CANADA
PROVINCE OF NOVA SCOTIA

IN THE PROVINCIAL COURT

HER MAJESTY THE QUEEN

against

JUSTIN CHAD REHBERG

TRIAL BRIEF OF THE CROWN

ADMITTED FACTS

The facts of this case which are admitted pursuant to section 655 of the Criminal Code are as follows:

1. About 12:30 a.m. on 21 February 2010 the Accused and his brother erected a wooden cross which had been soaked with a liquid accellerant on the front yard of a home at 738 Avondale Road, Avondale, Hants County, Nova Scotia, and set it afire. The cross was about five feet tall and it burned brightly in clear sight of the occupants of the home and passers-by on Avondale Road.
2. To the knowledge of the Accused and his brother, the home was lived in and at the time occupied by a bi-racial couple and 'their' five children. The couple were Shane Howe, a man of African-Canadian descent, and Michelle Lyon, his

caucasian 'spouse'. The children ranged in age from 2 years to 17 years. The couple and several of their children saw the burning cross in their yard and one of the older children heard someone in the area of the cross shout, "Die, nigger, die". All of the occupants of the house who were old enough to understand took this to be a threatening statement of racial hatred and were appalled and terrified by it. Shane Howe's immediate reaction was to grab a baseball bat and rush out of the house to confront the cross-burners but he had not gone very far before he thought better of it and went back inside.

3. The Accused and his brother had planned this act at least two days before and had assembled the cross in advance and dragged it down the road together to the spot where they set it up.

4. News of this event spread rapidly. It was reported by electronic and print media in the immediate area, across the province and across the county. The community at large was so upset by it that within a week they staged a public march in support of the family in the home. February is black history month in Nova Scotia and there had been well-publicized events to commemorate it.

FACTS TO BE JUDICIALLY NOTICED

The social and historical context of cross burning must be taken into account in order to appreciate the message conveyed by it. This is vital when a message of hate is conveyed in a symbolic act rather than in expressive language. At paragraph 103 of its unanimous decision in **Mugesera v. Canada (Minister of Citizenship and Immigration) [2005] S.C. J. No. 39** the court stated:

> In determining whether the communication expressed hatred, the court looks at the understanding of a reasonable person in the context: Canadian Jewish Congress v. North Shore Free Press Ltd.(citation omitted). Although the trier of fact engages in subjective interpretation of the communicated message to determine whether "hatred" was indeed what the speaker intended to promote, it

> is not enough that the message be offensive or that the trier of fact dislike the statements: Keegstra, at p. 778. In order to determine whether the speech conveyed hatred, the analysis must focus on the speech's audience and on its social and historical context. An abstract analysis would fail to capture the speaker's real message.

Judicial notice, rather than expert evidence, is the route by which social and historical context enters into the analysis. We have found no Canadian decision in which the social and historical context of cross burning was the subject of judicial notice. A Quicklaw search using the search terms "cross burning" discloses only six reported Canadian decisions in which it has been mentioned. They are:

1. **Miller v. Canadian Broadcasting Corp., [2003] B.C.J. No. 365 (B.C.S.C.)**
2. **Khaki v. Canadian Liberty Net,[1993] C.H.R.D. No. 17 (Canadian Human Rights Tribunal)**
3. **Tench v. Canadian Association of Professional Employees, [2009] C.P.S.L.R.B. No. 154 (Canadian Public Service Labour Relations Board)**
4. **W. Network re My Feminism, [2003] C.B.S.C.D. No. 8 (Canadian Broadcast Standards Council)**
5. **Rutherford v. Swanson, [1992] A.J. No. 1318 (A.B.Q.B.)**
6. **Kane (Re), [2001] A.J. No. 915 (A.B.Q.B.)**

Using the search terms "burning cross" there are five:

1. **Thompson v. York Regional Police Services Board, [2010] O.H.R.T.D. No. 426 (Ontario Human Rights Board)**
2. **Manitoba Coalition Against Racism and Apartheid, Inc., v. Harcus[1992] C.H.R.D. No. 15**
3. **R. v. Brick, [1995] O.J. No. 4519 (Ont. Prov. Ct.)**
4. **R. v. N.G., [2007] O.J. No. 1199 (Ont. Ct. Just.)**
5. **Pressler v. Lethbridge, [2001] B.C.J. No. 2335 (B.C.C.A.)**

None of these decisions involve an actual cross burning. None of them explicitly take judicial notice of the history or meaning of cross burning. The references to cross burning in all of them are as asides, but all of them take unstated judicial notice of that history and meaning in the way

that they refer to cross burning as reprehensible. **R. v. N.G. (supra)** is a good example - the case had nothing to do with cross burning, but rather with the "exceptional case gateway" to custody in s. 39(1)(d) of the Y.C.J.A, yet the court cited cross burning as a classic example of a crime that warrants custody.

