of the *Act*.

[53] Ms. Guille, the evidence shows, has strong views about her European heritage and is prepared to fight for its preservation. Ms. Guille testified that when she refers to the notion of culture, she refers to the European culture and when referring to the European culture, she is referring to her family heritage. For her, those who fall under the umbrella of European heritage are people from different parts of Europe and include people who have grown up in Europe or whose ancestors are from Europe.

[54] Ms. Guille indicated in her testimony that for her, the European culture is different from the muslim faith, that, for her, Europe is a geographic region built up of different races such as Italians. Asked if in her definition of the European culture, she included people from Africa, Ms. Guille stated that it did not include Caribbean immigrants to England and added that the latter did

not consider themselves as Europeans because they wanted to hold on to their own cultural heritage.

[55] In her testimony, Ms. Guille described herself as a nationalist who expressed her concerns about how Canada was evolving, about immigration and freedom of speech. She stated that she saw Canadians being oppressed whereas minorities had the right to free speech, that they benefited of more leniency, that Canadians were not allowed to speak out against anything that was going on. She also stated that she was proud of her country; she expressed the belief that every culture has its own rights, including the right to be free and equal within their own culture. Ms. Guille further stated that she had concerns about the high costs related to the integration of immigrants, that the money was not being used for education and the health care system.

[56] Ms. Guille stated in her testimony that she opposes gay marriage and that she should be allowed to be for or against gay marriages. She testified that when she went to a gay marriage protest, there were people from other religious groups present. She expressed the belief that everyone has a right to free speech, that she believed that there should be unequivocal free speech aside from death threats and criminal acts.

[57] Ms. Guille further testified that she was not aware of the existence of section 13 of the *Canadian Human Rights Act* and that the articles and postings on the Canadian Heritage Alliance website violated section 13 of the *Act* even though she followed closely, the evidence shows, the Zündel trial. Ms. Guille acknowledged that she was aware of the complaints made by Mr. Warman against Mr. Kulbashian and Mr. Richardson as well as Mr. Winnicki.

[58] Ms. Guille further stated in her testimony that even after this hearing, she still did not know what violates the *Canadian Human Rights Act*, that the hearing has not given her insight as to what violates the *Act*, that the *Act* is vague and not clear at all as to what constitutes hate given that no clear guidelines exist. Hopefully, after reading this decision, Ms. Guille will.

E. The constitutional challenge

[59] In August 2007, the Respondent, Melissa Guille, filed a notice of constitutional challenge in relation to the present proceedings. In her notice, the Respondent indicates that it intends to question the constitutional applicability, validity and effect of section 13 of the *Canadian Human Rights Act*. The Tribunal ruled, at the time, that it would first hear the merits of the case, issue a decision and suspend the execution of its decision so as to allow the Respondent to duly present its notice of constitutional challenge before the Tribunal.

[60] The record shows that in November 2007, Ms. Guille's agent made another request in which he asked the Tribunal to consider the notice of constitutional challenge before the resumption of the hearing on December 10, 2007. In a letter sent to the parties on November 20, 2007, the Tribunal issued the following directives which still hold: As indicated by the Tribunal's instruction of August 27, 2007, the Charter issue raised by the Respondent will be heard by the Tribunal at a later time, after the merits of the complaint.

F. The security measures put in place at the hearing

[61] The record shows that extraordinary measures were taken during the hearing to ensure the safety of everyone, the tribunal, the parties, their counsels or agents. The hearing was held in different venues. For the most part of the hearing, two Toronto policemen were present, one

inside, the other outside of the hearing room. Two security agents were hired by the Tribunal to check personal belongings. Except for the Tribunal member and the Registry Officer, people were wanded with a metal detector. Furthermore, it appears that bodyguards were hired to ensure the protection of the Commission's lawyers and the Complainant. The measures put in place by the Tribunal were necessary to ensure the protection of *everyone* attending the hearing. They however, at times, created a tense atmosphere in the hearing room between the parties.

IV. SUBSTANTIAL ISSUES

[62] As stated by this Tribunal in *Warman v. Warman*, 2005 CHRT 36, the *'purpose of section 13 of the Canadian Human Rights Act is to remove dangerous elements of speech from the public discourse. The removal of these elements of speech from the public discourse promotes equality, tolerance and the dignity of the person. It also protects the member of minorities from the psychological harm caused by the dissemination of racial views which result inevitably in prejudice, discrimination and the potential of physical violence'* (*Warman*, par. 36).

A. Legal Issues

[63] The burden of proving a breach of section 13 of the *Act* lies on the Complainant and the Commission. HE WHO ALLEGES MUST PROVE. In order to prove a breach of section 13 of the *Act*, the following questions must be answered in the affirmative:

- (1) Is the material referred to in the complaints likely to expose a person or a group of persons to hatred and/or contempt on the basis of a prohibited ground of discrimination?
- (2) Was the impugned material communicated repeatedly in whole or in part on the Canadian Heritage website?
- (3) Did the Respondents, Melissa Guille and Canadian Heritage Alliance, communicate or cause to be communicated the impugned messages by means of the Internet?
- (4) Is the Respondent, Canadian Heritage Alliance, a group of persons for the purpose of section 13(1) of the *Act*?

The Tribunal will analyse these different questions in turn.

B. Legal Analysis

(i) Is the material referred to in the complaints likely to expose a person or a group of persons to hatred and/or contempt on the basis of a prohibited ground of discrimination?

[64] The Tribunal must first determine if the material found on the CHA website is likely to expose members of the targeted groups to hatred or contempt.

[65] The words likely, expose, hatred or contempt have taken on a special meaning in the context of article 13 of the *Act* as the case law evolved. One of the leading cases is *Nealy v. Johnston*, (1989) 10 C.H.R.R., D6450 where the Tribunal analysed the wording of section 13 of the *Act*. Since then, the Tribunal has retained the interpretation given in *Nealy* to the words likely, expose, hatred or contempt.

[66] In *Nealy v. Johnston*, the Tribunal stated that the wording *likely to expose a person or persons to hatred or contempt* meant that it is not necessary that evidence be adduced that any particular individual or group took the messages seriously and in fact directed hatred or contempt

against another or others, that it was enough to prove that the matter in the messages was *more likely than not* to spark a positive reaction amongst some of the listeners to it which will likely in turn manifest itself in hatred and contempt towards the targets of the messages.

[67] With respect to *hatred*, the Tribunal stated that the focus was a set of emotions and feelings which involve extreme ill will towards another person or groups of persons. To say that one hates another means in effect that one finds no redeeming qualities in the latter. The Tribunal went on to say that *contempt* is by contrast to hatred a term which suggests a mental process of looking down upon or treating as inferior the object of one's feelings.

[68] As for the term *expose*, the Tribunal stated that an active or intent on the part of the communicator or a violent reaction on the part of the recipient are not envisaged, that to expose to hatred indicates a more subtle and indirect type of communication than vulgar abuse or overtly offensive language. For the Tribunal, expose meant to leave a person unprotected, to leave without shelter or defence, to lay open (to danger, ridicule, censure, etc.).

[69] No expert evidence was called in the present case. The Respondents argued that the Tribunal could not determine the true nature of the material posted on the Canadian Heritage Alliance website without the benefit of such evidence. The fact of the matter is that it belongs to the Tribunal, given the criteria set out in the case law, to make the final determination as to whether or not a posting or an article is in breach of section 13 of the *Act*.

[70] In *Warman v. Kouba, 2006 CHRT 50*, the Tribunal set out a non-exhaustive list of eleven hallmarks of hate messages, accompanied by an elaboration of on each of the hallmarks. These hallmarks are the following:

- (1) The Powerful Menace Hallmark: the targeted group is portrayed as a powerful menace that is taking control of the major institutions in society and depriving other of their livelihoods, safety, freedom of speech and general well-being;
- (2) The True Story Hallmark: the messages use true stories, news reports, pictures and reference from purportedly reputable sources to make negative generalizations about targeted group;
- (3) The Predator Hallmark: the targeted group is portrayed as preying upon children, the aged, the vulnerable, etc.;
- (4) The Cause of Society's Problems Hallmark; the targeted group is blamed for the current problems in society and the world;
- (5) The Dangerous or Violent by Nature Hallmark: the targeted group is portrayed as dangerous or violent by nature;
- (6) The No Redeeming Qualities Hallmark: the messages convey the idea that members of the targeted group are devoid of any redeeming qualities and are innately evil;
- (7) The Banishment Hallmark: the messages communicate the idea that nothing but the banishment, segregation or eradication of this group of people will save others from the harm being done by this group;
- (8) The Sub-human Hallmark: the targeted group is de-humanized through comparisons to and associations with animals, vermin, excrement, and other noxious substances;
- (9) The Inflammatory Language Hallmark: highly inflammatory and derogatory language is used in the messages to create a tone of extreme hatred and contempt;
- (10) The Trivializing or Celebration of Past Tragedy Hallmark: the messages trivialize or celebrate past persecution or tragedy involving members of the targeted group;

(11) The Call to Violent Action Hallmark: calls to take violent action against the targeted group.

[71] The evidence of the Complainant and of the Commission consisted mainly of Mr. Warman reading into the record passages of email strings found on the Canadian Heritage Alliance website as well as passages or the full text of articles found on the website.

[72] As ruled above, the Tribunal will only be analysing the 8 examples referred to in the original complaint forms. The Tribunal has however reproduced the relevant excerpts of the other examples provided to the Tribunal by the Commission and the Complainant in an Annex to this decision.

[73] Mr. Warman testified that he became aware of the Canadian Heritage Alliance website in the early 2000. He stated that he concluded that it was a neo-nazi and white supremacist website not only from the content of the site but also his knowledge of the individuals involved and their non website activities.

[74] In his complaint forms, Mr. Warman refers to eight examples taken from the Canadian Heritage Alliance website that he believes constitute material that falls under section 13 of the *Canadian Human Rights Act*. Mr. Warman testified that the threads and articles were downloaded from the forum section of CHA's website.

1. <http://www.canadianheritagealliance.com/forum/viewtopic.php?t=492>

[75] In his complaint forms, the Complainant writes that these constitute forum postings in which it is argued that the Holocaust did not occur, that the gas chambers in concentration camps did not exist, that the media is controlled by Jews, and that Jewish-owned businesses should be boycotted and that Ms. Guille participated in this forum thread. The record shows that the title of the thread is: *Auschwitz: Myths and Facts*. This document was marked as Exhibit HR-1, C-1.

[76] In his testimony, Mr. Warman read into the record the following posts made by different individuals using a pseudonym. Mr. Warman noted that one of the individuals, Fearless Beaver, presented himself as a moderator. Mr. Warman stated that he was limiting himself here to what he found to be reprehensible. Asked how he had accessed these posts, Mr. Warman stated that he went to the forum section of the Canadian Heritage Alliance website and accessed them directly. Membership was not required to access the site, he stated.

Panzer-dragoon

Nearly everyone has heard of Auschwitz, the German wartime concentration camp where many prisoners -- most of them Jewish - were reportedly exterminated, especially in gas chambers. Auschwitz is widely regarded as the most terrible Nazi extermination center. The camp's horrific reputation cannot, however, be reconciled with the facts.

Bizarre Tales

At one time it was seriously claimed that Jews were systematically electrocuted at Auschwitz, American newspapers, citing a Soviet eyewitness report from liberated Auschwitz, told reader in February 1945 that the methodological Germans had killed Jews using an electric conveyor belt on which hundreds of persons could be electrocuted simultaneously [and] then moved on into furnaces. They were burned almost instantly, producing fertilizer for nearby cabbage fields.

At at the Nuremberg Tribunal, chief U.S. prosecutor Robert Jackson charged that the Germans used a newly invented device to instantaneously vaporize 20 000 Jews near Auschwitz in such a

way that there was no trace left of them. No reputable historian now accepts either of these fanciful tales.

He (Fred A. Leuchter) concluded by emphatically declaring that the alleged gassing facilities could not possibly have been used to kill people. Among other things, he pointed out that the so-called gas chambers were not properly sealed or vented to kill human beings without also killing German camp personnel.

Dr. William B. Lindsey, a research chemist employed for 33 years by the Dupont Corporation, likewise testified in a 1985 court case that the Auschwitz gassing is technically impossible. Based on a careful on-site examination of the gas chambers at Auschwitz, Birkenau and Majdanek, and on his years of experience, he declared: I have come to the conclusion that no one was willfully or purposefully killed with Zyklon B (hydrocyanic acid gas) in this manner. I consider it absolutely impossible.

I've been personally looking into this story going 6 years. I've read, heard and seen practically everything I could get my hands on from both sides of the fence. My basic conclusion. This story in large is a fraud, probably the biggest swindle in human history to date. Think of it as the Weapons of Mass Destruction of the 1940's.

Fearless Beaver

The holohoax is big business and the most important trump card for international zionism. Whether it is true or not doesn't matter. All that matters is that it is important.

Angry taxpayer

It is all jewish zionist bullshit. The media is controlled and not free.

The world is under the power of the jewish zionists. They have all the money and power and influence and it is going to take some man/woman or group to be able to expose and destroy it. A tough battle indeed.

[77] Finally, Mr. Warman pointed out that Ms. Guille had made a post in relation to this string of posts. Ms. Guille's post, which is in response to the following post made by Panzer-Dragon - I am one caucasian who is proud of is (*sic*) race, are you: reads as follows:

As much as the left would like us to feel shame in our culture, ancestry, and history, it's important we remember that we have NOTHING to feel guilty for. And being proud of one's identity is NOT shameful.

[78] With respect to this first post, asked what she did when she saw the item referenced in the complaint form, Ms. Guille stated that by the time she received the complaint, these forum postings were already gone, that they had been on an old forum.

[79] Asked with respect to this thread if she thought that the holocaust should be discussable (*sic*), she replied that for her, anything historical should be discussed and open to debate, because everybody has a different perspective on what happened. Asked with respect to that thread to comment on what she had written, she stated that she might not have read the first post because it

was too long. She further stated that the content of threads could veer-off in a different direction than the first posting.

2. <http://www.canadianheritagealliance.com/forum/viewtopic.php?t=303>

[80] In his complaint forms, Mr. Warman writes that these Forum posting suggest that non-white women who have relationships with black men feel sorry for these nogs, that most whites who have relationships with black men have AIDS and/or many sexually transmitted diseases as a result, that white women who have sexual relationships with black men deserve to die as a result, and that their children will have AIDS too. Mr. Warman goes on to state that this is the clean version after Ms. Guille herself edited one of the postings citing concern over Canadian hate laws. The record shows that the title of the thread is: *Which brings me to the race mixing*. This document was marked as Exhibit HR-1, Tab. C-5.

[81] It must be noted here that in this thread, Kwazimodo is referred to as a moderator and that, in response to one of the post made by cyanid_assassin, Ms. Guille refers to the Forum rules. Furthermore, it must be noted that Ms. Guille presents herself as the Site Adm(nistrator).

