Court File Nos.: T-569-20
T-577-20
T-581-20
T-677-20
T-735-20
T-905-20

FEDERAL COURT

Court File No. T-569-20

BETWEEN:

CASSANDRA PARKER and K.K.S. TACTICAL SUPPLIES LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-577-20

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE KNOWLES, RYAN STEACY, MACCABEE DEFENSE INC., and WOLVERINE SUPPLIES LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-581-20

BETWEEN:

JOHN PETER HIPWELL

Applicant

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-677-20

BETWEEN:

MICHAEL JOHN DOHERTY, NILS ROBERT EK, RICHARD WILLIAM ROBERT DELVE, CHRISTIAN RYDICH BRUHN, PHILIP ALEXANDER MCBRIDE, LINDSAY DAVID JAMIESON, DAVID CAMERON MAYHEW, MARK ROY NICHOL and PETER CRAIG MINUK

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-735-20

BETWEEN:

CHRISTINE GENEROUX, JOHN PEROCCHIO and
VINCENT PEROCCHIO

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-905-20

BETWEEN:

JENNIFER EICHENBERG, DAVID BOT, LEONARD WALKER,
BURLINGTON RIFLE AND REVOLVER CLUB, MONTREAL
FIREARMS RECREATION CENTRE, INC., O'DELL ENGINEERING LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

REPLY MOTION RECORD OF THE PROPOSED INTERVENER CANADIAN COALITION FOR GUN CONTROL (Motion for Leave to Intervene)

July 6, 2022

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Wendy Cukier
on Wednesday, June 15, 2022

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Docket No. T-569-20

FEDERAL COURT

BETWEEN:

CASSANDRA PARKER and K.K.S. TACTICAL SUPPLIES LTD.

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

Docket Nos. T-577-20, T-581-20, T-677-20, T-735-20, and T-905-20 on pages 2, 3, and 4

Transcript of Oral Questioning of

WENDY CUKIER

(On affidavit sworn June 29, 2020)

Held via videoconferencing

June 15, 2022

Docket No. T-577-20

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE KNOWLES, RYAN STEACY, AND OTHERS

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

Docket No. T-581-20

JOHN PETER HIPWELL

Applicant

and

THE ATTORNEY GENERAL OF CANADA

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Docket No. T-677-20

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Applicants

and

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(Proceedings commenced at 9:21 a.m. MT)

THE COURT REPORTER: Counsel, as you all know, because we are using a virtual connection, everyone needs to be more conscious than ever of not speaking over each other.

If I cannot hear the end of a question or the beginning of an answer, you will have a very poor record. If I have to consistently interrupt because I cannot hear or understand something that is said, you will not have a good examination flow. If there is an objection, I must be able to hear it and know who is objecting.

Please be mindful when shuffling through papers and documents that the computer microphone picks up these noises and it may cause myself and others to miss what the speaker is saying.

From time to time the audio can be affected; if so, we may need to stop the proceedings and wait a moment for it to improve, either by reconnecting or using the conference call number available.

Lastly, at the end of the proceedings today, I would request that rather than sign off right away, you would allow me a moment to request any spellings or clarifications that I may need for the transcript.

Would the witness please identify themselves and spell your first and last name.

THE WITNESS: Wendy Cukier. W-E-N-D-Y, C-U-K-I-E-R.

THE COURT REPORTER: Thank you. Our witness today is Wendy Cukier. If there are any questions about the witness' identity, would counsel please advise on the record now.

WENDY CUKIER, affirmed, questioned by Mr. Phillips:

Q. Ms. Cukier, you took an oath just now to tell the truth?
A. Yes.
Q. And you will tell the truth today in response to my questions?
A. Yes.
Q. My name is Ryan Phillips. I'm counsel for the applicants in Application T-577-20, and I'm going to ask you questions about an affidavit that you swore. That's sworn June 29th, 2020. Do you have that affidavit in front of you?
A. Yes.
Q. You swore that affidavit in Court File T-577-20; do you see that?
A. Yes.
Q. Can you flip to page 6 of that affidavit and confirm that's your signature.
A. Yes.

MR. GELBMAN: So this is page 10 of the motion

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record that we're looking at, and then page 6 of the affidavit.

Q. MR. PHILLIPS: Okay. That's your signature?

A. Yes.

Q. I'm going to ask you the questions from the cross-examination protocol. Have you reviewed that protocol, Ms. Cukier?

A. Yes.

Q. You have agreed to be cross-examined by way of video conference?

A. Yes.

Q. You have reviewed the protocol for virtual cross-examinations agreed to by the parties dated June 13, 2022, and you agree to comply with and be bound by that protocol?

A. Yes.

Q. You will not record or broadcast this cross-examination in any manner? Correct?

A. No, I will not. Sorry.

Q. You will not mute or turn off your microphone, camera, or speakers, or move out of view of the camera during the cross-examination unless agreed upon or otherwise directed to do so by me?

A. No, I will not.

Q. You will not view during this cross-examination any

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device, documents, apps, or information other than your affidavit or as requested or presented to you during this cross-examination?

A. Can you repeat the question.

Q. You will not view during this cross-examination any device, documents, apps or information other than your affidavit or as requested or presented to you during this cross-examination; right?

A. I will not.

Q. Okay. You have closed and will not reopen any other windows on your computer during this cross-examination?

A. I will not.

Q. You've taken steps to disable any pop-up notifications you expect would interrupt this cross-examination, and you will immediately close any that may appear?

A. I will.

Q. Okay. And you will not communicate in any way with any party outside of the virtual meeting during this cross-examination; right?

A. I will not.

Q. Okay. Thanks.

MR. PHILLIPS: Mr. Perocchio, it appears that you're not muted. Could everybody who's not speaking please mute. Thank you.

Q. I'm going to run through some definitions to start.

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Ms. Cukier, you're the president and co-founder of the Coalition for Gun Control?

A. Yes.

Q. And if I refer to that as the "Coalition," you'll understand what I'm referring to?

A. Yes.

Q. In paragraph 3 of your affidavit, you use a defined term, "the regulation," to refer to the regulations that were made by the governor in council on May 1, 2020; do you see that?

A. Yes.

Q. You understand that's the regulation that's at issue in this court proceeding?

A. Yes.

Q. And you'll understand what I'm referring to when I use your definition of "the regulation," right?

A. Yes.

Q. A moment ago I just said the governor in council; you'll understand that if I say the "GIC," I'm referring to the governor in council?

A. Yes.

Q. If I refer to the "AGC" or "the respondent," you'll understand that I'm referring to the Attorney General of Canada; right?

A. Yes.

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Q. And you understand that the AGC is the respondent in this application; right?

A. Yes.

Q. Ma'am, you're a professor at the Ryerson University School of Business Management?

A. It's now Toronto Metropolitan University, and I am a professor in this School of Management. I'm also a professor of policy studies.

Q. Okay. Your academic focus is on disruptive technologies, innovation processes, and diversity; right?

A. In addition to other topics, such as public policy.

Q. All right. Your academic focus is not related to firearms; right?

A. My academic focus is related to a wide range of issues with respect to public policy, as well as the matters you identified.

Q. Okay. I asked you specifically about firearms. And when I looked at your profile on the website, I didn't see anything about firearms. You would agree with me that that's not included in your own description of your academic focus; right?

A. My resume is 100 pages long, so the profile that is published on the Ted Rogers School of Management is only a snapshot of one part of my expertise.

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Q. Is the snapshot that you selected to highlight your expertise; right?
A. I didn't select it. The school develops profiles based on our CVs, which we file on an annual basis.
Q. All right. I'm going to ask my colleague Mr. Heap to bring up document number 11 from the package that we sent you so we can have a look at what we've been talking about. I understand that you have a printed copy in front of you, as well; is that right?
A. Yeah.
MR. GELBMAN: Yes. A document, it says, "School of Business Management Ted Rogers, Dr. Wendy Cukier" on the first page.
MR. PHILLIPS: Right.
Q. That's your profile; right?
A. That's one of my profiles.
Q. And the first page --
A. As I explained, it's the profile that Ted Rogers School of Management uses to describe my expertise as relevant to my teaching role there.
Q. Right. And in the first sentence, it says that -- it refers to disruptive technologies, innovation processes, and diversity; right? That's what I asked you about before?
A. Yes.

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Q. There's nothing on here that --
A. I guess I -- sorry.
Q. There's nothing on here that lists any expertise with respect to firearms; right?
A. No. But my 100-page resume does.
Q. I don't see any 100-page resume that you appended to your affidavit or anywhere else. Do you agree that you did not append it to your affidavit?
A. I excerpted the portions of my 100-page resume relevant to this particular proceeding in my affidavit, including publications of my book and other academic and nonacademic knowledge mobilization examples.
Q. Understood. So you selected certain pages from a 100-page CV and attached those to your affidavit, but the point here is that the profile from the Ted Rogers School does not list firearms anywhere on it. You would agree with me about that; right?
A. I would agree with you about that.
Q. Thank you.
Ma'am, at paragraph 4 of your affidavit, you refer to the effect of the regulation. You say it represents a significant development to firearm control in Canada.
A. Yes.
Q. I take it that you have reviewed the regulatory impact analysis statement that accompanied the regulation; is

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that right?
A. At one point I did. I haven't looked at it recently.
Q. Okay. Are you aware that that's document number 1 in the package of documents that we sent to your counsel a couple of days ago?
A. I'm happy to review it now.
Q. My colleague Mr. Heap will bring up that regulatory impact analysis statement on the screen, and we'll go to page 53 of the document.
MR. GELBMAN: We're there.
Q. MR. PHILLIPS: Ma'am, on the screen you see it says, "Regulatory Impact Analysis Statement;" right?
A. Yes.
Q. Okay. We'll scroll through a number of pages, and you can tell me whether you're familiar with this and whether you've seen it before.
A. As I've said, I've looked at it, but I would need to read it again if you want me to comment on a specific portion of it.
Q. Yeah. I'll take you to some specific portions. The point of providing it in advance was that so you would know that we would be referring to it. For now, let's go to page 53.
And just to establish a definition here, I'm going to refer to this as the "RIAS," and when I do, you'll

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you'll understand that I'm referring to the regulatory impact analysis statement?
A. Yes.
Q. In the first paragraph under the "Issues" heading, the RIAS refers to assault style firearms; do you see that?
A. Yes.
Q. That is a term that you use in your affidavit; right?
A. Yes.
Q. Ma'am, when you reviewed this RIAS, did you notice that it doesn't' say anything about the issue of smuggling of firearms in Canada?
A. I didn't notice that specifically, but I thought that that was probably not the focus of this particular regulation.
Q. You would agree with me that the regulation is not intended to address the smuggling of firearms in Canada; right?
A. If it's not mentioned, then presumably it isn't.
Q. I've reviewed it, and I haven't seen any mention of smuggling. Are you aware of any mention in it to smuggling?
A. If you give me a moment, I'll have a look at it.
It does mention (indiscernible) to illegal markets, which may be domestic or international.
THE COURT REPORTER: Ma'am, I missed what you said

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there because of the pages. What did you say exactly?
A. It does mention the risk of diversion to illegal markets. It doesn't specifically mention smuggling.
Q. MR. PHILLIPS: Okay. Ma'am, you would agree with me that the regulation was not intended to address smuggling; right?
A. Yes.
Q. Thank you. I want to go to paragraph 12 of your affidavit.
A. Yes.
Q. There you say, "The Coalition is supported by over 200 organizations that represent diverse interests." Do you see that?
A. Yes.
Q. You haven't named any of those organizations in your affidavit; right?
A. No.
Q. And you haven't named any individuals involved in those organizations; right?
A. No.
Q. In paragraph 12 you list some of the diverse interests that the Coalition's supporter organizations represent; right?
A. Yes.
Q. You do not list interests like firearm ownership;

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right?
A. No. But some of the groups -- some of the individuals who are part of the organizations that support the Coalition for Gun Control are firearms owners.
Q. It's not an interest that you list here; right?
A. No.
Q. You don't list hunting as an interest?
A. I don't -- in that paragraph, I don't reference hunting.
Q. Right. It's not an interest that you list here; right?
A. Not in paragraph 12.
Q. Are you suggesting that it's an interest that you highlight somewhere else in your affidavit?
A. There may be a reference to hunting. I'll have to look.
Q. Yeah. Please do that because I'm interested in knowing whether you list hunting as an interest of a supporter group of the Coalition. I haven't seen it.
A. No, there's no reference to hunting in the affidavit.
Q. Nor is there any reference to the interest of sport shooting; right?
A. No, there's no reference to the interest of sport shooting.
Q. And you didn't list those interests of any organizations supporting the Coalition because the

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Coalition does not have the support of those organizations that are interested in firearm ownership, hunting, and sport shooting; right?
A. There are many individuals who are engaged in hunting and sport shooting who support the Coalition for Gun Control within the organization, so -- and they have testified with us before parliamentary committees, so --
Q. So --
A. -- certainly we don't represent any hunting organizations or sport shooting organizations, but it would not be true to say that there are no sport shooters or hunters who support the Coalition for Gun Control through the organizations that have been identified.
Q. That's fair. There's a lot of individuals in Canada that do so. I'm focused on organizations right now, and as you said, there's no organizations interested in those things: Firearms ownership, hunting, and sport shooting, that sport the Coalition; right?
A. There are many individuals, as I said, who are firearms owners, who use firearms for legitimate purposes, who are part of organizations supporting the Coalition for Gun Control because not all gun owners in Canada oppose reasonable gun control.