In their introduction to the subject of judicial notice the learned authors of **McWilliams' Canadian Criminal Evidence (4th Ed.)**, Canada Law Book (2010) state at the beginning of chapter 23 (citations omitted):

> In a criminal trial, as a general rule, the trier of fact determines facts in issue on the basis of evidence - the testimony of witnesses, physical exhibits and any admissions of fact. The adversarial model of trial depends on the production of evidence by the prosecution and defence subject to rules of evidence "guaranteeing its sufficiency and trustworthiness".
>
> Facts in issue are not decided by the personal knowledge of a trier of fact about witnesses, transactions or other material events particular to the litigation. Such findings are to be found on facts "that the parties have proven".
>
> Judicial notice of facts amounts to an "exception" to the general rule of evidence that parties are required to prove all facts in a criminal trial by relevant and admissible evidence. "Judicial notice", a term signifying any use by a court of extra-record facts, "is essential to the proper administration of justice". Facts judicially noticed are used or proved other than by evidence and in this way judicial notice is another form of proof substituting for evidence and the requirement of formal proof.

While it has been observed that the doctrine of judicial notice "is one of common sense", the limits of judicial notice are inexact. While the doctrine implicates extra-record facts, judicial notice has been described as "one of those flexibly vague legal notions that contains a dynamic of internal inconsistencies". Although it has been asserted that all definitions of judicial notice are "worthless", and another sees a trend away from an "all-inclusive definition", there is general recognition that the expression "judicial notice" is used in different ways and therefore several forms of judicial notice exist.

Tactit or informal judicial notice, often operating with complete invisibility, involves the trier of fact drawing on common sense, common knowledge and experience to interpret and understand the formal evidence presented at trial. Express judicial notice relates to notice of specific facts of the case of notorious and indisputable variety. Contextual judicial notice strives, at a general level, to provide context or background to assist the trier(s) of fact in making case-specific findings of fact. On occasion, social context data is elevated to a proposition of law.

Judicial notice and expert evidence are "incompatible" – judicial notice does not extend to a proper area of expert evidence. Expert evidence "is by definition neither notorious nor capable of immediate and accurate demonstration". To satisfy the necessity criterion for expert evidence the evidence must "likely be outside the ordinary experience and knowledge of the trier of fact".

The history and meaning of cross burning was the subject of judicial notice in the decision of the Supreme Court of the United States in **Virginia v. Black (01-1107) 538 U.S. 343 (2003).** Section II of the decision states:

Cross burning originated in the 14th century as a means for Scottish tribes to signal each other. See M. Newton & J. Newton, the Ku Klux Klan: An Encyclopedia 145 (1991). Sir Walter Scott used cross burnings for dramatic effect in The Lady of the Lake, where the burning cross signified both a summons and a call to arms. See W. Scott, The Lady of the Lake, canto third. Cross burning in this country, however, long ago became unmoored from its Scottish ancestry. Burning a cross in the United States is inextricably intertwined with the history of the Ku Klux Klan.

The first Ku Klux Klan began in Pulaski, Tennessee, in the spring of 1866. Although the Ku Klux Klan started as a social club, it soon changed into something far different. The Klan fought Reconstruction and the corresponding drive to allow freed blacks to participate in the political process. Soon the Klan imposed "a veritable reign of terror" throughout the South. S. Kennedy, Southern Exposure 31 (1991) (hereinafter Kennedy). The Klan employed tactics such as whipping, threatening to burn people at the stake, and murder. W. Wade, The Fiery Cross: The Ku Klux Klan in America 48-49 (1987) (hereinafter Wade). The Klan's victims included blacks, southern whites who disagreed with the Klan, and "carpetbagger" northern whites.