[82] In his testimony, Mr. Warman read into the record the following posts:

Sonofthesun

A lot of people would say this isnt a big deal but I think it is. Here are some examples: do you mix 2 different kinds of cereal together for breakfast? Would you buy a car made up of half ford and half chevy. Do you mix grape juice with orange juice. So why create parts and hybrids of human flesh. - are we dogs.

Cyanide_assassin

Hey I agree with you all the way all I see in my city is wiggers and half breeds its just wrong, my kids, when I have them will be going to school with these things and at this pace there should be many more in 5 years were going to be infested with them someone needs to open the eyes of these stupid chicks were in trouble.

Gladius

You can thank the media and all the brainwashing that comes with it. Oh, and politics, well, political correctness. I think white girls feel sorry for these nogs or they think its fashionable or they are showing the world (society) how UNracist they are. What ever happened to instinctive traits like staying with your own kind?

Cyanide_assassin

no matter what we do were in for a long slow battle that may never be won if its cool to be white again then we lose anyway,

do you want to befriend or fuck a converted wigger? I don't.

if all of a sudden north america stoped liking rap and blacks, all the white girls and guys will want white again and then the white race will be fucked because most wiggers have aids and many std's from the black man,

im sure you all see the way the hiphop influenced people, behave they all fuck each other usually with no protection. I say let them all die off, fuck the wiggers, they've made there choice, all the little mud children will have aids too.

one more thing why do you think the so called sisters don't take their black men back from these stupid wiggers, im sure they need dick but nobody wants to fuck a black girl except a black man but their too busy fuckn the white chicks, so if there are any black girls on here (better not be).

You're not a threat. You're a fucking disease.

[83] At the end of the post, it is mentioned that it was edited by admin. Follows the following post by Melissa:

Melissa, Site Admin

Cyanid Assassin, I understand your frustration, but please keep in mind the forum rules. Any commentary advocating violence are not tolerated on the forum and will be edited and could lead to banning. Our anger and frustration can be revealed by educating ourselves and others about the current situation and actively fighting it in a non-violent way.

Specifically

1. Any messages, data, or images that might be considered to be obscene or which advocates violence will not be tolerated. Re the C.H.A statement: Canadian Heritage Alliance does not condone the use of violence to achieve political and social change. Any reference to revolution within these pages is a reference to a dramatic change of one's belief system - a revolution of the mind.

5. Please refrain from using fowl (*sic*) language. As of right now the censors are relaxed, though we reserve the right to change this at any time without notice. If at any point posts become too vulgar (*sic*), a private warning will be served. If vulgar language persists, we reserve the right to ban the offending individual's (*sic*)

Cyanide_assassin

sorry about that I got so into it didn't even notice.

Melissa, Site admin

It's angering and frustrating that we must walk on egg shells when we only need to vent - but the hate laws in Canada (right now) allows anyone but Europeans to vent. But we can follow their racist, oppressive, outrageous laws because we have fact, truth, and reason on our side. Though it's not much when the leaders and lawmakers in Canada are not rational people themselves - but the public listens.

And it's the people we need to educate to help us fight the laws our politicians are using as weapons to keep us from revealing the truth.

Kwazimodo, moderator

When a superior race breeds with an inferior race, then the outcome may be superior to the inferior race but must be inferior to the superior race.

Once you go black, you can never go back. Kwazimodo.

Shockwave

Many revolting things are happening, to be sure, but we have to forget about those things for now and fight battles we can win.

Kwazimodo

ACHTUNG Micksen mitte der Racen, verboten is. Kwazimodo (Mr. Warman's rough translation was: Attention, Race mixing is forbidden).

[84] Mr Warman mentioned, in his testimony, that Ms. Guille had a post that followed without reading it into the record. The post reads as follows:

I really don't watch much TV, and less since the programs and commercials all seem to include a political viewpoint. BUT only one viewpoint. Our viewpoint is censored (what happened to Free Speech?) All I can say is I'm thankful for the ability to block channels on TV.

[85] Ms. Guille testified, in relation to this thread, that the person who starts a thread creates the title. Ms. Guille added that every culture or most cultures feel the same about losing their own identity, that she did not see why European people should be prevented from discussing this topic. She acknowledged that this was a hot topic. She acknowledged having read of few postings on the topic of interracial relationship.

[86] With respect to the post by cyanide_assassin, Ms. Guille testified that she remembered having edited this post so that the person could get his point across but taking out a lot of the grotesque description it contained. She stated that she believed that this post was part of the old forum and that it was gone by the time she received the complaint. Ms. Guille testified that given the frustration expressed by cyanide_assassin, she felt that she needed to remind him of the forum rules, notably that any comment advocating violence would not be tolerated on the forum and would be edited and could lead to banning.

[87] Asked to explain the meaning of the word *wiggers*, she stated that they are white people who have taken on the Black culture, listen to rap music, identify themselves with the black culture, and the social attributes that go with it. Asked about her own post, what she meant by *egg-shells*, she stated that she was referring to the fact that the political correctness laws in Canada are very limiting and prevent people from discussing issues which some feel important, that they generate a sense of anger.

[88] For Ms. Guille, people need to talk about things so as to get it out of their system. Ms. Guille further acknowledged that there were things that she could not allow people to say but that

she did not get offended easily. She stated that she would edit what she thought might be offensive. Asked if she edited comments about violence because she found them offensive or wrong, she answered because she found them wrong and that there were no reasons to talk about hurting people.

[89] Asked in cross-examination if he found that the postings made by Ms. Guille here were contrary to section 13 of the *Act*, Mr. Warman answered that this question cannot be answered in isolation but stated that Ms. Guille was discriminating against non-white when one considers the messages in their entirety and totality.

3. http://www.canadianheritagealliance.com/news_opinion/articles/pierce/hell.html

[90] In his complaint forms, Mr. Warman states that this article is the clean version posted by Ms. Guille in order to attempt to protect herself against Canadian anti-hate legislation. According to Mr. Warman, this article claims slavery is legal in Israel, that one of Israel's embassies ran a child prostitution ring, that the Jews control the media, that 3 Jews controlled a huge child pornography ring from Moscow that showed children being raped, tortured and killed, that those who control the media should be exterminated root and branch as a class, that Russians have a valid reason for hating the Jews, that Jews are responsible for organized crime in Russia, that Jews murdered tens of millions of Russians, that Jews have forced thousands of young Russian women into prostitution, and now they kidnap Russian children to rape and sexually torture to death for child-porn films. That those Jews not involved in child-pornography cover for those who do. Mr. Warman notes that the full version of this article had already been found by the Canadian Human Rights Tribunal to constitute hate messaging in the *Warman v. Kyburz* case, 2003 CHRT 18.

[91] The record shows that the title of the article is: *There will be hell to pay*, by Dr. William Pierce. This document was marked as Exhibit HR-1, Tab. C-11. Mr. Warman noted again at the hearing that this article was found in *Warman v. Kyburz* to be in violation of section 13 of the *Act*. Mr. Warman noted that the Canadian Heritage Alliance indicates that the article needed to be edited so that it would conform to Canadian legislation and that the full article could be found here, with a link to the full text. At the hearing, Mr. Warman read into the record long excerpts of this article. Here are some of the more salient excerpts:

White-slave business flourishes in Israel because in that country slavery is not illegal (...)

The Jews have a tighter grip on the news media in the United States than almost anywhere else in the world and are quite successful at keeping most Americans from hearing about their shenanigans.

The freaks, I am sorry to say, are not all Jews, although Jews are () represented among them. The majority, in fact, are Gentiles. I don't know what makes people become so perverse that they enjoy watching a film of a five-year old girl being raped and sexually tortured.

My view is that such people should simply be killed on the spot whenever and wherever they are found. More than that, the people who promote and encourage this extreme individualist mind-set through their control of the media should be exterminated root and branch as a class. Does that sound extreme?

Twenty thousand dollars for a film of a little blond, blue-eyed Russian girl being raped to death; 1,700 customers for such films. Well, I guess there must be some pretty rich () filmmakers in Moscow. And you haven't heard a word about any of it before my broadcast today, have you? Can you imagine what it would have been like if real Russians instead of () gangsters had been kidnapping and murdering little Jewish children in Moscow so they could film the murders and sell copies of the film to rich Gentile perverts? It would have been on television firmly warning the Russian government that it must do more to catch the Gentiles responsible and to protect the Jews from them. The Jews would be moaning about the Holocaust again and holding out their hands for reparations from the Russian government.

And it's why I recently have begun reexamining the whole subject of Jewish ritual murder - because, you know, it worked in the past the same way it works today. Some little group of () perverts or () religious fanatics carrying out some hate-filled injunction in the Talmud gets caught for murdering a Gentile child, and the other () try to buy off the authorities.

Well, as I said, one of these days there will be hell to pay, and that day can't come too soon.

[92] Ms. Guille testified that Dr. Pierce advised her that it should be edited to conform to Canadian laws. Ms. Guille also stated in her testimony that the edits she made are reflected by the three little dots that appear between the square brackets. Ms. Guille further stated that this article, before it was removed, was in the article database on the website and that anyone could post an article, that people could read the article but could not post comments.

[93] Asked what she did when she received the complaint, Ms. Guille stated that she removed the edited version of the article. Asked how she felt about having to edit the article, she stated that for her, it was just an opinion, that she was upset that people could not enjoy the full article in Canada. Asked what guide she had when editing the article, Ms. Guille testified that she read it as somebody who would be offended by comments in the article, that she tried to find what might be offensive to people, that she thought that she had edited it enough and added that it appears that she had not.

4. http://www.canadianheritagealliance.com/news_opinion/articles/millard/death.html

[94] In his complaint forms, Mr. Warman writes that this article states that non-white immigration and miscegenation is genocide against whites that is worse than the Black Plague that struck Europe in the Middle Age, that miscegenation is like AIDS, that non-white immigration promises to wipe out all Europeans.

[95] The record shows that the title of the article is *The Black Plague* and was written by H. Millard and submitted by Joe. This document was marked as Exhibit HR-1, Tab. C-13. At the hearing, Mr. Warman read long excerpts of this article into the record. Here are some of the most salient excerpts:

There are a variety of names for various aspects of this new Black Death: non white immigration, cross-breeding, miscegenation, blending, assimilation, genocide, low birth rates. Call it what you will. It is a reality. Whites are dying as a people, and we who are now alive are watching it happen right before our eyes. Our people are being erased from the Earth.

Unfortunately, many white people either don't even know about the new Black Death, or if they do they are often unconcerned about it. White minds have become so infected that whites are often alienated and completely unconnected to who and what they are, so when they hear of whites becoming extinct, it doesn't phase them. So what, they may say. There are plenty of people on the planet.

The new Black Death is far more insidious and infects the genes of a person and is passed on to every child who is born. It wipes out entire family lines that have been in existence for hundreds of thousands of years and robs people of their natural right to exist as white people. This new Black Death turns white people into non-white people, and in a single generation it can destroy a family line, and turn all its members into carriers of the Black Death.

Once the genes of a family are infected, there is no cure. You can actually watch as entire white families turn ever darker.

The Black Death transforms white people into non-white people. The white skin turns dark. The hair gets dark. The facial features change. The eyes turn dark. The voice changes. The brain changes. They are no longer white people. There are those who argue that this isn't a bad thing and that it is just natural, but one cannot argue that it is the death of white people when this happens.

You can be certain that no one will try to save white people from extinction if white people won't do it themselves.

The Black Death lurks in the genes, and like AIDS it is spread through sexual contact. Every mating of a white person with a non-white person helps spread the Black Death and kills off with genes.

Protect your family from the Black Death.

Teach your children the truth about genes, race, history, and about the virulent white haters who are pushing the Black Death disguised as anti-racism, tolerance, and diversity.

Teach your children how to survive, and how to avoid genocide, extinction, and non-being.

[96] Ms. Guille acknowledged in her testimony that the article was on the website, but that she was not the author of the article and that she was not the person who posted it. She testified that she first found out that this article was problematic when she received the complaint and stated that she removed it within a week of receiving the complaint.

[97] Asked if she found anything offensive in the article, she stated that she did not read it until she removed it, that she did not personally find it offensive, that every culture has a feeling of self preservation and that it was an opinion. Ms. Guille further testified that she found the article to be interesting and did not find anything that might have been contrary to section 13 of the *Act* or the criminal law.

[98] Ms. Guille expressed the view that the subject matter of the article was opened for discussion. Asked if she agreed that whites are dying as a people, she answered that she agreed

with this and went on to say that she believed these statements to be true, i.e. that our people (white people) are being erased from the earth.

5. http://www.canadianheritagealliance.com/news_opinion/articles/gullet/christian-identity.html

[99] In his complaint forms, Mr. Warman writes that this article states that Jews murdered Jesus and are the anti-Christ, that Jews are the literal children of Satan, that Jews promote non-white immigration and miscegenation in order to serve Satan and destroy Western man, that it is our duty to drive out the Jews, that Jews are wicked and that we must begin the eternal destruction of the wicked. The title of the article is: *Our Christian Identity (sic)* and was written by Pastor Morris L. Gullet. The document was filed as Exhibit HR-1, Tab. C-14. The article contains long citations from the Bible interspersed by personal comments. At the hearing, Mr. Warman read into the record long excerpts of this article. Here are the more salient ones.

The Torah to the Jew is the first five books of the Bible. That is all that they say is valid. But you see, they give their own Talmud and oral law more credence than the Torah even. See the comment on shrewd pragmatism. That means whatever works for the Jew. And they can change their law to suit their purposes whenever they please. Shrewd pragmatism hhh. This is simply another way of being deceptive. A play on words is what it is. But what do you expect from a people who Jesus said were of the Devil the father of lies.

()

Now that we have identified who Israel is and who Israel is not. We have identified the enemies of the Living God to be the anti-Christ Jew, the descendants of Satan. The people against whom YHVH hath indignation forever. It is indeed a blessing now to know and understand the word of God and to know that we are among His called and chosen few. We have much work to do. So it is time to be busy about our fathers work. The awakening of our kindred Israel, the eternal destruction of the wicked and the bringing in of the kingdom of our Father and God, YHVH ...

[100] Ms. Guille acknowledged that this article was posted on the Canadian Heritage Alliance website but that she was not the person who posted it. She further stated that when she received the complaint, she removed the posting.

[101] With respect to this article, Ms. Guille testified that she was aware that this article had been posted and added that there were other articles dealing with religion on the website that reflected different views.

6. http://www.canadianheritagealliance.com/news_opinion/articles/francis/shocked.html

[102] In his complaint forms, Mr. Warman writes that this article states that African immigrants to France are annihilating Parisian and French civilization, that millions of African and Muslim immigrants are torching Paris, and their cousins in London, England eat rat feces as a delicacy. "...if you allow millions of savages to invade your country, the country will become a land of savages".

[103] The record shows that the title of this article is *Shocked, Shocked to Find Racial Polarization Going On!* The article is written by Samuel Francis and it is mentioned that it was submitted by Graeme Voyer. This document was marked as Exhibit HR-1, Tab. C-22.

