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C A N A D A

COMMISSION OF INQUIRY  
CONCERNING CERTAIN ACTIVITIES  
OF THE ROYAL CANADIAN  
MOUNTED POLICE

COMMISSION D'ENQUETE SUR  
CERTAINES ACTIVITES DE  
LA GENDARMERIE ROYALE  
DU CANADA

BEFORE:  
PRÉSENTS:

Mr. JUSTICE DAVID C. McDONALD  
Chairman — Président

Mr. DONALD S. RICKERD, Q.C.  
Me GUY GILBERT, c.r.  
Commissioners — Commissaires

CHIEF COUNSEL:  
PROCUREUR-CHEF:

Mr. JOHN F. HOWARD, Q.C.

SECRÉTAIRE:  
SECRETARY:

Mr. HARRY R JOHNSON

VOLUME NO. 178

TO  
PAGE 25844<sup>A</sup> PAGE 26041

DATE: April 22, 1980.

C O M P A R U T I O N S  
A P P E A R A N C E S

MR. BRUNO PATERAS for the Commission  
MR. MARK PACI

10

MR. CLAUDE THOMSON for the Commissioner  
of the RCMP

MR. LORNE MORPHY, Q.C. for the Government of  
Canada

MR. BARRY WORTZMAN for Mr. Warren Hart

MR. ROBERT CARTER for Messrs. McMorran,  
Plummer and Brown

20

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ROBERT JAMES LAIRD

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COMMISSION OF INQUIRY  
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COMMISSION D'ENQUETE SUR  
CERTAINES ACTIVITES DE LA  
GENDARMERIE ROYALE DU  
CANADA

HEARING OF APRIL 22, 1980.

10

UPON COMMENCING AT 10:00 A.M.

THE CHAIRMAN: Good morning -  
bonjour.

Mr. Thomson, would you like to  
present a colleague of yours, from the Bar of  
Upper Canada?

MR. CLAUDE THOMSON: Thank you  
for reminding me, Mr. Chairman.

20

I have the honour to present  
one of Ontario's foremost criminal lawyers, Mr.  
Robert Carter, who has asked to come here today  
to represent the other side of the law enforcement  
field, some of the members of the Royal Canadian  
Mounted Police.

THE CHAIRMAN: Mr. Carter, you  
are appearing on whose behalf?

MR. ROBERT CARTER: On behalf of  
Mr. Brown, Mr. Plummer and Mr. McMorran.

30

MR. BRUNO PATERAS: Mr. Carter  
has filed a written appearance, Mr. Chairman.

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A2.2

## COMMISSION OF INQUIRY

10 THE CHAIRMAN: Since January, when the issues raised by Mr. Hart were last the subject of testimony in public, and briefly in camera, some procedural matters have been before the Commission for consideration. Representations have been received from counsel for the interested parties, and the Commission has prepared reasons for decision, which I intend now to read on behalf of the Commissioners.

20 Warren Hart was employed by the RCMP Security Service for several years as a full-time informer or source whose task it was to penetrate certain targeted groups, and become a confidant of individuals in them, so that he could report to the Security Service some of their activities.

At the end of 1975, his services were terminated, and he returned to the United States of America from which he had come.

30 In 1977 and 1978, Mr. Hart publicized his grievance against the RCMP, which was that despite what he claims for services of value to the RCMP and Canada, his termination was on harsh terms, and in particular a promise which he says was made to him as to being employed

GOB/lp  
A2.3

## COMMISSION OF INQUIRY

permanently by the RCMP, was broken.

During the course of his public statement, he described certain aspects of his work on behalf of the RCMP, in some detail.

Mr. Hart then complained to this Commission.

Beyond the very personal question whether a promise was made to Mr. Hart and broken, Mr. Hart's history with the RCMP raises a number of issues of more general significance. Of these, several issues will be the subject of testimony in public, and several issues will be the subject of testimony to be received, at least initially, in camera.

All of the issues, with rare exceptions, arise from Mr. Hart's own conduct with members of the RCMP: what he told them or did with them, and what he told from what they told him.

An example of a rare exception, but not necessarily the sole exception, concerns whether reports made by the RCMP to the Solicitor General in 1978 about Mr. Hart were accurate.

Leaving such rare exceptions aside then, the issues relate to matters which occurred between Mr. Hart and members of the RCMP.

GOB/lp  
A2.4

## COMMISSION OF INQUIRY

These are the issues with which these reasons are concerned.

10 Mr. Hart's counsel desires to have access, before and after the hearings, to all documents concerning his client, even those which are classified. All the documents in the RCMP files concerning Mr. Hart are classified.

He has offered to give to the Commission his undertaking as counsel as not to disclose the contents of such documents to his client.

Our decision is reached without taking advantage of that offer.

20 He also wishes to cross-examine witnesses from the RCMP, both in public and in camera.

Mr. Hart's counsel has already been recognized as having standing before the Commission consonant with our decision of December 8th, 1977 to be found in Volume 5, at page 475, *that any witness is a person whose "conduct is being investigated"* and therefore, we may allow him to be represented by counsel.

30 It does not follow that his counsel must be allowed the full right of cross-



GOB/lp  
A2.5

## COMMISSION OF INQUIRY

examination of other witnesses. The extent to which his counsel is allowed to do so must remain within the discretion of the Commission.

10

The Commission's function is not that of the resolution of a private dispute between an individual and the RCMP, but to enquire into matters that arise under paragraphs A and C of our terms of reference.

A3

Some other witnesses who have not been members of the RCMP have been represented by counsel, and their counsel have had access to documents, and have cross-examined RCMP witnesses. Those witnesses are, for example, past Solicitors General.

20

We have no difficulty in recognizing that their counsel should be able to do so.

Other witnesses have been represented by counsel, such as witnesses from another police force, but their counsel did not have access to documents or to cross-examine RCMP witnesses.

30

Mr. Hart is a witness whose counsel's interest in gaining access to documents and in cross-examining other witnesses arises

GOB/lp  
A3.6

## COMMISSION OF INQUIRY

principally because he has a real or imagined grievance against the RCMP, like many other persons who have complained to us.

10 At this point, the Commission wishes to restate what its fundamental objectives are as set by its terms of reference.

In holding hearings concerning this grievance of Mr. Hart, as might be done with regard to grievances by other persons, the Commission's interest lies in the determination of the extent and prevalence of practices not authorized or provided for by law; and, again quoting from the terms of reference: *involving members of the RCMP.*

20 It is for that purpose, and only for that purpose that the Commission may have to come to a point where it comments on the conduct of Mr. Hart himself.

In any case, the latter's testimony, to the extent that it may illustrate factual situations or practices which are of interest to the Commission, is likely to raise questions of credibility.

30 Let us assume, for instance, that Mr. Hart is in straight contradiction with members of the RCMP on some point as to what transpired

GOB/lp  
A3.7

## COMMISSION OF INQUIRY

between himself as the source and them as the handlers. That would be a situation where the Commission has to decide which version is to be accepted.

10

There is, therefore, in the view of this Commission, a need for some degree of cross-examination as we are proceeding with the hearing of this particular grievance of Mr. Hart.

Who should conduct that cross-examination?

Our fundamental position is that counsel for the Commission has the duty to put all questions that he considers relevant.

20

It is only by way of exception that we are prepared to permit even a limited power to other counsel to cross-examine witnesses other than the person represented by that counsel.

The decision of this Commission as to what scope to cross-examine should be allowed is not rendered any easier by the fact that in order to allow Mr. Hart's counsel so to cross-examine there are obstacles to his questioning witnesses effectively caused by the fact that there are classified documents to which Mr. Hart cannot be given access. One must remember that Mr. Hart has

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GOB/lp  
A3.8

## COMMISSION OF INQUIRY

not been cleared for security purposes, although Mr. Wortzman, his counsel, has been.

10 In exercising our discretion as to whether to permit such cross-examination and any degree of access to such documents, we take into account factors which the Commission has previously applied: the need to protect the security of Canada; the need to preserve the system of informers in police and security and intelligence operations; the principles of fairness and natural justice; the possibility of prejudice and the need to expedite the work of the Commission.

20 Taking all those factors into account, our decision is as follows:

30 (1) Mr. Hart's counsel will be permitted to attend in camera hearings insofar as, and only insofar as the evidence pertains to the specific issues which the Commission has indicated to its counsel as being issues which it wishes to enquire into by way of hearings; and even then, only insofar as the evidence pertains to what Mr. Hart did with RCMP members or reported to them or said to them, and as to what they did with him and said to him, and as to their reports of what was said or done by Mr. Hart and the RCMP members in

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A3.9

## COMMISSION OF INQUIRY

each other's presence.

Thus, for example, he will not be present during any portion of any in camera hearing as to the accuracy of reports made in 1978 to the Solicitor General;

(2) it is our intention not to allow cross-examination as to collateral matters when the purpose of such cross-examination is to attack the credibility of the witness, unless and until we are satisfied that such cross-examination is essential and the issue is sufficiently important to justify the consumption of time that would result;

(3) to enable counsel for Mr. Hart to assist the Commissioners effectively as to those issues, it stands to reason that in order that his questions may be prepared carefully, and so as not to waste the time of the Commission at the hearing, he should, so far as is possible, bearing in mind that not all counsel reside in Ottawa, and there has not been ready access as between counsel, be allowed access to a narrow range of documents or passages from documents.

If it is not possible that that be done before the hearings, then it will be done as

GOB/lp  
A3.10

## COMMISSION OF INQUIRY

soon as possible during these hearings. And this has been explained to all counsel.

A4

10

Those documents or passages from documents that describe what Mr. Hart did with RCMP members, or reported to them or said to them, and what they did with him and said to him, are the kinds of passages of which we are speaking.

Mr. Hart's counsel ought not to see any portions of such documents that deal with other matters. All of what he should see should, in some way, be placed before the Commission during the course of the hearings, not necessarily as exhibits for public viewing.

20

We are confident that whether the documents are to be used in public or in camera, the selection of what documents are relevant to those issues, and what portions of those documents are relevant to those issues will be fairly undertaken by counsel for the Commission upon full prior consultation with counsel for the RCMP.

30

Any questions left unresolved between counsel for the Commission in this regard and counsel for the RCMP can be referred to the Commissioners for their decision as to what should be shown to Mr. Hart's counsel. We trust and hope

GOB/lp  
A4.11

## COMMISSION OF INQUIRY

that this process will be undertaken so as to result in a minimum of dispute about documents during the hearings;

10 (4) there is no reason for not permitting those portions of documents which, according to the foregoing limited principles are disclosed to Mr. Hart's counsel to be disclosed by him to his client. It is a condition of such access, whether the disclosure is in camera or prior to any hearings, that it is to be understood and expressly agreed by both of them that there is to be no disclosure of the contents of those documents to any other person; and that such disclosure by either of them to any other person  
20 would be contrary to the wishes of the Commission and would, so far as the Commission is concerned, be conduct in violation of Section 4 of the Official Secrets Act.

This condition would not apply to any portion of a document subsequently made public by the Commission, after such public disclosure takes place.

30 However, it is a condition that Mr. Wortzman is not to make any photocopies, or give copies to his client, and that documents to

GOB/lp  
A4.12

## COMMISSION OF INQUIRY

which he has access, be returned to the Commission upon the Commission requesting their return.

10 We have, before the beginning of this hearing, attempted to explain the practical ramifications of this decision to counsel. The Commissioners are reasonably hopeful that there will be no real problem from anyone's point of view, and that these hearings this week will be expeditious.

Mr. Pateras has attempted to organize himself so as to expedite the hearings.

20 There are, however, some problems arising out of difficulties counsel have had in preparing for these hearings, with regard to the opportunity for cross-examination. An example is that Mr. Wortzman has not yet had access to any of the narrow range of documents of which our reasons spoke; and therefore, if there is an RCMP witness today before he has an opportunity to examine the narrow range of documents referred to, we will accommodate him so that if there is any additional question that he wishes to ask after he has had access to those documents, that witness can be recalled for further cross-examination.

30 There may be other examples of problems in regard to the order of cross-examination,



GOB/lp  
A4.13

COMMISSION OF INQUIRY

but we will face them when they arise.

Mr. Pateras, would you please proceed?

10

MR. BRUNO PATERAS: Mr. Chairman, I understand that Mr. Wortzman has representations to make with respect to the indication by Mr. Thomson that the cross-examination of Mr. Hart should be delayed, and I think Mr. Wortzman has indicated to me that he wishes to make some representations.

THE CHAIRMAN: Mr. Wortzman?

MR. BARRY WORTZMAN: Thank you, Mr. Chairman. I intend to be brief.

20

THE CHAIRMAN: I thought perhaps you would want to do that after the conclusion of Mr. Pateras's questioning of Mr. Hart?

MR. BARRY WORTZMAN: No. I prefer to do it now and have the matter determined at this point.

30

When I learned, just moments ago, of the problem apparently confronting counsel for the RCMP, and his request that he not proceed with his cross-examination of Mr. Hart timely upon - or complete the cross-examination of Mr. Hart timely upon the conclusion of his evidence by counsel for the Commission, I indicated that I was certainly

GOB/lp  
A4.14

## COMMISSION OF INQUIRY

chagrined by that set of circumstances, and wish to bring to the attention of the Commission my formal concerns in that regard.

10

Firstly, in my respectful submission, it has been approximately three months since Mr. Hart has testified extensively in public and less extensively in camera, both in chief and in cross-examination; and it would seem to me, with the greatest of respect, that there was adequate time, during the intervening period, to adequately prepare for the continued cross-examination of my client.

20

That speaks to the practical effect of what apparently is now about to occur.

As a matter of technical submission, I respectfully submit that it is improper, in my view, to have the RCMP and former RCMP officials, who are to testify upon matters relating to Mr. Hart's testimony, testify, be examined, and then have Mr. Hart conclude his examination by way of cross-examination after that has all occurred.

30

That, as I say, in my respectful submission, is quite irregular and potentially improper.

GOB/lp  
A4.15

## COMMISSION OF INQUIRY

10 It is unique with respect to have a witness - there will be anticipated certain conflicts. I anticipate certain conflicts of evidence; and to have a witness, witness One who is in conflict with witness Two, have his examination interrupted to prevent permitting witness Two to be fully examined, and have counsel for witness One go back - I am sorry - counsel go back to witness One and complete his examination of him is truly unfair.

If a witness is to testify, then have him testify, have his testimony completed and go on to the next witness.

20 If he is a witness in contradiction to the first, then that's the order of things; but to split a witness's testimony, when there are expected to be conflicts, it is, in my view, unfair.

30

PM/mc  
Bl-1

COMMISSION OF INQUIRY

THE CHAIRMAN: Mr. Thomson, did you wish to say something?

MR. CLAUDE THOMSON: Yes, Mr. Chairman.

10

I agree with Mr. Wortzman that three months ago Mr. Hart testified. However, in conversations that I had last week with one of the counsel for the Commission, I had thought that Commission counsel also agreed that it would be more appropriate if Mr. Hart's cross-examination should take place after the RCMP witnesses involved had been examined.

20

I thought -- and I think this was a misunderstanding -- that that had been arranged between us, so I simply leave that aside.

30

It seems to me, respectfully, that Mr. Hart has made numerous accusations, numerous suggestions, some of which allege illegal conduct, some of which allege improper conduct, and it seemed to me to be more expeditious and more sensible that whatever cross-examination of him occurred, if, indeed, any becomes necessary, should be after the issues become narrowed as a result of the examination and cross-examination of the witnesses who would be coming next.

PM/mc  
B1-2

## COMMISSION OF INQUIRY

10 I must say that I came here this morning with that expectation in mind, although I had spoken to counsel for the Commission and realized that they had a different expectation, but in any event, I communicated that belief to my associate, Mr. Carter, and we had simply come here saying we will decide whether, to what extent we will cross-examination Mr. Hart after the issues are narrowed, and we will deal with the matter then.

I didn't know until shortly before I got here this morning that there was a problem with that manner of procedure.

20 I do not want you or anyone else here in the room to think I am suggesting I was in any way misled by your counsel. It was simply a genuine misunderstanding.

THE CHAIRMAN: Well, while Mr. Hart is testifying in answer to questions by Mr. Pateras, you might like to consider your position further.

30 You, after all, have had an opportunity to read the documents which are in the RCMP's possession. You have had an opportunity to review these matters with your clients, each of you, and it may well be that when Mr. Hart is finished, you would know whether there are any

PM/mc  
B1-3

COMMISSION OF INQUIRY

real issues and you might be in a position to cross-examine as much as possible then.

10

It would be premature for the Commissioners to attempt to make a ruling on this matter until at least the conclusion by Mr. Pateras of his questions.

Mr. Pateras?

20

Me BRUNO PATERAS: Mr.Chairman, I'd like to advise the Commission that when we adjourned, the examination of Mr. Hart was, for all intents and purposes, completed, but since then there are a few matters that have been raised, including a request by the National Indian Brotherhood that certain questions be put to Mr. Hart, and I understand that you have agreed that I should proceed with these questions.

Before I do, I would like to produce certain documents which should -- actually produce them for identifications purposes.

These documents should more properly be produced in camera, but since they may be required for the purposes of my examination I would ask that they be produced here for identification.

30

The first one-- the first set

PM/mc  
Bl-4

COMMISSION OF INQUIRY

of documents which I would ask to produce as QC-3 could generally be described as documents from Toronto.

10 THE CHAIRMAN: Well, the way we do things would be this: that would be Exhibit Q-23 for identification.

Me BRUNO PATERAS: I see.

THE CHAIRMAN: The practical result is the same.

Me BRUNO PATERAS: Right.

THE CHAIRMAN: Certain documents received from Toronto, you say?

Me BRUNO PATERAS: Yes.

20 THE CHAIRMAN: Received from the Southwestern Ontario Security Service?

Me BRUNO PATERAS: Yes.

MR. CLAUDE THOMSON: It is going to be difficult for us to follow this, but go ahead.

THE CHAIRMAN: I am sorry, Mr. Thomson?

MR. CLAUDE THOMSON: I indicated that it will be difficult for counsel to follow because I don't know what documents my friend has.

30 Undoubtedly my clients have seen them, but I don't know.

PM/mc  
Bl-5

COMMISSION OF INQUIRY

Me BRUNO PATERAS: These are documents which were provided to us by Mr. Thomson's clients, and I am sure that a copy is in the hands of Mr. Wilson.

10

THE CHAIRMAN: In that form?

Me BRUNO PATERAS: I don't know if it is in that form.

THE CHAIRMAN: Would you please clarify that as soon as possible?

Me BRUNO PATERAS: Yes, I will.

So this is Q-23 for identification.

I have a second set of documents which I would ask to file as Q-24 for identification and I will refer to them as documents from financial files.

20

The third set of documents which I would ask to file for identification purposes as Q-25, I would describe as documents from immigration files.

THE CHAIRMAN: Documents from financial files will be Exhibit Q-24 for identification.

The documents from immigration files will be Exhibit Q-25 for identification.

30

--- EXHIBIT Q-23: For identification.  
Documents from South-western Ontario Security Service.



PM/mc  
B1-6

COMMISSION OF INQUIRY

--- EXHIBIT Q-24: For identification.  
Documents from financial files.

--- EXHIBIT Q-25: For identification.  
Documents from Immigration files.

10

Me BRUNO PATERAS: I'd like to call Mr. Hart.

THE CHAIRMAN: Mr. Hart, you acknowledge you are still under oath?

THE WITNESS: Yes, I do.

THE CHAIRMAN: Please be seated.

WARREN HART, previously sworn.

EXAMINATION BY Me BRUNO PATERAS:

20

Q Mr. Hart, you were questioned already on the sums of money that you received when -- the severance pay, I should say, that you received when you were let go, and particularly you were referred to certain receipts, one in the sum of \$120 and another one in the sum of \$1,668.00, which were filed as Exhibits Q-20 and Q-21.

I wonder if you could give us a copy, Mr. Registrar?

Do you have Q-20 before you, a receipt for \$1,668.00?

30

PM/mc  
B1-7

WARREN HART,  
ex. Pateras

A Yes.