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Q. The purpose of my questions was to distinguish between individuals, because you mentioned them before, and organizations. So I would like you to focus on my question, which deals with organizations.
You would agree with me that you didn't list those interests here: Firearms ownership, hunting, and sport shooting, as interests of organizations that support the Coalition because there are no such organizations that support the Coalition; right?
A. There are no organizations focused on the interests of sport shooters who support the Coalition.
Q. You do not own a firearm yourself; right?
A. No, I do not.
Q. You've never taken the Canadian Firearms Safety Course or the Hunter Education and Ethics Development Program?
A. No. But I have gone target shooting on a number of occasions.
Q. Ma'am, in paragraph 12, you go on to say: (as read)
"Many of these organizations have expertise in the prevention of violence and suicide, and represent groups that are disproportionately affected by firearm violence and hate crimes."
Do you see that?
A. Yes.

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Q. I take it this expertise your refer to here is something that the Coalition would seek to bring to this proceeding; right?
A. It's a perspective that the Coalition would bring to the proceeding.
Q. Right. Because the Coalition views it as relevant to the proceeding; right?
A. The Coalition believes that it has perspectives that can be represented that relate to the stated purposes of the regulation, the impact of the regulation, and it also has perspective on some of the Charter arguments that have been advanced.
Q. All right. My question is specifically with respect to these things and the prevention of suicide. You said in your answer that the Coalition believes it has some perspective on the stated purposes of the regulation and the intent; right?
A. With respect not just to suicide, but violence, more broadly defined.
Q. Understood. But I take it from your inclusion of suicide in this paragraph that you and the Coalition view that as something that's relevant to the regulation, and something that the Coalition can offer some perspective on; right?
A. I would -- I would say that statement refers to the

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organizations and their sources of expertise, some of which may be relevant to the proceeding.
Q. If the Coalition is granted intervenor status, would the Coalition address the prevention of suicide?
A. Likely, that would not be a priority with respect to this particular regulation.
Q. My answer (sic) is whether it would be addressed. So would it be addressed by the Coalition in its submissions?
A. At this point in time I can't answer that question because I don't know if we were given leave to intervene what the submission would contain.
Q. I would just like to know what perspective you're intending to offer. That's kind of the point of coming here today and asking you questions, is to understand what you would like to say.
So if the Coalition is granted intervenor status, would it address the issue of suicide prevention?
A. It would focus more on prevention of mass shootings, violence against women, and hate crimes, which are all identified, as well as violence which disproportionately affects racialized communities.
Q. So this expertise that you list in paragraph 12 about the prevention of suicide is irrelevant to the Coalition's position; do I have that right?

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A. It's not irrelevant to the Coalition's position because the Coalition is -- takes the position on firearms grounded in public health, and if you look at the public health perspective on firearm violence, it views suicide as part of the constellation of problems that firearms regulation is intended to address.
Q. And you understand that this proceeding doesn't deal with the constellation of firearms regulation; it deals with the regulation in particular; right?
A. Yes.
Q. And in dealing with the regulation, does the Coalition intend to address the issue of suicide prevention?
A. Again, I can't say definitively that it's not relevant, but it certainly would not be the focus.
Q. You can't tell me as you sit here today whether that's something that the Coalition would raise; is that right?
MR. GELBMAN: I think Ms. Cukier has answered your question. She said that it will not be the focus, and she affirmatively spoke to the issues that the Coalition will speak to.
MR. PHILLIPS: It was pretty equivocal, but in any event, we have it on the record, so that's fine. Let's move on.
Q. I want to go to paragraph 13, the next one in your

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affidavit.
A. Yes.
Q. You say that: (as read)
"Each Coalition supporter has passed a formal resolution endorsing the Coalition's position that military assault weapons and large capacity magazines should be banned."
Right?
A. Yes.
Q. And again, you don't list any of those organizations?
A. Not in the affidavit, no.
Q. Ma'am, large capacity magazines were banned in Canada in 1991, were they not?
A. Yes. Although some would argue there are loopholes in that ban.
Q. The Coalition itself has said that large capacity magazines were banned in 1991; right?
A. Yes.
Q. Can you go to paragraph 16 of your affidavit.
A. Yes.
Q. This is where you discuss the Coalition's interest in this application; right?
A. Yes.
Q. You say here in the second sentence: (as read)

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"The Coalition's position is that easy access to firearms increases the risk that firearms will be used in gang violence, domestic violence, hate crimes, and suicide."

Do you see that?

A. Yes.

Q. Suicide is one of the interests of the Coalition in this application?

A. This statement is about the Coalition's position overall, not specifically as it relates to this application. It's a description of the Coalition's position.

Q. I see it right under the heading that says, "The Coalition's Interest in This Application," which is why I made the inference that that was one of the interests of the Coalition.

Are you now disagreeing with that and saying that, even though it's listed under the interests section, it's not actually an interest in this application?

A. It's not the focus. The risk factors for suicide, however, are very similar to the risk factors for homicide. And if we look, for instance, at mass shootings or domestic violence with firearms, we see very often suicide is part of the casualty --

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casualties that are counted.

So I'm not saying it's irrelevant. I'm just saying it's not the focus.

Q. And going back to what my question actually was, I was interested in knowing whether it's an interest, given that it appears under this heading. So is suicide an interest of the Coalition in this application, or not?

A. It's not a major interest in this application, as I explained.

Q. We're quibbling over magnitude here. Is it an interest or not? When you say it's not a major interest, are you saying that it's of some interest to the Coalition in this application?

A. Many of the cases where there are mass shootings involve suicide as well as homicide, so it is an issue, although it is not a primary issue.

Often the risk factors associated with suicide are also risk factors associated with homicide, and that's part of the reason why the screening process is taken to account both, and part of the reason why our legislation makes that explicit.

Q. None of that arises from my question, ma'am. I'm just asking you whether suicide is an interest of the Coalition in this application. It's a binary question.

MR. GELBMAN: I think you have your answer.

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It's an interest. It's not the primary focus, as with respect to this application.

MR. PHILLIPS: I would like my answers from the witness.

MR. GELBMAN: You've had it at least twice.

MR. PHILLIPS: Well, I disagree.

Q. Ma'am, in addition to that, you go on to say afterwards: (as read)

"These risks are more pronounced in the context of military assault weapons."

Right?

A. Yes.

Q. There you're suggesting that the risk that firearms will be used in gang violence, domestic violence, and suicide are more pronounced with the type of weapons that have been banned by the regulation; right?

A. The previous sentence says: (as read)

"The Coalition's position is that easy access to firearms increases the risk that firearms will be used in gang violence, domestic violence, hate crimes and suicide, and undermines community safety."

These risks are more pronounced, i.e., that -- that firearms will be misused and cause casualties because of

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their design. And here is where I mention that they are not needed for hunting or other civilian purposes, referring back to the earlier point I was trying to make.

Q. So the answer to my question is, yes, that you're suggesting here that the risks that firearms will be used in gang violence, domestic violence, and suicide are more pronounced with the types of firearms that have been banned by the regulation; right?

A. The risk that firearms will be used in gang violence, domestic violence, hate crimes, and suicide, and undermine community safety is increased when military style assault weapons are used because of their design, which is to inflict maximum casualty with minimum effort.

Q. My question was pretty narrow. You've addressed it in the first part of your answer, but this will go a lot more smoothly if you just listen to my questions and answer those.

What I take from this is that the Coalition's interest in this proceeding relates to issues of gang violence, domestic violence, hate crimes, and suicide; right?

A. And community safety, more broadly defined.

Q. Okay. All of that; right?

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A. Yeah.
Q. The Coalition believes that the regulation will have some impact on gang violence, domestic violence, and suicide; right?
A. Hate crimes, mass shootings, community safety.
Q. Yeah. I framed my question a bit differently. I'm taking a group that you've referred, and I'm referring to some in that list in the group. So I'm focusing on gang violence, domestic violence, and suicide, which are included in the group that you just referred to; right?
A. Yes. But you're excluding hate crimes, which are often tied to mass shootings. There are certainly domestic violence incidents which escalate into mass shootings, as well.
Q. Right. And that's --
A. But the focus is shootings undermine community safety.
Q. Okay. I'm just taking the words that you've used in the affidavit, and I'm focusing in on some of them because I don't have to talk about everything all at once.

So the ones that I'm interested in are gang violence, domestic violence, and suicide. Do you understand that?
A. I understand that, but the -- you're parsing the

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sentence in a way that I think is not consistent with what was meant when I wrote it.
Q. I'm taking some of the things you mentioned in that sentence, and I'm asking whether the Coalition believes that the regulation will impact those things. And specifically, I'm interested in gang violence, domestic violence, and suicide. Does the Coalition believe that the regulation will have some impact on those things?
A. Again, the -- I would say -- I would say the focus of it is the broader context of community safety.

Military assault weapons are used principally when we see community safety jeopardized in cases of mass shootings, some of which are motivated by hate; some of which are motivated by domestic violence incidents, which escalate; and some, frankly, which are probably tied to suicide.

So in answer to your question, it is -- it is the Coalition's position that reducing the availability of military assault weapons will improve public safety.
Q. Okay. And instead of talking about public safety generally, I would like to get specific and come back to the things that I'm interested in, which are gang violence, domestic violence, and suicide.

So focusing on those, will the regulation have an impact on gang violence, domestic violence, and suicide

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in the view of the Coalition and yourself; yes or no?
A. Yes.
Q. You personally believe that?
A. Yes.
Q. Okay. I want to take you to the -- actually, before I do that, when we refer to domestic violence, are you primarily referring to violence against women?
A. Violence against women and children.
Q. One of the Coalition's interests in this proceeding is the issue of violence against women?
A. Yes.
Q. If the Coalition is granted intervenor status, it would address the issue of violence against women?
A. It would address the issue of violence against women and gender perspectives on questions related to this proceeding.
Q. The Coalition and you believe that the regulation will have some impact on violence against women; right?
A. Yes.
Q. You've made a number of public appearances on behalf of the Coalition; right?
A. Yes.
Q. In your public appearances I take it that you do your best to be truthful?
A. Yes.