[104] At the hearing, Mr. Warman read into the record long excerpts of the article that he found objectionable. Here are a few salient excerpts:

While the millions of African and Muslim immigrants are torching Paris, their cousins in London are feasting. In that city, projected to have a non-white majority by 2010, police investigating a mysterious human torso recently found floating in the Thames suspect that human flesh is being sold in local markets, according to Last week's Observer. (Human flesh on sale in London, Antony Barnett, Paul Harris and Tony Thompson, Observer, Sunday November 3, 2002).

There's no doubt that such rare delicacies as crocodiles' heads, chimpanzee meat, and (my own personal favorite) West African bushrat are being - well - gobbled up at fancy prices in London by African immigrants whose descendants will inherit the city of Johnson and Dickens, The torso itself is believed to be that of a five-year old African boy who was the victim of a ritualistic killing linked to a West African form of voodoo-like religion. The crocodiles heads are medicinal, since they're believed to increase male sexual potency.

As in Paris, of course, there is a geographical answer or something like it to explain why the future population of Great Britain is suddenly adopting cannibalism, witchcraft and human sacrifice. That's the answer most newspapers, commentators, academics, and even police will give you.

And then there's the real answer - that if you allow millions of savages to invade your country, the country will become a land of savagery.

[105] Ms. Guille acknowledged that this article appeared on the Canadian Heritage Alliance website. She stated in her testimony that she became aware that this article was problematic when she received the complaint and removed it from the website. She stated that she read the article after receiving the complaint but not in full.

[106] Asked if she saw in the article anything that she considered to be hateful, she answered in the negative, that this was something that was happening in France and could be discussed. Asked to comment on the paragraph starting by *There's no doubt*, Ms. Guille stated that she found nothing hateful about the paragraph, that it was an opinion based on news articles from newspapers such as The Observer. She further expressed the view that if news can be reported, why should discussing it be hateful.

7. http://www.canadianheritagealliance.com/news_opinion/articles/kwazimodo/911.html

[107] In his complaint forms, Mr. Warman refers to the fact that the article states that no Jews died in the attacks in New York City on 11 September 2001 and that this was because they were warned in advance to stay away, that Osama bin Laden is Jewish and that the attacks were in fact part of a Jewish plot. The title of the article is: *9/11 Wrapped Up*, and is written by Kwazimodo. The document was marked as Exhibit HR-1, Tab. C-34B. At the hearing, Mr. Warman read into the records the following passages of the article:

At the last count on file here, the death toll was something like Gentiles: 2800, Jews:0. This leads one to suspect that there was foreknowledge of 9/11 plans in certain quarters so that one section of the population normally present in the Twin Towers could receive a warning to stay away, while the rest of the population could be blissfully unaware. The problem, as seen here, is how could such an intricate operation as 9/11 be in the planning process and execution, highly secretive, and yet be known to Jewish interest?

Your humble servant has had a revelation. It was disclosed in a publication from an Australian source of high credibility that Osama bin Laden's mother is Jewish. Another source in England supplied the information that she has a sister living in a part of London, England, that is a heavily Jewish neighbourhood. Now Jewish law states that if a mother is Jewish, then the child is Jewish. This gives rise to the following Syllogism:

Jewish law states that if a mother is Jewish , then the child is Jewish

Osama bin Laden's mother is Jewish

Therefore Osama bin Laden is Jewish

Now we ask you, when you connect the dots, do you see any connection between Osama bin Laden (paragraph 2) and Jewish interests (paragraph 1) which could explain the casualty count in 9/11? Sorry it took so long to piece together, but your obscure writer does not have the resources of Mr. Asper's newspaper empire

[108] Ms. Guille acknowledged that this article was on the Canadian Heritage Alliance website at the time of the complaint, that she did not write it and that when she received the complaint, she removed the article as well as another similar article. Ms. Guille testified that prior to the complaint, she had not read this article.

[109] Asked if she saw any problem with the article, Ms. Guille stated not overtly, that it was an opinion piece, but stated that she would not agree with the article. She further stated that there had been a lot of points of view posted on the Canadian Heritage Alliance website about 9/11. Ms. Guille added that she did not know who Kwazimodo was even if she had appointed him as a moderator.

8. www.canadianheritagealliance.com/news_opinion/articles/unknown/crimes.html

[110] In his complaint forms, Mr. Warman states that this collection repeats historical anti-semitic hate propaganda that purports to show Jewish crimes throughout the past several hundred years, that Judaism is Demonic and a Darkness unto the nations, that Jews seek to invade, dominate, enslave wherever they are with the goal of Jewish world domination (p.1 of 14) , that Judaism is like some pernicious infection that destroys the body that it has invaded. (p.3). Mr. Warman goes on to reproduce excerpts of the article:

Our anti-Semitism, therefore, is not to be confused with call for violence, for disorder, or for pointless recriminations: on the contrary, it must be a doctrine of clairvoyance, of systematic protection; our anti-Semitism will be embodied in binding regulations and adamant laws that must and shall be - like it or not! - enforced by the full power of the State!

.....

Spare a Tear for the Dead of Auschwitz. The only living being that the Germans exterminated at Auschwitz was - the louse.

Either/Or. We must now solve the most urgent of all problems, and that is, of course, the Jewish Problem; there are only two alternatives: we must expel them, or we must massacre them.

[111] The title of this article is *Museum of Jewish Crimes* and is written by unknow authors. This document was marked as Exhibit HR-1, Tab. C-36. At the hearing, Mr. Warman read into the record long excerpts of this 14 page long article. The Tribunal has reproduced herein some of the most salient excerpts:

George Batault

Invalidate, Dominate, Enslave. In their deepest essence unadaptable, and in a very real sense unadaptable, to the particular nation to which they allegedly belong, the Jews fatally and instinctively strive to reform and transform the host nation's institutions in such a way that laws and customs become solely and exclusively adaptable to the ends that the Jews themselves pursue; these ends may seem at first to be practical, but ultimately, and above all, the goals turn out to be messianic in their scope and intent. The ultimate imperial destiny toward which the Jews are striving, notwithstanding temporary trials and failures along the way, will always remain the unconditional victory of Israel, which will usher in the ultimate reign over the prostrate world that Israel has at last conquered and enslaved, according to the explicit prophecy of Isaiah.

Judaism insinuating, tenacious, and mysterious, an entity that grew and spread across the ancient world like some pernicious infection that destroys the body that it has invaded. As the initial success, and ultimately the total victory, of Judaic conceptions have marked the decline and then the downfall of the ancient world, we are completely justified in maintaining that the Jews brought absolutely nothing to ancient civilization except the most powerful ferment of dissolution.

Jakob Friedrich Fries

Therefore, the Jewish sect must be torn out root and branch from German soil, since it is quite obvious that of all the secret political societies the most dangerous is Jewry, just as of all the states within the state the most dangerous is Jewry. (How Jewry Imperils Germany, 1816)

Charles Hagel

Our anti-Semitism, therefore, is not to be confused with call for violence, for disorder, or for pointless recriminations: on the contrary it must be a doctrine of clairvoyance, of systematic protection; our anti-Semitism will be embodied in binding regulations and adamant laws that must and shall be - like it or not! - enforced by the full power of the State!

Joris-Karl Huysmans

One must wonder what on earth is happening here in the Frankfurt ghetto, which bears so little resemblance to the Foelistrat in Amsterdam, a lazaret-house that features the more familiar Jewish

types, where both men and women sport abundant manes of kinky hair, oozing eyes, noses shaped like the snouts of tapirs, gaping mouths, and shiny brows perpetually dusted by the flour of dandruff.

Darquier de Pellepoix

Spare a Tear for the Dead of Auschwitz. The only living being that the Germans exterminated at Auschwitz was - the louse.

Either/Or. We must now solve the most urgent of all problems, and that is, of course, the Jewish Problem; there are only two alternatives: we must expel them, or we must massacre them.

F. Trocasse

You Know Who Is to Blame! Anti-Semitism would not possess such mighty roots if there were not such mighty reasons that both explain and justify its existence:

Who buys the house and its furniture after having ruined its former owners? The Jew!

Who evicts the poor peasant from this ancestral hearth? The Jew!

Who encourages the spread of moral filth and degradation among young people? The Jew!

Who concocts fraudulent bankruptcies? The Jew!

Who steals from the worker the fruits of his labors? The Jew!

Who exploits political passions to satisfy his lust and to fill his coffers? The Jew!

Who is the real cause of economic depressions? The Jew!

[112] In her testimony, Ms. Guille stated that she was not the person who posted the article which appeared in the Canadian Heritage Alliance article database. She further testified that after receiving the complaint, she removed the article. For her, the article appears to be a legitimate historical collection of a timeline and that she did not see anything wrong with it.

[113] The evidence indicates that Ms. Guille, upon receiving the complaint form which cites 8 examples and the additional disclosure which refers to 37 or so postings and articles, removed the material from the CHA website. There is no reason for the Tribunal to doubt that Ms. Guille did in fact remove the articles and postings referred to above. Mr. Warman and the Commission did not adduce evidence to the contrary.

[114] Ms. Guille testified that at one time, there was close to 1 000 articles on the website and that now the number was around 300 to 350 and that the eight postings or articles referred to in the complaint forms were not amongst the remaining articles. In her testimony, Ms. Guille acknowledged that the articles posted on the Canadian Heritage Alliance website are controversial.

[115] Asked why she removed all these postings, Ms. Guille stated that if obviously it was a problem, her idea of what is acceptable is not necessarily what others would find acceptable, that at any time someone could have contacted her and let her know that there was a problem with

one of the posts or one of the articles and she would definitely have removed it but that, unfortunately, it came in the form of a complaint and that the only way she could offset any hurt feelings and offence that someone took to the post was to remove it. Ms. Guille acknowledged that there had been occasionally in the past complaints and that she would removed an article if someone took offence to it. Ms. Guille stated that there were only a handful of complaints.

[116] To determine if a respondent has violated section 13 of the *Act*, the Tribunal has to determine if the material posted is likely to expose a person or persons to contempt and hatred by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination. The determining factor is not the numbers of postings or articles that are put on a website but the content of the material and the context in which they are made public.

[117] Applying to the posts and articles referred to above, and more specifically to the passages that the Complainant and the Commission alleged to be in contravention of section 13 of the *Act* the criteria set out by the Tribunal in *Warman v. Kouba*, the Tribunal finds that the following passages are of such a nature to likely expose Jews and Blacks to hatred or contempt:

1. ***My view is that such people should simply be killed on the spot whenever and wherever they are found. More than that, the people who promote and encourage this extreme individualist mind-set through their control of the media should be exterminated root and branch as a class. Does that sound extreme?*** (Exhibit HR-1, Tab. C-11)
2. ***Those who control the media (the Jews) should be exterminated root and branch as a class.*** (Exhibit HR-1, Tab. C-11)
3. Well, as I said, ***one of these days there will be hell to pay, and that day can't come too soon*** (reference to the Jews). (Exhibit HR-1, Tab. C-11)
4. ***Now that we have identified who Israel is and who Israel is not. We have identified the enemies of the Living God to be the anti-Christ Jew, the descendants of Satan.*** The people against whom YHVH hath indignation forever. It is indeed a blessing to know and understand the word of God and to know that we are among His called and chosen few. The elect of the Lord. We have much work to do. So it is time to be busy about our fathers work. ***The awakening of our kindred Israel, the eternal destruction of the wicked and the bringing in the kingdom of ou Father and God, YHVH.*** (HR-1, Tab. C-14)
5. ***And then there's the real answer - that if you allow millions of savages (i.e. Blacks) to invade your country, the country will become a land of savagery.*** (Exhibit HR-1, Tab. C-22)
6. ***Therefore, the Jewish sect must be torn out root and branch from German soil,*** since it quite obvious that of all the secret political societies the most dangerous is Jewry, just as of all the states within the state the most dangerous is Jewry. (Exhibit HR-1, Tab. C-36)
7. Either/Or. We must now solve the most urgent of all problems, and that is, of course, ***the Jewish Problem; there are only two alternatives: we must expel them, or we must massacre them.*** (Exhibit HR-1, Tab. C-36)

[118] These are not the only passages taken from the above referred to threads and articles that can be considered as likely to generate hostility and violence creating the right conditions for hatred or contempt. They are the more blatant ones. They undoubtedly put at risk the well-being and safety of Jewish individuals as well as Blacks. They constitute a clear call for the elimination of certain groups of individuals or their expulsion from the place where they live.

[119] Other postings and articles depict certain groups in such a way as to stir up a sentiment of repulsion towards them compromising their safety, well-being and dignity:

1. Hey I agree with you all the way all I see in my city is wiggers and half breeds its just wrong, *my kids, when I have them will be going to school with these things*. (Exhibit HR-1, Tab. C-5)
2. **You're not a threat. You're a fucking disease.** (about black girls) (Exhibit HR-1, Tab. C-5)
3. Do you want to befriend or fuck a converted wigger? I don't.

If all of a sudden north america stoped liking rap and blacks, all the white girls and guys will want white again and then the white race will be fucked *because most wiggers have aids* and many std's from the black man.

Im sure you all see the way the hiphop influenced people, behave *they all fuck each other usually with no protection. I say let them all die off, fuck the wiggers, they've made there choice, all the little mud children will have aids too*. (Exhibit HR-1, Tab. C-5)

4. The *New Black Death, unlike the earlier one, isn't sneaking in on the back of rats, but is sneaking in by airplaine, by car, and on foot*. There are a variety of names for various aspects of this new Black Death: *non white immigration, cross-breeding, miscegenation*, blending, assimilation, genocide, low birth rates. (Exhibit HR-1, Tab. C-13)
5. Spare a Tear for the Dead of Auschwitz. *The only living being that the Germans exterminated at Auschwitz was - the louse*. (Exhibit HR-1, Tab. C-36)
6. The more familiar Jewish types, where *both men and women sport abundant manes of kinky hair, oozing eyes, noses shaped like the snouts of tapirs, gaping mouths, and shiny brows perpetually dusted by the flour of dandruff*. (Exhibit HR-1, Tab. C-36)

[120] The material referred to above in itself, the language used by the authors, the tone of the material posted, the general context of the postings, all put together, disclose an undeniable scent of overt resentment, hatred, contempt for certain groups of individuals based on a prohibited ground of discrimination.

[121] Freedom of expression is a cherished value in Canada. Freedom of expression has been enshrined of the Canadian Charter of Rights and Freedoms. However, as any other freedom, it is not absolute. Promoting traditional European values in not a crime. Promoting the extermination of non-whites, of non European people, however, constitutes a threat to their existence and their security. Promoting the expulsion from a country of certain ethnic groups likewise constitutes a threat to their safety and their well-being.

[122] If Ms. Guille is true to herself, i.e. promoting what she calls European values, there is no need for her to vilify or let others vilify people from other geographic regions, or from other

ethnic backgrounds than the European background. Unless the promotion of European values entails the extermination of all other ethnic groups who are not from the Old Europe as well as the expulsion from Canada of every person who is not of European descent.