Q Now, if I recall your testimony last time, you did not remember receiving this amount of money?

10

A That is correct, sir.

Q Now, in order to assist you, and if there is no objection from my friend, I'd like to ask you whether the rent that was due on the premises on Huntley Street -- whether the rent had been paid at the time that you left?

In other words, were there any arrears on the rent that was due?

A No, sir, I didn't have any arrears.

20

Q At the time that you left, do I understand that the rent was completely paid by yourself?

A The rent that was due while I was still living there. I paid the first and last months' rent when I moved in.

Q You paid the first and last months' rent?

A Yes.

Q Now, you were told -- at least you indicated that you received the sum of \$6,000

30

PM/mc  
Bl-8

WARREN HART  
ex.Pateras

in November?

A That is true, sir.

Q Do I understand that the rent was paid up to and including November? Is that your testimony?

10

A Yes, my rent was paid up to November, but there was something like three months due to break the lease on the place.

Q And the only amount due to break the lease was the three months rent that you just referred to?

A That's right.

Q Was there any amount due for the garage at these premises?

20

A There could have been a rental, sir, but I don't know -- if it was, it was very cheap.

I still had the car into the garage, but checking the lease over, there's no place on the lease to indicate that it cost me extra. It was a sub-lease, by the way.

Q Do you recall yourself paying a sum of money -- a small sum of money every month for the garage?

30

A The only thing I can recall is paying the rent on a monthly basis.

PM/mc  
B1-9

WARREN HART  
ex.Pateras

Q Did you not pay \$20 a month  
for ---

A I really don't recall whether  
I paid \$20 or not.

10

B2

Q With respect to the payment of  
the three months rent, are you saying that you  
recall paying the three months rent?

A No, I did not pay the three  
months rent. It took three months rent due to  
break the lease, from my understanding.

Q What is your best memory as to  
what happened with respect to the payment of the  
rent to break the lease? How was this to be done?  
How was this done as far as you can remember?

20

A I think it was paid by the  
member of the RCMP.

Q Is this something that you were  
told?

A Yes, because I think I had a  
note. I think Mr. Plummer told Mr. McMorran to  
check or ask one of the officers to check,  
someone that was an expert on lease-breaking, and  
I think it was handled from there.

I did receive a letter addressed  
to Mr. Plummer from Baltimore, Maryland, and this

30

PM/mc  
B2-10

WARREN HART  
ex. Pateras

is what I received from them, but I didn't pay it.

10 Q But as far as you are concerned  
at the time you left or immediately before that  
in November, of '75, you do not recall having  
paid any amount of money to break the lease  
yourself?

A No.

Q And I understand that as far  
as you are concerned, the only amount due to  
break the lease was three months rent?

A That was my understanding.

Q And there was no three months  
arrears due?

A No.

20 Q One last question on this item,  
Mr. Hart:

Do you recall whether in the  
months preceding your departure from this apartment,  
let's say starting from January, '75 to November,  
'75, whether any of the cheques that you may  
have given in payment of the rent were returned  
for one reason or another, such as insufficiency  
of funds?

A No, no, I don't recall.

30 Q Did you pay by cheque?

A I paid sometimes by cash and

PM/mc  
B2-11

WARREN HART  
ex. Pateras

sometimes I paid by cheque:

10 Q                   You do not recall any cheques  
returning or being informed a cheque had been  
returned and not been honoured?

A                   I think at one time there was  
a cheque returned, not sufficient funds, or some  
other reason. They later called the bank during  
the time that I was standing there and there was  
an apology made or something like that, and they  
re-submitted the cheque.

Q                   I see. And it was honoured?

A                   Yes.

20 Q                   Mr. Hart, I'd like to address  
a few questions to you with respect to your  
involvement with the native people of Canada and  
first of all I'd like to ask you whether the name  
Gary Cristall means anything to you?

A                   Yes, it does.

Q                   And does the name Donald  
Colbourne mean anything to you?

A                   No.

30 Q                   Let's start with Cristall, then,  
and could you tell me when and under what  
conditions you met Mr. Cristall?

PM/mc  
B2-12

WARREN HART  
ex. Pateras

A I met Mr.Cristall in Vancouver.  
I think I met him earlier, prior to going to  
Vancouver.

10

Anyway, Mr.Cristall was a white  
male that had served with the Socialist Party in  
Peru for a number of years.

He also is one that made  
arrangements for Rosie Douglas to speak in Vancouver.  
He handled getting the auditorium and various other  
things like that.

He would take us to the  
auditorium and take us where we had to stay, and  
that was about it.

20

Q When did you meet him?

A I think it was on the trip to  
Vancouver. I think I met him some other place,  
in Regina, or some place like that, but I think the  
first time I met him was in Vancouver and then I  
met him in Regina again.

Q Was this the only meeting that  
you had with him?

A With Gary, yes, because like  
I said, he belonged to the Socialist Party out  
there and his only function was to handle the  
invitation -- you know, he invited Rosie up in

30

PM/mc  
B2-13

WARREN HART  
ex.Pateras

connection with the outfit in Toronto.

Q So, I understand that apart from that incident you have never met Mr. Cristall at any other time?

10

A We met, I think, in Regina -- one of the places out west after that.

Q I see. Those are the only two incidents?

A Yes, that I recall.

Q Were there any exchanges between you and him apart from regular amenities?

A We discussed -- he carried a briefcase with a bullethole in it and he said the CIA put the bullethole in the briefcase in Peru.

20

We talked about the CIA operation down there during Allende's presidency.

He talked about the revolution down there, and things like that, yes.

Q Was there any question between Mr.Cristall and yourself, or at least, in Mr. Cristall's presence, of you assisting the native people of Canada in acquiring arms, weapons or fabricating bombs?

30



PM/mc  
B2-14

WARREN HART  
ex. Pateras

10 A Mr. Cristall had nothing to do with the native Indians whatsoever, because -- well, this is something else -- but the only people we met around him were some Ethiopian students out there and some students from the Caribbean.

Q Did you not meet Mr. Crystal at the Mount Currie Indian Reserve?

20 A The only people that were involved at Mount Currie were two Shoeswap Indians, Rosie Douglas and myself, and the other Indian with us, Vern Harper, was not permitted on the reservation because they considered him to be a Communist.

Q Let's leave aside Mr. Cristall for the moment. Generally, during the time that you were in Canada from '71 to '75, did you at any time advise, counsel any of the Indian people from Canada as to how to fabricate bombs or how to acquire weapons?

30 A Sir, we had set up a day to discuss my training Indian people at two proposed campsites that they were going to build in the woods, which in my earlier testimony, never took place.

PM/mc  
B2-15

WARREN HART  
ex. Pateras

B3

10 We stayed at one of the native  
people's house one night. We arrived there about  
3:30 in the morning. We were up at 8:00 and we  
had to leave about 6:30.

We stayed in another native  
person's house out west there. We also stayed  
in the Shoeswap's home out there, and our sole  
purpose there was to meet the Indians that  
had been trained in Russia that had recently returned,  
along with the Ethiopian students.

Rosie Douglas did the speaking.  
I did the cooking for all the people out there one  
day.

20

We didn't have time to set up  
any discussion whatsoever about weapons. The  
only discussion about weapons came at another  
Indian reservation.

Q Where?

A Kenora.

Q I am sorry?

A In Kenora.

Q In Kenora then what discussion  
took place with respect to weapons?

30

A I met several so-called Indian  
leaders out there and at that time they were having

PM/mc  
B3-16WARREN HART  
ex. Pateras

10 trouble with the OPP, and I was introduced as the General, the one who could instruct them in the expertise of weaponry and demolition, and this is when I learned of a cache of weapons that had been brought into Kenora for the next uprising that they were going to have.

Two of the leaders out there took us fishing twice, they pointed out John Wayne's home to us, which they had planned to burn, and we discussed Vern Harper and we went to a pow-wow, but nothing materialized there because they went out one night and beat up some officer's son because he had beat up some woman.

20 Q In Kenora, was your advice sought and did you give any advice as to how to fabricate bombs?

A No, that never took place there.

Q Did you supply, whether in Kenora or anywhere else in Canada, anyone with weapons?

A No.

Q In particular the native people?

A No. I was supplied with weapons in Canada but I didn't supply anyone else with weapons.

30

Q When you were supplied with

PM/mc  
B3-17

WARREN HART  
ex. Pateras

weapons, was it for the purpose of allowing you to teach anyone how to use them?

10 A When I was supplied with weapons it was during the break-in in Toronto. They were supplied to me, number one, because I had the expertise in weaponry and I was to teach the other people how to use them eventually.

Q Who supplied them to you?

A The black radicals in Toronto.

Q That was the only time that you were supplied with weapons?

A That's right.

20 THE CHAIRMAN: You are referring here to the arms that were ultimately cached in a place in the country?

THE WITNESS: That's right, sir.

Me BRUNO PATERAS: To which you have testified already?

A Yes, sir,.

THE CHAIRMAN: That is totally unrelated to the native people in either Kenora or British Columbia?

THE WITNESS: That is true, sir.

Me BRUNO PATERAS:

30

PM/mc  
B3-18

WARREN HART  
ex. Pateras

10

Q Now, were you ever requested by anybody from the RCMP to counsel native people anywhere in Canada in the fabrication of bombs or use of weapons of any kind?

A No, sir, not counsel or to instruct them, per se. In other words, I carried out my same charade that I was the General. I had the expertise in this field and if they wanted to know, I would teach, because it was explained to me then about the pipeline coming across Canada and the railway that was going through Indian territory, and they had planned to use dynamite.

20

Q So if they wanted, you could teach, but in fact, am I to understand that you did not teach?

A That's right, because they had no training site, because the native people and the regular Indians at the time on the reservation, or on the fringe of the reservation did not get along together.

Q Did you counsel anyone as to how to procure bombs, grenades or other explosive weapons?

30

A No.

PM/mc  
B3-19

WARREN HART  
ex. Pateras

Q Did you traffic in any -- I mean deal, carry, trade weapons of any kind?

A No.

Q With the native people?

10

A No. There were four people in the car going up -- five people, in fact.

Q I am talking 1971 to '75?

A No, we were out there, I think, twice.

THE CHAIRMAN: Mr. Pateras' question is at any time during the period you were in Canada, doing work on behalf of the RCMP, did you carry or transport, deliver, offer any weapons?

THE WITNESS: No.

20

THE CHAIRMAN: Or explosives?

THE WITNESS: No.

THE CHAIRMAN: To any person?

THE WITNESS: The only weapons that I transported ---

THE CHAIRMAN: Apart from the arms in Toronto which you ultimately deposited in a farm in rural Ontario?

THE WITNESS: That's right. That is the only time.

30

THE CHAIRMAN: Apart from that,

PM/mc  
B3-20

WARREN HART  
ex. Pateras

nothing?

THE WITNESS: Nothing.

Me BRUNO PATERAS:

10 Q In your offer to teach, did you offer to set up any bombs or other explosive equipment to help any native people movement?

A No, they had no explosives at the time. No one offered me dynamite, gelignite, or plastic explosives.

Q But did you offer to obtain such equipment for them -- such devices?

20 A No, no. If I may say something at this point, sir, the person who would have handled a thing like explosives would have been an Indian by the name of Grey Eyes in Regina.

Q And who is this person?

A He belonged to the native movement. He has also been in the 82nd Airborne.

Q And what do you know about him?

A The only thing I know is that he is very active in AIM.

30 THE CHAIRMAN: Well, perhaps we had better not go into that further in public in the interests of protecting his privacy.

PM/mc  
B3-21

WARREN HART  
ex. Pateras

Me BRUNO PATERAS:

10 Q Well, coming back to Mr. Cristall, do I understand what you have indicated as the two incidents in which you met him, that there is nothing else that you can tell this Commission about activities in the nature of those that I have discussed with you; in other words, counselling in the use of weapons, possession of weapons or explosive devices and so on? There is nothing else from what you have said?

A That's right.

20 Q You have indicated before that the name Donald R. Colbourne does not mean anything to you?

A No.

Q Just to help you, would you recall meeting an individual by that name in the summer of '75 in Thunder Bay to whom you would have referred yourself as the General?

This individual is now presently an attorney.

A I was referred to as the General to everyone that I met by Rosie.

30 No, I don't -- in Thunder Bay? No, the people I met there were native people.



PM/mc  
B3-22

WARREN HART  
ex. Pateras

Q Did you in the summer of '75 --  
were you in Thunder Bay in the summer of '75?

A I was in Thunder Bay, yes.

10 Q Okay, did you indicate that  
you intended to steal weapons from persons in  
Thunder Bay?

A No, sir. I didn't know anything  
about Thunder Bay.

Q Well, when I am saying weapons,  
it includes explosive devices, grenades and so on?

A No.

20 Q Did you inquire as to whether  
there would be a safe place where you could hide  
some explosive devices or weapons at the same  
period in Thunder Bay?

A No, I didn't.

Q That doesn't mean anything to you?

A No.

Q And again, the name Colbourne  
doesn't mean anything to you?

A No.

30 Q One last set of questions, Mr.  
Hart, with respect to the weapons to which you have  
referred which were brought to a farm in Ontario  
near Tweed, I believe: do you recall how these

PM/mc  
B3-23

WARREN HART  
ex. Pateras

weapons were disposed of finally?

10 A I don't have firsthand knowledge of it, sir. I was told they were taken up to the lake and deposited in the lake.

Q Well, what I meant is how they were removed from the possession of the people who had them and given to the RCMP?

A I was the one that went to Tweed to pick up the rusted relics of the weapons that I took up there -- what was left, and I am the one that returned them to Ontario.

Q When you say you are the one who returned them, how was this done physically?

20 A I returned them to Sergeant Brown. I told him I was going to get what was left and, in fact, when I went up, I was under the impression most of the weapons were still there.

I was told to bring them back in.

Q Do I understand you actually took them physically and brought them to Mr. Brown?

A Yes, in the trunk of an old Chevrolet, I think it was.

30 Q How were they removed from the trunk of the Chevrolet? This is what I am interested

PM/mc  
B3-24

WARREN HART  
ex. Pateras

in.

In other words, were they removed by yourself or by Mr. Brown, and in what circumstances?

10

A It was in the basement on Markham Road, and I removed them out of the car. I removed them out of my car, the old Chevrolet, and I think they were placed into the RCMP's car.

B4

Q Who was present apart from yourself and Mr. Brown?

A I think Mr. Laird was also present.

Q Was there any question of setting up a breaking and entering of your car -- breaking and entering into the trunk of your car in order to pretend that these weapons were being stolen?

20

A Not to my knowledge, sir.

Q At the time that you gave these weapons to Mr. Brown in the presence of Mr. Laird, and ---

THE CHAIRMAN: He thinks.

Me BRUNO PATERAS: I'm sorry?

THE CHAIRMAN: He thinks.

You were asking whether anyone

30

else was present besides Mr. Brown and he

PM/mc  
B3-25

WARREN HART  
ex. Pateras

said he thought Mr. Laird.

Me BRUNO PATERAS: I'm sorry.

Yes.

10

Q At the time you handed those weapons to Mr. Brown, possibly in the presence of Mr. Laird, and in the period immediately following -- in the weeks following that, let's say, was your car broken into?

A No. I got rid of the car because the gearshift would always come out in my hand on the highway.

Q No, but I mean in the trunk of your car?

20

A No.

Q There was no damage to the trunk of your car that required some repairs?

A Not that I recall, sir, no, sir.

Q So am I correct in stating that as far as you could remember those weapons were actually physically handed over to Mr. Brown from your trunk to the RCMP car?

A To the RCMP car in the basement, yes.

30

Q And you know nothing of a theft

PM/mc  
B3-26

WARREN HART  
ex. Pateras

plot to masquerade the fact that you had handed over those weapons to Mr. Brown?

A No.

10 Q How did you explain, if you did, to Mr. Douglas and the people with whom you were in contact the fact that the weapons were no longer in your possession?

A Well, I didn't explain to any of them, sir. In fact, no one brought the subject up.

20 The guy that was with me, the so-called radical, went up to Tweed with me, and in fact, we went to one farmhouse because the person that we asked to take care of the weapons sold some of the weapons up there, and when we went to his house his wife told us that he had left her and sold some of the weapons.

We asked her to whom did he sell the weapons, and one of the ladies there had recently left her husband, or something like that.

30 We took one of the rifles and went to one of the farmhouses, and we were going to tell the man that we were Panthers and that we were there to take the rifles back; that Mr. Snider had no

PM/mc  
B4-27

WARREN HART  
ex. Pateras

10 business selling them, but we knocked on one door  
and no one answered the door and we thought it wise  
to get out of there because we were about the only  
two blacks up there in Tweed, and going around  
knocking on people's doors saying that we were  
Panthers to get the weapons back. So we told his  
wife we were looking for him.

Q Who was with you? Somebody  
you mentioned before, is it?

A David Edwards.

Q I see, and the two of you did  
get the weapons?

A We got what was left.

20 Q Now, did you have to explain to  
Mr. Edwards subsequently what happened to those  
weapons?

In other words, at one point  
you had them in your possession; then you didn't  
have them any more?

A Mr. Edwards was under the  
impression that the weapons were put up there for  
safe security because we thought it would be too  
hot to keep them in Toronto.

30 Q But the question never arose

PM/mc  
B4-28

WARREN HART  
ex. Pateras

either with Mr. Douglas or Mr. Edwards or anybody else with whom you were in contact at that time about what happened to those weapons?

10

A No, because this man's wife had been the member of the radical movement in Toronto at one time, a well respected person, and by her saying that he had sold them, they knew they were put up there for safe-keeping, because every time someone would come to your house, if you opened the closet they would see the weapons in there.

20

Q Do I understand from the time that you handed them over to Sergeant Brown, at no time were you asked about these weapons?

A No, because no one was ever trying to use them.

Q Going back to the time when these weapons were taken to the farm in question, who instructed you, if anybody did, to do so?

A Well, the only time -- let's see ---

30

Q In other words, at one point they were in Toronto. They were taken to the farm. Now, who told you, if anybody did, to take them out of Toronto?

PM/mc  
B4-29

WARREN HART  
ex. Pateras

10 A Mr. Brown told me that -- I think I am quoting him verbatim -- that he had received instructions I was to take the weapons out of Toronto, out of reach of the radicals in case they felt they should use them, and take them up to Tweed.

Q For what period of time were these weapons left in the hands of the people at the farm?

A I think it was about a two or three month period, sir, maybe a little longer. I don't remember.

20 Q Were the weapons, when they were left in the hands of the people at the farm, in operational condition?

Could they fire? Could they be used?

A They were stolen out of the showroom, I mean, off the floor in the sporting goods shop in very good condition.

30 Q Am I to understand that neither you nor anyone in your knowledge from the RCMP did anything to these weapons to render them non-operational?

A No, sir, because that would have



PM/mc  
B4-30

WARREN HART  
ex. Pateras

been a little dangerous.

THE CHAIRMAN: Could you explain that?

10

THE WITNESS: Well, like if I were to remove the firing pin from the bolt of a rifle, and one of the other radicals had expertise in that field and he would see the pin missing, then the questions would arise.

Me BRUNO PATERAS:

Q Did this question ever arise between you and your handlers as to whether you should or should not render them non-operational?

20

A I think we discussed -- in fact we did, and it was felt that I had enough control over the people that I was dealing with not to let them have the weapons.

Q Now, the people to whom you were delivering these weapons, were they known to you as being in a radical movement?

A A form of radical. The lady was. He was a hippy-type radical, armchair revolutionary, as they call them.

30

Q And was the identification of these people to whom you were instructed to bring

PM/mc  
B4-31

WARREN HART  
ex. Pateras

the weapons known? I mean, was the description of these people as you have just given it to us, known to your handlers?

10

A Yes, sir.

Q They knew that they were a former radical in the case of the lady and a hippy radical in the case of the man?

A Right.

Q And there wasn't any question as to danger this may pose in bringing weapons of this nature to these people?

A Well, at the time we didn't think so, sir. Number one, he stayed high on drugs most of the time.