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Q. You would agree with me that it's important to tell the truth when you're publicly discussing firearms and firearm laws?
A. Yes.
Q. You've appeared on a number of podcasts; right?
A. Yes.
Q. And when you speak on podcasts, you do your best to tell the truth; right?
A. Yes.
Q. You participated in a podcast hosted by Kelly Cutrara on May 4, 2020; right?
A. I don't recall. I do a lot of public speaking, so I would need some more information.
Q. My colleague Mr. Heap will open that podcast for us.
A. Is there a transcript of the podcast?
Q. There's not. We're going to play some of it for you. For now --
MR. GELBMAN: There's --
A. There is, actually --
MR. GELBMAN: -- a link, but I don't know if it's live.
THE WITNESS: Okay.
MR. GELBMAN: Yeah.
Q. MR. PHILLIPS: All right. Well, what we've just brought up on the screen is a page with a podcast from

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Kelly Cutrara, and it's titled, "Gun Control Advocates Respond to Trudeau's Gun Ban. May 4, 2020." Under the heading "About This Episode," it says, "Kelly talks to Wendy Cukier, Ryerson professor and president Coalition for Gun Control." Do you see that?

A. Yeah.

Q. You recall speaking on this podcast on May 4, 2020?

A. No. I don't know -- who is -- who is it for? Who is Kelly Cutrara?

Q. You tell me. I mean, I've just found this podcast that you spoke on, and you had a dialogue of about 12 minutes with Kelly Cutrara.

A. The Kelly Cutrara show, which is -- yeah. As I said, I do a lot of interviews, so I'm not sure what the context of this was, who she is, or the station that this was associated with. It just says at the bottom it's the Kelly Cutrara show for Toronto, so I'm not sure what the context was.

Q. The context is indicated by the title, which says, "Gun Control Advocates Respond to Trudeau's Gun Ban." Do you see that?

A. Yes.

Q. And then under "About This Episode," it says that Kelly talks to you, Wendy Cukier; right?

A. Yeah.

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Q. The Coalition is a gun control advocate; right?

A. The Coalition advocates for stronger gun control.

Q. Do you recall that on this program you were asked to provide your perspective as a gun control organization on the regulation?

A. I don't recall this episode, so -- this interview particularly, so I can't say that I do.

Q. Okay.

A. But I'm happy to look at it.

Q. Yeah. Okay. We're going to go to the 3 minutes and 25 second mark and play that.

A. Sure.

MR. GELBMAN: Yeah. And we'll see how it goes, but it may be that we need more context in terms of what preceded it, but we'll see how it goes here.

MS. HEAP: I take it that you were not able to hear that when I just played that?

THE WITNESS: No.

MR. PHILLIPS: Let's go off the record for a sec.

(DISCUSSION OFF THE RECORD)

(ADJOURNMENT)

Q. MR. PHILLIPS: Ma'am, we're going to play a portion of this podcast. It's at 3:26 in the podcast, and I'll play to 4:06.

A. Sure.

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(Audio Played)

"The point with banning assault weapons is that when we look at mass shootings worldwide and in this country, most of them are with legal gun owners. Most of them are legal guns. And guns like the AR-15 and the Ruger Mini 14 have been used repeatedly.

So this is not about addressing gang violence. This is not about addressing violence against women. This is about addressing mass shootings and the risks that those pose internationally."

(Audio Ends)

Q. MR. PHILLIPS: Ma'am, you recognize your voice there?

A. Yeah.

Q. That was you speaking?

A. Yes.

Q. You began by speaking about the point of banning assault weapons; right?

A. Yes.

Q. That's the --

MR. GELBMAN: Hang on.

Q. MR. PHILLIPS: -- point of the regulation; right?

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THE WITNESS: Oh, sorry.

MR. GELBMAN: Mr. Phillips, we just heard a clip in isolation. We don't know what the question was. I don't even know what the intro to this particular podcast is. We'll hear your question that you're about to frame, but I do have concerns about whether this is in context or -- again, I don't even know what the question is here from the interviewer.

MR. PHILLIPS: You don't even know what my question is. We provided this link two days ago. It's a 12-minute interview. I'm not going to play the entire interview and then go back and refer to specific sections. I'm entitled to ask questions based on what the witness has said, and certainly, if you have some concerns, you know, there's an opportunity for re-examination at the end.

I'm going to ask a question about the segment that we just heard, which began with the words, "the point with banning assault weapons."

MR. GELBMAN: Okay. Well, without any context, we're not answering that question. So you can play the question that was asked of her, and then maybe you'll get an answer, but the way you put it to her, I don't think we have what we need to make that.

MR. PHILLIPS: I think you had that two days ago,

Mr. Gelbman. We sent this to you two days ago so you could assess whatever context was appropriate. So I'm going to ask my question.

Q. Ma'am, if you need to hear it again, we'll play it for you, but what you said there, again, with, "the point with banning assault weapons." Do you recall that?

Did you hear my question?

A. No. I just heard you said the point with -- you quoted me saying, "the point with banning assault weapons."

Q. Yeah. Would you like to hear this again so I can ask my questions, and you can understand what I'm referring to?

A. It would be helpful. I -- my sense is that the context is missing; that I was responding to something that was specifically around a question that was posed with respect to smuggled guns, gang violence, and so on. But I don't have the context, so I can't say --

Q. All right.

A. -- much about that.

Q. Why don't we do this: Why don't we go off the record, we back up to when the question was asked so you can hear it, we'll go back on the record, and I'll ask my questions.

A. Sure.

MR. PHILLIPS: All right. So off the record,

please, Madam Reporter.

(DISCUSSION OFF THE RECORD)

Q. MR. PHILLIPS: Ma'am, we backed it up to 1 minute and 32 seconds, and we listened to about two minutes before the portion that I previously played for you at 3:25.

I don't think you were missing any important context, but how that began was with the interviewer saying, "Where is the anti-gun lobbyist's head at?" And then you started giving an answer that went for two and a half minutes. And at 3:25, you began by saying, "The point with banning assault weapons." Right?

A. M-hm.

Q. Okay. And then at 3:50, you said:

"This is not about addressing gang violence. This is not about addressing violence against women. This is about addressing mass shootings and the risk that those pose internationally."

Right?

A. Yes.

Q. And when you said "this," you're referring to banning assault weapons in the regulation; right?

A. I was talking about banning assault weapons worldwide.

Q. Yeah. When I began this line of questioning, I was

asking you about banning assault weapons, and we confirmed that that was what the regulation did in your view; right?

A. Yes. But the context was talking about banning assault weapons worldwide. You heard that, did you not?

Q. Yeah. Okay. I'm interested in about Canada and the regulation. And when you said "this," that included Canada and the regulation; right?

A. Yes. And the global movement to ban assault weapons, which is tied to mass shootings --

Q. All right.

A. -- and the prevention of mass shootings.

Q. Sure. Once again, I'm interested in Canada at this time. When you said, "This is not about addressing gang violence. This is not about addressing violence against women," you were saying that the regulation is not about addressing gang violence and is not about addressing violence against women; right?

A. That's correct. My meaning, though, I think, is different than what you're implying.

Q. Well, we have your words, and we can all read them and take them how we understand them to be in this context.

At the time that you appeared on this podcast, your view was that the regulation was not about addressing gang violence or violence against women;

right?

A. It was that the purpose of the regulations was not principally about addressing gang violence or violence against women, and as I explained when you asked that question with respect to the other part of the affidavit, those are certainly aspects of violence and community safety that we're concerned with, but in the context of military assault weapons, the focus is hate crimes and mass shootings in particular.

Q. And words are important. We're here talking about words and what words you've used. You added the word "principally." That's not a word that you used in the podcast. You didn't use the word "focus," right? What you said was, "This is not about gang violence. This is not about violence against women." Right?

A. Yes. And I was responding to the context, which had been provided earlier, that the critique of the law saying this won't solve any violence. This won't solve violence against women.

And I was trying to make a point, perhaps badly, that the principal focus of global efforts to ban assault weapons in the hands of civilians is tied to mass shootings and hate crimes.

Q. Ma'am, what you said was, This is not about addressing gang violence or violence against women. It's about

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addressing mass shootings and the risks that those pose internationally, right? Those were your words?

MR. GELBMAN: I think the witness has explained it. We have the context, and she was able to explain her words. I don't think we're going to answer the question again, unless you can rephrase it. I think I know where you're going, but I don't think there's anymore explanation that can happen around those words.

MR. PHILLIPS: I think there is because I did rephrase that question to add something new, which is that it's not about gang violence or violence against women -- this is the new part right here -- it's about addressing mass shootings and the risks that those pose internationally.

Q. So my question is, your words on May 4, 2020, was that the regulation is not about addressing gang violence or violence against women. It's about addressing mass shootings and the risks that those pose internationally; right?

MR. GELBMAN: So the question is -- are we talking about -- what is "it" that you're talking about? And I think that's what we're quibbling about.

MR. PHILLIPS: We're talking about the regulation, as I asked her. When she said "this," she's referring to the regulation, and in addition, you

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said banning assault weapons internationally.

MR. GELBMAN: And we heard her answer, which is inconsistent with what you just said.

MR. PHILLIPS: I'm asking a new question, Counsel. Your interruptions are unwelcome. I'm going to try to start this afresh and get the witness to answer my questions; okay.

MR. GELBMAN: That is fine, so long as you ask a question once and listen to the answer and don't repeat it.

MR. PHILLIPS: Okay. Fine. So long as the witness actually answers my question; otherwise I have to continue to ask it to get an answer to my question. The witness isn't entitled to answer other questions. I'm entitled to an answer to my questions.

Q. Ma'am, the context of this interview, as you can see from the title, is "Gun Control Advocates Respond to Trudeau's Gun Ban." Right?

MR. GELBMAN: No. We don't accept that. That's the title on the web page that we're looking at. I think you should start from another point here. If you're asking --

MR. PHILLIPS: I'm not asking you, Counsel. I'm asking the witness.

MR. GELBMAN: And I'm telling you --

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Q. MR. PHILLIPS: And I'll ask the witness --

MR. GELBMAN: -- that you're not going to get --

Q. MR. PHILLIPS: -- when you appeared on this podcast, were you aware that you were talking about Trudeau's gun ban?

A. I was aware that I was talking about Trudeau's gun ban in the context of global approaches to assault weapons and some of the issues around community safety that Canadians were concerned with.

I wasn't aware of this specific title of the podcast when I did the interview.

Q. All right. You were aware that on May 4, 2020, it was three days after the regulation was enacted on May 1, 2020; right?

A. Yes.

Q. Okay. So you were aware that you were talking about the regulation. You're just adding that it's in the context of efforts internationally. Do I have that right?

A. My recollection from the question was I was being asked broadly about the position of the Coalition for Gun Control and the relevance of the regulation to our position.

Q. Exactly. The relevance of the regulation to your position. And when you began with your part that we

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heard, you began by saying, "The point with banning assault weapons." And then you finished by saying:

> "This is not about addressing gang violence. This is not about addressing violence against women. This is about addressing mass shootings and the risks that those pose internationally."

When you said those words, were you telling the truth?

A. I was offering an opinion on the principal focus of the regulations in Canada and globally, and the reasons why there's been a global movement to ban military assault weapons in the hands of civilians --

Q. And that it --

A. -- and that the purpose of those efforts are generally tied to preventing mass shootings, as opposed to being more specifically tied to, for example, suicide prevention, gang violence prevention, or domestic violence prevention. Because we know that the guns typically used in those cases are different.

Q. Ma'am, I really want to just get answers to my questions and not have you supplement every one. I just asked you if you were telling the truth when you made those comments. You began by saying it was an opinion. I'd like to know, were you telling the truth in your view when you made those comments on May 4th,

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2020; yes or no?
A. I was expressing an opinion. I'm not sure what your -- what your standard is for truth. I don't have -- I did not have evidence from the government with respect to their intention. I was offering an opinion.
Q. So you're unable to tell me whether, in your view, you were telling the truth on May 4, 2020, when you made those comments; is that right?
A. What I'm saying is I have no way of knowing specifically what the intent was of the people who formulated the regulations. I was offering my interpretation of the value of a ban on assault weapons as reflected in those regulations and how it related to efforts globally.
Q. And your interpretation and your opinion that you offered was that it was not about addressing gang violence or violence against women; right?
A. I said that.
Q. Okay. Thank you.
Earlier today you told me that it was the Coalition's position that the regulation will have some impact on gang violence and violence against women; do you recall that?
A. Yes.
Q. You can see how your comments from May 4, 2020, and

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your comments today are inconsistent; right?
A. Yes. But I tried to be very clear that we were talking about what's principal and what is relevant. And so the principal focus is a ban on assault weapons is to prevent mass shootings, and it also has an impact on other dimensions because mass shooting are often directed at women; are often tied to domestic violence --
Q. That's your --
A. -- so --
Q. -- explanation about why --
A. -- they're not -- they're not unrelated.
Q. Okay. So that's your explanation about why your comments are inconsistent; right?
A. Yes.
Q. Okay. The comments you provided on the podcast were on May 4, 2020, three days after the regulation was passed; right?
A. Yes.
MR. PHILLIPS: Off the record for a second, please.
(DISCUSSION OFF THE RECORD)
Q. MR. PHILLIPS: Ma'am, you also participated in another podcast called, "What She Said," with Candace Sampson in May of 2020; do you recall that?