[123] The Tribunal is of the view that it is not an excuse for Ms. Guille to say that she did not write an article or did not post an article on the Canadian Heritage website which might be in breach of section 13 of the *Act*. As the site administrator or webmaster, she is responsible for what is put on the website she administers and over which she exercises, as the evidence indicates, full control. It is her responsibility to put in place the proper controls so that if hate messages, threads or articles, are posted, they will not breach section 13 of the *Canadian Human Rights Act* and violate the fundamental freedoms that each Canadian enjoy, no matter his or her ethnic origin, i.e. the right to the dignity of his or her person, the right to life, the right to the security of his or her person.

[124] As part of the Respondents' defense, Mr. Kulbashian, Ms. Guille's agent, put in evidence a number of articles which dealt with the Palestinian and Israeli conflict, as well as articles pertaining to racial segregation. He also tendered in evidence lyrics from Eminem which Mr. Kulbashian had downloaded from the web and which were, in his opinion, violent, racist and anti-homosexuals.

[125] The Tribunal agrees with Counsel for the Commission that the use of reprehensible and violent language, even by a famous rap group, does not legitimize the use of the same type of language in another context or forum. It cannot serve as a benchmark for the determination as to whether or not material put on a website contravenes section 13 of the *Act*.

[126] The Tribunal thus finds that the material referred to above is likely to expose to hatred or contempt a person or persons by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination and thus contravenes section 13 of the *Act*.

(ii) Was the impugned material communicated repeatedly in whole or in part on the Canadian Heritage Alliance website?

[127] In *Schnell v. Michiavelli and Associates Emprize Inc*, 2002 CHRT 11/02, the Tribunal stated that the word *repeatedly* in s.13(1) of the *Act* suggests that this section is aimed not at private communications with friends, but rather at a series of messages that form a larger-scale, public scheme for the dissemination of certain ideas or opinions, designed to gain converts from the public.

[128] The evidence shows that the Canadian Heritage Alliance website hosted a forum section where individuals were allowed to start threads and post articles. This forum was not of a private nature and everyone accessing the website could read the material posted on the website. The public nature of the Canadian Heritage Alliance website clearly comes out of Mr. Guille's testimony as indicated earlier. Ms. Guille stated in her testimony that the Canadian Heritage Alliance website was a means for people to express their views on free speech and government policies, that people could come to the website and post their articles and opinions, that they could start a thread in the forum section and exchange views, that debate was really promoted.

[129] The Tribunal thus finds that there is nothing private about the Canadian Heritage Alliance website and that, given its nature as well as the means of accessing it, the Respondents communicated and caused to be communicated repeatedly the postings and articles found by Mr. Warman on the Canadian Heritage Alliance website which forms part of his complaint.

(iii) Did the Respondents, Melissa Guille and Canadian Heritage Alliance, communicate or cause to be communicated the impugned messages by means of the Internet?

[130] There can be no doubt, given the evidence adduced by the Complainant and the Commission that the Canadian Heritage Alliance website was accessible via the Internet as well as the impugned material. Ms. Guille's testimony as well as that of Mr. Warman are conclusive on this point.

(iv) Is the Respondent, Canadian Heritage Alliance, a group of persons for the purposes of section 13(1) of the Act?

[131] The evidence clearly establishes that the Canadian Heritage Alliance is a group of persons for the purposes of section 13(1) of the *Act*. As found herein, the Canadian Heritage Alliance describes itself as a *collection of dissident writers and concerned Canadians* who seek to revive the civil liberties of the Canadian citizen that have been smothered by the voice of special interest groups as well as a *Canadian political lobby group*, formed in August 2000 to give political expression to Canadian citizens. The Canadian Heritage Alliance falls thus under the authority of the Tribunal and the Tribunal is entitled to make an order against it.

[132] Hence, the Tribunal finds that Ms. Guille and the Canadian Heritage Alliance have breached section 13(1) of the *Canadian Human Rights Act* in that as a person and as a group of persons acting in concert they have communicated via the Internet or caused to be so communicated repeatedly, in whole or in part, matters that are likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

V. REMEDIES

[133] The Complainant and the Commission seek the following remedies:

1. An order that the Respondents and anyone acting in concert with them cease the discriminatory practice, pursuant to section 54(1)(a) of the *Canadian Human Rights Act*;
2. An order that the Respondent, Melissa Guille, pay a penalty pursuant to section 54(1)(c).

A. Cease and Desist Order

[134] The Complainant and the Commission seek a permanent cease and desist order in accordance with paragraph 54(1)(a) of the *Act* in order to have Ms. Guille and the Canadian Heritage Alliance cease the discriminatory practice of communicating hate messages through the Internet or other federal telecommunications undertaking.

[135] Section 54(1)(a) of the *Act* reads as follows:

If a member or panel finds that a complaint related to a discriminatory practice described in section 13 is substantiated, the member or panel may make only one or more of the following orders:

(a) an order containing terms referred to in paragraph 53(2)(a).

As for paragraph 53(2)(a), it reads:

If at the conclusion of the inquiry, the member or panel finds that the complaint is substantiated, the member or panel may, subject to section 54, make an order against the person found to be engaging or to have engaged in the discriminatory practice and include in the order any of the following terms that the member or panel considers appropriate:

- (a) that the person cease the discriminatory practice and take measures, in consultation with the Commission on the general purposes of the measures, to redress the practice or to prevent the same or a similar practice from occurring in the future.

[136] More specifically, the Commission and the Complainant request an order using the same wording as that used by Member Doucet at paragraph 169(1) of the *Tremaine* decision with Ms. Guille and the Canadian Heritage Alliance substituted for that of Mr. Tremaine. The Commission and the Complainant further ask that the term *and anyone acting in concert with Ms. Guille and the CHA* be included.

[137] Paragraph 169(1) of the *Tremaine* decision reads as follows:

Terry Tremaine, and any other individuals who act in concert with Mr. Tremaine, cease the discriminatory practice of communicating telephonically or causing to be communicated telephonically by means of the facilities of a telecommunication undertaking with the legislative authority of Parliament, material of the type that was found to violate section 13(1) in the present case, or any other messages of a substantially similar content, that are likely to expose a person or persons to hatred or contempt by reason of the fact that that person or persons are identifiable on the basis of a prohibited ground of discrimination, contrary to section 13(1) of the *Canadian Human Rights Act*.

[138] The Respondents submit in their written pleadings that should there be a negative finding in this case, a limited cease and desist order of one year be imposed. According to the Respondents, an open cease and desist order is a life sentence. The Respondents argued that a lifetime cease and desist order would make it highly risky for Miss Guille to ever again discuss controversial matters that are the subject of this complaint on the Internet and express the view that the call for such a cease and desist order strongly suggests that the real purpose of the complaint is the silencing of a political opponent and not the remediation of discrimination.

[139] Given the remedial nature of the *Act* and the powers given to the Tribunal by section 54 of the *Act*, the Tribunal will issue a cease and desist order and will require that Ms. Guille, in consultation with the Commission, take measures to redress the practice or prevent the same or a similar practice from occurring in the future.

B. Order to pay a penalty

[140] The Complainant and the Commission seek that Ms. Guille be ordered to pay a penalty pursuant to section 54(1)(c) of the *Act*. In their joint closing submissions, the Commission and the Complainant submit that a penalty of \$7,500, similar to that in the *Kyburz* case would be appropriate.

[141] Under section 54(1)(c) of the *Act*, the Tribunal *may* make an order that a respondent found to have violated s.13 of the *Act* pay a penalty of not more than \$10,000.

[142] Section 54(1.1) of the *Act* provides the elements that the Tribunal should take into consideration in ordering the payment of a penalty. The Tribunal must consider:

- a) the nature, circumstances, extent and gravity of the discriminatory practice; and
- b) the wilfulness or intent of the person who engaged in the discriminatory practice, any prior discriminatory practices that the person has engaged in and the person's ability to pay the penalty.

[143] A review of the case law shows that the Tribunal has imposed the following penalties to respondents found to have been in breach of section 13 of the *Act*.

1. *Warman v. Tremaine*, 2007 CHRT 2: \$4,000

[144] The Tribunal found in *Tremaine* that the respondent had himself posted numerous hate messages that were highly contemptuous and injurious. They portrayed members of the targeted groups as evil and criminal. They referred to Jews as parasites and vermin. They claimed that Blacks were inferior to Whites. They called for the expulsion of Jews, Blacks and non-whites from Canada. These messages are malicious, vicious and extreme in the violent nature of their overtone.

[145] On the positive side for the respondent, the Tribunal noted that there was no information that he had engaged in any prior discriminatory practices before he started posting on the "Stormfront" website in 2004. Also, the Tribunal found the fact that for a period of about ten months, after he was served with the complaint, the respondent refrained from posting any messages and that at one point, even disavowed and repudiated all of his messages, should be taken into consideration when determining the amount of the penalty to be imposed.

[146] In terms of the extent of the hate messages, the Tribunal found that the respondent had posted almost 1,900 messages on the "Stormfront" site, as of July 28, 2006. Since the Tribunal had not seen nor read all of these messages, the Tribunal could not, in all fairness to the respondent, conclude that they all contained hate messages of the nature of those put into evidence in this case. Consequently, the Tribunal could not come to the conclusion that the number of messages posted favoured a penalty at the highest end of the spectrum.

[147] The Tribunal noted that the respondent's wilfulness and intent in engaging in the discriminatory practice, was self-evident from the vicious tone of the messages themselves. His reaffirmation at the hearing that he stood by all his postings, his refusal to utter any remorse and the fact that he has not shown any indication that he had any intent of stopping.

[148] In *Tremaine*, the respondent gave evidence regarding his financial situation. He testified that he did not own a car or a house, that he had lost his job at the University of Saskatchewan. He testified that he was working 20 hours a week at a minimum wage job, clearing about \$600 a month. This evidence went unchallenged and the respondent was not cross-examined on this matter neither by the Commission, nor by the Complainant. Taking into account the nature, circumstances, gravity and intentional nature of the communication, and taking all the other

factors into consideration, the Tribunal found that a penalty of \$4,000 would be reasonable in the circumstances.

2. *Warman v. Winniki*, 2006 CHRT 20: \$6,000

[149] The Tribunal found that the messages posted by Mr. Winnicki were vicious and dehumanizing. The Tribunal expressed the view that there was evidence on the basis of the wording of the messages alone, that the respondent intended to expose members of the targeted groups to hatred and contempt and that he intended to convince people to think as he did.

[150] The Tribunal noted that the respondent called for the forced expulsion of non-Caucasian people, he threatened violent action against the targets of his hatred and enthusiastically supported a "racial holy war" in which all non-Caucasian people will be destroyed. He made use of exceedingly gruesome photographic imagery to draw in his readers and to communicate his messages of hate all the more powerfully.

[151] The Tribunal was of the view that the respondent clearly communicated his messages in willful disregard of the likely consequences of his conduct. He used the Internet, a medium that has a pervasive and powerful presence in society, to engage in this conduct. The Tribunal found that there was no evidence that the respondent had engaged in any prior discriminatory practices.

[152] In *Winnicki*, the respondent chose not to testify in the present case. Therefore, the Tribunal had no indication of his ability to pay other than a posting in which he stated that he is "reasonably well off, with a steady paying job, not much expenditures, all bills paid on time without much hassle". The Tribunal noted that it may well be that the respondent is no longer "reasonably well off". However, in the absence of any evidence from the respondent, the Tribunal found that there was no reason to reduce the penalty on the basis of an inability to pay it. Taking all of these factors into account, the Tribunal ordered the respondent to pay a penalty in the amount of \$6,000.

3. *Warman v. Kulbashian*, 2006 CHRT 11: \$1,000

[153] In *Kulbashian*, the Commission and Mr. Warman did not establish that Mr. Kulbashian was involved in the drafting or editing of any of the Hate Message material found on the tri-cityskins.com website. For that matter, it was not proven that he contributed any of the Hate Messages that were found on the wpcect.com website or in the Vinland Voice newsletter, prior to Mr. Richardson's arrest. The Tribunal found, however, that Mr. Kulbashian contributed to the newsletter's content thereafter by drafting several messages, including the message that was directed against Mr. Warman personally.

[154] On the other hand, all of the Hate Messages (including those on the tri-cityskins.com website) were caused to be communicated via the Internet through Mr. Kulbashian's direct involvement, as the provider of web hosting and related technical services. While his participation did not include drafting many of the Hate Messages, the Tribunal was persuaded that he caused all the Hate Messages to be communicated, and that he did so wilfully.

[155] Mr. Kulbashian argued that his penalty should be reduced on account of his conduct, once informed of the nature of the material being posted. Thus, when Mr. Wilson's fellow police officer called Mr. Kulbashian to complain about the newsletter article that had named Mr. Wilson personally, Mr. Kulbashian had the reference removed from the website within hours.

[156] The Tribunal noted that, in general, Mr. Kulbashian took issue with the fact that Mr. Wilson, Mr. Warman, and the Commission did not notify him of any objectionable material having been found on the website, before going ahead and laying criminal charges against him or filing the human rights complaint, as the case may be. Mr. Kulbashian contended that he was too busy to keep track of the material being posted on the Internet through his web server. He claimed that if a notice of complaint had been made to him about the Hate Messages, he would have had the material taken off the Internet as promptly as the Vinland Voice article about Mr. Wilson.

[157] The Tribunal expressed the view that this argument, however, assumed a false naiveté on Mr. Kulbashian's part. For the Tribunal, Mr. Kulbashian knew that a good number of "clients" were "racialist". They shared the same post office box as his business, Affordable Space.com. He was a key member of the Canadian Ethnic Cleansing Team and acknowledged having designed the template for its website, wpcect.com. Moreover, Mr. Kulbashian wrote articles and commentary in its newsletter, the Vinland Voice. The name alone of this group should have alerted him to the possibility that the messages on the website may violate the *Act*. In addition, the Tribunal found that being a regular member of the Tri-City Skins, he likely was familiar with the organization's website and that he was so mindful of the likelihood of his clients' posting hateful messages that one of the reasons he opted to use a computer server situated outside Canada was to evade s. 13 of the *Act*.

[158] The Tribunal was of the view that it lacked credulity, therefore, for Mr. Kulbashian to come before the Tribunal and feign ignorance of the nature of the material that was being communicated by way of his web hosting services. On the contrary, the Tribunal found that the above demonstrated that Mr. Kulbashian was aware of the content of the material, and consciously and deliberately enabled its dissemination. For the Tribunal, this constituted wilful conduct within the meaning of the *Act*.

[159] With respect to the existence of prior discriminatory practices, while there was some mention in the evidence of a prior arrest for assault that was allegedly "hate" related, the Tribunal found that it had insufficient information from which to draw any conclusions.

[160] The Tribunal indicated that the Commission did not lead any evidence regarding Mr. Kulbashian's ability to pay the penalty. The Tribunal noted that, in *Warman v. Kyburz*, the proposition that the burden may rest on a respondent to demonstrate his ability to pay the penalty seemed to have been accepted. In that case, however, the Tribunal took into account evidence that was unsworn and untested by cross-examination. The Tribunal noted that, in the present case, although Mr. Kulbashian did not testify, in the course of the hearing process, it emerged that he is a college student in his mid-20's who resides at his parents' home. He was raising a young child on his own.