The activities of the Ku Klux Klan prompted legislative action at the national level. In 1871, "President Grant sent a message to Congress indicating that the Klan's reign of terror in the Southern States had rendered life and property insecure." Jett v. Dallas Independent School Dist., 491 U.S. 701, 722 (1989) (internal quotation marks and alterations omitted). In response, Congress passed what is now known as the Ku Klux Klan Act. See "An act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States,

and for other Purposes, "17 Stat. 13 (now codified at U42 U.S.C. ¢1983 198, and 1986). President Grant used these new powers to suppress the clan in South Carolina, the effect of which severely curtailed the Klan in other States as well. By the end of Reconstruction in 1877, the first Klan no longer existed.

The genesis of the second Klan began in 1905, with the publication of Thomas Dixon's The Clansmen: An Historical Romance of the Ku Klux Klan. Dixon's book was a sympathetic portrait of the first Klan, depicting the Klan as a group of heroes "saving" the South from blacks and the "horrors" of Reconstruction. Although the first Klan never actually practiced cross burning, Dixon's book depicted the Klan burning crosses to celebrate the execution of former slaves. *Id.*, at 324-326; see also *Capital Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753, 770-771 (1995) (Thomas, J., concurring). Cross burning thereby became associated with the first Ku Klux Klan. When D. W. Griffith turned Dixon's book into the movie The Birth of a Nation in 1915, the association between cross burning and the Klan became indelible. In addition to the cross burnings in the movie, a poster advertising the film displayed a hooded Klansman riding a hooded horse, with his left hand holding the reigns of the horse and his right hand holding a burning cross above his head. Wade 127. Soon thereafter, in November 1915, the Second Klan began.

From the inception of the second Klan, cross burnings have been used to communicate both threats of violence and messages of shared ideology. The first initiation ceremony occurred on Stone Mountain near Atlanta, Georgia. While a 40-foot cross burned on the mountain, the Klan members took their oath of loyalty. See Kennedy 163. This cross burning was the second recorded instance in the United States. The first known cross burning in the country had occurred a little over one month before the Klan initiation, when a Georgia mob celebrated

the lynching of Leo Frank by burning a "gigantic cross" on Stone Mountain that was "visible throughout" Atlanta. Wade 144 (internal quotation marks omitted).

The new Klan's ideology did not differ much from that of the first Klan. As one Klan publication emphasized, "We avow the distinction between [the] races, ... and we shall ever be true to the faithful maintenance of White Supremacy and will strenuously oppose any compromise thereof in any and all things." *Id.*, at 147-148 (internal quotation marks omitted). Violence was also an elemental part of this new Klan. By September 1921, the New York World newspaper documented 152 acts of Klan violence, including 4 murders, 41 floggings, and 27 tar-and-featherings Wade 160.

Often, the Klan used cross burnings as a tool of intimidation and a threat of impending violence. For example, in 1939 and 1940, the Klan burned crosses in front of synagogues and churches. See Kennedy 175. After one cross burning at a synagogue, a Klan member noted that if the cross burning did not "shut the Jews up, we'll cut a few throats and see what happens." *Ibid.* (internal quotation marks omitted). In Miami in 1941, the Klan burned four crosses in front of a proposed housing project, declaring, "We are here to keep niggers out of your town... . When the law fails you, call on us." *Id.*, at 176 (internal quotation marks omitted). And in Alabama in 1942, in "a whirlwind climax to weeks of flogging and terror," the Klan burned crosses in front of a union hall and in front of a union leader's home on the eve of a labor election. *Id.*, at 180. These cross burnings embodied threats to people whom the Klan deemed antithetical to its goals. And these threats had special force given the long history of Klan violence.

The Klan continued to use cross burnings to intimidate after World War II. In one

incident an African-American "school teacher who recently moved his family into a block formerly occupied only by whites asked the protection of the city police ... after the burning of a cross on his front yard." Richmond News Leader, Jan. 21, 1949, p. 19, App. 312. And after a cross burning in Suffolk, Virginia during the late 1940's, the Virginia Governor stated that he would "not allow any of our people of any race to be subjected to terrorism or intimidation in any form by the Klan or any other organization. " D. Chalmers, Hooded Americanism: The History of the Ku Klux Klan 333 (1980) (hereinafter Chalmers). These incidents of cross burning, among others, helped prompt Virginia to enact its first version of the cross-burning statute in 1950.