20

Q I am sorry?

A He stayed high on drugs most of the time, and she was in and out of some hospital -- what we call the happy farm, most of the time.

Q Could you explain to the Commission -- you indicated before that it was felt that you had sufficient control over these weapons.

30

How could you have control of these weapons if you were working in Toronto and these weapons were being held by these people on

PM/mc  
B4-32

WARREN HART  
ex. Pateras

this farm for a period of three or four months or so?

10 A I was talking about control of the weapons, sir, as long as I had them, and control of the people not to let them have the weapons, but I don't know, I suppose it was felt no one would drive as far as Tweed to get the weapons.

Q What about the people who were there, the two individuals that you mentioned? Could they not use them?

20 A I doubt very seriously, sir, if his wife at that point would have used a weapon. Maybe six or seven years prior to that, yes, and I don't think he could stay sober long enough to use a weapon.

Q But in fact, Mr. Hart, am I correct in saying that he actually disposed of the weapons or some of the weapons by selling them?

A He sold them, say, because -- well, because of a lot of things. He needed the money and he left.

Q Do you know to whom he sold them?

30 A Well, to people around the area there.

PM/mc  
B4-33

WARREN HART  
ex. Pateras

Q Farmers?

A Yes.

Q Not radicals?

A No, there were no radicals in  
Tweed except the two of them that I knew of.

Me BRUNO PATERAS: I have no  
other questions, Mr. Chairman.

THE CHAIRMAN:

Q Were all the weapons sold by  
this man on the farm to people in the neighbourhood,  
or were there some left?

A There were some left.

Q What became of them ultimately?

A Like I say, those were the ones  
that were rusted and I put them in the trunk of  
the RCMP's car.

Q You were not present during  
any conversation between members of the RCMP and  
members of any other police force concerning those  
weapons?

A How do you mean, sir?

Q Let us assume that a member of  
the RCMP with whom you were dealing may also have  
had some discussions about weapons or about those  
weapons with a member of another local police force

10

20

30

PM/mc  
B4-34

WARREN HART  
ex. Chairman

such as the Ontario Police Force?

A No, sir.

Q Were you present at any such  
discussion?

A No, sir.

Q Were you told of any such  
discussion?

A No, sir.

Q Just to go back to the question  
of the contacts with native Indians, as Mr.  
Wortzman, I am told, knows, there is an Affidavit  
which was submitted to us by counsel for the  
Native Indian Brotherhood by Mr. Cristall, and  
I want to get this very clearly from you.

During your visit to British  
Columbia that you described in the presence of  
any members of Indian tribes, did you at any  
time say you could provide unlimited supplies of  
high quality military equipment including AK-47  
automatic rifles, dynamite and plastic explosives?

A Mr. Commissioner, No. 1, in  
order for me to supply AK-47, I would have to  
be Russian. That is a Russian weapon, and they are  
not that readily available in the United States.

Q Did you at any time say that?

PM/mc  
B4-35

WARREN HART  
ex. Chairman

A No, sir, I did not.

Q Or say that in reference to any of those categories of equipment?

10

A No, sir.

Q And did you at any time, when dealing with the native people at or in the region of Mount Currie, volunteer to train them or any of them in the use of dynamite or the use of other types of explosives?

A I think in Mount Currie, sir, this is where they had planned to set up the two sites, and I told them I would train them in that area.

20

Q I am sorry, I didn't understand that?

A This is the proposed campsite, if I am not mistaken, and I told them if the camp was set up, I would train them in that area.

Q If the camp was set up?

A Two camps.

Q Were the camps ever set up?

A No, sir.

Q So your offer was conditional upon the camps being set up?

30

A Right.

PM/mc  
B4-36

WARREN HART  
ex. Chairman

Q Did you at any time intend to carry that forward if the camps were set up?

A Well, yes, sir, I would have.

Q Train them?

A Yes, sir.

Q In the use of dynamite and other types of explosives?

A Yes, sir.

Q For what purpose? To maintain your cover, or in the hope that they would use the dynamite or other explosives?

A Well, it has been my experience, sir, that when you start a class of people, the first thing you obtain is their name, the location, and before either they complete that training or after their training is completed they are apprehended.

Q Did you intend, then, that they would be genuinely trained in the use of dynamite or other explosives and that they would then go out and apply their acquired knowledge?

A No, sir -- well, in the hope that they would be apprehended prior to setting off the explosive, if they were trained.

This has been my type of application throughout the operation, to train

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20

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PM/mc  
B4-37

WARREN HART  
ex. Chairman

people, and eventually, half-way through the training or part of the training, there was a raid or something would happen.

10 Q So you were prepared to do that, but you say, in fact, it never did happen either in British Columbia or in the Kenora area?

A No, I didn't have time in either one of the areas to train these people.

Q Was it expected by any of your handlers that, for example, in British Columbia, if the camps were established, you would proceed with such training?

Was there any discussion of that?

20 A We discussed it, sir, because I think aerial photographs were made to see if the camps were set up, and I think it would have been expected -- I don't know, I am surmising there, but I think it would have been expected for me to carry out my end of it.

Q That is surmise now on your part?

A Yes, sir, but it was normal procedure for me to carry out my part of the operation.

30 Q Had there ever been any discussion with any of your handlers, whether in



PM/mc  
B4-38

WARREN HART  
ex. Chairman

10 British Columbia or elsewhere, in the event that  
a target group did set up the facilities and  
acquired the equipment with which the training could  
be carried out, you would, in fact, carry out  
training of people in the use of explosives or  
weapons?

A We had discussed that on numerous  
occasions, sir, and unfortunately I had to learn  
the hard way that in that particular field of  
endeavour, you do not fool around with explosives,  
teaching them half-way. You either go all the  
way or you don't. This is what I was taught in  
South America.

20 Q Do you remember any specific  
conversations you had with any of your handlers  
with regard to whether you would, if the  
circumstances presented themselves, in fact train  
people in the use of weapons or explosives?

A Well, I was known as the  
General, Rosie Douglas' military aide, and it was  
acknowledged that I was training people. This is  
what I had to offer.

30 Q Not, in fact, training people  
but that you would train people if you had the  
opportunity?

PM/mc  
B4-39

WARREN HART  
ex.Chairman

A I trained people and I would train people if I had the opportunity.

Q You say you did train people?

10 A Yes, sir, I did train people in other countries.

Q But not in Canada?

A Not all the way, sir. Half-way, let's say -- part of the way. It started.

Q You say in Canada you never gave a complete training course?

A Right.

Q Mr. Rickerd said, in a low voice, *not to a degree level?*

20 A Right.

Q So you stopped short of showing them everything that they would have to know in order to be able to use a weapon or explosives. Is that what you are saying?

A Yes, sir.

Q As far as your Canadian operations are concerned?

A Right.

30 Q Going back to a question I asked you, do you have any memory of any specific conversations with any of your handlers as to the

PM/mc  
B4-40

WARREN HART  
ex. Chairman

extent to which you would go in training people?

You say it was expected of you,  
but I am asking whether you remember any specific  
conversations?

10

A Sir, we had discussed this on  
numerous occasions; taking replicas such as  
batteries, copper wire, and flash bulbs; teaching  
them the method of making clock bombs, pipe  
bombs, also chemical bombs.

We discussed the method where  
there was a short way -- in other words, if they  
fool around they can blow themselves up. They  
don't complete the polaris, things like this,  
but most of the radicals that you deal with are  
very educated people with various degrees from a  
ph.D in physics to a Master's degree in  
engineering.

20

So it is quite difficult to  
tell a man you cannot complete a polaris with a  
bomb when he has a ph.D in physics or a Master's  
degree in Engineering.

Q Do you remember the name of  
any of the RCMP members with whom you had discussions  
as to the extent to which you would -- as to the  
fact that you would, if the conditions presented

30

PM/mc  
B4-41

WARREN HART  
ex, Chairman

themselves, carry out training of people in Canada as to the use of weapons or explosives?

10 A I am trying to remember, sir, when we started concerning the native people.

I think Mr. McMorran and Mr. Plummer and myself discussed the training of individuals, and I think it was if they were going to set up the camp they were going to monitor the camp, disrupt the camp or something like that.

I don't know, but I don't believe they would have let the camp be completed. This is the reason for the aerial photos.

20 Q You don't believe that they would have let the camp be completed?

A No, sir.

Q In which case there wouldn't have been any training?

A Right.

Q So they didn't expect that you would, in fact, train them?

A Right. I wouldn't have trained them if they would have disrupted the camps, no.

30 Q So we can forget about that as an example of their having generally expected you to carry out the training?

B5

PM/mc  
B4-42

WARREN HART  
ex. Chairman

10

A                    You see, sir, it is very hard to say whether they would have come in time to prevent the completion of the training, or whether something could have happened -- maybe they would have completed the training. It is very hard to say yes or no.

Q                    Well, no doubt, counsel, if they wish to, can explore that.

                     Were there any other occasions that you can recall with any degree of regularity when you discussed this with your handlers?

20

A                    Only one other time, sir. We were discussing orally how to make bombs without illustrations, and subsequently there was a raid, I think about two or three weeks later, which disrupted that entire thing.

Q                    Which group was this?

A                    This was dealing with the black radical groups in Montreal.

Q                    That is the only other instance that you can recall?

A                    On this side, yes, sir.

Q                    You say *on this side*?

30

A                    I mean in Canada; in this country.

PM/mc  
B5-43

WARREN HART  
ex. Chairman

Q Who were the handlers with whom you discussed that matter?

A That was, I think -- yes, that was Mr. Brown.

MR. DONALD S. RICKERD:

Q Mr. Hart, just one point before we adjourn:

I wasn't quite clear on your answer to the Chairman's question concerning your discussions with Messrs. McMorran and Plummer.

Did I hear you correctly say that what was discussed was your commencing the training but that in one fashion or another they would see to the interruption of the training; that the training would have started but it wouldn't have gone to its conclusion?

A That's right, sir.

Q So they were quite aware from this discussion that a certain amount of training would take place but it would not lead to the completion of the training?

A That is true, sir.

Q There was not to be interruption of the project before the training started?

25902

PM/mc  
B5-44WARREN HART  
ex. Rickerd

A No, sir.

Let me say something else, sir.

10 During that time you had several books out on guerilla warfare. One was the Anarchists Cookbook, which you could buy at any radical bookstore in Canada.

Another one was a small, rare type book on guerilla warfare concerning Cuba, and there was page after page on how to construct these bombs.

Now, several people would come to me and say, *Now, is this how you do it?* and naturally, being the General, I would have to say  
20 yes.

Q But in the discussions with Messrs. McMorran and Plummer, it is my understanding from your evidence that what was envisaged was training going far beyond your just confirming that some book was on the right track.

What was discussed, as I understand it from your evidence, with Messrs. McMorran and Plummer, was that you would actually start training people?

30 A This is true, sir. They would have me on the inside.

PM/mc  
B5-45

WARREN HART  
ex. Rickerd

Q                   And by training people you mean more than just having them come to you with a book and asking you if this is the correct set of instructions?

10

A                   That's right, sir.

THE CHAIRMAN: I think I should also place on record that a well qualified investigator for the Commission interviewed both Mr. Colbourne and Mr. Cristall with regard to their respective affidavits or statutory declarations.

20

I just want to make everyone aware that the Commission has indeed attempted as far as is possible through ordinary investigative methods, to obtain details from each of those persons as to the allegations made in their affidavit or statutory declaration.

We will now adjourn for fifteen minutes.

--- Mid-morning recess

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GOB/lp  
Cl.1

WARREN HART  
int - Rickerd

MR. DONALD S. RICKERD:

10 Q Mr. Hart, we have heard this morning your responses to Commission counsel's questions concerning your travel during the summer of 1975.

As I understand it, you and Mr. Douglas started off from where? - Toronto?

A We started off in Toronto, yes, sir.

Q And continued eventually right to Vancouver?

A That's correct, sir.

20 Q And you have been questioned this morning concerning various incidents that may or may not have arisen at intermediate points. I think, to sum up: at Thunder Bay, you were asked about Mr. Colburne, and at Kenora, incidents there with reference to Regina, Vancouver and Mount Currie.

A Yes, sir.

Q That's about as well.

30 Was this trip across Canada something that had been discussed previously with your RCMP handlers? Were they aware that you were

GOB/lp  
Cl.2

WARREN HART  
int - Rickerd

embarking on this trip?

10 A Yes, sir. Of course, Rosie Douglas had been invited out to Vancouver. His trip was sponsored by the S & I Committee in Toronto.

Q And you had reported that to your handlers?

A That's correct, sir.

Q And did they assent to your travelling with Mr. Douglas across the country? Did you do so with their approval?

A Yes, sir.

20 Q And they didn't raise any objections to the trip?

A Oh, no, sir.

Q And did you maintain sporadic contact with them while you were on your way across? Or did you sum up when you got back?

A No, sir. I think it was in Regina that I met with them and other RCMP officials from that locale; and then again in Vancouver.

30 Q Do you recall which of your handlers you met with in Regina?

A ... I think it was Mr. McMorran.

GOB/lp  
Cl.3

WARREN HART  
int - Rickerd

Q Who was normally based in the East - not in Regina?

A Yes, sir.

10

Q And what about Vancouver?

A That was Mr. Plummer.

Q And did you make your normal reports to them in those meetings - normal in the sense of reports of the type that you had been making to them in Toronto and Montreal?

A Yes, sir, debriefing sessions.

Q And did you discuss with them the people whom you met as you proceeded on your trip?

20

A Yes, sir. I would try to ascertain all the names of the people that I would meet, that were involved in the radical movement.

Q And I gather from your evidence this morning that you met with quite a number of people as you went across the country?

A Yes, sir.

Q Is it conceivable that you would have reported by name to them dozens of people?

A Oh, more than that, sir.

30

Q You were up in larger numbers

GOB/lp  
Cl.4

WARREN HART  
int - Rickerd

than that?

A Yes, sir, because sometimes, -  
at one of the meetings, we would have - in a house  
alone, we had, one night, about six or seven people.

10

Q How long did this trip last?

A ... about a week. It is better  
than a week, because I think it was three days  
as I got there - I think it was about a two-weeks  
thing.

Q Two weeks?

A Yes, sir.

Q That includes the time going  
and coming back?

A Yes.

20

Q Do you recall - I realize it is  
five years later, but do you recall, at this  
date, whether Mr. McMorran had told you that he  
had come to Regina in order to meet you, and Mr.  
Plummer had come to Vancouver in order to meet you?

A Well, those were the purposes  
of the meetings, sir, because it was almost  
impossible for me to carry notes on my person; and  
we would go to debriefing sessions.

Q It is a little bit unfair to  
cast my memory back to the comments you made before

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GOB/lp  
Cl.5

WARREN HART  
int - Rickerd

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us a couple of months ago when you mentioned how good your memory was, but would you make any claim, at this date, that you would now recall the names of the people on whom you reported during that trip?

A I don't remember the names of the officers, the RCMP officials that I met in Regina or other places. They were there. I think they had received permission from the handlers to be present at the debriefing session, because they had some input, they wanted to ask certain questions about certain people, certain things that I should look for; but ... the normal people that I was with would be Mr. McMorran and Mr. Plummer.

20

Q Was your nickname generally known to your handlers?

A Yes, sir.

Q And did you discuss with your handlers the tentative plans that were made for sites at which training could be conducted?

A Yes, sir.

Q Is there any disagreements that you had with your handlers in your meetings in Regina and Vancouver, as to the role that you were to play on this Western trip?

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GOB/lp  
Cl.6

WARREN HART  
int - Rickerd

A No, sir, we didn't have any disagreements at all.

The only disagreement I had in Regina is that they put me on the same floor with the Musical Riders.

Q I hope they weren't practising on your floor.

Did the interviews you had with the handlers take the same form that the interviews you had in Toronto and Montreal took?

A Yes, sir, debriefing sessions would normally last anywhere from one hour, maybe, to two or three hours. It all depended when I could get away: sometimes two o'clock in the morning, sometimes three.

Q And you assured us in your early testimony concerning events in Toronto and Montreal, that you were candid with your handlers.

I would like to ask you now whether you were candid with Mr. McMorran in Regina and Mr. Plummer in Vancouver as to the conversations you had with the people whom you met?

A Yes, sir. I dare say we had established a rapport with one another. Like I told you, I would not add or take away. I would

GOB/lp  
Cl.7

WARREN HART  
int - Rickerd

report what I have stated here.

Q And that holds for the interviews and meetings you had with people on your Western trip?

10

A Yes, sir.

Q There was no holding back on your part as to conversations concerning training camps, or explosives, or fire arms or anything of that nature?

A No.

Q What about the financing of this trip across Canada? You were, I think, described in some material we have before us as driving a Lincoln?

20

A A Lincoln Continental Town Car, 1975.

Q So, it was a current year Lincoln you were driving.

Did you fund the travel expenses out of your normal allowance and later claim for the expenses?

A Normally, I would be given expenses in advance of the trips.

30

GOB/lp  
C2.8

WARREN HART  
int - Rickerd

Q Do you recall what happened on this trip?

A I was given X amount of money; and in the event I needed more, I was to inform them of my needs.

I was reimbursed when I came back, for the mileage and various other things.

Q So, the per-mile allowance or gasoline allowance that you normally had, applied to the trip to Vancouver?

A Yes, sir.

Q And it wasn't funded by any other group than the RCMP?

A No, sir.

Q That applies also to your living expenses along the way, when you were not able to stay in the houses of sympathizers of Mr. Douglas?

A As a normal procedure, I would try to get away from them, because if I were to meet one of them, I could very well make excuses and leave the house. Most of the time, I would make excuses so I could live in a hotel.

Q And approximately two weeks after you left Toronto, you arrived back in Toronto?

A I think that's the approximate

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GOB/lp  
C2.9

25912

WARREN HART  
int - Rickerd

time, sir.

Q Was Mr. Douglas with you when you drove back to Toronto?

A Yes, because I had kept records on Mr. Douglas on the trip.

Q So, you and he were together most of the time in the two weeks?

A Yes, sir, most of the time, except at night.

Q Thank you very much.

THE CHAIRMAN:

Q Mr. Thomson, any questions?

MR. CLAUDE THOMSON: I have no questions for the witness at this time. I perhaps will ask the Commission to let me cross-examine the witness at another time.

THE CHAIRMAN: In order to avoid the time taking for an adjournment, we have just conferred briefly with counsel.

In respect of the point taken by Mr. Wortzman earlier in the morning, it is the view of the Commissioners that any application by Mr. Thomson or Mr. Carter on behalf of their clients, to cross-examine Mr. Hart, will be dealt with if, as and when any such application is felt by them to be necessary, and they make the application.

GOB/lp  
C2.10

WARREN HART  
int -

It may be that the problem will  
not arise.

10 MR. BARRY WORTZMAN: Mr. Chairman,  
I just want to say that my position is the same ...

THE CHAIRMAN: We understand your  
position, Mr. Wortzman.

MR. BARRY WORTZMAN: And if I may,  
there are two questions I would like to put to the  
witness before ...

THE CHAIRMAN: Yes, if you would  
like to do it now before we ask Mr. Morphy if he ...

MR. BARRY WORTZMAN: I am sorry,  
I didn't mean to pre-empt my friend.

20 THE CHAIRMAN: Well, we are  
flexible.

MR. CLAUDE THOMSON: I have no  
questions, sir.

THE CHAIRMAN: Then, go ahead,  
Mr. Wortzman.

MR. BARRY WORTZMAN: Thank you.

Q Mr. Hart, going back to the  
cache of weapons that were taken to Tweed, Ontario,  
when you returned to pick up the weapons up some  
months after they were originally deposited, did I

30

GOB/lp  
C2.11

WARREN HART  
int - Wortzman

understand your evidence correctly that the  
weapons were in a rusted condition?

A They were.

10

Q And did that affect all of the  
weapons that were still there?

A Yes.

Q And were those weapons, at that  
point in time, operational?

A No.

Q And was that something that  
Mr. - was it Mr. Edwards who was with you?

A Yes.