[161] While the available information is not conclusive, the Tribunal expressed the belief that Mr. Kulbashian's financial means were fairly limited, and that his ability to pay was accordingly restricted. Taking all of these factors into account, the Tribunal ordered Mr. Kulbashian to pay a penalty in the amount of \$1,000.

4. *Warman v. Richardson*, 2006 CHRT 11: \$1,000

[162] The Tribunal found that there was no evidence of any involvement by Mr. Richardson with respect to the tri-cityskins.com website. The Tribunal, however, determined that, up until his arrest, he was directly involved in the drafting, editing, and posting of the Hate Messages in the Canadian Ethnic Cleansing Team's newsletter. The communication of these Hate Messages was obviously wilful. There is no evidence before the Tribunal of any prior discriminatory practices by him.

[163] The Tribunal noted that no evidence was formally adduced with respect to Mr. Richardson's ability to pay a penalty but based on information that was gleaned during the hearing process, the Tribunal stated that it was persuaded that he was a person of very modest financial means. He indicated that he was on a "fixed income" due to an undisclosed disability. When the Tribunal considered conducting a portion of the hearing in Ottawa, Mr. Richardson made it clear that he lacked the resources to pay for his travel and accommodations. He required the assistance of a parent for transportation from the family's home in Hamilton to the hearing in Oakville. Having regard to all of the circumstances, the Tribunal ordered Mr. Richardson to pay a penalty of \$1,000.

5. *Warman v. Harrison*. 2006 CHRT 28: \$1,000

[164] Insofar as the nature, circumstances, extent and gravity of his conduct, the Tribunal found that Mr. Harrison repeatedly communicated messages regarding persons who were non-Christian, non-Caucasian and non-English in origin that were nasty, vicious and extreme. These persons were laid open to ridicule, ill feelings, hostility and violence creating the right conditions for hatred or contempt against them. The Tribunal found that the messages were demeaning and disdainful. They served to dehumanize people belonging to the targeted groups. The use of racial slurs and degrading stereotypes were derogatory, insulting and offensive. The repeated call for violence against members of these groups denoted feelings of extreme ill will. Statements exhorting violence and death suggested that the victims lack any redeeming qualities, thereby dehumanizing them. These comments unquestionably exposed the members of these groups to hatred, contempt and real physical danger by suggesting that they were legitimate targets of indiscriminate violence. These messages served to develop and encourage envy, mistrust or resentment towards these individuals and groups, which in turn, breeds hatred against them.

[165] The Tribunal also found that the messages clearly demonstrated that its author was being led by his ill-conceived views of society and his incapacity to accept others. The evidence clearly established that the respondent intended to expose members of the targeted groups to hatred and contempt and that he intended to convince people to think as he did. He clearly communicated his messages in wilful disregard of the likely consequences of his conduct. The Tribunal also took notice of the fact that the respondent had previously been found guilty of an assault on an individual which was racially motivated.

[166] On the mitigating side, the Tribunal found that the messages put in evidence were posted in a relatively short period of time and that there seems to have been no new posting since 2004. The Tribunal also noted that the respondent was not responsible for the Websites; that he was but a participant to these various Websites. No evidence was introduced to show that there was a possibility of any recurrence of such postings by the respondent.

[167] As for the respondent's ability to pay a penalty, the Tribunal stated that, as was indicated by the Tribunal in the *Warman v. Kyburz* case *supra*, the burden of proof relating to the ability to

pay rests with the Respondent. Considering the decision of the respondent not to participate in the hearing and submit evidence, the Tribunal found that there was no evidence before the Tribunal suggesting that Mr. Harrison may have had limited resources.

[168] Taking all of these factors into account, the Tribunal ordered the respondent to pay a penalty in the amount of \$1,000. The order that the respondent pay this penalty was imposed essentially by reason of the violent nature of the postings.

6. *Warman v. Kouba*, 2006 CHRT 50: \$7,500

[169] The Tribunal found that the numerous hate messages in this case that were communicated over a period of nearly three years were highly contemptuous and injurious. They portrayed members of the targeted groups as evil and criminal by nature. The especially troubling part about the respondent's messages is not just that they were profoundly bigoted; they also willfully and intentionally exhorted readers to share their negative experiences with members of the targeted groups with other Forum readers. In so doing, the respondent encouraged readers to participate in a campaign to convince the "White world" that members of the targeted groups are worthy of nothing but the highest degree of hatred and contempt.

[170] For the Tribunal, this active promotion of hatred and contempt towards members of the targeted groups was fundamentally at odds with the goal of the *Canadian Human Rights Act*, which is to promote a society in which all are free from discrimination and all are worthy of equal opportunity regardless of personal traits such as race, national or ethnic origin, colour, and sexual orientation.

[171] The Tribunal noted that there was, however, no information that the respondent had engaged in any prior discriminatory practices. Nevertheless, taking into account the nature, circumstances, gravity and intentional nature of the communication in the present case, the Tribunal found that the suggested penalty of \$7,500 seemed appropriate and noted that the respondent did not provide the Tribunal with any indication of his ability to pay the suggested penalty of \$7,500. Therefore, in the absence of any such information from the respondent, the Tribunal saw no reason to reduce the penalty and ordered the respondent to pay a penalty in the amount of \$7,500.

7. *Warman v. Kyburz*, 2003 CHRT 18: \$7,500

[172] Insofar as the nature, circumstances, extent and gravity of the discriminatory practice are concerned, the Tribunal found that Mr. Kyburz repeatedly communicated messages regarding Jewish people that were nasty, vicious and extreme. Not only did these messages attribute numerous and varied criminal acts to people of the Jewish faith, described therein as innately corrupt and devious, but some messages went so far as to openly advocate the extermination of Jews "root and branch as a class". The Tribunal noted that this weighed heavily in favour of the assessment of a significant penalty.

[173] The Tribunal further found that Mr. Kyburz was responsible for the communications on the Patriots on Guard website. For the Tribunal, it was clear from the messages themselves that he communicated this information willfully, knowing that it was upsetting to many people. There was, however, no evidence before the Tribunal to suggest that Mr. Kyburz had been involved in any prior discriminatory practices, which serves as a mitigating factor.

[174] The final consideration for the Tribunal was Mr. Kyburz' ability to pay a penalty. In this regard, the Tribunal noted that the only information that it had in relation to this issue was the unsworn assertion contained in one of Mr. Kyburz' web postings that he was impecunious. In this case, the Tribunal was of the view that there was some evidence before it, albeit evidence that is unsworn and untested by cross-examination, to suggest that Mr. Kyburz may have limited resources. Because of the way the evidence was adduced, the Tribunal did not feel that it could attribute it much weight, although it considered it. The Tribunal also stated having taken into account the fact that this was evidently a 'first offence' for Mr. Kyburz. While the seriousness of the section 13 breach would otherwise call for a fine at or near the maximum permissible under the legislation, these factors have persuaded the Tribunal that a somewhat reduced penalty was appropriate. Having regard to all of the circumstances enunciated in subsection 54(1.1), the Tribunal ordered that Mr. Kyburz pay a penalty in the amount of \$7,500.

8. *Warman v. Barr*, 2006 CHRT 52: \$5,000

[175] Insofar as the nature, circumstances, extent and gravity of the discriminatory practices are concerned, the Tribunal found that Mr. Bahr repeatedly communicated or caused to be communicated, messages regarding Jewish people, homosexuals, the mentally disabled, blacks and other non-whites that were vicious and extreme in their characterization. The materials communicated expressed hatred and contempt in respect of members of these various groups and invited others to hold these persons in hatred and contempt. Some of the material considered in these reasons advocates for the extermination of Jewish people, homosexuals and persons suffering mental disabilities. The Tribunal was of the view that this weighed heavily in favour of the assessment of a significant penalty.

[176] No evidence was led to suggest that the respondent had engaged in any prior discriminatory practices. The Tribunal took note of the fact that that the charges laid against Mr. Bahr under s. 319(2) of the *Criminal Code* arose from the same or substantially the same material as was considered in this proceeding, and not to prior separate discriminatory conduct. The Tribunal further found that the fact that the website was shut down by Mr. Bahr almost immediately after Sergeant Camp executed a search warrant at his apartment was a mitigating factor.

[177] The Tribunal heard no direct evidence of the details of Mr. Bahr's financial circumstances. The Tribunal noted however, that s. 50(3) of the *CHRA* authorized the Tribunal to accept whatever evidence and other information that it sees fit, whether or not that evidence would be admissible in a court of law. Mr. Bahr, through his representative, made it clear that the costs of the hearing were onerous on this respondent. The Tribunal found that Mr. Bahr was an individual of modest means and that his ability to pay was restricted.

[178] While the seriousness of the section 13 breach would otherwise call for a fine at or near the maximum permissible under the legislation, being \$10,000, these factors persuaded the Tribunal that a somewhat reduced penalty was appropriate. The Tribunal ordered Mr. Bahr to pay a penalty in the amount of \$5,000.

9. *Warman v. Beaumont*, 2007 CHRT 49: \$1,500

[179] In *Beaumont*, the Tribunal found that most of the impugned messages were likely to expose a number of targeted groups to hatred or contempt. The Tribunal noted that Ms. Beaumont did not care what effect her messages would have on members of these groups or the community at large.

[180] Compared to other hate messages that have come before the Tribunal in the past, the Tribunal found that Ms. Beaumont's did not have the same "gravity". Thus, although her postings contained negative epithets with respect to a number of targeted groups, these terms were not used with the same frequency as in other cases. Ms. Beaumont did not engage in any vivid descriptions of violence against the targeted groups. Her messages were in the form of relatively short postings on the forum, for the most part. She did not create an entire website replete with or dedicated to the communication of hate messages, as has been seen in other cases.

[181] The Tribunal noted that the Commission had pointed out that Ms. Beaumont had posted at least 1,000 or more messages on the Stormfront.org forum, beyond those that are in evidence in this case. Without viewing the other postings, however, the Tribunal stated that it could not assume that they would offend section 13 of the *Act*, that indeed, not every single one of the impugned messages filed in evidence was found to constitute hate messages within the meaning of the *Act*.

[182] The Tribunal indicated that Ms. Beaumont testified that she had not "been on" Stormfront.org since July 2006, and that her EveryonesSpace.com and MySpace accounts had been deleted. However, the Complainant pointed out that after the human rights complaint was filed against her, she posted a number of the hate messages that were in evidence in this case.

[183] The Tribunal further noted that Ms. Beaumont testified that whatever the Tribunal's decision in this matter, she would not change her views and ideas. However, she testified that "she would stop going to the Internet" if the Tribunal ordered her to do so.

[184] The Tribunal found that, at the time of the hearing, Ms. Beaumont was no longer residing in British Columbia and had moved back to Calgary, that she was 21 years old and was living with her parents, that she claimed to be paying rent to her parents although this evidence was not documented, that she was employed as a salesperson in a retail store earning \$10.50/hour. The Tribunal further found that there was no evidence of her having engaged in any prior discriminatory practices. Taking all of these factors into account, the Tribunal ordered Ms. Beaumont to pay a penalty of \$1,500.

[185] Using the discretion conferred upon it by the *Canadian Human Rights Act* under section 54(1), after having carefully considered the case law and the different aggravating and mitigating factors that the Tribunal has to take into consideration with respect to the imposition of a penalty, the Tribunal will not order Ms. Guille to pay a penalty. This should not be seen in any way as the Tribunal condoning Ms. Guille's conduct as administrator of the Canadian Heritage Alliance website. Ms. Guille as well as the Canadian Heritage Alliance have without a doubt contravened section 13 of the *Act*. This said, it is worth mentioning here that the *Canadian Human Rights Act* is first and foremost remedial in nature and not punitive even if the Tribunal has under the *Act* the authority to impose a penalty.

[186] Here, the evidence shows that only a few of Ms. Guille postings and not all of them were identified by the Complainant and the Commission as being potentially in breach of section 13 of the *Act*. The Tribunal notes that none of her postings called for the extermination, expulsion or killing of groups of people or ridiculed certain persons or events such as the Holocaust.

[187] Now, the Tribunal is mindful of the fact that Ms. Guille was the webmaster who allowed material to be posted on the Canadian Heritage Alliance website and had the authority to remove the material. The evidence, however, indicates that Ms. Guille, as soon as she was informed that a posting or an article could be problematic, removed it from the Canadian Heritage Alliance website. The evidence also shows that Ms. Guille edited some of the articles and threads that the Complainant and the Commission alleged to be in contravention of section 13 of the *Act*. The evidence further indicates that there were forum rules and that, at least once, Ms. Guille reminded an individual of the rules and advised him that he could be banned if he did not comply with them. Furthermore, Ms. Guille testified that she did not condone violence and that she did not approve of death threats or any criminal conduct. All these elements put together lead the Tribunal to rule, as stated above, that, notwithstanding the fact that Ms. Guille, as site administrator of the Canadian Heritage Alliance website, has been found to be in breach of section 13 of the *Act*, the circumstances do not warrant the imposition, in this case, of a penalty.

[188] This said, the Tribunal finds furthermore that Ms. Guille has limited financial resources and that imposing on her a penalty would, at this juncture in her life, put on her some undue hardship. Ms. Guille testified that she was an administrative secretary, that she worked 40 hours a week at an hourly rate of \$14.00, that she received child support, in the amount of \$325 a month, that she was not married, that her rent was \$750 a month plus utilities and that she was raising a teenager all by herself.

[189] In addition, there is no evidence before the Tribunal establishing that Ms. Guille has engaged in any prior discriminatory practices. The evidence further shows that when served with the complaint, Ms. Guille immediately removed from the Canadian Heritage Alliance website the material that was possibly in breach of section 13 of the *Act*.

[190] The Tribunal is of the view that the interest of the public will be better served if the Tribunal issues a cease and desist order accompanied by an order requiring that Ms. Guille work with the Commission to redress the discriminatory practice identified by the Tribunal as provided by section 53(2)(a) of the *Act*. This should provide Ms. Guille with the guidance she stated she did not have with respect to what type of material potentially breaches section 13 of the *Act*.

VI. ORDERS

[191] With respect to the merits of the case, for the foregoing reasons, the Tribunal finds the complaints referred to the Tribunal to be substantiated and the Respondents to have contravened section 13 of the *Act* and hence orders that

- a) Melissa Guille, *and anyone acting in concert with Ms. Guille and the Canadian Heritage Alliance*, cease the discriminatory practice of communicating telephonically or causing to be communicated telephonically by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, material of the type that was found to violate section 13(1) in the present case, or any other messages of a substantially similar content, that are

likely to expose a person or persons to hatred or contempt by reason of the fact that that person or persons are identifiable on the basis of a prohibited ground of discrimination, contrary to section 13(1) of the *Canadian Human Rights Act*;

- b) Melissa Guille as webmaster and administrator of the Canadian Heritage Alliance website take measures, *in consultation with the Commission* on the general purposes of the measures for a period of one year as of October 14, 2008, to redress the practice or to prevent the same or a similar practice from occurring in the future.