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A. Again, I don't recall the specifics, but it's possible.
Q. Do you know who Candace Sampson is?
A. No, not off the top of my head. Sorry.
Q. No, you don't have to apologize. That's fine. This is something that we sent in a link to your counsel two days ago, so we're going to open up that link, and we're going to play a section for you.
So what you'll see on the screen is a podcast, and it says at the top, "What She Said! with Candace Sampson." And it's dated May 10, 2020; you see that?
A. Yes.
Q. And under the heading, "About This Episode," it says: (as read)
"I speak with Wendy Cukier from the Gun Control Coalition in Canada and what to say to gun supporters who say it's not enough."
And then the rest of it discusses something different. Do you see that?
A. Yes.
Q. Now, this is May 10, 2020, nine days -- or I guess ten days after the regulation was passed; right?
A. Yeah.
Q. Do you recall speaking on that podcast?
A. No.

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Q. Okay. We're going to play -- as you can see, it's a 59 minute and 33 second podcast. So I'm going to play you a portion of it, and again, if you need context, then we can go off the record, and you can hear what the question was before.
A. Sure.
Q. But for now, I would like to take you to 5:37 and play a segment. And just so you know, what we're going to do is pause, and I'll ask you a question, and then we'll continue --
A. Sure.
Q. -- playing, and I'll ask you a question.
MR. PHILLIPS: So to begin with, let's play at 5:37, please, Joe.
(Audio Played)
Speaker 1: "How do we now control what comes through the border? Which is really an issue because our neighbours to the south are obviously -- their rules are quite different."
Speaker 2: "The people who say..."
(Audio Ends)
MR. PHILLIPS: Sorry, pause there.
Q. So you have the question for context; right? Did you hear that?

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A. Yeah.
Q. Okay. So you're fine to proceed?
A. Yeah.
Q. Okay. So continue at 5:49, which is when your response begins.
MR. PHILLIPS: And, Madam reporter, I just want to ensure that when we're playing these, that you're able to take them down. If you need to rehear them, please let us know. Are you having any difficulty so far? Okay. Perfect. Thanks.
So we'll continue at 5:49 until 6:10.
(Audio Played)
"...maybe we shouldn't have banned assault weapons because it does nothing to help smuggled guns. Or like the people who say, You shouldn't cure breast cancer because we need you to focus on lung cancer. They're different things.
So the intent of the assault weapons ban is to reduce the risk of mass murder, okay."
(Audio Ends)
Q. MR. PHILLIPS: Ma'am, there you're using an analogy to say that it doesn't matter that banning

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assault weapons fails to address smuggled guns; right?
A. Yes.
Q. Okay. And that's because you say the intent of the assault weapons ban is to reduce the risk of mass murder; right?
A. Yes.
Q. And by mass murder, you're referring to mass shootings; right?
A. Yes.
MR. PHILLIPS: All right. We're going to continue on. Why don't we go off the record.
(DISCUSSION OFF THE RECORD)
MR. PHILLIPS: We just played almost a minute to give you the context for in between, and now we're going to play the portion at 6:59 for the record. 6:59 until 7:11.
Go ahead, please, Mr. Heap.
(Audio Played)
"So to get -- to tackle the problem of gang-related violence, you need to address smuggling, and you need to address the diversion of legal guns, like handguns, to illegal markets."
(Audio Ends)
Q. MR. PHILLIPS: Ma'am, those were your words?

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A. Yes.
Q. And you recall that earlier you told me the regulation is not intended to address gun smuggling; right?
A. Yes.
Q. The regulation does not address the diversion of legal handguns to illegal markets; right?
A. No. But it addresses the diversion of legal military assault weapons to illegal markets.
Q. Yeah. And I chose my words pretty carefully because they were the words that you used in the podcast. What you said was:
"To tackle the problem of gang-related violence, you need to address smuggling, and you need to address the diversion of legal guns, like handguns, to illegal markets."
So --
A. Like handguns. Not exclusively. There have been -- there have been shootings that are gang-related with --
Q. I didn't ask --
A. -- military --
Q. -- a question yet.
A. -- assault weapons.
Q. Ma'am, I didn't ask a question yet. I'm framing you here --

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A. Sorry.
Q. That's okay. I'm framing you here to the specific words that you used. And the words you used were "the diversion of legal guns, like handguns, to illegal markets." You didn't refer to semi-automatic firearms; right?
A. I think it's a semantic difference because I said, "like," as an example. I didn't say exclusively.
Q. It's a simple question. You just didn't refer to semi-automatic firearms there; yes or no?
A. No, I did not refer to them there.
Q. Okay. The regulation does not address the diversion of legal handguns to illegal markets; right?
A. It did not address the diversion of legal handguns to illegal markets.
Q. Yeah. And those are the things that you said in this podcast are needed to tackle the problem of gang-related violence; right?
A. Certainly the focus, yes.
Q. Yeah. The regulation is not intended to address gang-related violence; right?
A. Again, it's not the principal focus, but I can cite cases where assault weapons have been used in gang-related violence.
So that's -- it's a semantic issue. What's

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foreground; what's background.
Q. I don't think so. I took you to the RIAS earlier. Do you recall anywhere in the RIAS that it says the regulation is intended to address gang-related violence?
A. No. But --
Q. Okay.
A. -- as I said, the Coalition's position is the diversion of legal guns to illegal markets is an issue. This does include military assault weapons, on occasion. Louise Russo, for example, was shot in a -- was a bystander shot and disabled with an AR-15 in gang-related violence.
So I'm simply trying to explain that just because I use an example or say "principally" doesn't mean that it's not relevant at all, if that makes sense.
Q. Well, you've added "principally" a few times to your comments in podcasts where you haven't said it then, so I understand that you're offering that explanation today.
My question -- and I'm simply just trying to get answers to my questions -- my question was the regulation is not intended to address gang-related violence; right?
MR. GELBMAN: You have your answer, sir. And if

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you are going to play to this witness words that she has said, she is perfectly entitled to explain them. And that's what she will do if you ask her questions about things that she has said.
That was done -- those words were spoken before the intervention motion that was filed, and if you're asking her to connect what she said then to the context that we're in now, she will explain. If you don't like those explanations, don't ask those questions.
MR. PHILLIPS: I'm entitled to ask the questions that I find appropriate. I'm playing the podcast for context. I appreciate your position, Mr. Gelbman. I'm not trying to be unfair to the witness. If there is context that's required, I understand the witness can add that, but I do want answers to my questions. I don't want the addition of things that are not mentioned in the podcast.
I'm going to continue now from where we were. That was at 7:11. I'm going to continue, it looks like it's at 7:12 now. We're going to play on from 7:12 to 7:36, and I would like this for the record, please.
(Audio Played)
"But if you're concerned about domestic violence, if you're concerned about suicide, then you have to target rifles

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and shotguns. And that's why legislation that was passed last year, Bill C-71, is particularly important because it focuses on stronger licensing and regulation.
There is no one solution to this complex problem of the misuse of guns."
(Audio Ends)
Q. MR. PHILLIPS: Ma'am, those are your words?
A. Yes.
Q. In this podcast you said it was Bill C-71 that was particularly important to address concerns about domestic violence and suicide; right?
A. Yes. And I used the word "particularly." Not exclusively.
Q. That's also the word that I used. To state the obvious, Bill C-71 is something completely different than the regulation at issue in this proceeding; right?
A. Yes.
Q. The regulation does not target rifles and shotguns, generally. Just what you referred to as assault weapons; right?
A. Yes.
MR. PHILLIPS: All right. We're at 10:30. Why don't we just take -- I'm happy with five minutes.

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We'll go off the record and coordinate schedules here.
(ADJOURNMENT)
Q. MR. PHILLIPS: Ma'am, earlier we mentioned the regulation and the RIAS, and you confirmed that you had read it, although it sounds like it's been a while since you've read the RIAS; is that right?
A. As I said, I had looked at it, but I had not read it in detail, so if there are pieces you want to refer to specifically, I need a moment to look at it.
Q. Have you ever referred to the RIAS in detail?
A. Well, obviously when we were preparing the affidavit and consulting with groups that support the Coalition, we had a number of lawyers and other experts who provided insights and reflections that were then incorporated into the affidavit.
Q. My question was about the RIAS and whether you ever considered it in detail?
A. Well, as I said, I read it when it came out, but that was some time ago.
Q. All right. One of the documents we sent to you in the package was the regulation with the RIAS as document number 1. It looks like you have it in front of you there; is that right, ma'am?
A. Yes.
Q. Okay. We're going to bring it up on the screen, and

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we're going to look at the RIAS on page 63. You'll see a heading there on page 63 that says, "Rationale."

A. Yes.

Q. Take a moment to read that, and let me know when you're finished, please.

MR. GELBMAN: Are we reading the whole section?

MR. PHILLIPS: Just the paragraph under "Rationale."

Q. But take your time to refer to the section under "Rationale" because I'll ask you a question about the rationale, so I don't want to deprive you of that context.

A. M-hm.

Q. Ma'am, are you finished that section?

A. Yes.

Q. Sorry, I couldn't hear you. Did you say yes?

A. Yes. Sorry.

Q. All right. After reading that section, you'll agree with me that the rationale for the regulation does not refer to gang violence; right?

A. It does refer to diversion, however, which, as I explained earlier, is related to gang violence, in my view.

Q. My question was whether it referred to gang violence. You don't see the words "gang violence" in there;

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you're pointing to diversion as something that's related to gang violence; is that right?

A. Exactly.

Q. Okay. You would agree with me that the rationale of the regulation is directed towards mass shootings; right?

A. Principally, yes. And the disproportionate risk to public safety, broadly.

Q. Okay. No where under that rationale does it say it's directed towards, and I'm using the words carefully, gang violence; right?

A. No, it does not use those words. It talks about -- what it says specifically is: (as read)

> "The government's objective to ban assault style firearms and to reduce the risk of diversion to illegal markets."

And we know that illegal markets fuel gang violence, so that's why I'm making that connection.

Q. All right. The last little bit is something that you've added and a connection that you've made; right? You were quoting the first bit, and then the last bit you made your own addition; right?

A. Yes. Well, because what is -- what are illegal markets serving?

Q. I'm just -- for the clarity --

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A. Yeah.

Q. -- of the record --

A. Yes. Sorry --

Q. -- when you're quoting --

A. Illegal markets for criminal use are referred to. It does not specifically refer to gang violence, but my understanding of that phrase is that would encompass gang violence as well as diversion for other purposes.

Q. All right. That's your interpretation of it; right?

A. Yes.

Q. And the words "gang violence" and that issue specifically is something that you raised for the first time in your affidavit; right?

A. Yes.

Q. All right. The rationale also does not refer to suicide prevention; right?

A. Not specifically, no.

Q. The RIAS does not refer to suicide at all; right?

A. No.

Q. Whether the regulation impacts firearms suicide is something that you raised for the first time in your affidavit; right?

A. Yes. And as I said, again, the connection is mass shootings because about half of them in suicide.

Q. Is that really the topic of firearms suicide that

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you're interested in when a mass shooting ends in suicide? Because I understood that it was the prevention of suicide that the Coalition is interested in, and I would take that to be something other than a mass shooter committing suicide.