20

Q Was that something that Mr.  
Edwards would have been aware of at that time?

A Yes.

Q Thank you.

THE CHAIRMAN:

Q Mr. Hart, I am not sure that  
this question was put to you in January:

Did your handlers know in advance  
of Mr. Douglas meeting Mr. Rodriguez that you were  
going to be present at a meeting between Mr.  
Douglas and Mr. Rodriguez?

30

A Yes, sir.

GOB/lp  
C2.12

WARREN HART  
int - Chairman

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Q And did they know after the event that you had been present at such a meeting?

A Yes, sir.

Q Who were the handlers, at that time?

A ... I want to be sure, sir ...  
I think it was Mr. Brown.

Q So, it was Mr. Brown who had the knowledge before and after, as far as you know?

A As far as I can remember, yes.

Q Apart from anybody he may have told?

A Right.

20

Q It was with Mr. Brown that you were dealing?

A Yes, sir.

Q The same question with regard to Mr. Douglas meeting the caucus on the provincial New Democratic Party in British Columbia: did one or more of your handlers know before your attending that meeting, that you were going to do so?

A Yes, sir.

Q And afterwards, knew that you had done so?

30

A Yes, sir.

GOB/lp  
C2.13

WARREN HART  
int - Chairman

Q Who was that?

A ... that was Mr. Plummer and  
Mr. McMorran.

Q Thank you.

Any questions arising out of  
those questions?

Thank you, Mr. Hart. You may  
step down for the time being.

Next witness, Mr. Pateras?

MR. BRUNO PATERAS: Mr. Brown.

MR. IAN DOUGLAS BROWN takes the  
stand.

THE CHAIRMAN:

Q Your full name, sir?

A Ian Douglas Brown.

MR. IAN DOUGLAS BROWN, sworn by  
the Chairman.

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PM/lp  
D1.1

I.D. BROWN  
int - Pateras

MR. BRUNO PATERAS:

Q I understand you have something to say?

A Yes.

Q Go ahead.

A Mr. Chairman, I refuse to answer this question and all other questions of the same nature.

Q Let me ask a question.

THE CHAIRMAN: It had better be a question other than your name and rank.

MR. BRUNO PATERAS:

Q Mr. Brown, I understand that you were involved originally with the retention of Mr. Hart's services by the RCMP?

A Mr. Chairman, I refuse to answer this question and all other questions of the same nature on the ground that my answers may tend to incriminate me or may tend to establish my liability to a civil proceeding at the instance of the Crown or any other person.

THE CHAIRMAN: On behalf of the Commissioners, Mr. Brown, I direct that you answer that question and any other questions to which you would raise a similar objection.

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PM/lp  
D1.2

I.D. BROWN  
int - Pateras

MR. BRUNO PATERAS:

Q Now, I understand that you were involved with the hiring of Mr. Hart in 1971?

10 A Yes, sir.

THE CHAIRMAN: Mr. Pateras, could we perhaps have a little bit about the background of Mr. Brown for the sake of the record?

MR. BRUNO PATERAS: Very well.

Q Mr. Brown, could you indicate first of all when you started in the RCMP?

A I was in the RCMP from November, 1951 until February, 1976.

Q And could you indicate what position you occupied in the RCMP?

20 A I retired as a Sergeant in the Security Service.

Q During the period that you were with the RCMP, the different positions that you occupied?

A Yes, as a regular member of the RCMP in general detachment duties, Northern service and Security Service.

Q What was your rank when you retired?

30 A Sergeant, sir.

PM/lp  
DL.3

I.D. BROWN  
int - Pateras

THE CHAIRMAN: During the period '71 to '76, was you rank Sergeant?

THE WITNESS: Yes, sir. it was.

THE CHAIRMAN: Thank you.

MR. BRUNO PATERAS:

Q In 1971, I understand that you had your first contact with Mr. Hart?

A That's right.

Q Now, as far as you are concerned, as far as you personally know, what arrangements were made with respect to Mr. Hart with respect to the length of his employment?

A The arrangement that I made with Mr. Hart was that there was no definite period. He was free to quit at any time he so chose or I was free to fire him while I was his handling member.

Q Do I understand that this was an arrangement that existed between you and Mr. Hart, in other words, that you communicated the arrangement to him?

A That's right, sir.

Q And you had been authorized by your superiors to do so?

A That's right.

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PM/lp  
Dl.4

I.D. BROWN  
int - Pateras

Q Now, there has been testimony as to Mr. Hart's original pay which was something like \$900 a month, is that correct?

10

A To the best of my recollection, it was \$800 a month and \$100 towards travelling expenses incurred.

Q Now, during the time that you handled Mr. Hart and that, I think, goes to some time in 1972, is that correct, or '73?

A '73.

Q '73, July '73.

20

Was there any question -- was there any change in the status of Mr. Hart with respect to his employment -- change from what you have just said as being ---

A No.

Q In other words, you could fire him at any time?

A That is correct.

Q That he could leave at any time?

A At any time.

Q During that same period that you handled Mr. Hart, was there any discussion of a permanent employment with the RCMP?

30

A Yes, he discussed it often with me.

PM/lp  
Dl.5

I.D. BROWN  
int - Pateras

Q With you?

A Yes.

Q And when you say with you, do you mean with you alone or with you and other people?

10

A On one occasion with me and other people but it was a subject that came up between Mr. Hart and myself quite often.

Q And could you tell the Commission what was being discussed by Mr. Hart?

A It was his desire to remain in Canada at that time and to become a permanent member of either the RCMP or a similar type of job.

20

Q What was your response to that?

A Well, we will see what we can do, depending on when this job was over, and it was inevitable that it would be over some day.

Q Did you at any time indicate to him that there could be a position for him?

A No, I don't think I was that firm on it, no.

Q Well, if you were not that firm, what did you say?

30

A There were positions available

PM/lp  
Dl.6

I.D. BROWN  
int - Pateras

for civilian members in the Royal Canadian Mounted  
Police.

10 Q Did you discuss the types of  
positions that were available with him?

A I doubt it, no, sir.

Q Was the term *civilian coordinator*  
ever mentioned?

A Yes, it was.

Q By him?

A By him.

Q Is there such a function at  
the RCMP?

20 A Not to my knowledge, at that  
time.

Q Is there now?

A I have no idea, sir.

Q Because you said: *at that time*.

A When I was handling him.

D2 Q Do you know what he meant by  
a civilian coordinator?

A I would only be speculating,  
sir.

Q Did he discuss it with you?

30 A The word was brought up by him.

PM/lp  
D2.7

I.D. BROWN  
int - Pateras

Q And when he did bring it up to you, did he explain what he meant by that?

10 A Yes, but there again I'd just be going by memory and I would suggest that it was something along the line of coordinating activities within with Black Power Movement at a desk level, and there again, that is just my memory, sir.

Q What would have been your reply when he brought that up -- when he brought the civilian coordinator up to you?

A *We'll see.*

20 Q Did you ever indicate to him that the matter was being discussed at higher levels?

A Well, I know it was.

Q It was?

A Not necessarily the coordinator's job, but ---

Q The position?

A The position of him staying with the Mounted Police.

Q You did yourself discuss it with your superiors?

A I was part of a conversation.

30 Q With whom in particular did you

PM/lp  
D2.8

25924

I.D. BROWN  
int - Pateras

discuss it?

A With Mr. Hart and Mr. Begalki.

Q And do you recall the approximate time?

10

A It was in the winter of '73, early winter of '73.

Q Was that the first time you discussed it with your superior?

A Yes.

Q Before that time, before discussing with Mr. Begalki, do I gather from your evidence that you did not discuss it with any superior -- discuss the possibility of Mr. Hart having a permanent position?

20

A Well, I am almost sure -- I was in daily contact with my superiors, and I am sure I would have, but I do not specifically remember.

Q During that whole period up until 1973, do I understand you to say that at no time was Mr. Hart promised a permanent position?

A No, he was not.

Q Were there any discussions with respect to fringe benefits such as medical assistance and life insurance and so on?

30

A Yes, there was.

PM/1p  
D2.9

I.D. BROWN  
int - Pateras

Q                   And as a matter of fact, indeed,  
benefits from -- at least, did he receive any  
payments which went towards such benefits, paying  
for insurance premiums ---

10

A                   I don't think we actually got  
to that stage during the time that I was handling  
him, although it was discussed towards the latter.

Q                   So it is your evidence, Mr.  
Brown, that during the time that you handled him  
you are not aware of any payments that were made  
in addition to the salary and the expenses that  
were agreed to?

A                   Periodic bonuses for a job  
well done, but nothing in the line of a benefit.

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PM/mc  
D3-1

I.D. BROWN  
ex. Pateras

Q Medical or health insurance?

A By the month payment.

10 Q Coming to the meeting with Mr.  
Begalki -- first of all, may I ask you whether you  
were present when Mr. Begalki testified last  
time?

A Yes, I was, sir.

Q Is that the meeting -- he spoke  
about a meeting with Mr. Hart. Is that the meeting  
to which you referred?

A Yes, sir.

20 Q As far as you are concerned,  
there was only one meeting with Mr. Begalki and  
Mr. Hart?

A There was one formal meeting,  
that one. There was one earlier, briefly here  
in Ottawa where the two individuals met for the  
first time.

Q Is this at the occasion of Mr.  
Nixon's visit?

A That's right.

30 Q Were those the only meetings  
that you are aware of between Mr. Begalki and  
Mr. Hart?

A During the time I handled Mr.

PM/mc  
D3-2

I.D. BROWN  
ex. Pateras

Hart, yes.

10 Q At the meeting in Ottawa, were you present when Mr. Begalki and Mr. Hart discussed anything?

A Yes, sir.

Q Was the question of his permanent position discussed at that time?

A Yes, sir.

Q What was Mr. Begalki's statement?

20 A To the best of my recollection, Mr. Hart was advised by Mr. Begalki that there were positions available for security in the RCMP for civilian members from time to time, as approved by the Commissioner, and that sort of a rhetoric conversation.

Q Now, before we go any further into this, is this the meeting which took place at the time of Mr. Nixon's visit or the other meeting?

A No, the other meeting.

30 THE CHAIRMAN: Mr. Pateras, I don't think we placed on record in January the date of the Nixon visit. It was April 15th, 1972, approximately Easter.



PM/mc  
D3-3

I.D. BROWN  
ex. Pateras

Me BRUNO PATERAS:

10 Q Now, start with this one first,  
the April, '72 meeting between Mr. Begalki and  
Mr. Hart. Was there any discussion at that time  
of Mr. Hart's future permanent position?

A No, sir.

Q What was the discussion about?

A Discussion about activities  
concerning the Nixon visit and just, *glad you are  
here; a job well done.*

Q No discussion about Mr. Hart's  
person situation?

A None whatsoever.

20 Q Family life or anything like  
that?

A No.

Q So I gather from your testimony  
that the only time in your presence, at least, to  
your knowledge, that Mr. Begalki discussed Mr.  
Hart's future was at the second meeting?

A That is correct.

Q In 1973?

A Early 1973.

Q February of 1973?

A Yes, I believe.

30 Q Were you present at all times

PM/mc  
D3-4

I.D. BROWN  
ex. Pateras

during the discussion between Mr. Begalki and Mr. Hart?

A Yes, I was, sir.

10

Q Now, in addition to what you have just stated as Mr. Begalki's statements, was there any question of a letter being deposited in Mr. Hart's file to confirm something or other that was said at that time about the permanent position?

A Yes, there was a statement or a suggestion made that there would be a report concerning the discussions that we had just had put on Mr. Hart's file.

20

Q I see. Did you have occasion subsequently to see any such report?

A Yes, I did.

Me BRUNO PATERAS: Could I have QC-1, please?

Q The exhibit has been opened to Page 1. I would ask you to look at Pages 19-23 inclusive and tell me whether that is a document to which you referred as being the report in Mr. Hart's file?

A Yes, sir.

30

Q Would you in particular -- well,

PM/mc  
D3-5

I.D. BROWN  
ex. Pateras

first of all, did you have occasion to review this document recently?

A Yes, I did, sir.

10 Q There is a reference in particular starting on Page 20, paragraph 4 there -- there is a reference to a permanent employment.

Are you in agreement with what is reported there as being the subject matter of what was discussed between Mr. Hart and Mr. Begalki?

A Yes, that was one of the subjects.

20 Q As far as the question of full and permanent employment, can you recall whether anything else was mentioned during the conversation from what is reported here?

A No, sir.

Q Would you say that this is a complete statement of what was discussed with respect to the permanent employment?

A In general terms. There may have been some things deleted, but that was the general topic -- those were the general topics, yes, sir.

30 Q Do I gather then, Mr. Brown, that the question of his permanent employment as a civilian member was discussed, but from what you

PM/mc  
D3-6

I.D. BROWN  
ex. Pateras

said previously, there was no actual offer?

A There was no actual offer.

10 Q The suggestion was that this is something that should be looked into but there was no actual promise of employment, is that what you are saying?

A Yes, when his current job was over.

Q Was there any question at that time when you met him in February of '73 -- was there any question as to when his employment would be concluded?

A None, sir.

20 Q Was there any indication that the intention of the Department of the RCMP was to keep him for a considerable time?

A As long as possible, sir.

Q As long as possible.

At that time in February of '73, am I correct in stating that you personally were quite satisfied with Mr. Hart's services?

A I was, sir.

30 Q And that you were hoping that he would be around for a long time?

25932

PM/mc  
D3-7

I.D. BROWN  
ex. Pateras

A Yes, sir.

Q And you indicated that to him?

A Yes, sir.

10 Q Did you indicate that to Mr.  
Begalki?

A Yes, sir.

Q In addition to the report to which  
we have just referred, are you aware of any other  
letter, document or report with respect to Mr.  
Hart's permanent position with the RCMP?

A No, sir.

Q In any of the files?

A No, sir.

20 Q That is the only one that you  
have seen and that you remember?

A Yes, sir.

THE CHAIRMAN: The document,  
by the way, I found on those pages, is a report  
dated February 22nd, 1973. That is correct, isn't  
it?

Me BRUNO PATERAS: That's right.

Q The meeting took place February  
8, '73, would that be correct?

30 If you look at the first page  
of the document, it refers to a meeting of February

PM/mc  
D3-8

I.D. BROWN  
ex. Pateras

8th. Would that be the approximate date?

A Yes, sir, that would be the approximate date, yes.

10 Q I understand that you were not Mr. Hart's handler when his services were terminated, but were you in contact with him at that time?

A Yes. Mr. Hart talked to me just -- I believe it was just prior to his termination.

Q Was there a discussion with respect to his termination?

A Yes, sir.

20 Q Could you tell the Commission what it was about?

A Yes. Mr. Hart approached me. I was at that time stationed at Toronto International Airport. He advised that it appeared was being terminated and didn't know what direction to take. He was not happy.

My suggestion was if he was not happy with the treatment given by the Mounted Police, he should approach their superior who was at that time the Solicitor General.

30

PM/mc  
D3-9

I.D. BROWN  
ex. Pateras

Q Who was the Solicitor General?

A Mr. Allmand, I assume.

Q Did he indicate that he would do  
10 so?

A I don't recall. He advised me  
that he knew Mr. Allmand, but I do not remember  
whether he specifically said he would approach him,  
no.

Q At the time that he met you  
before he was released, did he make any statement  
with respect to a promise made to him for permanent  
employment by the RCMP?

A I don't recall whether he made  
20 any suggestion of that at the time, but he was  
disappointed in his treatment with the Force,  
certainly.

Q Could you recall what the basis  
of his disappointment was, at least, as far as he  
told you?

A His potential termination.

Q Simply that?

A Yes.

Q Was that the last time that you  
30 saw him before he was terminated?

A Yes, sir.

PM/mc  
D3-10

I.D. BROWN  
ex. Pateras

Q Did you have occasion -- and I am not talking about at the time that Mr.Hart came to testify here, but subsequent to his termination, in the year that followed his termination, did you have occasion to have any meetings with him or discussions with him?

10

A No, sir.

Me BRUNO PATERAS: Mr. Chairman, I intend to go into the matter of the stolen fire-arms at this point. I don't know if you wish me to continue. It is 12:30.

THE CHAIRMAN: We will adjourn now until 2:00 o'clock.

20

--- LUNCHEON ADJOURNMENT.

30



GOB/lp  
E1.1

WARREN HART  
int - Pateras

UPON RESUMING AT 2:00 P.M.

THE CHAIRMAN: I would like to take note of the visit to us this afternoon of Mr. Justice Roger Ouimet of the Superior Court of Quebec, Chairman of a Committee on Corrections which we have heard about from time to time in the course of this Commission, who dealt with some of the issues in that report which we are now concerned with, not today, but on other occasions.

10

Mr. Pateras?

MR. BRUNO PATERAS: Mr. Chairman, I would ask permission to call back Mr. Hart for a moment.

20

MR. WARREN HART, recalled

MR. BRUNO PATERAS:

Q Under the same oath?

Mr. Hart, during your testimony in January, you referred to an incident wherein an individual was hidden in your trunk?

A That's right.

Q Correct?

And you spoke about a note that you had given to the Border People - the American Border Officers?

30

GOB/lp  
E1.2

WARREN HART  
int - Pateras

A That's right.

Q I would like to show you a document - and I have copies for my friends - and ask you whether this is a photocopy of the document that you showed the Border People?

10

Before you complete your examination of it, you will note that the second page does not appear too clearly, and the third page is just a better copy of the second page.

In effect, there are two documents?

A ...

Q Let me be sure that you understand what you have there, Mr. Hart:

20

that page that you are looking at, which is the third page, is the identical document that you have on page 2, but which has been traced over to make it more legible?

A ...

Q Now, if you look at the first one on the letterhead of the Treasury Department, does that mean anything to you?

A Yes. This is the letter that I wrote in my apartment.

30

Q Now, did it have two pages when you ....

GOB/lp  
El.3

WARREN HART  
int - Pateras

A No - only one.

It had typewritten information on it concerning the Director of this service in Baltimore, Maryland.

10

Q Now, I understand that the first page is the one that was typewritten?

A It is typewritten, yes, with my writing on top of it.

Q Now, this is obviously an expurgated copy, but the top part, the letterhead is the letterhead that you referred - on which - it is the same letterhead that you used when you gave the note to the Border People?

A That's true, sir.

20

THE CHAIRMAN: Exhibit Q-26.

EXHIBIT Q-26: Note given to Border People.

MR. BRUNO PATERAS: Q-26.

Q And what is written, possibly in handwriting: *Please let me speak to someone in charge, that is your handwriting?*

A That is true, sir.

Q So, would you file this as Q-26.

30

Would you tell the Commission whether what appears on the second page, and

GOB/lp  
E1.4

WARREN HART  
int - Pateras

obviously on the third page also, was written on the same document.

10 THE CHAIRMAN: Before we turn to that, could we just make sure we know what the words are that were written? Because my copy, and perhaps that of others, has the words in part left off.

Q Can you tell me what the words are, Mr. Hart?

A Yes. *Please let me speak to someone in charge.*

MR. BRUNO PATERAS:

20 Q Now, Mr. Hart, that was written on top of the document?

A That is right, sir.

Q Then, you have the letterhead which is printed, which you see there?

A That's right, sir.

Q And am I to understand that there was a typewritten letter?

A At the bottom, here, yes sir.

Q Yes. Which does not appear on this document - which has been removed?

A Right.

30

Q Now, the message which you see

GOB/lp  
El.5

WARREN HART  
int - Pateras

on the second page, which starts with the words:  
*I have a man in the trunk*, was this written on  
the back of the document? Or on a different  
document?

10

A ... I think this was ...  
I think it was on the same document. I am trying  
to remember.

Q Do you know if it was on the  
back of the printed side?

A I think it was.

Q Now, have you read through  
the second page?

A Yes.

20

Q And does it conform to what  
you had written? Is it exactly what you had  
written and what you handed over to the Border  
People?

A Yes, I handed a note like this  
over to them.

Q And that's the note you were  
referring to when you testified previously?

A Yes, especially to the front  
part of it, here.