[192] Given the notice of *constitutional challenge* presented by the Respondent, Melissa Guille, and the previous directives issued by the Tribunal, on November 20, 2007, as to the proper time to present such challenge, the Tribunal orders that

the execution of the present decision be suspended for a period of 30 days in order to allow the Respondent, Melissa Guille, if she so wishes, to present a motion that sets out the basis of her constitutional challenge to which the Commission and the Complaint will be entitled to respond or to object.

"Signed by"

Pierre Deschamps

OTTAWA, Ontario
September 12, 2008

**ANNEX I
POSTS AND ARTICLES
NOT REFERRED TO IN THE COMPLAINTS FORMS**

HR-1, Tab. C-2

This document is entitled *Al-Jazeera as competition*. At the hearing, Mr. Warman read into the record the three following posts:

Kwazimodo

Once again, I don't want to rain on the parade, BUT: The fact that Aljazeera (spelling?) has been placed on the acceptable list does NOT mean that it will be on the available list. Shaw Cable is reported (in the controlled jewish press) to have announced that they won't carry it, (a) because it would require 24/7 monitoring, and (b) the cable company has already received numerous messages from clients (guess who?) who threaten to cancel their subscriptions if the Arabs, get a fair shake (Good heavens, I just made a funny: the correct pronunciation of the word sheik is also shake.

Angry taxpayer

I am afraid that if the jews have their way, it won't be coming to Canada, period. So much for free speech here in totaltarian (*sic*) socialist Canada.

Melissa

Since the schools no longer emphasize academics and use the bright children (typically the White English speaking students) as tutors for the children who have lower IQs or are new immigrants, the students are being cheated of their education and we witness the dumbing down of our society.

HR-1, Tab. C-3

This document is entitled *Al-Jazerra as competition*. At the hearing, Mr. Warman read into the record the following passages:

MinorityReport

It's not just Osama it's the whole Muslim movement we need to fear. You need look no further that the severe brutality of the koran to see what a danger they pose to everyone. All of these bleeding heart Liberals need to wake up and realize they want to ahniellate (*sic*) western civilization. They consider all of us the great Satan, and rightly so. Muslim society looks to us and sees a land of thieves, murderers, sexual deviants a culture obsessed with the material world.

Shadownite

Raghnall: I do not agree with your belief that AlQaeda poses no danger to our people. 9/11 and the recent subway bombings in Spain were not an act in my imagination or yours. I take very seriously any threat from terror groups and so should you. MinorityReport was right when he stated, it's the whole Muslim movement we need to fear. We need to protect ourselves by not allowing nationalities from terrorist sponsored countries into Canada and by enacting racial profiling to protect our citizens.

MinorityReport

Quote: The US need to stop involving itself in the Middle East and let Israel support itself. Although, it may too late (*sic*) for that, since Israel and the US are one and the same in the eyes of most of the World.

I agree with that, but not only should America stay out of middle eastern affairs, but Canada and America should work together to rid our Coutries (*sic*) of middle eastern immigration alltogether (*sic*) I don't want to sound like a facist but but (*sic*) risk outweighs the benifits (*sic*) of immigration. When it comes down to our sovereignty, as a nation must be upheld at all costs.

HR-1, Tab. C-4

This documents is entitled *Britons rate what makes them British*. At the hearing, Mr. Warman read to the record the following passages:

Shadownite

Canadian Liberal values make me want to vomit on every porch monkey, sand flea and diaper head I see in our beloved nation. This filthy presence has created rampant disease, deviant sexual practices and increased crime in the name of liberalism.

HR-1, Tab. C-6

The title of this document is *Which brings me to the race mixing tread*. At the hearing, Mr. Warman read into the record the following passages:

Lord Janus

Funny you mention dogs.

Purebred dogs (breed for show or not) are often sickly and prone to health issues where mutts are healthier. Humans on the other hand are better being true to the breed and bloodlines and ... well, nothing irks me more than walking down the street seeing mixed couples. Funny thing is, other races feel the same about inter-racial marriages but only whitey is racist.

Eponanightmare

Kwazimodo wrote: once you go black, you can never go back. Kwazimodo.

I must prefer once you go black we don't want you back

Panzer-dragoon

Kwazimodo wrote: once you go black, you can never go back. Kwazimodo.

... because you either have AIDS, herpes, syphilis, etc.

Shockwave

Eponanightmare is the quintessential eloquent speaker.

HR-1, Tab. C-7

The title of this document is *Wiggerton*. At the hearing, Mr. Warman read into the record the following passages:

Cyanide_assassin

What would your parents say if you came home with a fubu or fat farm shirt dada shoes and listening to bang bang da beech izz ded, we da niggas? I know my father would smack the taste out of my mouth and he's not racist he just knows it's wrong. I see all these European parents letting their kids listen to 50 cent and garbage like it, and that's not all I saw a Italian family on Sunday going to church, mother, father, daughter and what the f ck is that I see walking with them and holding the daughters hand it's a blacky not even dressed up he had a jersey on. Now I know that the parents of this chick grew up in Italy because they were speaking the language. Italians never stood for this shit before no European would. All I'm saying is that I think it's way beyond the MTV thing it's complete brainwashing it must be, five years ago the blacky would have had to cross the street so he wouldn't receive (*sic*) an elbow from the father for just walking by this daughter.

Melissa

It's the new fad -just like bell bottoms had their horrible day, but the problem is with is this fad comes an attitude, a complet spit on normal European values. I can understand a parent's inability to influence how their child decides to dress as a teen -especially since the more a parent protests, the more a teen will rebel. I'm only hoping the parents of these kids are still working on educating their teens on European ways and the teens will outgrow their fad and hide their pictures in complete shame.

HR-1, Tab. C-8

The title of this forum thread is *What do you guys think of the dr marten company moving*. At the hearing, Mr. Warman read into the record the following post made by Sonoftesun:

Sonoftesun

They stopped production in england and now these great shoes and boots are being made in china, and other asian countries, thi really bothers me, I know most of everything is made there but couldn't we keep these ----- and if I wear my new boots will I feel wrong because the were made by some slanty eyed cockroach?

HR-1, Tab. C-9

This document is entitled *Homosexuality and Traditional Marriage*. At the hearing, Mr. Warman read into the record the whole posting, by Melissa Guille, which reads as follows:

Melissa

Sadly, for the first time in our nation's history Massachusetts is honoring homosexuality by issuing marriage licenses to same-sex partners. The sanctity of solemn marriage between a man and a woman has now been trampled upon by the far left liberal, glack-robe justices of the Masschusetts State Supreme Court.

The court's decision in this matter is a clear case of abusing society through judicial activism - judges legislating from the bench and overstepping their boundaries by interpreting the law in a manner to impose their own personal values upon society. The court's decision to grant marriage licenses to same sex couples is nothing more than open mockery against the laws of God and the American people as a whole. These legal marriages licenses are a counterfeit attempt to grant recognition to same-sex marriages on par with traditional marriages, and this violates the cornerstone of our society.

Homosexual behavior is a perverse and unacceptable way of life that has been spurned down through the ages -the authority for that statement comes from God and not from man. Homosexuality is clearly and irrefutably condemned in the Bible, despite the attempts of maverick ministers and apostate church groups to grant it acceptance and respectability.

The rejection of homosexuality in Christian doctrine centers upon the behavior itself as a destructive force to the individual and a life style contrary to the well being of society. It does not call for punishment against the individual practicing it, but rather offers love and counseling (*sic*) to the offender with the objective of change. On the other hand, secularists have no hesitation in accepting the homosexual life style. To them, God and His laws are irrelevant and

non-existent: moral equivalency is their tool of reasoning which eventually leads to condoning all behavior both good and evil under one mantle.

You can bet that our enemies within the nation of Islam are rejoicing over this latest step downwards by America into the pit of immoral conduct; they are always ready to use any example of immorality against us in their evil hate-filled minds. They refer to our culture as jaded and defiled, and there is possibly some truth to those claims.

HR-1, Tab. C-10

The title of this document is *Controversial T-shirt intrigues and offends*. At the hearing, Mr. Warman read into the record the following passages:

Melissa

I'll make a shirt

I am sick of white guys that are sick of whites.

Mobila 300

I'm Just Tired Of The Fact that it seems like EVERY White Guy and White Girl In The Country is Sleeping With Flith (*sic*), Whether It be Asian, A Jew or Something as Black As the Ace of Spades. It's DISGUSTING, And Sickens Me Greatly. We Should All Hope For The Day That A Virus Comes Out That Targets Traitors And Filth Only (Wishful Thinking eh?)

HR-1, Tab. C-12

This article by Dr. William Pierce is entitled *The Lessons of Africa*. At the hearing, Mr. Warman read into the record long excerpts of the article. Here are the most salient ones:

White farmers are convinced that the attacks on them are more than a simple matter of crime. If the Blacks attacking their farms merely had robbery in mind, it would not be necessary to torture and kill their White victims. The Whites believe that the aim of the Black gangs is terrorism, and the note left at the scene of the Delafield murders supports their belief. The White farmers also note that the farmers who have been murdered were in many cases those who had been well known for their generosity to their Black workers. They suspect that the aim of the murderers is to drive the White farmers out of South Africa, and so the terrorists are striking preferentially at the Whites who have good relations with Blacks.

But many Blacks are more concerned with grabbing White wealth now than they are with the prosperity of the country later. In addition, the idea of forcing the Whites out appeals to many Blacks at an emotional level. Being dependent on the productivity of White farmers is galling to Blacks, and they are more inclined to kill the goose now that to continue collecting the golden eggs.

And of course, the Blacks went about killing the Whites in a typically Black fashion, with lots of gang-raping and mutilation. White women had their breasts hacked off with machetes. Little White girls were literally raped to death by long lines of grinning Blacks while their parents were forced at gunpoint to watch. Little White boys had their bellies slit open and their entrails pulled out.

The South Africans betrayed the Rhodesians in 1976 in part because the Jews of South Africa always have had a strong influence on the South African government through their media control and their money. Harry Oppenheimer, with his vast holding in diamonds, gold and other minerals had more money with which to corrupt politicians than anyone else in South Africa. And the Jews, of course, were as implacably hostile to the Whites of Rhodesia as they have been to other Whites everywhere and at all times.

The second thing we should learn from the South African experience is that we cannot permit our mass media to remain in the hands of the Jews or in the hands of those under the influence of Jews. The foolish South Africans were manipulated, and it was the mass media more than anything else which manipulated them.

And the third thing we must learn from the experience of Whites in Africa is that the only way for our people to survive and flourish is to live among our own kind. Multiracial societies do not work and cannot work. If we permit Whites to become a minority in America in the next century as the Clintonistas are planning, then we will suffer a fate similar to that of Whites everywhere else that they have let themselves become a minority. What we must do to avoid becoming a minority may be extraordinary hard, but we must do it to survive. The extinction of our people is the alternative.

HR-1, Tab C-15

The article is entitled *The Jewish Final Solution for Whites*. At the hearing, Mr. Warman read into the record the following passages:

However, this same group of people is seeking to destroy the racial feeling of its host population once and for all, through the means of encouraging racial mixing along with promoting the invasion of White homelands by swarms of fater-reproducing non-Whites. Racial mixing and numerical engulfment would result in the ethnic eradication of Whites, and their subsequent replacement with a mongrelize mixed-race mass.

Thus the problem of White racial pride, which historically has always been the bane of Jews, will succesfully be neutralized. This is the Jews' final solution for the historical problem of White racial feeling: dissolution of Whites by miscegenation and outnumbering by non-Whites. In other words, the problem of White pride is being solved once and for all by the genocide of Whites themselves.

By flooding White former homelands with non-Whites and effecting White miscegenation, the problem of White racial feeling will be effectively solved for all time by dissolution. Afterwards, presumably Jews can carry on their traditional position of dominance and contol of the society, but for the first time there will be no opposition, as the mongrelize population cannot assert racial pride, because by definition it can have none. Without a deep sense of racial pride, the mulatto population will not be able to oppose or overthrow Jewish rule.

The Jews have used their media and money power to label the natural and healthy racial instinct with all people as racism and has declared that specifically White racism is the root of nearly all evil in the world. This has resulted in White people feeling guilty for a natural urge within them, much like certain Christian sects made their adherrent feel guilty for the urge of sex.

The most dramatic success the Jews have achieved in the effort to make Whites feel guilty is the Holocaust tale.

Jews traditionally have always been looked upon as suspect in White societies and esthetically undesirable. Also, although many Jews today have obtained White genes such as blue eyes, there still exists the prominent Jewish prototype of dark hair, swarthy features, koalo eyes, and a large hooked nose. This made the Jew stand out among his host societies, especially in the Nordic countries of Northern Europe. Today, thousands of Jews each year pay to camouflage their own features to look like Aryans by surgically modifying their noses to the European standard of beauty.

In short, Jews have historically been distrusted, shunned, and marginalized in European civilization from the very beginning. It is likely that there exists an element of resentment and envy, if not revenge, in the Jewish effort to dissolve the White race.

Whites who care about their race can reverse this trend. The first step is consciousness of its existence and the development of the will to survive against it - primarily through an organization strategy. ... Of paramount importance to success of this strategy is the availability of mass media in both its alternative and eventually its mainstream forms for the purposes of racializing, mobilizing, and unifying White people, and recruiting members into the organization and special units thereof.

HR-1, Tab C-16

The title of the article is *To the White Racist*. At the hearing, Mr. Warman read into the record the following passages:

We are compelled to the long-term survival of our white race, even if most of the race itself seems disinterested. The population of the white race (NOT the population of so-called white nations, in which nearly all of the increase is due to brown-black and brown-yellow immugrunts) is currently DECREASING at about 1% per year. This means that in the year 2050, the world's population will be some 12 billion, but only 500 million will be mostly white in their genetic background, with even fewer pure white.

Having an abortion () is, mostly better than having an unwanted child. Never getting pregnant no matter how much a sow's slut you may make of yourself is then ALWAYS better than being burdened in your young adulthood. As a result, there have been some 30 million abortions of WHITE infants in the U.S. since the procedure became legal and, oh-so-coincidentally, exactly 30 million non-whites have immigrated to the U.S. to take the places of these unborn ... by the colored undead. It was the pressure of () humanitarians worldwide who foisted such an obscenity on the white nations, and then convinced them to praise one another for such utter self-destruction.

HR-1, Tab C-17

The title of this article is *The invisible Backpack*. At the hearing, Mr. Warman read into the record the following passages:

When the White people who created America provided for their descendants to have privilege in this land, it was an honorable attempt to provide a heritage to be passed on from one White

generation to the next. Every one of the Founding Fathers, who spoke to the subject, declared that he wanted a one race society. None of them believed the races to be equal and none of them wanted a multiracial society where the different races were living side by side as equals. When America began, White privilege was absolute.

It is high time that we realize that unless we protect our privilege by all means necessary, it will evaporate. If we do not protect our borders from non-White invasion, and our birthright of honest and honorable privilege - ours by right of being the rightful heirs to this great nation our forefathers built for US and no others - we will find that we will no longer have either the privilege or even a place to live safely into the future. Our inheritance will be forfeited to other by default, because we chose to give it away without thought, or protest.