A. Again, as I explained, the risk factors associated with suicide and the risk factors associated with mass shootings are not unrelated. So often suicide -- suicidal individuals are potentially mass shooters. And you know the expression, "suicide by cop" and so on. So these things are not entirely unrelated.

And if you talk to the suicide prevention experts that are part of the Coalition, that is a point that they would make.

Q. That is not a point that was made in the RIAS; right?

A. No.

Q. It's not a point that you discussed in any detail in your affidavit; right?

A. No.

Q. All right. I'm going to show you the Coalition's memorandum of fact and law. We'll bring that up on the screen.

A. This one? Where? Can you give me a page reference. I apologize. Oh, here it is. 26, okay. Yeah.

Q. All right. So it sounds like you have the memorandum

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of fact and law of the Coalition in physical form in front of you, and I've also brought it up on the screen. You recognize that as the Coalition's memorandum of fact and law?

A. Yes.

Q. That's the one filed in this Court File T-577-20; right?

A. Yes.

Q. I'm going to take to you paragraph 28.

A. Okay.

Q. What it says there is: (as read)

"The Coalition can provide a nonpartisan perspective of the regulation situated within the history and context of the evolution of firearm control in Canada."

Do you see that?

A. Yes.

Q. Is that the intention of the Coalition, to provide a nonpartisan perspective?

A. Yes.

Q. Is the Coalition nonpartisan?

A. Yes.

Q. By a nonpartisan perspective, I take it that that means providing a perspective that's not partial toward one party or another; right?

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A. Yes.

Q. All right. Can you go to paragraph 27 of your affidavit; please.

A. Yes.

Q. There you say: (as read)

"The Coalition undertakes to coordinate with the respondent's counsel to ensure that there is no duplication in oral arguments and refrain from raising new issues."

Do you see that?

A. Sorry, I'm looking at the wrong paragraph. Can you repeat the paragraph, please.

Q. Paragraph 27.

MR. GELBMAN: Oh, of the affidavit?

MR. PHILLIPS: Yeah, of your affidavit.

A. Sorry.

MR. GELBMAN: We thought you were referring to the memorandum.

A. I was on the wrong document. Yes.

Q. MR. PHILLIPS: All right. So you see there that you say: (as read)

"The Coalition undertakes to coordinate with the respondent's counsel to ensure that there is no duplication in oral

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argument."

Right?

A. Yes.

Q. You do not say that you're going to coordinate with any of the applicants' counsel to ensure there's no duplication in oral argument; right?

A. Yes, I do not say that.

Q. All right. And that's because the Coalition is aligned with the AGC in this matter; right?

A. I would say -- I can't say that because we haven't had discussions with the Attorney General of Canada, but certainly our position is in support of a ban on military assault weapons, and that is obviously the position of the government, as well.

Q. Right. And those two positions are aligned; right?

A. I would say they're complimentary. They're not the same.

Q. You just said that you're both in support of the ban? It's --

A. Yes. As you saw --

Q. -- the same; right?

A. -- in the earlier discussion, you know, our perspective is, perhaps, a bit different than the perspective of the government.

Q. In that there's some issues that the Coalition raises

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for the first time that the government hasn't; right?

A. Well, I'm not sure that we raise new issues. I think it's the interpretation of the issues. There, for example, is a gender impact reference in what you showed us. There is a reference to diversion, to illegal markets. We have, perhaps, framed those in a different way.

Q. There's no reference to suicide; right?

A. There is no reference to suicide.

Q. Right.

MR. GELBMAN: Can we not ask that question, again, please? You've asked that many, many times.

A. But there is reference to community safety --

MR. PHILLIPS: I haven't asked another question yet. I just had your counsel interrupt and tell me which questions to ask.

I'm going to ask my questions, Mr. Gelbman, situated in the line of questioning that I'm in with the witness. If she raises something, I'm entitled to ask a question based on what she raised.

MR. GELBMAN: She didn't raise it. You did. And you've asked the question about suicide at least half a dozen times. We're not answering it again.

MR. PHILLIPS: Yeah. Well, we'll see what the witness discusses because it may give rise to those

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questions.
Q. Ma'am, in paragraph 7 of your affidavit --
A. Sorry, just give me a second. I have lost my page. 5, 6 -- my affidavit only goes to page -- 6 pages.
Q. Paragraph 7. I have it up on the screen for you.
A. Oh, paragraph 7. Sorry. Sorry. Yes. Okay.
Q. There you say: (as read)
"If granted leave to intervene, the Coalition will not seek to become a party. It will argue that the regulation is valid."
And then you say, "it will make submissions on the following..."
A. Yes.
Q. That's the intention of the Coalition, is to argue that the regulation is valid?
A. Yes.
Q. You're aware that the applicants have challenged the validity of the regulation?
A. Yes.
Q. And you're aware that the AGC has taken the position that the regulation is valid; right?
A. Yes.
Q. The Coalition, therefore, takes the same position on the outcome as the AGC; right?

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A. We take the same position on the validity of the regulation, but as I explained, I believe that we have a different perspective because of the organizations that we represent.
And we would place more focus, for example, on gender issues, on hate crimes and the impact of underrepresented groups and so on than, perhaps, is reflected in the government's submission and explanation.
Q. And in your answer, when you said, "and so on," are you referring back to the issues that you've raised in your affidavit?
A. Yes. And the issues that members of the Coalition have raised on things like hate crimes and so forth.
Q. Those are one and the same. I was just asking about the issues that you've raised in your affidavit --
A. Yeah.
Q. -- and your affidavit is the affidavit filed by the Coalition, so those are one and the same; right?
A. Yes.
Q. So the Coalition will argue that the regulation is valid, and the applicants argue that the regulation is invalid. You see that those are two opposing positions; right?
A. Yes.

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Q. And it's a binary determination to be made as to whether the regulation is valid or invalid; right?
MR. GELBMAN: That's a legal question, but we'll say, yes.
Q. MR. PHILLIPS: Okay. And the Coalition would prefer that the Court find that the regulation is valid; right?
A. Yes.
Q. The Coalition would prefer that the Court dismiss the applicants' application; right?
A. Yes.
Q. And if granted leave to intervene, the Coalition will argue that the Court should dismiss the applicants' application; right?
A. We will argue that the regulation is valid for the reasons I previously explained.
Q. All right. The Coalition was founded in 1991; right?
A. Yes.
Q. The Coalition for Gun Control is an advocacy group that advocates for stricter gun control; right?
A. It's a nonprofit organization founded to prevent gun violence, death and injury. And firearms regulation is part of what we advocate for, but we also do research and have broader objects than simply advocacy.
Q. Okay. As a general description, tell me if you agree

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with this or not, the Coalition advocates for stricter gun control; do you agree?
A. The Coalition advocates for stricter gun control as part of a comprehensive public health grounded strategy to prevent gun violence. So we advocate for gun control, we advocate for addressing root causes of violence, and we advocate for responses to support victims and in the justice system. So it's a bit broader than just gun control.
Q. Understood. I was just trying to give a short, general explanation about whether the Coalition advocates for stricter gun control, and you began by agreeing, and then you supplemented it. Let's move on.
For about 30 years the Coalition has advocated for a ban on what it calls military assault weapons; right?
A. Yes.
Q. And you have been advocating for that personally; right?
A. Yes. As have the groups that support the Coalition.
Q. And my question was just about you.
The regulation, in fact, now bans what you call military assault weapons; right?
A. It bans some military style assault weapons. There are, of course, issues around definitions.
Q. All right. You have petitioned the Government of

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Canada to ban what you call military assault weapons right?
A. Yes.
Q. You've petitioned the government to implement a ban on the civilian ownership of handguns and military assault weapons; right?
A. Yes.
Q. And what you call assault weapons form at least some, approximately 1500, of the types of firearms that have been banned by the regulation; right?
A. As well as the firearms that were banned in '93, '91, and '77.
Q. Right. And I'm just referring to the regulation right now.
A. Yeah.
Q. In April 2020 you signed on to an open letter on behalf of the Coalition asking the minister of public safety to ban the sale of what you call military assault weapons; right?
A. Can you -- I think there was a letter in some of the things that you provided. Can you give me a specific --
Q. Yeah.
A. -- reference? Is it tab 2?
Q. It's document number 2.

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A. April 2020?
Q. Yes.
A. To Minister Blair.
MR. GELBMAN: Is that right, Mr. Phillips? To Minister Blair?
MR. PHILLIPS: Yeah, that's right. Document number 2.
A. Yeah. And it refers to a ban on military assault weapons and other measures, as well.
Q. Yeah. And my question was just that in April 2020 -- it says, "April of 2020." This is an open letter that you signed on to imploring the government to ban the new sale of military style assault weapons; right?
A. Yes.
Q. All right. This is also at Exhibit E to Randall Koops' affidavit. Have you seen the affidavit of Randall Koops before?
A. I don't recall. Did you provide a -- did you provide a copy of it in the materials you provided to us?
Q. No, I don't think so. That's okay. We'll get to that in a bit here.
A. Okay.
Q. For now, is it fair to say, ma'am, that after the regulation was passed the Coalition was delighted?
A. I'm not sure that's the word I would use.

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Q. All right. Well, I chose my word carefully, as I'm sure you can appreciate, and so I'm going to ask my colleague Mr. Heap to open the podcast called the Jas Johal Show. It's at 1:38 to 1:57. I think it starts with a question, so you can have the context, but we'll play it.
(Audio Played)
Speaker 1: "Wendy Cukier is president of the Coalition for Gun Control, and we want to get her thoughts. So thank you so much for joining us."
Speaker 2: "Thanks for having me."
Speaker 1: "I know you've been pushing for this for years, or some form of this. What was your reaction to what was announced today?"
Speaker 2: "Well, we're delighted. I mean, we've been calling for this for 30 years."
(Audio Ends)
Q. MR. PHILLIPS: All right. Those were your words, ma'am?
A. Sure.
Q. On May 1, 2020, when you were interviewed and asked about the regulation, you said the recollection of the

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Coalition was that it was delighted; right?
A. Yes.
Q. And that is the word that you used on May 1, 2020, to describe the reaction; right?
A. Yes.
Q. All right.
A. But remember, that was immediately after the regulations were tabled without having looked at the details.
Q. So do I have this right that you didn't look at any of the details of the regulation; you simply said that the Coalition was delighted with it without informing yourself of the details?
A. Without having done a thorough consultation that we did in preparation for the affidavit. It was the initial reaction. I just want to be clear on the timing of my comments.
Q. All right.
A. If that's helpful.
Q. Yeah. No. I referred to May 1, 2020, so it was clear. But in any event, is it fair to say, ma'am, that the regulation furthers a key pillar of the Coalition's mandate?
A. Yes.
Q. All right. Are you aware that the AGC has already

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filed evidence and argument that the regulation is valid?

A. Generally, but I haven't seen anything specifically.

Q. Okay. Are you aware that some items from the Coalition were included in the affidavit of Randall Koops that was sworn on December 9, 2021?

A. No. I don't know who that is.

Q. Okay. You've never seen that affidavit?

A. No. Not that -- wait. Just let me check. But as far as I know, I haven't seen it, if it's not here. Or did you provide it, a copy of it?

Q. I did not provide a copy of it, no. It's an affidavit that's been filed in evidence in this proceeding, and it provides some stuff from the Coalition.

A. Okay.

Q. I'm just simply interested in knowing whether you know about that or not?

A. No. I don't know who that is or what that is, but my lawyer may.

Q. Do you recall a public engagement process and parliamentary study of Bill C-71?

A. Yes.

Q. Do you recall that the Coalition submitted a brief to the house and senate committees in that regard?

A. On Bill C-71, yes.

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Q. Yeah. And, in effect, the Coalition's brief called for something like the regulation that's now been enacted; right?

A. Well, a ban on military assault weapons has been part of our position from the beginning, so I imagine it was there, but I would have to -- I would have to refresh my memory on the exact wording. Is there a document you want me to look at?

Q. It's appended to Mr. Koops' affidavit, but it's okay, we don't need to look at it now.

Do you recall some in-person roundtables that occurred in Toronto on the topic of reducing violent crime in a dialogue on handguns and assault style firearms?