30

Q When you say *especially the front*  
*part*?

GOB/lp  
El.6

WARREN HART  
int - Pateras

A Well, please let me speak to  
someone in charge.

10 Q Yes. That's what you remember.  
What about the second page and  
third page?

A ... I suppose it is what I  
wrote, sir.

Q It is?

THE CHAIRMAN:

Q Is it your printing?

A Yes, I would say that it is.

20 Q There are some gaps because  
there has been some expurgations of names and  
numbers of the RCMP people concerned?

A Yes, sir.

Q But the rest is your printing?

A ... yes, sir, I suppose.

Q Then, it will be part of  
exhibit Q-26.

GOB/mc  
E2-1

WARREN HART  
ex. Rickerd

Me BRUNO PATERAS: Q-26.

That's all, Mr. Chairman, as far as Mr. Hart is concerned.

MR. DONALD S. RICKERD:

Q Could we, just before we conclude this, be certain what happened.

My recollection is that you produced this as you went across the border, and handed it to someone who came to your car?

A I handed it to the gentleman - not in the cubicle, but in the little booth as you go across the border.

Q And that was the last you saw of this?

A The next time I saw it, sir, it was inside the office of the customs. That's the last time I saw it.

Q It was produced for you when you were inside ....

A Well, they had the document in their hands.

Q Yes. But you left it with them and then have only seen it again very recently?

A Just yesterday, sir.

Q Thank you.

GOB/mc  
E2-2

WARREN HART

THE CHAIRMAN: Any questions  
from anyone else concerning this matter?

Thank you, Mr. Hart. Please  
step down.

Next witness, Mr. Pateras?

Me BRUNO PATERAS: Mr. Brown.

IAN DOUGLAS BROWN resumes the  
stand.

Me BRUNO PATERAS:

Q Mr. Brown, you have heard Mr.  
Hart testify with respect to a cache of weapons  
that was brought at one point to a farm near  
Tweed, Ontario?

A Yes, sir.

Q Now, could you tell the  
Commission when you first heard of these weapons?

A Yes. It was in the fairly  
late spring of 1972.

Q Did you have occasions, last  
year or so, to refresh your memory with respect  
to that incident?

A Yes, I did, sir.

Q You have looked at some of the  
files?



GOB/mc  
E2-3

I.D. BROWN  
ex. Pateras

A Yes, sir.

Q Now, from whom did you learn  
about the weapons?

10

A I learned about them from Mr.  
Hart.

Q Would you turn to Page 3 of that  
book.

THE CHAIRMAN: Which one are  
we looking at?

Me BRUNO PATERAS: QC-1,  
which you do not have, Mr. Chairman.

Q Now, is that part of the material  
that you have reviewed?

20

A Yes, that's right, sir.

Q And would the information  
contained there be correct, as far as what  
transpired, how you got to know about the weapons?

A Yes, sir.

Q Is this report - is this  
document - did it originate from yourself?

A Yes, it did, sir.

Q Now, I understand that the  
weapons in question had been stolen.

Correct?

30

A That was our understanding,

GOB/mc  
E2-4

I.D. BROWN  
ex. Pateras

at the time?

10 Q And you were advised or you were told by Mr. Hart that these weapons were in the hands of the people who are mentioned in this document?

A That's right, sir.

Q Could you tell the Commission what decision was taken with respect to these weapons?

A To the best of my recollection, the weapons, eventually, were received by Mr. Hart before we learned about this, in that it did not come from us.

20 At that time, when we had the weapons and we had been advised they were stolen, we had to decide what to do with them.

We learned that they were definitely - or had not been reported stolen, at the time. So, we were left with the decision of what to do: whether to leave them in Mr. Hart's hands, or to try to get them back without compromising the source.

30 Q Would you look at the other booklet, Q-23 for identification, and in particular, at Pages 5 and 6?

GOB/mc  
E2-5

I.D. BROWN  
ex . Pateras

You will note that that is a  
copy of document 3 on QC-1?

A Yes.

Q The only difference is that on  
Page 5 you have the ending of the document which  
does not appear on QC-1?

A Yes.

Q Correct?

Now, on Page 5, there is a  
reference to a description of the weapons, and  
photos of the weapons.

Correct?

A Yes, sir.

Q Now, can you tell the Commission  
whether, in fact, a description of the weapons  
and photographs of the weapons were obtained by  
the RCMP?

A Yes, there was a full description,  
photographs, serial numbers, I believe, in every  
case, although there was some difficulty with  
one or two of them, they were ancient weapons.

Q And do I understand that these  
were obtained at the time that Mr. Hart had them  
in his possession?

A Yes, shortly after.

Q Well, shortly after you were

GOB/mc  
E2-6

I.D. BROWN  
ex. Pateras

advised that they had been in his possession?

A Yes, sir.

Q And before they were taken to  
10 the farm?

A Oh yes, sir, yes.

Q Now, do you have - first of all,  
do you recollect what type of weapons they were?

A Yes, they were shotguns.

At first, we believed they were  
prohibited weapons - some of them were.

However, once we examined them,  
we found them to be shotguns, sporting rifles.

As I recollect, there were a couple of fairly  
20 ancient army-style rifles. There was one replica  
of a Thompson machinegun, World War II style;  
but there were no sidearms or prohibited weapons,  
fully automatic weapons.

Q You say there was a replica of  
a machinegun?

A Yes, sir.

Q Are you indicating they were  
not operative?

A That one was not operative.

30

GOB/lp  
E3.1

I.D. BROWN  
int - Pateras

Q And when you say *a replica*, is it a fake weapon or a weapon which has been made inoperative?

10 A No. It is a weapon that has been made to look like the original weapon, but is not.

Q But was it a weapon?

A No, not in the sense of the word, no.

Q I thought that you answered that some of them were prohibited weapons?

20 A Mr. Hart believed that, when he first spoke to me about them, as I understood, at the time. He had only a limited amount of time to look at the weapons, but he believed some of them to be or to fall within the prohibited class; but we later found out it was not the case.

Q So, your testimony is that none of the weapons were actually prohibited?

A That's right, sir.

Q Now, when did you find that out that they were not prohibited?

A When we examined them.

Q When you examined them.

30 Did you examine the arms

GOB/lp  
E3.2

I.D. BROWN  
int - Pateras

themselves ... ?

A Yes.

Q ... or were you given ...

10

A I laid them out in a garage  
and examined them.

Q Do you recall how many there  
were in all?

A ... approximately twenty-three,  
as I recall now.

Q Was a list filed somewhere?

A Yes, sir.

Q Have you seen that list  
recently?

20

A ... yes, I think I did.

Q In the records of the RCMP?

A Yes, in the records that I have  
had a chance to look at.

Q Now, am I correct in stating  
that the weapons which were handed or given to  
Mr. Hart by the two individuals mentioned in that  
document - I am sorry, I will rephrase that - am  
I correct in stating that the two individuals  
mentioned, who gave the weapons to Mr. Hart, were  
people known to you as being of the subversive  
element?

30

GOB/lp  
E3.3

25950

I.D. BROWN  
int - Pateras

A                    They were people known to us  
as being potentially dangerous radical Black  
people.

10                    Q                    Now, what decision was taken  
with respect to these weapons?

A                    The immediate decision was  
to find out if they were stolen, and if so, how  
to take permanent possession or give them back.

Q                    And what did you find out?

A                    We found out, first of all,  
that they hadn't been reported stolen. And after  
consultation with my superiors and others, we  
decided that for the time being, rather than  
jeopardize the source by having him take them back  
20 to the rightful owner if in fact they were stolen,  
that we would hang on to them.

Q                    Am I correct in stating that  
the weapons came in a crate on which appeared  
the name or the purported name of the owner?

A                    When I first saw them, they  
were in a crate, yes, and there was a name on it.  
I don't recall, at this time, whether it was the  
Mart they came from or not.

30                    Q                    Did you later find out that they  
had been stolen?

GOB/lp  
E3.4

I.D. BROWN  
int - Pateras

A I was just going by Mr. Hart's word. They were never reported stolen.

Q They were never reported stolen?

A That's right, sir.

10

Q Do you recall - I am not asking you to give it public, but do you recall the name that was on the crate?

A I just said no, I don't, sir.

Q There is a reference in some of these documents about a particular Mart?

A Yes, sir.

Q Does that help you in remembering whether that was the name on the crate?

A No, it doesn't, really.

20

After talking to Mr. Hart, and from his conversations, we established that that was the likely place, but I honestly don't remember whether that was on the crate.

Q Now, even though, as you stated, the weapons, after examination, were not of the prohibited class, do I understand that with the exception of the replica, that they were in operational quality? In other words, that they were operating rifles and shotguns?

30

A I would say yes in that we tested the mechanism; but we didn't fire any of them.



GOB/lp  
E3.5

I.D. BROWN  
int - Pateras

Q Were they new?

A Some were, some weren't.

10 Q Now, coming back to the point  
where these weapons have been photographed, listed  
and they are still in the hands of Mr. Hart,  
as you indicated, you have no indication that they  
were - at least, no report that they were stolen.  
What, if any instructions did you give to Mr. Hart  
as to what he should do with these weapons?

20 A Secure them in his possession;  
and if at all possible - in fact, it was paramount  
that they must not fall back into the hands of  
Black radicals or those with criminal intent in  
Toronto.

Q Did you discuss with him where  
he was to store them?

A Yes. Initially, we discussed  
keeping them in a storage room in his apartment.

E4 Q And do you know whether this  
was done? Whether it was stored there?

A I assume so. Mr. Hart said  
so.

30 Q Did you, or anybody to your  
knowledge, verify to see whether the weapons were

GOB/lp  
E4.6

I.D. BROWN  
int - Pateras

stored in Mr. Hart's premises?

A No, sir.

Q Was there any reason for that?

A I had no reason to distrust him.

10

Q Now, was there a change of plan, at any time? In other words, were the weapons removed, to your knowledge, from Mr. Hart's personal possession or premises?

A Yes, sir.

Q Do you recall when this took place.

20

A I don't recall. It is just a matter of days or weeks, but it became evident to me that we had to remove them and get them out of the City of Toronto.

Q Before you did, at the time that it was agreed that Mr. Hart should retain these weapons in his home, was any plan devised whereby you could regain possession of those weapons?

A Yes. We hoped they would be reported stolen, at which time we could suggest something with the local authorities, a raid or something similar.

30

Q But a plan was worked out with Mr. Hart?

GOB/lp  
E4.7

25954

I.D. BROWN  
int - Pateras

A Oh, yes. We had hoped to recover them and take them back to their rightful owner.

10 Q And when would this plan be put into effect?

A When it happened, when they were reported stolen.

Q Perhaps I don't follow you.  
What I am trying to find out is whether there was a plan whereby you would be able to put your hands on those weapons without endangering Mr. ...

A Oh, yes. I am sorry. Maybe I misunderstood.

20 It was our understanding that these weapons, initially, were destined for Jamaica, and at which time, hopefully, in transit, we could pick them up.

Q I see. You were to be notified by Mr. Hart at the time when those weapons were being requested by a radical group?

A That's right, sir.

30 Q Now, you were about to say that at one point, it became necessary to remove the weapons?

A Yes, sir.

GOB/lp  
E4.8

25955

I.D. BROWN  
int - Pateras

10 Q                    Could you try to situate  
when this happened, with respect to the time Mr.  
Hart took possession of the weapons? And what  
motivated the decision?

A                    Yes. It was in the summer  
of the same year. There was some sort of a  
Black celebration upcoming. The situation on the  
streets of Toronto was such that there was too  
much talk of killing policemen and robberies, and  
there was always the thought in mind behind that  
they could come over and demand one of their  
rifles or shotguns.

20                    Therefore, we made the decision -  
I made the decision to get rid of them.

Q                    When you say you made the  
decision, was the decision communicated to anyone.

A                    Oh, certainly.

Q                    To your superiors?

A                    To my superiors.

30 Q                    Whenever I question you on  
communications, I want to make it clear that I  
am not asking the manner in which you physically  
communicated, but I would like to know whether this  
was done in writing or verbally?

A                    ... I would think in writing, sir.

GOB/lp  
E4.9

I.D. BROWN  
int - Pateras

Q In writing?

A Yes.

Q And who was your superior?

A My immediate superior as the officer in charge in Toronto, at that time, Mr. Madil; and the ultimate superior was Mr. Begalki in Ottawa.

Q Now, would your reports go to Mr. Madil? Or to Mr. Begalki? Or to both?

A I would write the reports. I am sure that Mr. Madil read them and initialed them, and then they were destined from myself to Mr. Begalki, in Ottawa.

Q I see. Now, do I understand also that the decision that was taken by yourself, as you indicated, was that these weapons should be transferred to a farm near Tweed, Ontario.

A Yes, sir.

Q Could you explain to the Commission why this place was chosen?

A Yes, it was chosen because there had been a suggestion made that the farm owned by a Black woman and her common law boyfriend would be eventually used for the training of

GOB/lp  
E4.10

I.D. BROWN  
int - Pateras

guerrillas, if you will, for the Caribbean.

It was not even in the starting stage, at this time. We thought it would be just far enough out of Toronto to keep the weapons safely until we again or later decided what to do with them.

Q The woman and the man that you refer to are those whose names are mentioned in the report that you checked?

A Yes, sir.

Q Before the weapons were sent to this farm, were any precautions taken to render them inoperative?

A It was discussed at some length even before that, when we assumed that some of them were prohibited weapons.

There was a discussion between Mr. Hart and myself about removing firing pins and that sort of thing.

But to the best of my recollection, that never was done, because they were sporting rifles, and we assured that the machine gun was in fact a toy and not a real weapon.

Q To your knowledge, was any instructions given to Mr. Hart to render them

GOB/lp  
E4.11

I.D. BROWN  
int - Pateras

inoperative?

A I think, at one time I did suggest that to him, yes.

10 Q And did you have any reason to believe that this was being done by Mr. Hart?

A ...

Q Mr. Brown, I don't want to take you by surprise. I just want you to look at document 12 of the smaller Q-23, the last sentence of the first paragraph.

A ...

20 Q Page 12 of Q-23, Mr. Chairman. First of all, is this a document which was prepared by yourself or signed by yourself?

A ... no, sir.

Q It was not. Did you have occasion to look at this?

A Yes, I am aware of the document.

30

PM/mc  
F1-1

I.D. BROWN  
ex. Pateras

10 Q Now, referring to the last sentence of the first paragraph, it does indicate that someone was in the process of rendering these firearms unserviceable?

A As I say, sir, we had discussed particularly the firing pins of the weapons, and obviously for some reason that didn't transpire, but it is not my message.

Q The purpose of rendering them unserviceable, would that be to prevent the people to whom they were destined on the farm from using them?

20 A No, just the opposite, sir. The people in the black community in Toronto.

Q I see. Did you consider the possible danger of these weapons falling into the hands of the woman and the man that you referred to at the time?

A No, to a much lesser degree. Neither of the people at that time at the farm were actively involved in any of the radical movements, if you will.

30 Q But this was the place where the training camp was to be established, wasn't it?

A That's right.



PM/mc  
F1-2

I.D. BROWN  
ex. Pateras

10 Q And since a camp was being proposed for guerilla warfare training, was it not reasonable to conclude that the weapons could have been used for dangerous ---

A The urgency was much less than leaving them in Toronto.

Q Were those the only two alternatives you had, either leaving them in Toronto or putting them at the farm?

A No, I even considered burying them at my country home or hiding them in my own possession.

20 Q Would it be fair to say, Mr. Brown, that the transportation of the weapons at this proposed training camp was planned in order to control what would happen in the training camp eventually?

A No.

Q I am sorry to insist on this, Mr. Brown, but I really don't understand, then, why the weapons should be taken at that particular place?

30 A That particular place is 150 miles, approximately, from Toronto. The time

PM/mc  
F1-3

I.D. BROWN  
ex. Pateras

involved if they decided to use these guns on the street, it would have taken a full day to get them, at which time, hopefully, we would have been able to prevent any use of them.

10

If they were left in Toronto it would have been quite possible for someone on the streets to obtain them from Mr. Hart without him having a chance to get hold of me.

Q Did you not consider at this time the other plan that you had of having the weapons *stolen* and thereby saving Mr. Hart embarrassment and preventing weapons from falling into the hands of the people in the training camp?

20

A You mean having them stolen from Mr. Hart?

Q Yes.

A No, I didn't consider that.

Q No, I understood that you mentioned that as a possibility if the weapons were going to Jamaica, that a plan had been worked out whereby the ---

A Any movement of the weapons to Jamaica hopefully Mr. Hart would have been involved in, at which time we could formulate another plan.

30

These things came up and were

PM/mc  
F1-4

I.D. BROWN  
ex. Pateras

changed on a daily basis.

Q                    Could you explain the manner  
in which these weapons were subsequently recovered?

A                    Yes.

                    As I recall, Mr. Hart obtained  
for us the information there were only a few  
left; that they were in deplorable -- unserviceable  
condition.

                    We decided -- and by *we*, I  
assume myself decided to have him go to the farm,  
recover the weapons as best he could, making quite  
a show of indignation that they were left in that  
condition, and get them back to Toronto so we could  
get rid of them.

Q                    Do I understand that you were  
advised that there were only some of the weapons  
left at the farm?

A                    Yes, sir.

Q                    Were you told what happened  
to the others?

A                    Yes, I recall being told that  
the male part-owner of the farm had sold them to  
neighbours to finance a trip some place, overseas  
I believe.

Q                    Am I correct it would be fair

PM/mc  
F1-5

I.D. BROWN  
ex. Pateras

to conclude, then, that these weapons were not under the strict control of the RCMP at the time since ---

10

A That's right.

Q Am I correct in stating they were in the hands of this individual who sold them eventually for a period of several months?

A Yes, they were there several months.

Q Did you have any reports, weekly reports or daily reports as to what was happening to these weapons?

20

A I believe Mr. Hart did either go during that interim period or call Debbie Clark on them, but I am just not too sure on this.

Q When Mr. Hart recovered the weapons, or at least what was left of them, could you tell the Commission what was done with them?

A Eventually, sir?

Q Yes, eventually. He took what was left and brought them back, I understand?

A Yes, sir.

Q Who kept them?

30

A When he brought them back to

PM/mc  
F1-6

I.D. BROWN  
ex. Pateras

Toronto they were turned over to my assistant at that time.

Q Who was?

10 A Mr. Laird, in the basement of my apartment building in Toronto.

Mr. Laird brought them back to the RCMP basement and I went down and helped them bring them up to try and straighten out which ones were available and which ones had been stolen.

Q And what happened to the weapons?

A After that they were turned over to another branch within the Security Service who documented and filled out the necessary exhibit forms, cut them into pieces and they were  
20 disposed of.

Q Do I understand that to that point in time when they were disposed of, that you were not advised -- you did not find out who the real owner of the weapons was?

A We made a check of the various police departments. They had not been reported stolen even at that time.

Q Wasn't there a report by that same store you referred to before -- Mart, that you  
30

PM/mc  
F1-7

I.D. BROWN  
ex. Pateras

referred to before, about weapons being stolen  
in January of that year?

A They were different weapons.

10

Q They were different weapons.  
They were not part of the same weapons?

A No, sir.

Q So as far as you were concerned,  
you never had a report of these weapons being  
stolen?

A That is correct, sir.

F2

Q Did you check with the name  
which appeared on the crate? Did you go and see  
whether these people had been the subject of a  
theft?

20

A I don't know what name appeared  
on the crate, but we had the local police force  
check to see if there had been a theft reported  
through their registration of firearms.

THE CHAIRMAN: That wasn't  
the question.

THE WITNESS: I am sorry?

THE CHAIRMAN: The question was:  
did you check with whoever or whatever company  
had its name on the crate?

30

PM/mc  
F2-8

I.D. BROWN  
ex. Pateras

THE WITNESS: No, sir.

Me BRUNO PATERAS:

10 Q Did I understand from your last reply that you checked with the local police to see if they had a report of stolen weapons -- of these stolen weapons?

A Yes, sir.

Q And that they advised you they had no report, is that it?