The Indians did not create this nation. They live on this same land for thousands of years and never crawled out of the stone age. The Black race did not create this nation. They were brought here as property, and serve the same role as machinery does today, performing tasks given them by those who planned and determined the direction taken by this country.

HR-1, Tab C-18

The title of this article is *Facing Racial Realities* and was written by Kevin Alfred Strom. At the hearing, Mr. Warman read into the record the following passages of this article:

The message I am about to give you is a warning to American. It was written by a non-White who actively supports and encourages the dispossession of White people; a man who, when asked about miscegenation, says he is all for it. Nevertheless, he is a rare man in America these days: he is a man who states frankly what others are afraid to speak of or even think about. As such, we are lucky to hear from him. His truths are a warning to all White Americans. Heed his warning to the West:

By 2030 immigrants, their White spouses, and other minorities make up 70% of the U.S. population. By popular demand Federal law enforcement agencies go after any and all White people who resist us and put them away in concentration camps.

By 2050, Whites have become 15% of the U.S. population. The U.N. replaces the Federal government of America. Other Western nations are forced under U.N. monitoring to accept millions of African, Asian, and Middle Eastern citizens. The planet then becomes a game between Africans and Asians only. Guess who will win that game.

White Americans have an average of 1.8 children per couple, and that number is declining. The number of couples is also declining as homosexuality and childlessness become ever more fashionable among Whites. At the same time, I predict 10% of Caucasians will marry non-Whites, while non-White immigrants continue to both come in increasing numbers and have more children per couple.

It's only a matter of time before U.S.A. stands for the United States of Asia.

We may never be able to defeat the West militarily, but we sure as hell can genetically.

American school children are already learning about the aboriginal First Nations - the Mongolians - who rightfully own this continent. They are now learning about the crimes of the

European invaders and usurpers, and soon all American school children will learn of the ultimate destiny and purpose behind it all; the new United States of Asia.

The word racism has been turned into a synonym for evil. But racism only means having racial feelings - a feeling of kinship with your racial brothers and sisters, a feeling of understanding and belonging, a feeling of being part of a culture, a part of something bigger than ourselves.

Racial feelings are inborn in us. They are good and natural. And it is one of this century's most horrible deceptions to paint them as somehow wrong. If you want to call our normal racial feelings racism, then so be it. We'll call those feelings racism.

As long as there are races there will be racism. It is inborn, has an evolutionary purpose and survival value, and is even present in non-human species. Racial feelings are about as likely to disappear as are sexual feelings.

Actually, racism is good and necessary for the continued branching off of new types of human beings from the existing stocks. Evolution, so far as we know, operates primarily by such branching, and racial feelings are an important part of what keeps the branches apart. At some point, *homo sapiens* refused to breed with the sub-men around him.

Liberals are very suggestible, and are really the victims, of, not the originators of, the race does not exist, but some races must be favored swindle. It is convenient to demonize and dehumanize people that you are going to commit genocide upon. And it is easier to commit genocide when you convince your henchmen that the victims really don't exist. That is what the White race does not exist con is really all about. It is a warrant for genocide.

A far more important concept in the crossing of human races is regression to the mean. This means that even if you mate a Negro genius with a White person the offspring are, on average, likely to exhibit Negroid characteristics more typical of the average Negro, and not necessarily of that particular Black genius, and this is even more true of succeeding generations.

Regression to the mean in the case of interbreeding with Africans means regression to the African mean, with Asians to the Asian mean. Neither holds out promise of raising the level of the upper half of our bell curve - rather the opposite. The other races have mixed with Europeans, and everywhere the results are, to say the least, unimpressive. They have nothing to offer us.

The European race has all the diversity it needs for health and further evolutionary development. It is a moral and environmental crime of the highest order to destroy it by breaking down all its defenses against interbreeding.

Whites should be allowed to re-erect their traditional barriers against mating and social contact with non-Whites in order to preserve our kind. Anything else is genocide.

And our race is threatened. Nowhere is our birthrate above replacement level. Everywhere our borders have been opened and the new elite teaches our children that intermarriage is good and desirable. Everywhere the new elite teaches our children that to defend our genetic heritage is the very definition of evil.

The end result, if trends continue, will be genocide. The end result will be death for the uniquely beautiful, intelligent, and creative people called by the name of the goddess Europa.

HR-1, Tab C-19

The title of this article is *Indians Being Given Special Status* and the author is one Michele Gagnon. At the hearing, Mr. Warman read into the record the following passages of the article. Indians Being Given Special Status. Who will make the racism stop?!

Canada is entirely filled with peoples from all around the world, who've come here overtime to work hard and build a strong nation. Millions suffered great tragedy and loss and hard times, yet they've ALL managed to work in harmony, creating wealth and paying the taxman to uphold our nation's communities. ALL accept (*sic*, read except) the Canadian Aboriginal First Nations Indians.

While we have contributed staggering sums of money and support to their race's communities and individuals, they have not done so for the rest of the peoples of Canada. A few Aboriginal first Nations Indians have used their free university educations (the ones the rest of us don't quality for) to get degrees in Law and argue, again on our tax dollars, that we still owe them billions, our children still owe them billions, and now they want ALL the land and resources.

Apparently only this one race can own Canada, and only this one race doesn't have to work or pay taxes for other races, and only this race can claim ownership of the land's resources and water-ways, and the funds they generate. Apparently only this race was troubled by change, and only this one race should be highly compensate for it, by every other race out there. Apparently only this race is not to blame for any wrongs that came their way.

It's the biggest con game ever. We are paying them to blame us for things we personally did not do to them, and if we don't accept that blame and responsibility, WE are the racists. Their history reads better than most who's land was settle by new-comers, yet they've bilked us like we personally massacred them and are continuing to. What's more disturbing than this, is that we fell for that con job and allowed our fear of racism to generate theirs. But what did my Austrian grandmother do to their great-great grandfather that I would owe them so much money and so much of my own dignity? And how come only the white guys turned out to be bad in all the stories?

We cannot send babies back from where they came. This is the reality for Cnada in the here and now and it's time for the Canadian Aboriginal First Nations Indians to grow up spiritually and accept their fellow man with love instead of hate, greed, revenge, racism, blame, and a total lack of personal accountability. It's time to notice that innocent victims of this racism, live here, and work hard to pay taxes, only to be ridiculed by Matthew Coon Come and his propaganda. It's time for them to lay off us, and start treating Canadian citizens with the respect and good will and reciprocation they deserve. Maybe it's even time for them to get jobs and pay taxes, but for sure it's time for them to get their hands out of my pockets, my children's pockets and my great-grandchildren's pockets.

HR-1, Tab. C-20

This article is entitled *Misplace Hate* and was written by Erik the Norseman. At the hearing, Mr. Warman read into the record the whole article which reads:

There is an old saying Hate your enemy long enough and you will become your enemy. That, perhaps, should be amended to read, Hate your enemy as you are taught to perceive him and, in time, you will become that enemy, as you falsely believe he was, not necessarily as he truly is.

The Jews, by their actions, have proved this axiom. They have not only equaled the excesses, by their own propaganda, attributed to the SS and the Gestapo but by their treatment of the Palestinians and their Arab neighbours, have surpassed these excesses.

For millennia, the Jews have formed an exclusive, world wide, elitist society. In every nation in which they reside, they remained, often for many generations, separate and apart, foreigners amongst those by whose side they lived. Naturally this resulted in resentment and animosity. Their loyalties were always to Israel, never to those amongst whom they dwelt or to the nation that gave them a home. Between themselves they gained virtual monopolies of many professions, power and wealth far out of proportion to their numbers. THEIR community (the Nation of Israel) transcended national boundaries and made national governments tremble. It should be noted that the Nation of Israel encompasses the totality of all Jews worldwide and not just the state of Israel located in the Middle East.

The result was inevitable. Peoples and governments, throughout history, have taken steps to protect themselves from those whose loyalties they could not depend upon and whose power and wealth threatened them. The Jews labeled this understandable reaction oppression, discrimination and anti-Semitism. They portrayed themselves as the downtrodden whilst simultaneously bleeding dry the financial resources of their benefactors.

On the pretext of a two thousands year land claim, by acts of terrorism and guerilla warfare, they forcibly created the state of Israel. Now, today, the Jews, self-proclaimed chosen of God, have finally found some innocents to do unto as they falsely claim was done unto them. Read the News. Vengeance by proxy might be acceptable Zionist policy but not Christian

HR-1, Tab. C-21

This article is entitled *End of Times* and its author is Carol on the Web. At the hearing, Mr. Warman read into the record the following passages:

When whites complain of minority treatment, we are demonized, relegated to the margins of society as dangerous haters, accused of anti social bigotry and risks a certain professional and financial death sentence, should we persist. We are unable to communicate effectively with each other to plan our defense because most avenues of communication are shut off to us, controlled by interest disinclined to freedom of expression for any but approve orthodoxies. There is no such thing as polite discussion of the time table for the annihilation of the white race. Yet is WE who are the true minority on the planet.

I have connected the dots between Jewish immigration to the U.S. and the cultural jihad they've launched against yet another host culture.

This time it's Euro Americans whose Christian mores, norms and financial markets are being redefined by a Jewish stranglehold on the Federal Reserve, the U.S. Cabinet, Judiciary, and

media monopoly. The hitherto stealth operation is combined with a viciously amoral academic partnership between socialists and homosexuals, eager to diminish resistance to their agenda by teaching our children homo-eroticism as sexual equivalence. Christmas is no longer tolerated in schools, government, on calendars, or WWI monuments. Our children are asked to wrap and donate holiday presents for poor children by our local schools, yet we are cautioned not to use Christmas paper which is offensive. Offensive to whom? All those Buddhists and Muslims in our suburbs? Our latino neighbors? Blacks?

HR-1, Tab. C-23

This is an article written by Christian Keptler which is entitled *The New Order Crowd's Chosen Black*. Mr. Warman read into the record the following passages of the article:

By the mid-60's the New World Order clan that works out of appointed positions in and around the U.S. Government had already discovered Colin Powell, now both a Council on Foreign Relations (CFR) and a Trilateral Commission (TC) member. He was articulate. He loved the establishment. He followed orders well. He made no waves. He was not from any of the academies; he was Black, in appearance at least. He had not done anything well before the Army, never having quite fit in anywhere else. His grades were merely average or below. Born in the South Bronx, Powell had no particular political view (except on race where he is as anti-Adamic as the typical Black in politics) - having no stable, steadfast views is something seen as a quality in prospective front men by the Insiders. He was thus trainable - and usable.

And so, Colin Powell's swift rise to the head of the Joint Chiefs of U.S. military Staff began, after never having been a combat field general, after not having the rigorous historical military training received at West Point or any of the military academies. Other much more qualified Generals (White and Christian of course) were passed over like molded snacks on a party plate.

This is the type of person (aka President George Bush I) whom the Insider New World Order crew loves. Say yes and bow them and you can have the world.

I, as the rest of you am used to Black pets getting promoted simply because they are able to get in front of a crowd without vomiting on them. But what I don't like about him is that he proudly displays a menorah behind his desk, because he says, It's a constant reminder to me of the suffering and persecution we've both been through. But there's a little more to this racial background, which has also helped him scoot up the insider ladder; besides being Black, he has a snake in his background, on his mother's side from Jamaica. Thus, the menorah means something more than just the idea of his and their race being persecuted; it's definitely racial and possibly religious because Powell has rejected Christianity.

So yes, Powell's brainwashed. Yes he's a yes-man and lackey for the one-worlders. Yes he's a poof of an empty shirt who'll follow along to get along. All those aspects of Powell are typical of America's appointed class; but the menorah and hidden heritage turn him into just another sneaky snake.

HR-1, Tab. C-24

This article is entitled *Rosolute Peasantry - a Venerable Choice* and was written by Carol on the Web. At the hearing, Mr. Warman read into the record the following passages:

I am a card-carrying member of that post-depression-suburban-caste known as the upwardly mobile, but culturally degraded boomers. We were born to more choices than common sense. And our mobility hasn't necessarily been upward or inward - just outward. Too many of us are lost in a sea of value choices - a malice prepense of Jewish media.

But not before I share a recent example of #5 - Do write letters to newspapers and magazines. Charles Krauthammer of the Washington Post explore the new anti-Semitism saying -

This time, however, Jew hatred is more sophisticated. It is not a blanket hatred of Jews. Jews can be tolerated, even accepted, but they must know their place. Jews are fine so long as they are powerless, passive and picturesque. What is intolerable is Jewish assertiveness, the Jewish refusal to accept victimhood. And nothing so embodies that as the Jewish State.

This assertion is brazenly disingenuous. It's also a mockery of the good-hearted people who have welcomed Jews into top positions of power in our cultures, businesses, and governments. Jews are certainly powerful and aggressive - if not picturesque. It is WE the non-Jews, who must tolerate the Jew-as-victim, in all its profitable manifestations. Krauthammer continues ...

What so offends Europeans is the armed Jews, the Jew who refuses to sustain seven suicide bombings in the seven days of Passover and strikes back. That Jew has been demonized in the European press as never before since, well Since the '30s. The liberal Italian daily La Stampa ran a cartoon of the baby Jesus, besieged by Israeli tanks, saying, Don't tell me they want to kill me again.

The Italian cartoons are no worse than anti-Arab barbs in the Jewish/American press. The truth is that Jewish tanks level whole villages in pursuit of soldiers of the Resistance. Jews uproot ancient olive groves to rid themselves of Palestinian crops. Jewish soldiers defecate on emergency room floors after destroying medical equipment in non-Jewish hospitals. And it is a wholly owned Jewish press obsessing over Catholic pedophiles, even as they ignore mounting numbers of sex crimes by Rabbis (names not reproduced) to name just a few - Interested readers should read the entire link. It's long but EXTREMELY instructive on sexual predation by Rabbis. Krauthammer continues ...

Again. And this time the Christ-killers come in tanks. Just when Europe had reconciled itself to tolerance for the passive Jew - the Holocaust survivor who could be pitied, lionize, perhaps awarded the occasional literary prize - along comes the Jewish state, crude and vital and above all unwilling to apologize for its own existence.

Reconciled itself to tolerance for the passive Jew? - There are passive Jews? And the occasional literary award? Charles is embarrassing himself at this point but seems oblivious to the titters heard round the world. EARTH TO CHARLES - Jews award Jews who award Jews for exemplary everything. But he did get something right. The Jewish state is CRUDE, and not vital to any, but others Jews. In closing, Charles tosses one more stink bomb at the Euros - this time, the dreaded froggies ...

For those of us who believe that Jews have far too much control over everything in our lives... I ask WHO ELSE qualifies?

Jews are totally out of control in American politics, publishing, academia, media, law, and medicine ... need I go on?