The decision of this Court in *Brown v. Board of Education*, 347 U.S. 483 (1954), along with the civil rights movement of the 1950's and 1960's, sparked another outbreak of Klan violence. These acts of violence included bombings, beatings, shootings, stabbings, and mutilations. See, e.g., Chalmers 349-340; Wade 302-303. Members of the Klan burned crosses on the lawns of those associated with the civil rights movement, assaulted the Freedom Riders, bombed churches, and murdered blacks as well as whites whom the Klan viewed as sympathetic toward the civil rights movement.

Throughout the history of the Klan, cross burnings have also remained potent symbols of shared group identity and ideology. The burning cross became a symbol of the Klan itself and a central feature of Klan gatherings. According to the Klan constitution (called the kloran), the "fiery cross" was the "emblem for that sincere, unselfish devotedness of all Klansmen to the sacred purpose and principals we have espoused." The Ku Klux Klan Hearings before the House Committee on Rules, 67th Cong., 1st Sess., 114, Exh. G (1921); see also Wade 419. And the Klan has often published its newsletters and magazines under the

name The Fiery Cross. See Wade 226, 489.

At Klan gatherings across the country, cross burning became the climax of the rally or the initiation. Posters advertising an upcoming Klan rally often featured a Klan member holding a cross. See N. MacLean, behind the mask of Chivalry: The Making of the Second Ku Klux Klan 142-143 (1994). Typically, a cross burning would start with a prayer by the "Klavern" minister, followed by the singing of Onward Christian Soldiers. The Klan would then light the cross on fire, as the members raised their left arm toward the burning cross and sang The Old Rugged Cross. Wade 185. Throughout the Klan's history, the Klan continued to use the burning cross in their ritual ceremonies.

For its own members, the cross was a sign of celebration and ceremony. During a joint Nazi-Klan rally in 1940, the proceeding concluded with the wedding of two Klan members who "were marred in full Klan regalia beneath a blazing cross." *Id.*, at 271. In response to anti-masking bills introduced in state legislatures after World War II, the Klan burned crosses to protest. See Chalmers 340. On March 26, 1960, the Klan engaged in rallies and cross burnings throughout the South in an attempt to recruit 10 million members. See Wade 305. Later in 1960, the Klan became an issue in the third debate between Richard Nixon and John Kennedy, with both candidates renouncing the Klan. After this debate, the Klan reiterated its support for Nixon by burning crosses. See *id.*, at 323; cf. Chalmers 368-369, 371-372, 380, 384. In short, a burning cross has remained a symbol of Klan ideology and Klan unity.

To this day, regardless of whether the message is a political one or whether the message is also meant to intimidate, the burning of a cross is a *"symbol of hate." Capital Square Review and Advisory Bd. v. Pinette,* 515 U.S., at 771 (Thomas, J. concurring). And while cross burning sometimes carries no intimidating message,

> at other times the intimidating message is the only message conveyed. For example, when a cross burning is directed at a particular person not affiliated with the Klan, the burning cross often serves as a message of intimidation, designed to inspire in the victim a fear of bodily harm. Moreover, the history of violence associated with the Klan shows that the possibility of injury or death is not just hypothetical. The person who burns a cross directed at a particular person often is making a serious threat, meant to coerce the victim to comply with the Klan's wishes unless the victim is willing to risk the wrath of the Klan. Indeed, as the cases of respondents Elliott and O'Mara indicate, individuals without Klan affiliations who wish to threaten or menace another person sometimes use cross burning because of this association between a burning cross and violence.
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> In sum, while a burning cross does not inevitably convey a message of intimidation, often the cross burner intends that the recipients of the message fear for their lives. And when a cross burning is used to intimidate, few if any messages are more powerful.

Although, as far as we are aware, formal judicial notice of the messages sent by cross burning has not been taken in any reported decision in Canada, it is submitted that the American jurisprudence is the most instructive on what was originally an American phenomenon. In Canada, formal judicial notice has been taken in a variety of cases which involve race in its social and historical context. Thus, the learned authors of **McWilliams** state at 23:30:90:130 (citations omitted):

> Racial prejudice in modern society is notorious.
> In some jurisdictions, the court has taken judicial notice of systemic racism against African Canadians, against visible minorities, and against aboriginal Canadians.
> An appellate court judicially noticed that "the principal concentration of Ontario's black citizens is in Metropolitan Toronto".
> By a majority judgment, one court has judicially noticed that "the interracial nature of a crime has the potential to pit stereotypical views about races against each other".