A. Yes.

Q. Have you ever seen the engagement report summary from that?

A. I saw the overall results of the consultation, which included the survey and public responses. So I recall that report, but I'm not sure -- I think there were a lot of different documents that came out of that process.

Q. Okay.

A. Is there something you would like me to refer to?

Q. No, not specifically. I take it you recall the in-person roundtables I asked you about because the Coalition participated in those in Toronto; right?

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A. Yes.

Q. And it provided its views on a ban like the regulation; right?

A. Yes.

Q. You would agree that the Coalition was, in that sense, consulted with respect to the regulation; right?

A. Not the specifics, but the principal -- there was no discussion of details of the regulation, but there was definitely a broad discussion around the desirability of certain measures.

Q. Right. And the Coalition provided its views during that in-person roundtable; right?

A. Yes.

Q. All right. You're aware that one of the applicants in T-577-20 is the Canadian Coalition for Firearm Rights, also known as the CCFR; right?

A. Yes.

Q. Do you consider the CCFR to be part of the gun lobby?

A. Yes.

Q. All right. Would you agree that the Coalition has a long history of opposing the gun lobby?

A. Yes.

Q. And has a long history of opposing the CCFR; right?

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A. We haven't had -- in my recollection, I'm not sure that we've had a lot of direct interaction with them, but it would be true to say that our position is different than their position.

Q. The Coalition's position is opposed to the CCFR's right?

A. Yes.

Q. All right. In paragraph 19 of your affidavit, you refer to the intervenor status that the Coalition had in two Supreme Court of Canada cases about firearm control; right?

A. Yes.

Q. The first one there is the Reference Re Firearm Act --

A. Yes.

Q. -- that you list in 19 (a); do you see that?

A. Yeah.

Q. That case addressed Parliament's constitutional authority to require holders of all firearms to obtain licences and register their firearms; right?

A. Yeah.

Q. I take it you've read that decision?

A. 20 years ago, yes.

Q. And do you recall that the decision, nowhere it mentions any evidence or arguments from the Coalition?

A. I don't -- I don't know.

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Q. All right.
A. I can't say for sure. All I can say is we participated in the process, and along with the Canadian Association of Chiefs of Police, the City of Toronto, and a number of other organizations, but I don't recall whether we were referenced or not.
Q. Yeah. And, you know, the reason I ask this is because you specifically mention it in your affidavit. And so in advance of doing that, did you look at that decision to see what kind of treatment, if any at all, the Coalition got in that case from the Supreme Court of Canada?
A. I didn't look at it specifically. We were granted leave for appeal. Our lawyer represented us and a number of our members, including -- or a number of our supporters, including the City of Toronto and the Canadian Association of Chiefs of Police.
I don't know if they referenced any of the intervenors in their decision, but I would have to look at it to make that determination, whether they used arguments that we had brought forward.
Do you want me to have a look at it?
Q. Yeah. We can bring it up for you, and you can go ahead and look at it. And your answer incorporated some other intervenors, but that's not something that I

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asked. So when you look at it, I would ask you to have reference specifically to the Coalition, because that's what I'm interested in today --
A. Okay.
Q. -- and whether there's any mention of the Coalition in the decision?
A. But what I'm trying to explain is the Canadian Association of Chiefs of Police, the City of Toronto, and others, are supporters of the Coalition and part of the intervention.
So what specific document -- there's the Alberta Court of Appeal case, and then there's the Supreme Court case. Which one are you referring to?
Q. Well, you can look through both because as I've looked through both of them I didn't see any reference to any evidence or arguments of the Coalition in those cases. So why don't you look through those and let me know if you can find anything.
A. Well, it lists the intervenors at the forefront. So I'm looking at the Alberta Court of Appeal case, and I'm looking at -- we were listed as the intervenors.
Q. You're looking at the style of cause, and you're just saying that you're there, the Coalition; right?
A. Reference questions. It says -- and then under 8, it says: (as read)

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Only Canada, the women's shelters and Coalition argue that the Firearms Act and related provisions under the Criminal Code are in their entirety within the constitutional power of parliament."
That's paragraph 8.
"All of the other intervenors, with the exception of Ontario, support Alberta's position."
So we're referenced there. "They make the assertions that the --" the -- I guess they're the -- those who filed the reference, Alberta, Manitoba and so on. And they make reference to the Coalition and women's shelters.
So we're referred to in a number of places in the Alberta -- in the Alberta document, if I'm looking at the right thing --
Q. Yeah. So you're referring to some introductory stuff. What I'm interested in is whether the Court substantively considers any evidence or arguments of the Coalition. So anywhere else in that decision is that mentioned?
MR. GELBMAN: So just for clarity here, nobody really knows what the Court considered in making a

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decision other than what's documented, and then I see --
MR. PHILLIPS: I'm only interested in what's documented. I'm just asking about the reasons because that's all we have. Nobody's ever going to get into the judicial minds of these Judges.
A. Just looking through it, it doesn't appear that they reference anybody.
Q. All right. So --
MR. GELBMAN: So just because it's a several-hundred paragraph decision, there is reference to the Coalition on some occasions in the document. Whether the Court substantively considered the Coalition's argument is a legal determination. Whether the word "Coalition" appears, we can certainly answer.
Q. MR. PHILLIPS: How about I just ask you, since you mentioned this in your affidavit, I take it that you consider it important. Was there anything about that decision that stood out to you about what the Supreme Court of Canada said about the Coalition's involvement? Do you remember anything about that?
MR. GELBMAN: Okay. We were just talking about the --
MR. PHILLIPS: Well, we're talking about --
MR. GELBMAN: -- Alberta Court of Appeal.

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MR. PHILLIPS: Yeah. Let's go one at a time.
MR. GELBMAN: Now we're switching to the Supreme Court?
MR. PHILLIPS: I really want to know about either one.
MR. GELBMAN: So you're asking Ms. Cukier -- can you repeat the question, please.
A. They certainly referenced a number of the affidavits that we brought forward and a number of the research documents that we provided, including the Canadian Advisory Council on the Status of Women brief, "Ceasefire," which I wrote.

So I think I would need time to go through this and compare what was in the decision relative to evidence that we brought forward, affidavits we filed, and so on.

Q. All right. And unfortunately we don't have the luxury of that time. So what I would just like to know, as you sit here today, when you put this reference in your affidavit, was there anything significant about the decisions of the Court of Appeal or the Supreme Court of Canada and the Reference Re Firearms Act that stood out to you about what the Court said about the Coalition's involvement?
A. There is nothing in it that stood out to me about

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the -- reference to the Coalition's involvement, but many of the arguments --
Q. All right.
A. -- that the Coalition advanced and the experts that the Coalition brought forward were included in the decision, we believe.
Q. All right. The other one you mention is in 19 (b) Quebec Attorney General and Canada Attorney General; do you see that?
A. Yes.
Q. I take it you've read that decision?
A. Yes.
Q. We're going to bring it up on the screen for you. It's document 9 in the package that we sent to you.
A. Yeah.
Q. Okay. So that's the document before you, and I understand you probably have a physical document in front of you; right?
A. I do.
Q. Okay. So leaving aside all of the introductory stuff at the beginning and getting into the reasons -- I know your counsel has a laptop, so he can search if he likes -- it's my understanding from my review of this, but the Supreme Court's reasons only briefly mention the Coalition in a single paragraph in that decision at

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paragraph 54.

So we're going to show that to you on the screen. I'll just ask you to review that paragraph to yourself, please, and I'll ask you a question about it after.
A. I'm afraid I can't read it on the screen. Can you just be specific.
Q. It's paragraph 54. So if you look at the physical copy you have and read paragraph 54, then we'll be on the same page.
A. I think I'm in the wrong...
Q. It's document 9 that we sent to you. Do you have that in front of you?
MR. GELBMAN: Yeah, we have document 9.
MR. PHILLIPS: And it's paragraph 54.
A. Yes.
Q. All right. So you've read that yourself?
A. Yes.
Q. The Supreme Court of Canada only refers to the Coalition in the entire decision but in this paragraph that you've reviewed only to establish that the Coalition's successfully lobbied the Canadian government to pass legislation requiring firearms to be registered; right?
A. Yes.
Q. Are you aware of anything else in that decision which

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mentions evidence or arguments raised by the Coalition?
A. Again, I would have to go through it specifically to --
Q. All right.
A. -- look at the arguments that are used --
Q. There's nothing --
A. -- and the alignment between what we brought forward.
Q. There's nothing significant that occurs to you today as you sit here or when you included this reference in your affidavit; right?
A. Having not reviewed it for a number of years, seven to be exact, I can't -- I can't comment.
Q. When you included it in your affidavit at paragraph 19 (b), did you not consider whether there was any importance to the Coalition's position on it?
A. I think the point was that the Coalition was viewed as an important voice and granted leave to intervene this case.
Q. All right. Not that there was any particular evidence or argument that the Court found particularly helpful; right?
A. Well, it was a split decision, so there was some influence, I believe, that our side brought forward, even though we did not win in the end.
Q. Well, as an intervenor, you don't win or lose; right? Do you understand that?

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A. Yes.
Q. All right. In paragraph 20 of your affidavit you refer to an Ontario Superior Court case called Barbra Schlifer Commemorative Clinic and Canada. Do you see that?
A. Yes.
Q. That's document 10 in the package that we sent to you. We'll bring that up on the screen.
A. Yes.
Q. While we do that, do you recall that decision?
A. Yes.
Q. Do you recall that that case involved the constitutionality of Bill C-19, which eliminated the long-gun registry?
A. Yes.
Q. And you provided expert evidence on the gendered impact of firearm violence; right?
A. Yes.
Q. The applicant challenged the constitutionality of Bill C-19; do you remember that?
A. Yes.
Q. The applicant argued that the long-gun registry reduced gun violence; particularly in domestic settings, such that repealing the Act would result in an increase in the risk of violence, particularly against women. Do

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you recall that?
A. Yes.
Q. And at paragraph 52 of that decision --
A. Yes.
Q. -- the Court noted that in a series of Statistics Canada reports, the Crown has demonstrated that, in fact, there has been a long-term gradual decline in gun violence in Canada, including in domestic settings, regardless of the existence of the Firearms Act. Do you see that?
A. Yes. That was their opinion.
Q. Okay. And then down in paragraph 55, continuing -- that's three perhaps later -- the Court says: (as read)

"These trends appear to be consistent with data from the United States. Professor Gary Kleck, the dominant US social scientist on the impact of firearms and gun control on violence, also submitted an affidavit in these proceedings."

Do you see that?
A. Yes.
Q. And then it goes on to say that his research has caused him to be highly sceptical of the effectivity of registration schemes. Do you see that?

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A. Yes.
Q. And there's a quote at paragraph 55 to Professor Kleck's work, and it says: (as read)

"The results of this body of US-based cross-sectional research are extremely consistent regarding gun registration; indeed, they are unanimous. Firearms registration laws show no statistically significant violence-reducing effect on any type of violence."

Do you see that?
A. Yes.
Q. All right. And then down in paragraph 56, it refers to your evidence in that proceeding; do you see that?
A. Yes.
Q. You testified that there is -- in paragraph 57 -- or, sorry, let's stay on paragraph 56. The Court is characterizing your evidence there, and it says: (as read)

"Even if the declining trend in gun violence began before the advent of the long-gun registry, the fact that the decline continued during the registry's currency shows the success of the 1995 legislation."

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Do you see that?
A. Yes.
Q. You'll agree that gun violence declined before and after the legislation was in effect, and from this, you concluded that the legislation reduced gun violence?
A. What we provided was evidence specifically related to violence against women and gender based violence that showed that there was a substantial decline.

And in fact, there's been an increase in recent years that somewhat attribute to the destruction of the registry.

Q. All right. I'll ask you my question, and I would like an answer to it. At paragraph 57, it says: (as read)

"More specifically, Professor Cukier asserts that there is a causal connection between the registry and the reduction in homicide rates. As she stated in cross-examination, 'Without registration, you don't have that accountability, and it's not possible to enforce licensing.'"

Do you see that?
A. Yes.
Q. You were suggesting that the long-gun registry reduced the incidents of violence or death by firearms; right?