A That's right, sir.

20 Q But to your knowledge, neither you nor anyone else -- any other police force went to the person whose name appeared, or a company whose name appeared on the crate to find out whether these weapons belonged to them?

A Our Force did not, sir, no.

Q Do you know of anybody else who did?

A I don't, sir.

Q Did you ask anybody else to do so?

A No, sir.

30 Q In addition to the weapons that we have been referring to, and now going back to the beginning when Mr. Hart advised you for the first

PM/mc  
F2-9

I.D. BROWN  
ex. Pateras

10 time that the weapons were being placed in his possession in May of '72, was there not a question of an additional cache of weapons which was to be provided to Mr. Hart?

A Yes, Mr. Hart advised me that there was still a second cache of weapons, or whether -- I can't remember a hundred per cent if it was weapons or ammunition and grenades. He expected more in that line, yes.

Q Do you know whether he received them?

A No, he did not, to my knowledge.

20 Q So would it be fair to say that with respect to the firearms which were dealt with in the manner that you have described, from May '72 to the summer of '72, that it only involved the weapons that you have described so far?

A Yes, those particular weapons. There was a quantity of ammunition, a small quantity, but those were the only weapons, yes, sir.

30 Q Now, coming back to the time when Mr. Hart returned with the weapons from Tweed, Ontario, you indicated that these weapons were placed in your cellar, is that it?

A No, they were just exchanged



PM/mc  
F2-10

I.D. BROWN  
ex Pateras

from one car to the other in the basement of my apartment building.

Q I see.

10

Do I understand that at the moment that he arrived with the weapons, they were in his trunk?

A I wouldn't be able to -- I can't recall whether it was the same day or the next day, but very shortly after he returned.

Q And they were transferred physically from one trunk to the other trunk?

A Yes, sir.

20

Q Was there any plan as far as an explanation to be given by Mr. Hart as to how he lost the weapons?

A Yes, sir.

Q What was the plan?

A We planned a time with his knowledge when he would be in the company, hopefully, of Mr. Douglas and/or others, when it would appear that the break-in had taken place in his car.

30

The car would be, for all intents and purposes rifled, at which time the guns -- the would-be guns would be declared

PM/mc  
F2-11

I.D. BROWN  
ex, Pateras

to have been stolen.

Some fishing equipment was involved, and that type of thing, but it would look like a legitimate break-in.

10

Q But in effect, Mr. Brown, the weapons were first transferred from one trunk to the other without any breaking in?

A That is correct, sir.

Q And what you are saying is that the plan was that a fake breaking and entering would be carried out to cover the fact that Mr. Hart had lost possession of the weapons?

A That's right, sir.

20

Q Did this breaking of the trunk of Mr. Hart's car take place?

A Yes, sir.

Q Were you present?

A No, sir.

Q Who carried that out?

A Mr. Laird, my assistant, carried that out.

Q Did you get a report from him that he did carry it out?

A Yes, I believe I did, sir.

30

Q Do you know from the report what

PM/mc  
F2-12

I.D. BROWN  
ex. Pateras

was done to Mr. Hart's car?

10 A To the best of my recollection  
the trunk was sprung slightly to make it appear  
that it had been a break-in.

I believe the trunk lid was  
left open. I do not recall whether or not a  
side vent window was damaged, but that had been  
the original plan.

Q Do you recall what kind of  
car Mr. Hart had at that time?

A To the best of my recollection  
it was a '66 Chev.

20 Q Was this the property of the  
RCMP or of Mr. Hart?

A This car had been bought by  
Mr. Hart with money supplied by the RCMP.

Q Was this damage repaired  
subsequently?

A I can only assume so, sir.  
I don't really remember.

30 Q Do you recall whether any  
invoice for repairs was ever submitted to you or  
to the RCMP, to your knowledge with respect to  
these repairs?

A No, I don't recall, sir.

PM/mc  
F2-13

I.D. BROWN  
ex. Pateras

Me BRUNO PATERAS: Could I have  
Q-24, please.

10 Q Would you recall when this  
transfer would have taken place -- transfer of  
the weapons from Mr. Hart's car to your car?

A At what time of the year, sir?

Q Yes, what year?

A Well, it would have to be the  
spring of '73.

To the best of my recollection  
the weapons were in our possession less than a  
year, but only slightly less than a year.

20 Q Would you look at QC-1, Page  
110. Now, the last paragraph -- first of all, I  
notice that this is not a document that you  
prepared.

I just want to know whether you  
had a chance of looking at that document in  
preparation for your testimony at any time before  
today?

Have you seen that page?

A Yes, sir.

30 Q There is a date indicated there  
as April 16th, '73, at which the operation would  
have been complete with respect to the transfer

PM/mc  
F2-14

I.D. BROWN  
ex. Pateras

of weapons and the fake breaking and entering.

Would that be correct as far  
as you are concerned? Would that be the approximate  
date?

10

A I would say it is the approximate  
date, sir, yes.

F3

Q Now, if you refer to Q-24 and  
the last page is 1, if you work your way up to  
pages 3, 4 and 5, which refer to the financial  
statements for March, April and May, 1973, can  
you tell the Commission whether, first of all,  
your name appears on these documents?

A Yes, sir.

20

Q Now, are these the expenses  
that were paid to Mr. Hart for the period of  
March, April and May of 1973?

A Page 3 is for March.

Q Page 4 is for April?

A Yes, sir.

Q And Page 5 is for May?

A Yes, sir.

Q I have looked at it before, so  
I'd like to suggest to you that there is in those  
three pages no indication of any expenses for

30

PM/mc  
F2-15

I.D. BROWN  
ex. Pateras

repairs of an automobile.

10 Would you be in a position to tell the Commission whether that would help you in determining whether, in fact, there were repairs and were damages to Mr. Hart's car?

A Normally, if there had been an expensive repair it would appear here, but as I think I mentioned earlier, I don't know whether there was repair, whether it was necessary.

It was an old delapidated car.

Q Now, you have heard -- you were present when Mr. Hart testified, correct?

A Yes, sir.

20 Q I don't want to misinterpret his evidence, but I believe that he mentioned that his car was never broken into.

Do I gather that you would disagree with that?

A I would disagree in so much as my assistant reported to me that he had, in fact, faked a break-in.

Q But you yourself did not see the result of that?

A No, sir.

30 Q - Were your superiors kept informed?

PM/mc  
F2-16

I.D. BROWN  
ex. Pateras

A Daily.

Q Of everything that you have testified to today?

10

A Yes, sir.

Q Was this done in writing, verbally or both?

A Normally verbally with my immediate superior, and any major happening was communicated through him to Ottawa.

Q When you say Ottawa, you mean Mr. Begalki?

A Mr. Begalki, yes.

20

Q Was there any particular reason why no attempt was made at the beginning when Mr. Hart received possession of the crate of weapons, to seek to return the weapons to the individual whose name appeared on the crate?

A It would have been, we felt, very dangerous and very difficult to reclaim the weapons once in his possession without blowing his identity.

30

There was a rift between himself and Mr. Campbell, whose associates obtained this, and it was my judgment at that time that had the weapons been returned or picked up by the local

PM/mc  
F2-17

I.D. BROWN  
ex. Pateras

police department or ourselves, his usefulness as a source would have ended.

10 Q Did you personally or anyone to your knowledge, keep local police informed of this incident?

A Yes, I did, sir.

Q To what extent did you keep them informed?

A I kept them informed that the weapons were in our, including Mr. Hart's possession; that with the change of plan they would be moving into the country; that they were returned and eventually destroyed.

20 Q Was the fact that they were in the hands of Mr. Hart during that period of time mentioned to the local police?

A Mr. Hart's name wasn't mentioned, but that they were in the hands of a reliable source.

Q I see.

You indicated that you saw a list of the weapons in question.

Would you recall where this list would be found?

30 A It was in one of the many files



PM/mc  
F3-18

I.D. BROWN  
ex. Pateras

I looked at in the last few months, sir, and there was also a picture of them.

Q A picture of them?

A Yes, sir.

Q I would like now to refer you to another incident in Mr. Hart's evidence.

THE CHAIRMAN: Would it be useful, if you intend to go on to another matter, if the Commissioners asked questions to clarify any concerns they may have in regard to that incident rather than coming back to it later?

Me BRUNO PATERAS: Right.

THE CHAIRMAN:

Q Let me just understand, Mr. Brown. You say that you hoped to be able to return the weapons to their rightful owner when they were reported stolen, is that right?

A Yes, sir.

Q I am afraid I find it difficult to understand that if, at the same time, you had concern about the safety of Mr. Hart, or at least concern about not exposing his true identity.

Was there a risk that if you returned the guns to the owner, Mr. Hart might be exposed?

PM/mc  
F3-19

I.D. BROWN  
ex.

10 A                    There was always that risk, sir,  
but it was a very closed community, particularly  
if they were at the farm, and Mr. Hart, of course,  
would be in Toronto. We could have had a raid  
take place.

Q                    Is it true that for a time,  
at least, you did not wish to let the people whose  
stores may have appeared on the crate know that  
you had some of their weapons?

A                    Yes, I must say I think that  
was the case all the way along.

20                    We had what I thought was a  
very valuable source to protect and weighing the  
pros and cons of the information.

Q                    It was a matter of balancing  
those interests?

A                    Yes, sir.

Q                    Is it also correct that in your  
conversations with the local police force, while  
you disclosed the name of the store whose name  
appeared on the crate, you did not tell the local  
police where the weapons were located or what the  
involvement of the source was in the story?

30 A                    No, we didn't tell them where  
they were being kept exactly in Toronto, but when

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F3-20

I.D. BROWN  
ex. Chairman

they moved to the farm, we did advise the Provincial authorities on whose farm they were stored.

10 Q And the second part of my question, did you tell them what the actual involvement of the source had been?

A Much of the information from the source, sir, was going to these departments. They knew the value we placed on the source.

Q That is not quite my question. Did you tell them that your source, whether he was named or not, had taken possession of these stolen weapons?

20 A Yes, sir.

Q So that you did tell them of his involvement in that sense?

A Oh, yes, sir.

Q Would you look at Exhibit QC-1, Page 8. Do you recognise that document?

A Yes, I do, sir.

Q Was that prepared by you?

A Yes, it was.

Q Would you examine paragraph 4. Read it to yourself.

30

Now, again, is it correct that the

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F3-21

I.D. BROWN  
ex. Chairman

actual involvement of the source was not mentioned to the local police force?

10 A Well, I would say yes, that they were informed what position the source had, if that is what you mean, sir.

Q Now, you told us that the weapons were ultimately disposed of. Do you mean by that, destroyed?

A Yes, sir.

Q Why were they destroyed?

A Inoperable, or nothing more to be gained at that time with them.

20 They had again become the property of the source and with the alleged break-in we had to get rid of them. There was just nothing to be done with them.

Q You say they had become the property of the source?

A Back in his possession.

Q But they were still the property of whoever it was they had been stolen from?

A Yes, and still at that time had not been reported stolen.

30 Q Supposing the very next day after the destruction the owner had come into the local

PM/mc  
F3-22

I.D. BROWN  
ex. Chairman

criminal investigating force and laid the complaint,  
given the numbers of the weapons that have been  
stolen, these weapons would no longer have been  
available as exhibits, would they?

10

A That's right, sir.

Q Did you take that into account?

A Yes, sir.

Q And why, then, did you destroy  
them when you realized that?

A It is a terrible cliché, but  
it seemed like the best thing, sir.

Q Your real concern was still to  
preserve Mr. Hart as a source, and at least with  
regard to this operation, at all costs not to blow  
it?

20

A That's right, sir.

Q And one way of ensuring that was  
to get rid of this evidence, is that right?

A That's right, sir.

THE CHAIRMAN: Thank you.

MR. GUY GILBERT:

Q I may have missed one point,  
Mr. Brown. The weapons were stolen?

30

A That was our information, sir,

PM/mc  
F3-23

I.D. BROWN  
ex. Gilbert

from Mr. Hart.

Q From Mr. Hart. Do you know  
by whom they were stolen?

10

A Associates of one, Horace  
Campbell, I believe.

THE CHAIRMAN: I don't think  
you need to go into the names.

THE WITNESS: Yes, we knew  
the people involved.

MR. GUY GILBERT:

Q Do you know by whom?

A Yes, again from Mr. Hart.

20

Q Now, were these weapons stolen  
at the request of somebody?

A I have no knowledge of that, sir.

Q Well, I am trying to put  
together the fact that Mr. Hart is in possession  
of stolen weapons and an operation planned by Mr.  
Hart and the RCMP jointly.

Now, has Mr. Hart been requested  
by the RCMP to find weapons somewhere?

A To the best of my recollection,  
we didn't know about it until he had them in his  
possession, or within a day of.

30

PM/mc  
F3-24

I.D. BROWN  
ex. Gilbert

Q Well, let me be a little more simple than that.

10 I am your source. I am there to help towards operations which will serve the objectives of the Security Service.

I have no triggering in my mind to acquire arms for that purpose. How does Mr. Hart come to the view that he is to get some or to have some stolen weapons?

A It would be safer in his hands, sir, than it would to have these weapons in the hands of the ---

Q Was he just acting as a custodian?

20 A I would assume so, yes.

Q On behalf of whom?

A Well, on behalf of us, rather than having them sitting out in the street in the hands of the wrong people.

30 Had he come forward -- if I may clarify it -- had he come forward and said there was a cache of weapons in somebody's possession out there, we would have tried our best to have local authorities raid and pick them up, if we could do it safely without divulging his identity.

PM/mc  
F3-25

I.D. BROWN  
ex. Gilbert

Q But before this whole thing starts, is there a plan?

10 A To the best of my knowledge, again from information supplied by Mr. Hart, the plan was to have a certain person and his people obtain these weapons by theft to be used in the streets of Toronto and eventually sent to Jamaica to help the proposed revolution there.

Q Who made that plan?

A That plan, as my information comes in this report -- it was Mr. Horace Campbell.

20 THE CHAIRMAN: I think what Mr. Gilbert wants to know is whether it was the RCMP.

MR. GUY GILBERT:

Q I am not interested in one, Campbell.

A Absolutely not. We would rather have not had the weapons.

MR. GUY GILBERT: Thank you, Mr. Brown.

THE CHAIRMAN: Perhaps I could assist Mr. Brown.

30 Q Is it fair to say that in your experience handling Mr. Hart, from time to time



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F3-26

I.D. BROWN  
ex. Chairman

10 he exhibited a keenness to obtain intelligence,  
or in this particular case it would be things for  
purposes of criminal intelligence as compared with  
security service intelligence?

A Yes, sir.

Q In other words, perhaps because  
of experience with other kinds of authorities  
elsewhere, he was regarded by some of those who  
handled him as not appreciating the difference  
between law enforcement and long-term penetration  
for purposes of security intelligence?

A That is correct, sir.

20 THE CHAIRMAN: Do any counsel  
have questions on this particular issue? It may  
be more expeditious to deal with it this way.

MR. BARRY WORTZMAN: I have  
just one question I'd like to put.

Q Given the fact that Mr. Hart  
was who he was in regard to the radical element,  
and its been referred to as the *General* -- were  
you familiar with that?

A Yes, sir.

30 Q And that he certainly had an  
expertise in respect of the use and application of  
firearms and other forms of explosives and other

PM/mc  
F3-27

I.D. BROWN  
ex. Wortzman

munitions and weaponry, is that so?

A He had more experience than they did.

F4

10

Q And you were one who was familiar with the expertise that he did have?

A To some extent, sir, yes.

Q And would it not be reasonable to expect that given who he was and what he was doing on the street on behalf of the RCMP, that from time to time he might come into possession of weapons, be they stolen or whatsoever, that would be used or could be used by any radical element, black radical or other radical element?

20

A Yes, that would be reasonable to assume.

Q And had the RCMP at any time before this particular cache of weapons came into Mr. Hart's hands, formulated a plan with him as to what steps he would take in the event he were ever approached to take into his possession such stolen or other weapons or arms?

A I am sure that things like that were discussed. I don't remember a specific instance, but we believe -- I believe that at any given time this type of thing could have

30

PM/mc  
F4- 28

I.D. BROWN  
ex. Wortzman

happened in those days, yes.

Q And therefore you don't find it unique or untoward that he came into possession of these weapons?

10

You didn't find it unique at the time and you don't find it unique today?

A No, sir.

Q Do you recall, sir, whether you ever had any conversations with Mr. Hart directly on this subject?

A No, I don't recall it but we met daily and discussed all sorts of things.

Q And you could have?

20

A Oh, yes.

THE CHAIRMAN: Do any other counsel have questions on this issue?

MR. ROBERT CARTER: No, sir.

THE CHAIRMAN: Next point, Mr. Pateras.

Me BRUNO PATERAS: Before I pass to the next point, Mr. Chairman, I want to ask two questions.

Q Mr. Brown, could you look at QC-1, Page 3, Paragraph 5. It starts at Paragraph 4,

30

PM/mc  
F4-29

I.D. BROWN  
ex. Pateras

10 but 4 and 5 refer to the fact that Mr.Hart wanted to take the weapons at the very beginning to the farm in question and that he was told, presumably by yourself, that that was unacceptable because of the distance between Toronto and the farm, and it seems to me what you said before is that the distance was the operative word there in deciding if the farm should be the place where the cache should be stored.

It is Page 3, QC-1 -- Pages 3, 4 and 5, paragraph 4 and 5.

20 A No, I would assume by reading this, particularly paragraph 5, sir, that the decision not to take them to the Clark farm was not that of the RCMP or myself; that that was likely from Mr. Douglas.

Q I see. And you also indicated that you saw pictures of the weapons in question and descriptions in preparation for your evidence here?

A We took -- I took the pictures at the time, sir.

Q I thought ---

30 A Yes, I have seen pictures in the last couple of months, yes.

PM/mc  
F5-30

I.D. BROWN  
ex. Pateras

10 Me BRUNO PATERAS: Mr. Chairman,  
I would usually ask the witness to get hold of  
those documents or pictures and descriptions and  
file them, but since he is not with the RCMP, I  
am wondering whether the Commission can ask counsel  
for the RCMP to file them?

MR. CLAUDE THOMSON: I have  
got photocopies right here. I am happy to cooperate.

Me BRUNO PATERAS: I'd now  
like to go on to another matter, Mr. Brown.

Q-1, please.

Q Mr. Brown, is it correct to say  
that while Mr. Hart was employed by the RCMP that  
he used several types of recording devices?

20 A Yes, sir.

Q Again, you have heard his  
testimony, and he referred to body packs, he  
referred to a device in his heel, devices in his  
car and other such devices.

Would all these devices have  
been used by Mr. Hart, to your knowledge?

A No, sir, I only had knowledge  
of three units -- three types of units.

Q Which ones did you not have  
knowledge of?

30 A He experimented initially with

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F5-31

I.D. BROWN  
ex. Pateras

a transmitter in the heel of his shoe which was most unsuccessful.

10 At one point in time we had a transmitter in a portable radio that he carried with very limited range, and the third was a unit that we had installed in one of his cars.

Q I see. You have before you ---

MR. CLAUDE THOMSON: Excuse me, I don't really think we should get into this in any more depth.

20 I am not concerned that anybody has done anything that would seem to me to break the law, but the operational capabilities in this area, in my view, ought not to be discussed.

Me BRUNO PATERAS: Mr. Chairman, I wasn't intending to go into this, but Mr. Hart did refer to the different apparatus.

THE CHAIRMAN: Well, I am sure you are not going to go into the different kinds of apparatus.

Me BRUNO PATERAS: No, as a matter of fact it was leading to my next question.

30 Q I have placed before you Exhibit Q-1, which is a transcript filed by Mr. Hart.

PM/mc  
F5-32

I.D. BROWN  
ex. Pateras

Have you had occasion to see  
this transcript before?

10 MR. BARRY WORTZMAN: What did  
you describe it as?

Me BRUNO PATERAS: A transcript.

MR. BARRY WORTZMAN: Of?

Me BRUNO PATERAS: It is a  
public document. I say it is a transcript.