Formal judicial notice is common in aboriginal rights cases and has been taken in hate crime cases Thus, in **Mageseta (supra)** express judicial notice was taken of the history of the Rwandan genocide in evaluating the messages conveyed by the applicant's words. And in **R. v. Zundel (No. 2) (1990) 53 C.C.C. (3d) 161 (O.C.A.) (reversed on constitutional challenge to s. 181 of the Criminal Code 75 C.C.C. (3d) 449 S.C.C.))** the Court of Appeal ruled on the following portion of the trial judge's charge with respect to judicial notice of the holocaust:

> "When this trial started, I directed you on the matter of judicial notice. I directed you as a matter of law that the mass murder and extermination of Jews in Europe by the Nazi regime during the Second World War is a historical fact which is so notorious as not to be the subject of dispute among reasonable persons. I directed you then and I direct you now to accept that as a fact. The mass murder and extermination of Jews in Europe by the Nazi regime during the Second World War is so generally known and accepted that it could not reasonably be questioned by reasonable persons. I directed you then and I direct you now that you will accept that as a fact. The Crown was not required to prove it. It was in the light of that direction that you should examine the evidence in this case and the issues before you."

and approved its conclusive directional character in the following way:

> In our view, the trial judge was right in the view he took of the evidence of the defence witnesses and the instruction he gave to the jury to which objection was taken. But the argument now is that there may have been confusion over the "Holocaust" as it was used in these passages. In our respectful view, there could be no confusion. It was perfectly clear that these references were to the Holocaust as used by the defence witnesses to mean the thesis of the booklet. That is what the trial judge was speaking of. On the other hand, the trial judge had dealt specifically with the matter of judicial notice and its significance to the jury. His direction was clear that they were to accept as a fact the historical fact that he had specified and that alone. He instructed the jury as to the historical facts that they were to accept because they had been judicially noted and he then reviewed the evidence relied upon by the Crown and the defence in relation to each issue. The judicial notice ruling could not, in the circumstances, be interpreted from the charge as meaning that the booklet was false and that all of the defence evidence was to be disregarded. [emphasis added.]

'captures' the act of a trespasser who intrudes into the private place of other members of the public while leaving him free to act within the confines of his private space, space into which other members of the public have no right of access.

Aside from the place in which the burning cross was set up, Parliament's intention in enacting s. 319 C.C. was to prohibit the communication of hate messages to the public and the words "in a public place" must be interpreted as applying to the extent of the communication rather than merely to its point of origin (see **Mugesera,** (supra)). The message of this burning cross extended into the road where passers-by could see it, a place which was public vis a vis everyone involved.

It is submitted that this act was itself a breach of the public peace and that it was likely to lead to further breaches of the peace. Historically, that has been the result of the act. In this case, Shane Howe's initial reaction of wanting to confront the cross burners with a baseball bat was a likely result of the act. Public reaction to the act illustrates the likelihood of further breaches of the peace. Paragraphs 102 and 103 from **Mugesera** (supra) are instructive:

> 102 The offence does not require proof that the communication caused actual hatred. In **Keegstra**, this Court recognized that proving a casual link between the communicated message and hatred of an identifiable group is difficult. The intention of Parliament was to prevent the risk of serious harm and not merely to target actual harm caused. The risk of hatred caused by hate propaganda is very real. This is the harm that justifies prosecuting individuals under this section of the Criminal Code (p. 776). In the **Media Case**, the ICTR said that "[t] he denigration of persons on the basis of their ethnic identity or other group membership in and of itself, as well as in its other consequences, can be an irreversible harm" (para. 1072).
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> 103 In determining whether the communication express hatred, the court looks at the understanding of a reasonable person in the context **Canadian Jewish Congress v. North Shore Free Press Ltd. (1997), 30 C.H.R.R. D/S (B,C.H.R.T.), at para. 247.** Although the trier of fact engages in a subjective interpretation of the communicated message to determine whether "hatred" was indeed what the speaker intended to promote, it is not enough that the message be offensive or that the trier of fact dislike the statements: **Keegstra** at p. 778. In

> order to determine whether the speech conveyed hatred, the analysis must focus on the speech's audience and on its social and historical context. An abstract analysis would fail to capture the speaker's real message.