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A. I suggested that, as the police have said, the registration of firearms is important for enforcing the licensing conditions in the Firearms Act.
Q. Okay. So --
A. And they continued to make that argument.
Q. All right. I asked a different question, and it was about whether you were suggesting that the long-gun registry reduced the incidents of violence or death by firearms. Were you suggesting that or not?
A. I think this oversimplifies what my testimony and affidavit said.
Q. All right. Is it fair to say you believe that deleting and destroying the data contained in the long-gun registry would increase the incidents of violence or death by firearms?
A. Yes.
Q. All right. And contrary to your opinion, the Court actually concluded at paragraph 66: (as read)

"There is no reliable evidence that the Act actually has or will increase the incidents of violence or death by firearms."

Do you see that?
A. Yes. That's what the Court concluded.
Q. Contrary to your evidence and your opinion; right?

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A. And the evidence and opinion of many other experts.
Q. All right. You didn't mention that in your reference to paragraph 20 (a) of your affidavit; right?
A. No.
Q. All right.
A. I didn't believe that the outcome of those cases was as relevant as the fact that we were involved in providing a perspective that was viewed as important.
Q. The reader should just take the fact that the Coalition was involved as evidence in and of itself that the Coalition has something important to say; is that what you're saying?
MR. GELBMAN: That's really a legal argument, Mr. Phillips.
MR. PHILLIPS: Well, I don't agree, but whatever. Let's move on.
Q. Ma'am, the Coalition doesn't have any expertise in hunting or sport shooting; right?
A. Again, this takes us back to the argument that you brought forward, the question you raised earlier, about whether we represent organizations of hunters or target shooters. And my explanation that, in fact, there are members of the Coalition, indeed our board, who have owned and used firearms and do have a perspective that is informed by being gun owners.

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Q. Okay. And my question is actually different this time around. What I'm asking about is expertise. You gave some expert evidence in that Barbra Schlifer case that we just looked at. You understand what it means to be an expert in something as opposed to simply having experience with something; right?
A. Certainly there are members of the Coalition who would be considered experts.
Q. You haven't named any of those members in your affidavit?
A. No.
Q. And you haven't mentioned that the Coalition has any expertise in hunting or sport shooting, have you?
A. No. But I'll --
Q. You, yourself don't --
A. -- have reiterated the fact that we do have -- we do have people who are part of the Coalition who are also firearms owners.
Q. Okay. And you understand that when I'm asking about being an expert, it's something quite different from simply being a firearm owner; right?
A. Yes.
Q. All right. You yourself don't have this expertise in hunting or sport shooting, right?
A. No.

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Q. All right. You don't have any expertise in the design or capability of firearms; right?
A. Can you explain what you mean by that. You mean the mechanical aspects of firearms?
Q. Yeah.
A. Again, I have some expertise on policy related issues, but certainly organizations and individuals who are part of the Coalition do have expertise.
Q. Have any of them ever served as experts on the design or capability of firearms?
A. I would have to -- I would have to check.
Q. Yeah. You don't know?
A. I don't know off the top of my head.
Q. Yeah. All right. Ma'am, are you taking notes during all of this?
A. I'm writing down questions that you're asking so I don't lose track.
Q. All right.
A. Is there something I should take note of?
Q. No. I'm considering whether I should ask for the notes.
A. Oh, okay.
Q. But if you're telling me that you're simply writing down -- is that all you're doing, or are you taking related notes? Are you just tracking the questions

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that I'm asking you?
A. I -- I'm taking notes when you ask questions to inform my answers. So I'm happy to share my notes, but they won't make --
Q. No, that's fine.
A. Like, I wrote down, "Randall Koops, Bill C-71, CCFR --"
Q. That's fine. I'll ask you a question, and we can hopefully short-circuit this.
A. Yeah.
Q. Have you consulted any notes that you did not take today?
A. No. Sorry.
Q. No, that's fine. I just -- as you'll appreciate --
(Cross-talking)
A. No, no. I'm just --
(Cross-talking)
A. -- when I'm talking. I apologize.
Q. No, that's fine. We're in a different electronic environment, and I don't know everything you have in front of --
A. Yeah.
Q. -- you, so it's important for me --
A. No, that's fine.
Q. -- to know that.
A. And counsel can verify.

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Q. I accept your word, ma'am.
A. Yeah.
Q. That's fine.
Ma'am, you understand that the regulations apply to variance of the principal models, current or future, whether they're expressly listed or not in the regulation; right?
A. Yes.
Q. And the Coalition -- well, let's start with you personally. You personally don't have any expertise or unique insight into whether a particular firearm is a variant or a modified version of another firearm; right?
A. Only based on access to publicly available information.
Q. You would just take what other people have said about that and repeat it; is that what you're saying?
A. Or the information that is published in various sources.
Q. You're not aware of anyone with the Coalition, including yourself, that would actually publish that type of information; right?
A. As I said, there are individuals in the Coalition who are former police officers, former military personnel, and so on, so it's possible, but off the top of my head, I would say I can't name them.

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Q. Yeah. And I'm not interested in what's possible. Just what you can tell me here today, and it sounds like --
A. Yeah.
Q. -- off the top of your head, you can't tell me that; right?
A. Right.
Q. All right. Ma'am, earlier we were talking about the rationale provided for the regulation and that it appeared to be focused on preventing mass shootings; right?
A. Yes.
Q. And you, yourself, have referred to mass shootings as very rare events; right?
A. Yes.
Q. And you agree with that; right?
A. Yes.
Q. You've also said that you never know if any law will prevent any particular tragedy; right?
A. Yes.
Q. You and the Coalition have not conducted any research on mass shootings or the impact of firearm bans on mass shootings; right?
A. My book, "The Global Gun Epidemic," did make reference to some of the research that had been done, and we've also recently done an analysis of mass shootings in

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Canada, for example, in the last couple of decades to look at the types of firearms used and the conditions under which the guns were owned.
Q. All right. So your answer used slightly different words than what I used. You said in your book you referred to research, right? You didn't conduct any independent research?
A. No. But we have -- we have recently conducted independent research looking at the mass shooting cases in Canada.
Q. Is that listed in your excerpt of your CV to your affidavit, ma'am?
A. No. It was -- it was prepared recently as to inform our position on a number of issues.
Q. All right. And that's the entirety of the research that you can refer to; right?
A. Well, we've published a number of -- a number of papers. I have personally published a number of papers, but there are a number of organizations within the Coalition that have done research on mass shootings, and especially hate-related -- hate-related violence.
Q. Sure. And the ones that you mention in your CV are ones that you've published, right? You haven't listed things from other people?

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A. Yes. I didn't publish -- yeah, I didn't list other books.
Q. Yeah. You, essentially, in putting forward this affidavit represent a perspective of the Coalition, right? You referred to -- it's your evidence, and your CV refers to things that you were involved with; right?
MR. GELBMAN: Yeah. Just an important point that Ms. Cukier is a witness, right, under the Rules.
MR. PHILLIPS: I get that.
MR. GELBMAN: So with that clarification, then the witness can answer.
A. So some of these were individually authored. Some were collaborative on behalf of the Coalition, rather than me personally. So some were --
Q. Yeah.
A. Where I am an author, I am listed. Where it's a Coalition submission, I'm not listed as the author.
Q. Yeah, that's fair. And we can see that from the excerpt at tab 1.
MR. PHILLIPS: Ma'am, why don't we go off the record for a second here.
(Proceedings ended at 11:32 a.m. MT)

(Proceedings to recommence at 12:15 p.m. MT)

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(Proceedings recommenced at 12:18 p.m. MT)
WENDY CUKIER, previously affirmed, questioned by Mr. Bouchelev:
MR. PHILLIPS: Ma'am, those are all of my questions, subject to the objections from counsel. Thanks for attending.
THE WITNESS: Thank you.
MR. BOUCHELEV: Counsel, if you are ready, I will begin my cross-examination.
MR. GELBMAN: We're ready.
MR. BOUCHELEV QUESTIONS THE WITNESS
Q. Mr. Cukier, good afternoon. My name is Arkadi Bouchelev. I'm counsel for the applicants in the T-677-20 matter.
A. Thanks.
MR. BOUCHELEV: At the outset, my friend, Mr. Phillips, went through some ground rules. I don't intend to do it again. Can we just agree that the same rules will apply for the purposes of my examination?
MR. GELBMAN: Yes.
MR. BOUCHELEV: Okay. Thank you.
Q. Now, Ms. Cukier, we spent some time today talking about the Coalition for Gun Control, so what I want to do now is ask you some questions to help me understand what exactly the Coalition is.

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A. Sure.
Q. First of all, is it an incorporated entity?
A. Yes, it's an incorporated nonprofit.
Q. Okay. Does it have a board of directors?
A. Yes.
Q. And who sits on that board?
A. There are currently three members. Myself, Ward Egan, and Angelo Zaccheo.
Q. And, sorry, who was the second person?
A. Ward Egan and Angelo Zaccheo.
Q. Okay. Does it have any officers?
A. Sorry?
Q. Does the corporation have any officers?
A. The officers of the corporation are the board of directors.
Q. So the same people are both directors and officers?
A. Yeah.
Q. Okay. Is it registered as a lobbyist?
A. The organization is not, and there are no paid staff who engage in lobbying, so there is no one to register as a lobbyist.
Q. What about the directors and officers, are any of those registered as lobbyists?
A. No. Because none of them are paid.
Q. Okay. So --

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A. They're all volunteers.
Q. So the corporation of the Coalition does not have any paid staff; correct?
A. It has one part-time -- one part-time administrative person, but she's not engaged in lobbying.
Q. Okay. This is just someone who does bookkeeping, accounting, that kind of thing?
A. There's someone who does bookkeeping and accounting. There's someone who updates our website and does translation and so on, but she does not engage with elected officials or civil servants.
Q. Okay. Now, in your affidavit on your website, you give the address for the Coalition as being 1488 Queen Street West, Toronto; correct?
A. That was -- when the affidavit was filed, that was the -- that was the address. It has since changed.
Q. Okay. And that address was a postal box; correct?
A. Yes.
Q. Okay. And that was the address of the post office where the box is located?
A. Yes. That's the address that was given in the affidavit.
Q. Okay. And I understand that that building is now closed and is in the process of being demolished; a condo is being built there; right?

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A. Yes.
Q. Do you have a different address now?
A. Yes.
Q. What is that?
A. That address is another postal box --
Q. Okay.
A. -- for the purposes of this process. For the purposes of filing documents with the government. It's my home address. We do not have a physical office in Toronto anymore.
Q. Okay. So what is your current -- what is the address that you use for the purposes of this proceeding?
A. We're using the post office box. I don't have it handy. I can provide it.
MR. GELBMAN: If I'm might, we can provide that address by way of undertaking, or if I can find it on the break, I'll get it for you.
THE WITNESS: Yeah.
Q. MR. BOUCHELEV: But is that the official address of the Coalition, or is that something that is just being used?
A. It's being used for the purposes of these proceedings because, for obvious reasons, my home address is not publicly available.
Q. Is your home address the registered address of the

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corporation?
A. It will be with our next corporate filing.
Q. So it will be in the public record, in any event?
A. Unfortunately, yes.
MR. BOUCHELEV: Okay. Well, counsel, I'm going to ask that we get the official registered address of the corporation. I think that this information has to be included for the purposes of this proceeding.
MR. GELBMAN: We'll do that.
MR. BOUCHELEV: Okay.
UNDERTAKING NO. 1 - To advise of the official registered address for the Coalition for Gun Control
Q. MR. BOUCHELEV: Now, there are also -- I see there are two emails. One is coalitionforguncontrol@gmail, and one is cgc.montreal@gmail.com. These email addresses, they all forward to your personal email?
A. No. They forward to my part-time -- my part-time staff person --
Q. Okay.
A. -- manages those emails.
Q. All right. And just so that we're clear, the Coalition does not actually have a physical office; right?
A. We did until fairly recently. With COVID, we closed down our Montreal physical office, and so at present,

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we do not have one.
Q. Okay. Now, you --
A. Sorry, I was going to say, we were previously housed in the -- one of the public health buildings run by the Public Health Association.
Q. Okay. Now, you say in your affidavit, as well as on your website, that the Coalition is comprised of about 200 groups; is that correct?
A. The Coalition is supported by more than 200 groups.
Q. So what is the difference between being comprised of 200 groups and being supported by 200 groups? What's the distinction?
A. The distinction is that the 200 groups that support the Coalition have formally supported the position of the Coalition. i.e., licensing gun owners, tracking gun sales, banning assault weapons. They are not part of the corporate structure of the Coalition, except operating through advisory committees and so on.
So to say that the Coalition was comprised of 200 organizations might imply that they were part of the corporate structure, so I wanted to make that clear.
Q. Okay. So these are not members; these are just different groups that are sympathetic to your cause; right?