Q Mr. Hart testified that this was  
the typewritten version of a tape or tapes that  
were recorded?

A This appears to be so, yes.

Q Have you seen this before?

20 A This or something like it, yes,  
sir.

Q Now these -- I call them  
transcripts -- date from September 28th, '71 to  
September 30th, '71.

Do you recall the particular  
problems which are covered by these transcripts, to  
wit, the plot to put a bomb at Sir George Williams  
University and to assassinate two people?

A Yes, sir.

30 Q Were you made aware of that  
at that time?

PM/mc  
F5-33

I.D. BROWN  
ex. Pateras

A Yes, sir.

Q Now, sometime around the end of November or the beginning of December of '71 were plans made by yourself and possibly others of the RCMP with Mr. Hart to effect his arrest and the arrest of Mr. Rosie Douglas?

A Yes, sir.

Q Now, could you explain to the Commission whether the plot to which I have referred was the reason why this decision was taken?

A Yes, it was, sir.

Q Could you explain to the Commission what exactly was being contemplated by the arrest of Mr. Douglas and Mr. Hart?

A Yes. When we realized that Mr. Hart's involvement was becoming dangerous in that it would be very hard to defuse this situation and pull him out of it without having to take some action, we had to defuse it, as I mentioned, and the best way, in my opinion, at that time was to effect a deportation; have him arrested and taken off the street.

Q Do I gather that at the time the decision was taken to have them arrested -- have Douglas and Hart arrested, that your judgment was



PM/mc  
F5-34

I.D. BROWN  
ex. Pateras

that the assassination plot was to be put into effect?

10 A It was a reality in our opinion.

Q Were the arrests carried out by the RCMP or by the Immigration people?

A By the RCMP, sir.

Q Were the Immigration people advised?

A Yes, sir.

Q Did you advise them?

A No, sir.

Q Do you know who advised them?

20 A I assume in Ottawa, the Ottawa people; possibly Superintendent Begalki may have. It was done here, and at the Toronto level I don't know who would make that decision.

Q Do I gather from your answer that as in the case of the cache of weapons, that you kept your superiors informed?

A Daily, sir.

Q Again, the same way, either in writing or verbally?

30 A Yes, sir.

PM/mc  
F5-35

I.D. BROWN  
ex. Pateras

Q Was it mostly verbally?

A About half and half, I believe, sir. I met daily with my superior in Toronto.

10 Q Now, the arrest was carried out on December 8th, '71, I believe. Do you remember that?

A It was prior to Christmas, yes, sir, a couple of weeks prior to Christmas.

Q Before the arrest took place, I would gather that you discussed the matter with Mr. Hart?

A Oh yes, sir.

20 Q Now, who was present at the discussion?

A I can only assume it would be myself and the assistant handler.

Q Mr. Laird?

A Mr. Laird, sir.

Q Would you tell the Commission what it is that you told Mr. Hart, or what instructions you gave him, if any?

30 A Yes, the instructions were to be fairly cooperative with the arresting officers when they arrived.

They would arrive at the time

PM/mc  
F5-36

I.D. BROWN  
ex. Pateras

10 when he was visting Mr. Douglas' home, and that hopefully they would both be arrested and when questioned by Immigration people, he would advise that he was a visitor in Canada, an American citizen -- a visitor in Canada who had overstayed his visiting privileges and to admit that he had been a member of the Black Panther Party in the United States.

Q What reason was going to be given by the RCMP arresting officers to arrest both of them?

A He was allegedly an illegal visitor overstaying and ---

20 Q And Douglas?

A And Douglas as an accomplice. He was there; he had a would-be criminal record, and would be taken in for further questioning.

Q Now, on QC-1, Page 1, there is a reference about Immigration warrants -- hope that Immigration warrants might be issued.

Do I gather that these warrants were not issued?

30 A I don't know, sir, to be quite honest.

PM/mc  
F5-37

I.D. BROWN  
ex. Pateras

Q There is a reference to Douglas  
and Hart being picked up for boarding.

10 Q Could you explain what the term  
means -- boarding?

A No, sir.

Q You don't know?

A No, sir.

Q Is this a document that was  
prepared by yourself?

A No, sir.

Q It was not. You have seen it  
before, though?

A Yes, I would have seen it.

20 Q But the word doesn't mean  
anything to you?

A No, sir.

Q Now, coming back to the  
instructions that you gave to Mr. Hart, you told  
him to be fairly cooperative with the arresting  
officers and the Immigration people?

A Not too cooperative.

Q Not too cooperative?

A Yes, sir.

30 Q Was he coached in any way as  
to what he was to say to the Immigration officer?

PM/mc  
F5-38

I.D. BROWN  
ex. Pateras

10

A Just as I mentioned, sir, to admit -- he was to be cooperative with them and admit he was a visitor in Canada who had overstayed and that he had been in the country, I believe, since April.

Q Was he to say anything else?

A Just that he had been associated as a member of the Black Panther Party in the United States.

Q Was there any question of a criminal record?

A No, sir, none.

20

Q Did you know whether he had a criminal record?

A I didn't know there was a criminal record until I was here in January of this year, sir.

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30

PM/lp  
F6.1

I.D. BROWN  
int - Pateras

Q Did you tell him that the immigration people were being made aware of the purposes of this arrest?

A Yes, sir.

Q To your knowledge, would the officer who conducted the inquiry for the Immigration also have been advised?

A I have no idea who conducted it, sir.

Q Now, at the time that you instructed him as to what, if any, cooperation to give to the immigration people, were you aware that he was to be the subject of an inquiry to determine his deportation?

A We assumed that, sir, yes.

Q And were you aware that these hearings are conducted in the normal fashion under oath?

A Yes, sir.

Q In your instructions, did you advise him to tell the immigration people the whole truth?

A Yes, sir.

Q Would that include the fact that he was working for the RCMP?

10

20

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PM/lp  
F6.2

I.D. BROWN  
int - Pateras

A No, sir.

Q Was that mentioned at all?

A No, sir.

10

Q Was he instructed to advise the immigration people under what conditions he had come to Canada?

A Just as a visitor, sir.

Q You did instruct him to say he came in as a visitor?

A Yes, sir.

Q But in point of fact, Mr. Brown, am I correct in saying, he came into Canada as an employee of the RCMP?

20

A In point of fact, yes, but he declared himself a visitor when he entered.

Q But that was not the truth?

A Initially it was, yes, but -- yes, you are right in both ways, sir.

Q So that when you instructed him to say to the immigration officer that he had been staying in Canada illegally as a visitor, would it be fair to say that this is not a completely truthful statement?

30

A Sir, until this inquiry we didn't admit that Mr. Hart was a source of ours,

PM/lp  
F6.3

I.D. BROWN  
int - Pateras

and we wouldn't to anyone.

10 Q But in point of fact, you would, because of that -- that you didn't admit -- I don't want to be unfair -- but would it be fair to say that you felt it reasonably safe in having him state that he had been illegally in Canada as a visitor?

A Yes, sir.

Q Were these instructions discussed with your superiors?

A Yes, sir.

Q Were they discussed before you gave instructions or after?

A Before.

20 Q And you were authorized?

A Yes, sir.

Q By whom?

A Mr. Begalki.

THE CHAIRMAN: Would this be an appropriate point at which to adjourn, Mr. Pateras?

MR. BRUNO PATERAS: Yes.

THE CHAIRMAN: Fifteen minutes.

30 SHORT RECESS



PM /lp  
F6.4

I.D. BROWN  
int - Pateras

MR. BRUNO PATERAS:

10 Q At the time that you coached or instructed Mr. Hart about the arrest that was going to take place, did you tell him what would happen to him after he was deported?

A Yes, sir.

Q What did you tell him?

A I told him we'd be in touch with him and when things cooled down sufficiently, he'd be asked to return.

Q Was that also something that was discussed with your superiors?

A Yes, sir.

20 Q First of all, do you recall if that particular aspect was discussed with a particular person -- with Mr. Begalki or somebody else?

A Yes, it was primarily with Mr. Begalki.

Q During your discussions with Mr. Begalki, was it mentioned that a person deported cannot re-enter Canada legally without the Minister's permit or through some manner provided by the Immigration Act?

30 A I am sure Mr. Begalki would know

PM/lp  
F6.5

26001

I.D. BROWN  
int - Pateras

that. I didn't know it.

Q Did you know he was being brought back illegally?

A Yes, sir.

Q As a matter of fact, did you tell him he would be brought back illegally?

A I think in my discussions between Mr. Hart and myself, he knew that he was in the country illegally.

Q I understand that after his arrest he spent a few days in the Don Jail and was eventually deported, correct?

A To the best of my recollection, he was arrested approximately six o'clock one evening and deported the following evening approximately the same time.

Q Oh, I see. Do you know how he was physically removed from Canada?

A Yes, he was driven to the border with my Assistant, Mr. Laird, and an immigration person of some sort.

Q Was he told how long he would have to stay in the States before he would be returning illegally to Canada?

A After Christmas was the way it was put to him at the time. He would be due to go

PM/lp  
F6.6

I.D. BROWN  
int - Pateras

home for Christmas at that time.

Q Was he being paid during the time that he was in the States?

10

A Yes, sir.

Q Do I understand that his remuneration continued as if nothing had happened?

A Yes, sir.

Q How was his return organized, or how did it take place?

A I remember contacting him and saying to come back.

20

I don't recall whether he came back by bus or air, but I rather suspect by bus. Mr. Hart didn't like to fly.

Q Were the immigration people advised that he was returning?

A Not by me. I can only assume it had been discussed, but I did not discuss it with him.

Q Do you have reason to believe that at the time the original plan to get him deported was discussed, that it was also discussed that he would be returned?

30

A I can only speculate that that would be the case; that the reason for the deportation

PM/lp  
F6.7

I.D. BROWN  
int - Pateras

would be discussed with him.

10

Q Do you personally know whether any communication took place between anyone at the RCMP and anyone at Immigration to advise them that Mr. Hart had returned?

A No, I have no personal knowledge of that, sir.

Q Do you know whether at any time there was any particular precaution taken in the event Mr. Hart was arrested by Immigration after his return, to ensure that he would not be deported?

20

A No, not during the time that I handled him, no.

Q Do I understand from your previous answers that whatever information was provided to the immigration people did not come directly from you?

A That's right, sir.

Q You were not in on any conversation?

A No, sir.

30

MR. BRUNO PATERAS: Those are the questions I had on this particular issue, Mr. Chairman.

PM/lp  
F6.8

I.D. BROWN  
int - Pateras

10 THE CHAIRMAN: You have no idea, Mr. Brown, whether the inquiry officer, Mr. Darling, was briefed before the Immigration Hearing, as to what the circumstances were so that he wouldn't upset the apple cart.

THE WITNESS: I can only assume he would be, sir, but it wasn't by me.

THE CHAIRMAN: Do any counsel have any questions on this issue?

MR. BARRY WORTZMAN: I do, but I prefer to deal with it all at one time.

THE CHAIRMAN: Very well, please proceed, Mr. Pateras.

20 MR. BRUNO PATERAS: You were present this morning when Mr. Hart testified with respect to his trip throughout Canada and his meeting with the Native People of Canada?

A Yes, sir.

Q Were you involved in that? I imagine it is after your time?

A It was after my time, sir.

Q During the time that you were handling Mr. Hart, was he ever involved with the Native People of Canada?

30 A No, sir, no.

PM/lp  
F6.9

I.D. BROWN  
int - Pateras

Q Now, there are few particular items that I would like to check with you.

10 Mr. Hart has already testified with respect to the manner in which he was paid his remuneration or his expenses, and in particular I would like to ask you about the receipts.

What was the practice with respect to receipts which were being signed by Mr. Hart during the time that you were handling him?

A During the time that I was handling him the payment was usually made in the motor vehicle.

20 We had a fixed salary. There were always, it seemed, additional expenses, travelling, living, and so forth, miscellaneous expenses. These would be gone over; the amounts settled; it would be written down on the receipt and he would sign it for me in my presence.

Q Would the receipt be prepared in front of him or would the receipt be prepared ahead of time?

A It could be either way. If I knew it was a certain amount without expenses it

30

PM/lp  
F6.10

I.D. BROWN  
int - Pateras

would normally be prepared ahead of time, otherwise  
in the car.

10

Q                    During the time that you were  
handling him, did it occur that receipts had to  
be corrected because of some mistake?

A                    Never.

Q                    Were any receipts signed in  
blank?

A                    Never.

Q                    Was he always paid in the  
same fashion in cash with a receipt being given  
to you as evidence of his payment?

A                    Generally, yes.

20

                    In our early association, it  
was a certain amount of money agreed by us that  
would be taken in the form of U.S. currency  
bank draft and sent to his wife.

Q                    Apart from the remuneration  
that he received, were his expenses or his  
expenses which he incurred always paid directly  
to him?

A                    Yes, sir.

Q                    Were any expenses paid for  
him directly by the RCMP to a third party?

30

PM/lp  
F6.11

I.D. BROWN  
int - Pateras

A No.

Q And that includes rent, car expenses, anything at all?

10

A He paid them, sir.

Q He paid them. I do understand, then, in regard to the time that you were handling him the RCMP, at least to your knowledge, had no contact with third parties paying his expenses?

A No. I arranged a loan for him once, but he paid the actual loan off, yes.

20

Q To your personal knowledge, Mr. Brown, during the time that you handled Mr. Hart, was he ever involved in what you would consider to be criminal activities?

A Not really. He was certainly coached not to become involved either in criminal activities or associate with criminals, with one minor exception.

Q Which was? I am not asking for the name?

30

A No, I appreciate that. I okayed his association on a very limited basis with the known or would be criminal type that he met with during his brief stay in the Don Jail.



PM/lp  
F6.12

26008

I.D. BROWN  
int - Pateras

Q                    Would that be the person  
who would have asked him to cross an alien to  
the States?

A                    Yes, sir.

10

Q                    In that particular case,  
as you say, he was encouraged to do so as a  
cover, perhaps?

A                    As a social contact to promote  
his cover that between us we had worked out,  
yes.

Q                    Was this contact encouraged  
in order to allow him to indicate or give a  
source for his income?

A                    Yes, sir.

20

Q                    In other words, he was to  
indicate to the people with whom he was connected  
and I talking about Douglas and other such people  
that he was involved with criminal activity which  
was where he was obtaining the sources for his  
income?

A                    That's right.

Q                    I would like to refer you to  
three particular incidents. One was an incident  
involving a stolen bag of mail.

30

Is that during the time that you

PM/lp  
F6.13

I.D. BROWN  
int - Pateras

were handler?

A No, sir.

Q About stolen credit cards?

10

A No, sir.

Q And the time that the alien I discussed before was transported. Was this during your time?

A Yes, sir.

Q Can you tell the Commission exactly what you know about this particular incident?

20

A I received -- I was at my summer home outside Toronto. It was in the evening. I received a call from a member of the Mounted Police in Toronto asking me if a Mr. Hart was known to me, and I said, yes, advising me -- this chap, this Mounted Policeman, that he had been picked up by the border authorities in the United States attempting to smuggle an alien across to the United States, and would I accept the call from that agency.

30

Some time later, an hour, perhaps, I received a call from a chap who identified himself as a member of the Border Patrol, or whatever, asking me if, in fact, he did work

26010

PM/lp  
F6.14I.D. BROWN  
int - Pateras

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as he claimed, for me, and was he on a job going to the United States on this particular deal, and I said, yes, he did work for us; he was a valuable source. We had nothing to do with whatever he was doing. I was unaware of it as his handler and there was no suggestion on my part that they release him or that they were going to, or whatever.

MR. CLAUDE THOMSON: I think I should remind my friend that this can get into a problem area.

Do you know what I am getting at?

20

MR. BRUNO PATERAS: No, I am afraid not.

MR. CLAUDE THOMSON: Well, then, I think we had better discuss it.

I am happy to say it out front so we don't need an adjournment. I don't want to stop this proceeding.

30

THE CHAIRMAN: I think I understand your point, Mr. Thomson. What you are saying is we are getting into the area of information provided confidentially by a foreign agency, is that correct?

PM/mc  
F7- 1

I.D. BROWN  
ex. Pateras

MR. CLAUDE THOMSON: Yes, and related matters thereto, that's right.

10 THE CHAIRMAN: Whether this was information provided on a confidential basis by a foreign agency or whether it was a matter of straight investigation of a possible offence under the American Immigration Act.

Me BRUNO PATERAS: I don't think my friend needs to worry. I didn't intend to go into that.

20 MR. CLAUDE THOMSON: I am satisfied. I just wanted to alert my friend and the Chairman if we go into this, I'd like an opportunity to make a submission in private. I am anticipating it and perhaps unduly.

Me BRUNO PATERAS:

Q With respect to that incident, did you have occasion to discuss it subsequently with Mr. Hart?

A Yes.

Q Did he advise you of his version of what happened?

A Yes, sir.

30 Q Are you in a position to tell the Commission whether his version that he gave

PM/mc  
F7-2

I.D. BROWN  
ex. Pateras

you is substantially identical to what he said before the Commission here?

10 A Yes. As I recall, it was fairly close to what he said to the Commission here.

Q Did he indicate to you in particular that at the time that he was asked by that particular person whom he met in the Don Jail to whom you referred, to carry this alien across the border, that he had tried to reach you and was unable to do so?

A He indicated, yes, that he had tried to reach me and my assistant.

20 Q Are you in a position to say at the time that he was trying to reach you that you were unavailable?

A I didn't get the message, so I must have been, sir.

Q No, but what I mean by that is that looking back at the day on which it happened, are you in a position to say that on that day you were not at your office?

A No, I couldn't say that.

30 Q You couldn't say that but you have no reason to doubt his version of the facts?

PM/mc  
F7-3

I.D. BROWN  
ex. Pateras

A No.

10 Q Apart from this incident of the transportation of this individual in the trunk of Mr. Hart's car, do you know of any other incident which was carried through by Mr. Hart which you could describe as being of a criminal nature?

A No. Sometime later I heard of another incident, but I was not personally aware of it.

Q From whom did you hear?

20 A It came in the form of a telex sent from Toronto to Ottawa while I was here on course.

Q Would you recall the period -- what year?

A It was a couple of months after the initial thing took place which I assume would be in '73.

Q In 1973. Do you know who was the author of the telex?

A No, sir.

30 Q During the period that you handled Mr. Hart, would it be fair to say that

PM/mc  
F7-4

I.D. BROWN  
ex. Pateras

you were at all times generally satisfied with his services?

10 A Yes, I was generally satisfied with the result produced.

Q Are you in a position to say that he was following your instructions as far as you knew?

A Yes, generally, yes.

Q Mr. Hart testified that there was a recording device in his own premises which he had been told he could put on or off by switching or turning on a switch, but which he knew was always on.

20 Are you in a position to tell us whether, in fact, the activities of Mr. Hart were constantly being verified by the RCMP?

A Not during the time I handled him, sir.

Q During the time you handled him that was not the case with the recording device?

A No, sir.

30 Q Are you saying it did not exist or that you did not know about it?

PM/mc  
F7-5

I.D. BROWN  
ex. Pateras

A                    During the time I handled him,  
he was not being monitored.

10                    Q                    Did Mr. Hart ever indicate to  
you that he wished to have his Immigration status  
rectified?

A                    Yes, sir.

Q                    Could you tell the Commission  
if this happened on several occasions and what  
exactly Mr. Hart requested of you or of anybody  
else in the RCMP?

A                    During the time of my  
association with Mr. Hart I tried numerous times,  
continuously almost, to get him his landed  
20                    immigrant status in Canada.

Q                    What did you do to try to get  
him his landed immigrant status?

A                    Discussed it with Head Office,  
that they were generally in agreement with this  
procedure.

30                    Unfortunately, the deportation  
came along and the following spring, which will  
be approximately April of '72, during the time I  
was here in Ottawa with Mr. Hart when Mr. Nixon  
was here, we approached the Immigration Department



PM/mc  
F7-6

I.D. BROWN  
ex. Pateras

10 about whether or not they would be favourably --  
if they would favourably receive our request --  
his request if you will, to become a landed  
immigrant.