It is submitted that the **mens rea** of the section 319 (1)(a) C.C. offence is general intent, simply the intent to do the act which was done. In paragraph 104 of the **Mugesera** decision (supra) the Court specifically addressed the difference in intent between the section 319(1)(a) and 319(1)(b) offences:

> **the guilty mind required by subs. (1) is something less than intentional promotion of hatred. On the other hand, the use of the word "willfully" in subs (2) suggests that the offence is made out only if the accused had as a conscious purpose the promotion of hatred against the identifiable group, or if he or she foresaw that the promotion of hatred against the group was certain to result and nevertheless communicated the statements. ...**

Motive is irrelevant. It is no defence for an accused person to say that, although he did communicate statements that incite hatred against an identifiable group, that was not his motive, rather his motive was to terrify or anger a specific individual and he had no desire to harm the identifiable group of which that person happens to be a part. That would be like one who has uttered a death threat saying that he did not intend to carry it out. The risk of hatred being promoted is what section 319 of the Criminal Code takes aim at, not at one's motive for creating that risk. In **Mugesera (supra)** the Court touched upon a similar argument saying, "The presence of a personal motive does not change the nature of the question, which remains an objective one..." (para. 166) and, "Even if the person's motive is purely personal, the act may be a crime against humanity" (para. 174).

DATED at Kentville in the County of Kings, Nova Scotia, this 15 day of October, 2010.

DARRELL I. CARMICHAEL

TO: Judge C. MacDonald
- and –
Chris Manning

that s. 181 is infringed. This section, therefore, provides sufficient guidance as to the legal consequence of a given course of conduct. It follows that the section cannot be said to be so vague that it is void.

(2) Objective

(i) A Pressing and Substantial Aim

152 The aim of s. 181 is to prevent the harm caused by the wilful publication of injurious lies. This is evident from the clear wording of the provision itself which prohibits the publication of a statement that the accused knows is false and "that causes or is likely to cause injury". This specific objective in turn promotes the public interest in furthering racial, religious and social tolerance. There can be no doubt that there is a pressing and substantial need to protect groups identifiable under s. 15 of the Charter, and therefore society as a whole, from the serious harm that can result from such "expression". The decision of this Court in Keegstra clearly recognized the invidious and severely harmful effects of hate propaganda upon target group members and upon society as a whole (see pp. 746-49). It was found that members of such groups, not unexpectedly, respond to the humiliation and degradation of such "expression" by being fearful and withdrawing from full participation in society. Society as a whole suffers because such "expression" has the effect of undermining the core values of freedom and democracy.

153 Professor Mari Matsuda has described the impact unchecked racist speech has on target group members in "Public Response to Racist Speech: Considering the Victim's Story" (1989), 87 Mich. L. Rev. 2320, at pp. 2338 and 2379:

> To be hated, despised, and alone is the ultimate fear of all human beings. However irrational racist speech may be, it hits right at the emotional place where we feel the most pain. The aloneness comes not only from the hate message itself, but also from the government response of tolerance. When... the courts refuse redress for racial insult, and when racist attacks are officially dismissed as pranks, the victim becomes a stateless person.
>
> . . .
>
> The government's denial of personhood by denying legal recourse may be even more painful than the initial act of hatred. One can dismiss the hate group as an organization of marginal people, but the state is the official embodiment of the society we live in.

154 Similarly, it would be impossible to deny the harm caused by the wilful publication of deliberate lies which are likely to injure the public interest. The evil is apparent in the deceptive nature of publications caught by s. 181. The focus of s. 181 is on manipulative and injurious false statements of fact disguised as authentic research. The publication of such lies makes the concept of multiculturalism in a true democracy impossible to attain. These materials do not merely operate to foment discord and hatred, but they do so in an extraordinarily duplicitous manner. By couching their propaganda as the banal product of disinterested research, the purveyors of these works seek to circumvent rather than appeal to the critical faculties of their audience. The harm wreaked by this genre of material can best be illustrated with reference to the sort of Holocaust denial literature at issue in this appeal.

155 Holocaust denial has pernicious effects upon Canadians who suffered, fought and died as a result of the Nazi's campaign of racial bigotry and upon Canadian society as a whole. For Holocaust survivors, it is a deep and grievous denial of the significance of the harm done to them and thus belittles their

Addition to Admissions

Justin Rehberg had been informed prior to this event that Michelle Lyons had said the Rehbergs had herpes]

Chris Mauro