Enough already - anti-Jewish sentiments are a product of Jewish domination, combined with the frustration of being labeled a bigot and a hater should we complain. Traditional anti-Semitism is about what Jews DO to obtain and defend disproportionate power over the populations they exploit. This is about power, its use and misuse - NOT religion - unless power IS their religion.

HR-1, Tab. C-25

This article is entitled *General Rules for Living Among Other People*. At the hearing, Mr. Warman read into the record the following passages:

Good examples of enemies that white nationalists encounter offer are anti-racists - whether communist, liberal or Christian (or all three), members of Jewish groups, members of law enforcement, members of the media, officers of the court, and the like. These people all mean white nationalists harm; if you treat them like your friend, they will use you until they think there is advantage in discarding you. Friends of white nationalists include almost everyone else, and some of the above when they are not acting in an official capacity.

2) You have moral obligations towards your friends; you have no moral obligations towards your enemies.

The Jews actively subvert white nationalist organizations through the use of informer, false arrests, the spreading of lies about the nature and intentions of organization, the publication of false news, constant propagandizing, criminal acts of harassment, criminal acts of violence, and generally any means at their disposal. They feel no moral obligations towards those they consider to be their enemies. (They also feel no moral obligations towards those they see as their friends, except insofar as is practically necessary, but that is just a manifestation of their immoral nature.

HR-1, Tab. C-26

This article is entitled *Paging Doctor Sinister ... Please Report to the Maternity Ward!* At the hearing, Mr. Warman read into the record the following passages:

Since the Renaissance the societies in all Western countries have become increasingly Jewish thanks to the relentless behind-the-scenes manipulations of the Masonic Hermetic Rosicrucian elite who incidentally, have always made up the establishment and aristocracy of Western nations, and who became willing flunkies to the Jews and their lunatic Talmudic Kabbalistic perfecting of the world dogma.

Orthodox Medicine of today is nothing more than a twisted, bizarre, anti-human construction firmly rooted (in a dogmatic sense) in Jewish Kabbalism.

HR-1, Tab. C-27

This article is entitled *A Warning for Americans - A Message from a South African*. At the hearing, Mr. Warman read into the record the following passages:

Today, however, South Africa may be the grim model of the future Western world, for events in America reveals trends chillingly similar to those that destroyed our country.

HR-1, Tab. C-28

This article is entitled *The GI's Dream* and the author is unknown. At the hearing, Mr. Warman read into the record the following passages:

My dad, born in 1913 (deceased 1981) fought against Hitler in WWII. Now, years after his death, I have finally returned to embrace my heritage without shame or apology, and have come to understand the monstrous deceit inflicted upon my father, our family and our once beautiful white, gentile nation.

This is the way America was when my dad, along with 15 million mostly all-white American servicemen, went to fight against the Nazis, incurring the loss of 405, 399 dead and 671, 278 injured:

- a) whites-only immigration policy
- b) whites-only naturalization policy
- c) whites and American-born blacks only were legally permitted to vote, while literacy requirements and discrimination effectively prevented most blacks from voting (Africans in Africa also could not vote)
- d) native-born American Chinese, Hispanics, or other non-whites were not allowed to vote (Chinese in China and Hispanics living in many Latin American nations couldn't vote either; neither could Mexican women in Mexico until 1953)
- e) segregated schools
 - f) intermarriage forbidden by law
 - g) whites-only residential zoning,
- h) segregated military, transportation, hotels, restaurants, bathrooms, water fountains, etc.
- i) Non-whites were not allowed to be policemen
 - j) Prayer was required in school
 - k) We publicly (*sic*) professed to be a Christian nation
 - l) Anti-Semitism was forthright and socially acceptable
- m) President Gen. Eisenhower, our famous Nazi-fighter, was the same man who later authorized the army to implement Operation Wetback in 1954 which rounded up Mexicans and drove them back into Mexico.

Today anyone who would dare suggest a return to these draconian policies would be called a Nazi. The question arises: if the America which practiced those policies was no different from the Nazis they were fighting against, then why the hell did we fight against them? Why were we trying to destroy people who were essentially like ourselves? In retrospect, it seems like we made a fatal mistake in destroying our own kind in order to save a wholly alien people who, in gratitude to their foolish Gentile saviors, are now doing to us what they did to the Germans.

When you look at the Nazi goals, very few Americans would have been put off by the vast majority of them. In fact, for the most part the average American would have agreed with what the Nazis believed. The methods the Nazis used were necessarily drastic, and that is where most disagreement would have been found.

If it is wrong to want a White America, then America is itself wrong for even existing. And you can bet those who are promoting the idea that diversity is wonderful, know full well that diversity is as un-American as it gets.

()

HR-1, Tab. C-29

The article is entitled *Apology To The Black Race From White People* and is written by Arthur Kemp. At the hearing, Mr. Warman read into the record the whole article:

We apologize for giving you doctors and free medical care, as a result of which you have been able to survive plagues and catastrophes and grow in numbers;

We apologize for teaching you to read and write, and for building you thousands of schools which we have repaired after you vandalized them and burned them down. After all, if you could not read how could you have learned the words of Karl Marx, Mao Tse-tung, and others how taught you how evil we are and how oppressed you are?

We apologize for developing factories and highways and buildings that gave you employment;

We apologize for developing farms that to this day feed the bulk of Africa;

We apologize for providing you with warm clothing made of fabric instead of leaving you wearing the animal skins that you wore before our arrival;

We apologize for those among us who have established welfare organizations and have devoted their entire life towards making life richer and better for your people;

We apologize that we have built roads and railroad tracks between towns and cities which you now use every day without thinking; We apologize for paying the lion's share of taxation while spending less on ourselves than on you;

We apologize for giving you law and order and a strong central government that prevented your own warrior nations like the Zulu and the Matabele from slaughtering black people by the hundreds of thousands as they did year in and year out before we came;

We apologize for teaching you the English language which has opened to you the entire world of European thought, culture, and commerce;

For all these sins we humbly beg forgiveness, and if you will only accept our apology we will be happy to take back all of the above evil and horrible things we have done to you and return to our European homeland.

HR-1, Tab. C-30

This article is entitled *How Christianity Harms the Race* and was written by Michael W. Masters. At the hearing, Mr. Warman read into the record the following passages of this article: Christianity, which many believe to be the noblest moral system ever conceived, must now share blame for the dissolution of the West. A faith that once served as an anchor for Western civilization has become a source for the same self-flagellating guilt that typifies liberalism. Today, Christianity's public expression differs only cosmetically from Marxism in its attitudes toward economic redistribution, equality and racial integration.

How has Christianity sunk so low - and our people with it? The answer is that it has subverted the inbred trait of altruism that helped family and tribe survive, and has transmuted those traits into agents of passivity and surrender. Christianity has universalized altruism, thus stripping us of our defense against multiculturalism. Today's Christianity drives us to betray our own interests to whoever asks. At the consequences of their actions today.

Christianity's divorce from racial consciousness was both sudden and recent. Only in the 20th century did secular humanism infiltrate virtually every mainline Christian organization. By the 1960s, organized Christianity was working hand in hand with organized Judaism to dismantle the South's self-protective wall of racial hierarchy. The universalist campaign continues to this day, with ordination of women and soon, one fears, homosexuals.

One finds national and presumably racial separatism in the New Testament as well... Acts 17:26 reads: He hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation.

Like their atheist counterparts, Christian trend-setters preach what amounts to the dissolution of the white race. Christian Coalition founder, Pat Robertson, supports more immigration from south of the border because the newcomers are nominally Christian, support family values and are our king of voters.

With ministers preaching racial suicide, Christianity may now be more of a threat to our survival than liberalism.

Christianity's flaws did not threaten us until technology and ideology made their consequences felt on a world-wide scale. Now, our moral code must renounce universalism and emphasize our own survival. Unless we adopt moral beliefs in keeping with the realities of today's demographics, we will not survive the mounting wave of Third World immigration, procreation and miscegenation. It is in this sense that, as Jean Raspail says, Christian charity will prove itself powerless, Christian charity can hardly stop a demographic displacement that it helped set in motion.

HR-1, Tab. C-31

The article is entitled *Does a Satanic Cult Rule the World?* And is written by Henry Makow. At the hearing, Mr. Warman read into the record the following passages:

Who is the Illuminati? We are still living off the twilight rays of Western Civilization, which was based on Christianity. Civilization is always based on a religion, an ideal. Christ taught that God is immanent and His Plan is to manifest Himself through His Creation. We must do His will

rather than pursue our own selfish desires. Kings derived their authority from God and were answerable to Him.

The Jewish Pharisees rejected Christ. They practiced a naturalistic religion that turn Christ's message on its head.

Freemasonry is taught to your child. For example, a survey of schools in my city shows that 75% no longer use the word Christmas to describe their holiday season festivities. Instead Christmas has been replaced with such jargon as winter concerts and international celebration of holidays.

The Christmas tree at the Legislature was renamed multicultural tree until a storm of protest force the politicians to relent.

We have to abandon our culture in order to respect everyone else's? It's kind of silly, one parent complained.

But this is exactly the agenda: To destroy Christianity, just as they have destroyed empires, nations, heterosexual identities and nuclear families. The agenda is to strip people power and identity leaving us defenceless in the face of one-world tyranny.

HR-1, Tab. C-32

This article is entitled *Spoiled Blacks:What we don't Dare to Discuss* and is written by Robert Rocher. At the hearing, Mr. Warman read into the record the following passages;

Given continuation of present trends, there will be another ice age before anyone of any race has brains or guts enough to stand up and say rampant irresponsible psychopathic deviance is a prominent characteristic of the black subculture that is chiefly responsible for the problems of the black race. And that anyone I'm speaking of includes what passes for religious leaders.

Parenthetically, if any group needs a women's liberation movement, it is black women. Calloused black dude psychopaths use them without conscience, get them pregnant, desert the women and the children, then laugh it off. Some of them, the street-cool dudes, even come back later to sell drugs to children they sire. Black women should rise up and just plain slaughter half of the black men in the country without mercy until there is a trace of Gangsta Rap music remaining in the world. Until they do, there will be little future for the black race. The reason they don't do it is because they aren't any more responsible than the men.

HR-1, Tab. C-33

This article is entitled *Note from a Suicide Bomber in Israel*. At the hearing, Mr. Warman read into the record the following passages:

To the people of Israel, who stand by the graves of the Jews I will kill:

You assassinate my freedom fighters while explaining to the world that you are merely defending your own squatters. You shoot to kill little children who in defiance and courage wield small stones in the name of liberty against you, the fiercely armed enemy.

You occupy my land, and on my bloodstained hills station your tanks and armored jeeps in order to slaughter and mutilate little children playing in the streets.

You shoot out my water tanks and you kill off Palestinian policemen, even though at the time of your brutal massacres, these young men were patrolling their land or simply eating their last supper. You cut off my electricity so you can assassinate me more easily in the dank shadows of your dark treachery.

You want peace. Jews? You may have it if you wish. The price is simple. Get out. Get out of my land. Leave my people alone. This land is not yours. You stole it from us, and we are going to take it back if we have to kill every one of you who dares to remain and contaminate Palestine with your presence. You may butcher us and tyrannize us and murder us now, with your high-tech American weapons and your American money, but in the long term you have two choices, and only two.

Get out of Palestine, Jews. Or die here.

HR-1, Tab. C-34A

This article is entitled *Iraq: Proof Islam is a Nest of Vipers* and is written by Erik the Norseman. At the hearing, Mr. Warman read into the record the following passages:

Muslims proclaim themselves obedient slaves of Allah and therefore morally and ethically superior. Honesty, charity and compassion are the LAW. We have recently seen with our own eyes their obedience to their God and his law.

In the early stages of the war, emergency relief supplies were sent into southern Iraq. The supplies were mobbed. The strong took it all. Nothing was left for the weak - women, children and the elderly. A wonderful example to us all of the charity and compassion of Muslims.

In city after city, the same rule. In Bagdad, as elsewhere, looting, arson, assault and even murder became commonplace.

If the above is a typical example of the Muslim's respect for their Prophet and their love of God, may God protect the rest of us from the devout Muslim.

HR-1, Tab. C-35

The article is entitled *Wonderland Revisited* and the author is Kwazimodo. At the hearing, Mr. Warman read into the record the following excerpt:

Now yesterday, and again today, we are reading that extensive mourning preparations for 4000 (give or take) Jews employed at the Towers were cancelled. SUDDENLY, when it came known that they had all FAILED TO SHOW UP FOR WORK in the first place, and at the time of this composition no explanation of this remarkable situation has been forthcoming.

HR-1, Tab. C-37

The title of this article is *The Multicriminal Society*. At the hearing, Mr. Warman read into the record the following passages:

It should not come as a surprise that when the dark races increase their numbers in Sweden, crime rises accordingly. This piece is written in order to provide an insight into how their behavior is universal. As I read through these statistics I am struck by a thought: whether a Negro is living in the Americas, where his ancestors were brought as slaves, or in Europe, where he is a privileged immigrant, or in Africa, where he has always been the majority, his behavior remains the same. The Jewish media would have us believe that oppression and racism force him to theft, murder and rape. Curious, then, that his behavior only becomes more destructive the more dominating his position is in society.

Few dare tell the truth about the problems the dark races cause us, and those who do are treated in a way that can rightfully be described as persecution in several cases. In spite of this, however, the effects of the darkening of our society have not gone unnoticed. A majority of Swedes know what is happening, and are enraged by it.

HR-1, Tab. C-38

The title of this article is *Multiculturalism. The Bakshish Merchants*. At the hearing, Mr. Warman read into the record the following passages:

Actually what Paul Martin needs to look at is Canada's hugely unpopular immigration policy. That a race hustling twerp like Dhaliwal, MP for Vancouver South-Bollywood, thinks he can use his ethnicity to publicly extort a job for himself should demonstrate to all Canadians why our immigration and multicultural policies are right up there with wiccan sorcery and voodoo.

As previous political pundits have noted, Canada is becoming a divided country where competing tribes of people from the third-world haggle over the public purse to promote their own ethnic factions.

Tally ho and down the drain Canada goes.

HR-1, Tab. C-39

This article is entitled *Yo, White Bitch, You Dissed Me*. At the hearing, Mr. Warman read into the record the following excerpt:

Ivona was one more victim of our genocidal immigration system which seeks to replace the European founder/settler people of this country and to supplant their culture. In her beating, she was subjected to a dose of violence being imported by our toleration of cultures, than revel in lawlessness, disrespect for others and defiance of authority.

PARTIES OF RECORD

TRIBUNAL FILE:	T1089/7005 and T1090/7105
STYLE OF CAUSE:	Richard Warman v. Canadian Heritage Alliance and Melissa Guille

DATE AND PLACE OF HEARING:	<p>November 20 to 24, 2006 September 4 to 7, 2007 December 10, 12 to 14, 2007</p> <p>Toronto, Ontario</p>
DECISION OF THE TRIBUNAL DATED:	September 30, 2008
APPEARANCES:	
Richard Warman	For himself
K.E. Ceilidh Snider	For the Canadian Human Rights Commission
Paul Fromm	For the Canadian Heritage Alliance
Alexan Kulbashian	For Melissa Guille