Q I would like you to look at a  
document which is part of Exhibit Q-23, Page 10.  
Have you seen this document before?

A I would think yes.

Q I see a notation at the bottom,  
a handwritten notation which seems to be addressed  
to Sergeant Brown. Do you remember seeing that?

A No, I don't specifically  
remember seeing that.

20 Q I see some initials on the  
righthand side at the bottom. Are any of those  
initials yours?

A No, sir.

Q Would you explain under what  
circumstances this document was shown to you?

A The reason it would have been  
shown to me is because I was the handling member  
at that time, and this was an Ottawa instruction.

30 Q Would you explain to the  
Commission what this document refers to -- the

PM/mc  
F7-7

I.D. BROWN  
ex. Pateras

plan that is being enumerated there?

A Yes. The plan was to have Mr. Hart fill out an application in the normal fashion.

10 Q For his landed immigrant status?

A For his landed status. It would then be sent to his wife in the United States, who in turn would send it on his behalf to Ottawa.

Unfortunately, it didn't work out that way.

Q Well, was it part of the plan that it would not work out?

A No, not at all.

20 Q In paragraph 3 it refers to some arrangements being made to have the Immigration Department fail to respond.

Was that not part of the plan to make sure that the application would not be accepted?

A No, I don't think -- again I am speculating on this particular telex, but I don't think there was any intention at that time that they would deliberately disallow his application.

30 It was to give a little pressure

PM/mc  
F7-8

I.D. BROWN  
ex. Pateras

from one of the local lawyers on his behalf to  
make sure it went through.

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GOB/lp  
G1.1

I.D. BROWN  
int - Pateras

Q But I must admit that I don't follow you.

10 What would be the purpose of having the application for landed immigrant of Mr. Hart presented and then have a pre-arrangement with the Immigration that they should not follow through? What was the idea of this?

A Well, Mr. Hart had been deported ...

Q Yes.

A ... and I assumed that if a person had been deported was granted an immediate landed status, there could have been questions, I would suppose.

20 Q Do I understand you to say that - there is the name of an attorney involved, there - that the idea would be that the application would give him a certain cover as to why he was being allowed to remain in Canada?

A Oh, yes.

Q In other words, while his application was being processed, and so on.

A Certainly, sir.

30 Q The attorney in question being identified with some of the people with whom he

GOB/lp  
G1.2

I.D. BROWN  
int - Pateras

used to deal?

A Yes, sir.

Q Including Mr. Douglas?

10

A I don't know whether this chap  
and Mr. Douglas ever had any dealings.

Q But in fact, this particular  
incident deals with an attempt to create a cover...

A That's right, sir.

Q ... for Mr. Hart, but it was  
not a real attempt to get him a landed ...

A Yes, I attempted to get him  
through this, at the same time, his landed  
status in Canada.

20

Q Would you tell the Commission,  
if you know, what was in the way of his obtaining  
landed immigrant status?

A Just that he had faced  
deportation, and in fact been deported.

Q Were you ever advised  
personally of that fact, that that was the reason  
why he would not be granted landed immigrant  
status?

A No.

30

Q Did you make personal

GOB/lp  
Gl.3

I.D. BROWN  
int - Pateras

representations to the immigration people?

A I talked to an immigration official about the particular method to use, yes.

10 Q I see. This is an officer - a higher level officer? Or someone you just enquired from?

A No - higher level.

Q And was this individual familiar with Mr. Hart's case?

A Yes, he was made aware of it, yes.

20 Q During your attempts to get Mr. Hart landed status, you said that you were advised that he had been deported.

Were representations made by you or anybody else at the RCMP to the effect that his deportation had all been arranged for particular reasons?

A The chap in the Immigration Department was aware of that.

Q At that time, was any indication given that Mr. Hart had admitted to a criminal record?

30 A None whatsoever, or we wouldn't have gone through with this.

GOB/lp  
G1.4

I.D. BROWN  
int - Pateras

Q At the time that Mr. Hart was released, in 1975, I understand, as you already mentioned, that he called you?

A Yes, sir.

10

Q At that time, was any new attempt made to get him a landed immigrant status?

A No. Well, not by me, sir.

Q Not by you.

A No. I was not the handling member, then.

Q Do you personally know whether any representations were made by the RCMP to immigration, to prevent Mr. Hart from obtaining his landed immigrant status?

20

A I have no personal knowledge of that, sir.

Q Mr. Chairman, the other questions that I have for Mr. Brown would be in camera.

THE CHAIRMAN:

Q Mr. Brown, with regard to this last issue, do you know whether an application, in fact, was ever completed by Mr. Hart and reached the Department of Immigration?

G2

30

A Yes, it did, sir.

GOB/lp  
G2.5

I.D. BROWN  
int - Chairman

Q You are sure of that?

A Yes, sir.

Q You are sure that that Department  
has a record of an application by Mr. Hart to  
become a permanent resident?

A They definitely received it,  
sir, yes.

Q Can you identify the initials  
on the page that Mr. Pateras was referring to,  
which is the document dated May 31st, 1972?

A No, I didn't recognize any  
of those initials, sir, I am sorry.

Q Did you, yourself, have  
dealings with this senior official in the  
Immigration Department?

A On the telephone, sir.

Q I show you a name. I don't  
want you to read it aloud, but I ask you if  
that was the official?

A Yes, sir.

Q Would you mind writing out the  
name on a piece of paper and have it marked as  
an exhibit for identification?

A ...

Q Thank you.

10

20

30



GOB/lp  
G2.6

I.D. BROWN  
int - Chairman

EXHIBIT Q-27: For identification.  
A piece of paper on  
which is recorded  
the name of the  
person to whom Mr.  
Brown spoke in the  
Dept. of Immigra-  
tion.

10

MR. DONALD S. RICKERD:

Q Mr. Brown, when you indicated  
a few moments ago that in April, 1972 you went to  
the Immigration Department concerning Mr. Hart's  
request for landed immigrant status, did you mean  
that you physically visited the Immigration  
Department? Or was that a telephone call?

A That was a telephone call, sir.

Q A telephone call.

20

Was it placed in the presence  
of Mr. Hart?

A Oh, no, sir, no.

Q He knew you were intervening?

A I had told him that I was  
still trying, yes.

Q Was that an intervention you  
made with the approval of your superiors?

A Yes, sir.

Q And did you convey a report

30

to Mr. Hart on how that telephone conversation went?

GOB/lp  
G2.7

I.D. BROWN  
int - Rickerd

A Yes. I, from then on, instructed him how to fill out the application and how it would be sent to Ottawa.

10

Q And was that telephone call placed to the person whose name you wrote down on exhibit Q-27 for identification?

A Yes, sir.

Q It is one and the same person?

A That's right, sir.

Q Was that the sole intervention you made with the Department of Immigration, on behalf of Mr. Hart?

A Yes, sir.

20

Q You have had no further discussions since that time?

A None, sir.

Q Neither while you were the handler of Mr. Hart, or subsequently?

A None. Just the one, sir.

Q None since you have left the Force, either?'

A No, sir.

Q Those are all the questions I have. Thanks.

30

GOB/lp  
G2.8

I.D. BROWN  
Int - Chairman

10 THE CHAIRMAN: Mr. Pateras,  
you were planning to move on to another point,  
were you?

MR. BRUNO PATERAS: I am  
through with the witness.

THE CHAIRMAN: Oh, yes, that's  
right. You said that.

20 Q Going back to the question of  
whether Mr. Hart was involved in criminal  
activities, as far as you knew, Mr. Brown, you  
described to us your knowledge of the situation  
with regard to the weapons that had come into  
Mr. Hart's possession.

Would it be fair to say that  
that's an example of a certain flexibility which  
you were prepared to permit as a calculated risk  
even though it involved the source becoming  
involved in a criminal act?

A Yes, sir.

30 Q Was it your view, as a  
handler, that sources of the calibre of Mr. Hart  
could not be operated for very long if he maintained  
a very moderate, timid position.

GOB/lp  
G2.9

26027

I.D. BROWN  
int - Chairman

A In that field, yes, sir,  
definitely.

Q Thank you.

10

Do counsel have any questions  
on the issues that have been dealt with in  
public so far with regard to Mr. Brown or by Mr.  
Brown.

MR. BARRY WORTZMAN: I  
obviously will want to question Mr. Brown on these  
issues. I can start now, if you like.

20

I thought it would have been  
more appropriate if I would have the opportunity  
to see whatever documents I am going to see, and  
it may streamline and save some time.

THE CHAIRMAN: Very well.  
We will reserve your right to apply for a further  
opportunity to cross-examine Mr. Brown.

MR. BARRY WORTZMAN: Thank you.

THE CHAIRMAN:

Q You may step down for the time  
being.

AND FURTHER DEPONENT SAITH

NOT.

G3

30

ROBERT JAMES LAIRD takes the stand

GOB/lp  
G3.10

26028

R.J. LAIRD  
int - Pateras

THE CHAIRMAN: Your full  
name, please, sir?

A My name is Robert James Laird.

ROBERT JAMES LAIRD, sworn by the  
Chairman.

10

EXAMINATION BY MR. BRUNO PATERAS:

Q What was your occupation, Mr.  
Laird, in 1970 - between 1971 and 1975?

A I was a member of the Royal  
Canadian Mounted Police.

Q What rank?

A I was a Constable.

Q Did you know, at that time,  
during that period, Mr. Warren Hart?

20

A Mr. Chairman, I refuse to answer  
this question and all other questions of the same  
nature on the grounds that my answers may tend  
to incriminate me or may tend to establish my  
liability to a civil proceeding at the instance  
of the Crown or any other person.

Q Not very flattering for Mr.  
Hart.

THE CHAIRMAN:

Q Mr. Laird, on behalf of the  
Commissioners, I direct that you answer that question

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GOB/lp  
G3.11

R.J. LAIRD  
int - Pateras

and other questions to which you might make  
the same objection.

MR. BRUNO PATERAS:

10

Q Mr. Laird, I understand that  
at some point in time in - I believe it is in  
1972, is it, that you became the co-handler of  
Mr. Hart?

A I became the co-handler of  
Mr. Hart, I believe, in December of 1971.

Q '71. You succeeded Mr. Steén  
Constable Steén?

A That's correct.

20

Q Now, you were present while  
Mr. Hart testified in January, and today?

A Yes.

Q And you were present, of course,  
when Mr. Brown testified today?

A Yes.

Q With respect to the ...

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THE CHAIRMAN: Before we get  
into any substantive matter, Mr. Pateras, could  
we have a little bit of the background of the  
witness and his present standing, provided he is  
still with the Force.

GOB/lp  
G3.12

26030

R.J. LAIRD  
int - Pateras

MR. BRUNO PATERAS:

Q Would you like to answer that?

A I joined the RCMP in August,  
1975. Immediately following ...

10

THE CHAIRMAN:

Q 19 ... ?

A 1965. Excuse me.

Immediately following recruit  
training, I spent three years in general detachment  
duties.

Immediately following that,  
I spent two years on the musical ride, after  
which I returned to detachment duty.

20

In November, 1971, I was  
transferred from regular detachment duties to  
Toronto, where I spent four years in the Security  
Service.

In December, 1975, I was  
transferred to Ottawa, Headquarters Division,  
where I spent a little over three years.

I am presently stationed back  
in Toronto, having arrived there in June of  
1979.

Q And your present rank?

30

A My present rank is Corporal.

GOB/lp  
G3.13

R.J. LAIRD  
int - Pateras

Q                   What was your rank in the period from 1971 until you finished handling Mr. Hart?

A                   I was a Constable then, sir.

Q                   When did you finish your duty of handling Mr. Hart?

A                   I backed up Sergeant Brown from December, 1971 until July, 1973.

MR. BRUNO PATERAS:

Q                   Dealing first of all with the cache of fire arms that was eventually taken to Tweed, - I don't want to go through all the same questions that I have asked Mr. Brown, but are you in general agreement with the testimony of Mr. Brown with respect to that?

A                   Yes, sir.

Q                   Were you always or substantially the majority of times with Mr. Brown whenever he had to deal with Mr. Hart?

A                   Generally, yes.

Q                   With respect to the return of the weapons, or, I should say: the manner in which the weapons were transported by Mr. Hart from Tweed and eventually remitted to the RCMP, could you explain exactly what happened? - what you

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20

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GOB/lp  
G3.14

R.J. LAIRD  
int - Pateras

recall happened?

A Well, we had received word that some of the guns, the weapons that were being stored out at Tweed had been sold off.

10

After hearing this, we decided that it would be - it was our plan to get the remainder of the guns back into our possession as quickly as possible.

Q How was this - I am sorry.

A We sent Mr. Hart to Tweed.

Q To fetch the weapons?

A That's right. And he returned with the weapons.

Q They were in his car?

20

A That's correct.

Q And how was the transfer effected?

A I met Mr. Hart in the garage of Sergeant Brown's apartment block, at that time.

Q Yes?

A And the transfer took place in the parking garage underneath his apartment block. I transferred the weapons from Mr. Hart's car to a RCMP vehicle.

30

Q And what happened to the weapons

GOB/lp  
G3.15

R.J. LAIRD  
int - Pateras

subsequently?

A The weapons were taken by me to our office on Jarvis Street.

10 The weapons were eventually made subject of the various forms and were disposed of.

Q The actual transfer of weapons from Mr. Hart's car, is it to your car?

A To a RCMP vehicle.

Q Fine.

That was done where, exactly?

A In Sergeant Brown's basement.

Q In the basement?

A In the garage of the apartment block. That's right.

20 Q And this was done in the presence of Mr. Hart?

A Yes. He met me there.

G4 Q Now, was there, either at that time or previously, a plan designed to cover the fact that the weapons had disappeared from Mr. Hart's car?

A Yes, there was.

Q What was the plan?

A The plan was to select an appropriate evening when Mr. Hart would be in the

30

GOB/lp  
G4.16

R.J. LAIRD  
int - Pateras

10 company of Douglas, so that when Mr. Douglas  
and Mr. Hart returned to Mr. Hart's automobile,  
they would find that it had been ransacked, and  
in fact all the weapons had been taken.

Q And this was discussed with  
Mr. Hart before the plan was carried through?

A Yes, sir.

Q I would like you to look at  
QC-1, that document ...

A Yes.

Q ... at page 28?

A ...

Q Paragraphs 6 and 7 - paragraph  
20 7.

Could you read that to yourself,  
first of all?

A ... yes sir.

Q Is this the plan that you just  
described?

A That was the plan, initially.  
The plan took a different course.

Q Would you explain how it was  
different?

30 A Well, instead of removing the  
weapons from the trunk during the time of the break-in

GOB/lp  
G4.17

R.J. LAIRD  
int - Pateras

or the mock break-in or the charade, they were just taken into our possession a few days ahead of time, so that there would be no delay and no reason to draw attention to the act itself.

10

Q But in fact, this is what it says: that according to what appears in paragraph 7, that the weapons would be removed before, and what you referred to as a charade would take place subsequently?

A That's right. This report was written prior - this was a proposed plan.

It took a different turn.

Q What you say took place is that you actually removed the weapons, and then conducted the charade?

20

A The charade.

Q And this is what page 28 says: that you would remove the weapons and then conduct the charade.

I don't see where you see a difference?

A ...

Q Let me refer you to the last sentence, without reading it out loud: it does refer to the items having been removed beforehand.

30

GOB/lp  
G4.18

R.J. LAIRD  
int - Pateras

So, in other words, what I am trying to tell you is that the plan that you have described is exactly the one that you have here?

A That's right, that's right.

Q So, this is the way that it actually took place?

A Yes, sir.

Q And in fact, the weapons were not removed at the time the car was broken into?

A Would you repeat that, please?

Q In fact, the weapons were not removed from the trunk of the car at the time that the trunk was broken into.

A That's correct.

Q They had been removed before?

A Yes, sir.

Q Proceeding with that, was the car, in fact, broken into at any time?

A Yes, sir.

Q By yourself?

A Yes, sir.

Q Where was this done?

A It was done in the parking lot immediately behind Mr. Hart's apartment block.

Q Which car was it?

GOB/lp  
G4.19

26037

R.J. LAIRD  
int - Pateras

A A 1966 Chev.

Q Now, what did you do to it?

A I had the spare key to the car.

So, I went into it and looked around for some -

10

I rifled the glove compartment, I strew a few papers around inside the vehicle.

I opened the trunk. Saw there was nothing really of significance in there; closed the trunk again, and then made it appear as though it had been jimmied - made a bit of a mark near the lock; reopened it, left it open; and then, after closing the door, smashed one of the windows on the - I believe it was on the driver's side.

20

Q Are you saying that the trunk was opened with the key, with the spare key?

A Yes, I had a spare key.

Q And then, you made it look as if somebody had tried to pry it open?

A That's right - without forcing the lock, so that the lock would not have to be repaired.

Q I see. How about the window? There was a window that was smashed?

30

A Yes. I broke a small window,

GOB/lp  
G4.20

26038

R.J. LAIRD  
int - Pateras

the vent window.

Q I would like to show you another document. Unfortunately mine is marked.

10 Mr. Laird, I would like to show you some documents ...

THE CHAIRMAN: Perhaps you would like to continue this tomorrow morning, Mr. Pateras?

MR. BRUNO PATERAS: Just this last question, Mr. Chairman.

20 Q I would like to show you this document. Unfortunately, it is marked; but leaving aside the markings, would you look at this document and tell me whether it is a document which represents - whether it originates from you - at least the content originate from you?

A Yes.

Q I would ask you to look at the bottom of the first page where it says the words THE OPERATION?

A Yes.

30 Q To the end of the first paragraph on the next page, and tell me whether after reading that, whether you wish to add anything to your testimony?

GOB/lp  
G4.21

R.J. LAIRD  
int - Pateras

A No. This, I would like to -  
this document is not correct.

Q Is this something that you  
dictated?

10

A It is something that was -  
I was requested to give and did so.

Q Could you explain the reason why  
it is not correct?

A I have had a chance to refresh  
my memory by looking at the files later, and  
this was taken seven - five years after that -  
six years after the event.

Q Am I correct in stating that  
according to that document, the incident to which  
you have referred was different from the one  
that you have just described today?

20

A .....

Q Is that correct?

A Yes. I described it differently  
in this document.

Q In that document, you described  
it as having pried open the trunk and removed the  
weapons at the same time.

A That is correct.

30

Q And not ...



GOB/lp  
G4.22

R.J. LAIRD  
int - Pateras

THE CHAIRMAN:

Q You say *that is correct*, in the sense that.

A It is incorrect.

MR. BRUNO PATERAS:

Q You are saying now today that the statement that you have made which was given when? - in 1977? '78?

A I believe it was '78.

Q '78. That that statement was incorrect?

A It was incorrect, sir, yes.

Q And what urges you to say that it is incorrect is the fact that you have refreshed your memory since then?

A Yes, sir.

Q What have you looked at, or to whom have you spoken, if anybody, which has helped you to refresh your memory?

A I reviewed some files and have been reading some correspondence that was written at that time.

Q Are you saying, Mr. Laird, that at the time that you prepared the statement that I am showing you, that you had not looked at the

10

20

30

GOB/lp  
G4.23

R.J. LAIRD  
int - Pateras

files?

A That is correct.

THE CHAIRMAN:

Q This is a statement made when  
the Hart matter first came to the public attention,  
and you were asked to make a statement, and you  
did so without reviewing the files? Is that  
right?

A Yes, sir, that's right.

Q Is that all for today, Mr.  
Pateras?

We will adjourn now until  
10:00 o'clock tomorrow morning.

AND FURTHER DEPONENT SAITH  
NOT FOR THE MOMENT.

IT NOW BEING 4:40 P.M. HEARING  
IS ADJOURNED TO WEDNESDAY, APRIL 23rd, 1980.

We, the undersigned, Official  
Court Reporters, do hereby certify that the above  
is a true transcript of our shorthand notes.

G. OSCAR BOISJOLY, s.o. PEGGY McEWEN, c.s.r.

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20

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