

IN THE MATTER OF AN APPLICATION BY
RICHARD WARMAN
PURSUANT TO PART VII OF THE
CRTC TELECOMMUNICATIONS RULES OF PROCEDURE

Regarding

An ex parte application for interim approval under section 36 of the
***Telecommunications Act* to permit Canadian carriers to block the**
content of certain hate websites and additional follow-up relief

AFFIDAVIT OF BERNIE M. FARBER

CANADIAN JEWISH CONGRESS

AUGUST 22, 2006

I, BERNIE M. FARBER, OF THE CITY OF VAUGHAN, ONTARIO MAKE
OATH AND SAY AS FOLLOWS:

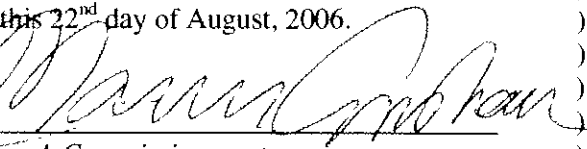
1. I have personal knowledge of the matters hereinafter deposed to except where stated to be based on information and belief, and where so stated I verily believe the same to be true.
2. As of the date of this Affidavit, I am the Chief Executive Officer of the Canadian Jewish Congress ("Congress").
3. Congress is a non-profit human rights organization concerned with the rights and freedoms of the Canadian Jewish community as well as the rights of ethnic, religious and other minority groups in Canadian society. Congress was founded in 1919 and today represents a community of approximately 370,000 Jewish Canadians. It is the democratic decision-making organization for the Canadian Jewish community and is recognized at all government levels as the community's representative on matters of public policy and the community's concerns.

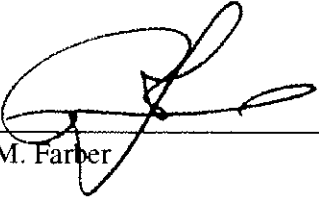
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4. I have been qualified by criminal Courts in Ontario and Prince Edward Island as an expert in hate crime, white supremacy and neo-Nazi activity. I have also been qualified as an expert witness on hate crime and antisemitism by the Ontario Labour Relations Board. I have also testified as an expert witness for the Federal government of Canada in a hearing pertaining to a request for Canadian Citizenship by neo-Nazi Holocaust denier, Ernst Zundel.
 5. I have reviewed material posted on two websites owned or operated by Mr. Bill White (www.overthrow.com and <http://dossiernoir.blogspot.com>) and have determined, based on my expertise as detailed above, that the content authored by Mr. White is likely in violation of sections 318 and 319 of the Criminal Code of Canada. His other comments advocate the act of murder be committed against Mr. Richard Warman, a citizen of Canada and he advocates the violent overthrow of the democratically elected government of Canada.
 6. Regarding the hate-speech component of Mr. White's comments:
 - a) It is important to understand that the connection between hateful speech and hateful action has been well documented. In a 2002 publication, Destructive Messages: How Hate Speech Paves the Way for Harmful Social Movements, Alexander Tsesis points to the historic examples of the Final Solution, the development of slavery, the treatment of North American Indians and the genocide in Rwanda as ample proof of how hateful language can poison public discourse and affect the very fabric of a society. It is a clear demonstration of how language can impart a lethal velocity to societal behaviour.
 - b) The concept of the *Marketplace of Ideas* as developed by Supreme Court Justice Oliver Wendell Holmes in 1919 held that truth will ultimately emerge from the free exchange of a multiplicity of ideas. While the concept is philosophically comforting, we must acknowledge that the American system of slavery was not defeated by an exchange of ideas. It could not be because centuries of speech that delegitimized and dehumanized persons of colour imbedded notions of racial superiority too deeply to be eradicated. Slavery did not end with a debate. It ended with a war.
 - c) Similarly, with regard to the Holocaust, the architects of the mass murder of six million Jews along with their bureaucratic *Schreibtischtäter* (desk murders) could not have been ignorant of the morality of murdering innocents, but generations of formal and informal teachings had taught them that Jews could be placed outside the circle of humanity.
 - d) It is through the use of language that members of *outgroups* are progressively stigmatized and dehumanized. Anthropologists taught that Blacks were directly related to Apes rather than humans. The American Indian was likened

to “game” for hunters. The Jews became lice or maggots. The Hutus became *inyenzi* – cockroaches.

- e) The language employed by Mr. White is inflammatory and without doubt represents a call to violence:
- i. “Lead the Jews who finance him to the gas chambers! Rise up and show these pigs revolutionary law.”
 - ii. “We will break Jews on the wheel/Panzer Division – GRIND THEIR BODIES UNDER STEEL!”
 - iii. “They [Jews] won’t escape ... torture and rape/Death and destruction ...IT’S JUDGEMENT DAY.”
 - iv. “We will build an empire unlike any other/ Where the masters of our race/ Lead Jewish sheep to slaughter/ It’s raining blood from Heaven”
 - v. “All hail the new centurions marching in the street/ SS storm contingent – Killer elite/ Triumph of our wills ... we will grind the Jews under heel”
 - vi. “Like Jewish swine lined up for slaughter/ Their blood will flow like water”
- f) The final comment, (5)(e)(vi), above is most chilling in that it eerily –echoes the refrain of the *Horst Wessel* a song that Nazi Storm Troopers sang as they terrorized the Jews of Germany: When Jewish blood will spurt from our knives, then things will be twice as good!
- g) Mr. White is very clear on his views. In a closing comment made on the dossiernoir blog, he states, “Linder is correct when he calls for the assassination of the Canadians and the Jews responsible for the arrest of Winnicki. He is correct when he calls for an uprising against Canada’s authorities. And it is correct for all Americans to provide to our Canadian brethren whatever material is necessary for them to effect an uprising against their government.”
- h) If the history of the last century teaches us anything it is that destructive language, unchecked, can lead to destructive action. If more recent history, such as the shooting in Seattle which resulted in the murder of one Jewish community employee and the wounding of five others, teaches us anything, it is that individuals, influenced by extremist, hateful, language, can act with tragic circumstances.

7. The vitriolic language employed by Mr. White against Jews in general and Richard Warman in particular is cause for deep concern and requires a clear response.

SWORN BEFORE ME)
at the City of Toronto)
in the Province of Ontario,)
this 22nd day of August, 2006.)
)
A Commissioner, etc.)


Bernie M. Farber

Marie S. Anisimov