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A. More than sympathetic. They have formally endorsed or supported the specific position of the Coalition, as I mentioned.
Q. What does that mean, formally endorse? How does one formally endorse your position?
A. It depends on the organization. So for example, the Canadian Association of Chiefs of Police, public -- we worked with the Law Amendments Committee, and they introduced a series of resolutions in 1994, I think, which basically supported registration of all firearms, a ban on military assault weapons, including semi-automatic variants. And there was one other -- one other provision.
Q. Did they actually formally pass a resolution saying, We support the Coalition for Gun Control?
A. No. They supported the position of the Coalition for Gun Control, which was licensing gun owners, registering guns, and banning assault weapons.
Q. Okay. So all of these 200 or so groups, these are not groups that have necessarily endorsed the Coalition; these are just groups who support the same position as the Coalition; correct?
A. There has been some formal indication of support for the Coalition, in most cases. In the case of the Canadian Association of Chiefs of Police, for example,

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we did many -- I was advisor to the Law Amendments Committee. We did many joint interventions, et cetera, so it went beyond simply passing resolutions. They worked with us closely, were part of our advisory committee.

So it's more than just -- we don't look at resolutions that people pass and say, Oh, you have the same position as us, therefore you're a supporter of the Coalition. It's more than that.

Q. Okay. But there is no -- you keep using the word formal, but there is no formal process that you require your supporters to go through to become a supporter; correct?

A. No. There are -- the bulk of organizations passed specific motions, which we provided them with. Some took different routes.

Some are informal and did not pass motions but gave us letters of support, for example, indicating their support for our position. So it varied by organizations, but 200 of them have passed formal resolutions supporting the position of the Coalition for Gun Control.

Q. Was that a position on a specific issue or just a general support for every position taken by the Coalition for Gun Control?

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A. Specific support for positions taken by the Coalition for Gun Control. So for example, we revised our positions, I think, three times over the last 30 years, and on each occasion we went back to the organizations that supported us to ensure that they were still supportive.

So the position initially was licensing, registration, ban on assault weapons. After the Concordia shooting, there was a debate among the Coalition groups about a ban on handguns. We changed our language to talk about stronger controls on handguns.

After the Danforth shooting, we had another discussion on handguns and changed our position to formally support a ban on handguns. And so at this moment in time, there are more than 200 organizations that support our call for licensing, controls on sales, a ban on handguns, and a ban on semi-automatic assault weapons.

In the past, we had 350 organizations that supported our position, but our position was narrower and did not include a ban on handguns.

Q. And have any of these 200 organizations specifically endorsed your position as an intervenor in this proceeding?

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A. We consulted with -- we informed the organizations of what we were going to do. We asked for feedback and advice, but they haven't -- we didn't ask for a formal endorsement because, in our view, the organizations support a ban on assault weapons, and we are asking for the ability to intervene in order to ensure there is a ban on assault weapons.

So we don't go back to our supporters for permission to take actions, provided those actions are consistent with the overall position.

Q. Okay. So, Ms. Cukier, you would agree with me that in this proceeding you speak for the Coalition for Gun Control. You don't speak for every single organization that makes up the 200 groups that support you in general?

A. In this proceeding, we have the support of 200 groups who want a ban on assault weapons, and I'm very confident that if we did go back to them -- we went to them two and a half years ago -- if we went back to them again and said, Do you support our intervention? They would unanimously do so.

So, again, we do not ask for permission to take action, provided it's consistent with our position and our view. The organizations that support our position support this intervention.

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Q. So it's your assumption that these groups would support you, but you don't know that for certain; correct?

A. Well, we know to the extent that we have had communication with 200 of them in the last two years, since we planned to file the intervention. That's why we said there are more than 200 organizations.

Q. And I wasn't able to find a list of any of these organizations on your website. Do you have such a list?

A. We have such a list. We stopped publishing it after a number of unfortunate incidents, including death threats that were targeted at 100 women's organizations that signed a joint letter for us. The perpetrator was convicted and lost his guns.

But because of that, we do not publish names of our supporters without their explicit permission. And so you will see in press releases and various other things, we will reference specific organizations that support us, but only with their permission.

MR. BOUCHELEV: Counsel, as an undertaking, I would like a list of the organizations.

MR. GELBMAN: We will take that under advisement.

UNDERTAKING NO. 2 - To provide a list of the organizations that support the

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Coalition for Gun Control - TAKEN UNDER ADVISEMENT

Q. MR. BOUCHELEV: Now, in your affidavit -- and just bear with me for a second. I'll give you a specific reference.

A. Thanks.

Q. Now, this is actually -- sorry, this is not in your affidavit, but it's in the notice of motion. This is part of the motion record. If you look at a section called "Grounds for the Motion," (a) states: (as read)

"The Coalition is the leading voice on firearm control in Canada. It is a globally recognized nonprofit organization that has worked to reduce firearm violence for over 30 years."

Now, this is your opinion, correct? That you are the leading voice on firearm control in Canada?

MR. GELBMAN: Mr. Bouchelev, can you give us a page reference on the motion.

THE WITNESS: I have it right here. "The Coalition is the leading voice on firearm control."

MR. GELBMAN: That's different.

THE WITNESS: Oh, sorry.

MR. BOUCHELEV: Yeah.

MR. GELBMAN: We're looking --

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THE WITNESS: Oh, sorry.

MR. GELBMAN: We were looking at the memorandum, so just bear with us, please. We'll make sure we -- do you have a page number at the top right?

MR. BOUCHELEV: You know what, the reference is both in the notice of motion and in the affidavit, so let's look at the affidavit instead.

Q. Paragraph 6 of the affidavit: (as read)

"As a globally recognized leader in combatting firearm violence and illicit trafficking."

A. Sorry, I need to ask my legal counsel to show me where --

MR. GELBMAN: Yeah. And you know what --

A. -- I can't find it.

MR. GELBMAN: -- the explanation here is that we're looking at the affidavit from T-577-20. So can you remind me, Mr. Bouchelev, which is yours.

MR. BOUCHELEV: T-677-20.

MR. GELBMAN: Okay. So I will give you an option here. I have it on my screen, or you can post it on your screen, if you'd prefer to do that.

MR. BOUCHELEV: I mean, it doesn't matter. You can show it to the witness, or I can put it on the screen.

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MR. GELBMAN: Okay.

MR. BOUCHELEV: I'm sharing it right now.

A. Okay.

MR. GELBMAN: So 7.

A. So paragraph 6?

MR. GELBMAN: Or 6?

Q. MR. BOUCHELEV: Paragraph 6, yeah.

A. Yeah.

Q. So you call the Coalition a globally recognized leader in combatting firearms violence and illicit trafficking; right?

A. Yeah.

Q. Okay. So is this just your description and your opinion, or is that an actual award that you received from some organization?

A. Well, we're a founding member of the International Action Network on Small Arms. We've been asked to participate in a number of international and domestic advisory councils on things like small arms control, firearms control, and so on. And certainly we partner with researchers around the world.

So it's -- I can't prove that's true, but I think it's a fair assessment of our role. And the fact that we've been asked to advise governments in many parts of the world on firearms legislation I think another

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indication.

Q. And you have on a number of occasions lobbied the Canadian government for stricter gun control measures; correct?

A. Yes.

Q. Okay. And you have also conducted, or you frequently conduct media appearances; is that fair?

A. Yes.

Q. Would you agree with me that these are the two primary activities of the Coalition for Gun Control, lobbying the Canadian government and doing media appearances?

A. No. Actually, I think there are others in our network that are far more active in media. We focus on doing research and public education, as well as advocacy and providing advice on -- as documented in the affidavit.

Certainly advocacy and lobbying is a piece of it, but it wouldn't -- it also would not be restricted to the federal government. It would include provincial governments, municipal governments, as well as international bodies like the United Nations, the Organization of American States, and so on. So it's not exclusively focused on the federal government of Canada.

Q. But over the years, you had a relationship with the federal government; correct?

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A. I don't know what you mean by relationship, but certainly we started work under Brian Mulroney's government. We advocated under Jean Chrétien's government, under Paul Martin's government, Ignatieff's government, Harper's goverment. So these are different governments, I would say. Not a single government.
Q. And when I'm talking about government, I'm not talking about a specific party or a specific government that is in power. I'm talking about government, in general. You know, you have maintained a relationship with the federal government as providing, you know, opinions and making submissions and advocating for gun control. That's what I mean by your ongoing relationship with the government.
A. Well, again, I'm not sure, -- when you're talking of government, are you talking about elected officials? Are you talking about civil servants? Are you talking about both?
Q. I'm talking about both.
A. Okay. Yes.
Q. Okay. And you have received government funding in the past?
A. 20 years ago we received government funding, yes. But none in the last two decades.
Q. Okay. So I'm going to share a document with you.

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Now, this is a document from the Registry of Lobbyists --
A. Yeah.
Q. -- and the client name is the Coalition for Gun Control, and the lobbyist name is Kim Doran; correct?
A. Yes.
Q. Okay. And this is what you're talking about: In 2002, the Coalition for Gun Control received $380,600?
A. Yes.
Q. From the Department of Justice?
A. Through the National Crime Prevention Program. It was a competitive process.
Q. And what was the purpose of that funding? Where was that money supposed to go?
A. That money went to -- it wasn't that it was supposed to go. That money specifically went to a program in Quebec focused on community mobilization to implement the firearms legislation.
Q. And you are saying that you haven't received any funding from the federal government since then?
A. No. That was the last large grant we received.
Q. Okay. And there were other grants prior to 2002?
A. The -- I received funding through CIDA to -- I think it was in 2001 to support the South African Police Service with their systems of integration around firearms

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control. And I think in 1991, I received $20,000 for a study on illicit trafficking in firearms, and that's the last time the Coalition for Gun Control or myself received funding from the federal government related to gun control.
Q. Has the Coalition for Gun Control or you personally received funding from other levels of government, like the provincial and municipal government?
A. We received funding from the City of Toronto to support the City of Toronto's intervention with us, the Canadian Association of Chiefs of Police, and other groups in, it was around 1996, to support the -- our intervention in the constitutional challenge.
Q. Have you received any funding in connection with this intervention?
A. No.
MR. BOUCHELEV: I'm going to mark the registration consultant document as Exhibit -- I believe it's going to be Exhibit 1 to this examination.
A. Yes. And I would like also to note that Kim Doran registered as a lobbyist for us as a precaution, but in fact took no funding and did no lobbying for us.
And so this document has been misused repeatedly to imply that somehow money was flowing inappropriately. Funding did go to Capital Hill Group

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for translation and consultations after the money was awarded through a competitive process by the National Crime Prevention Council.
So Kim Doran registered, but she received no funds, and she did no lobbying on our behalf.
MR. BOUCHELEV: Okay. So we've marked this as Exhibit 1.
EXHIBIT 1 - Registration consultant document
Q. MR. BOUCHELEV: So the last government grant came in 2002, so how has the Coalition been funded since then?
A. We're funded primarily through individual donations, which are raised through direct mail. We've had some larger grants from, for example, I think UNIFOR gave us a grant of -- I can't remember the amount.
And there's some other very specific small grants that we've received, but none of them from government sources.
Q. Okay. And I think there is a donation link on your website as well; correct?
A. Yeah.
Q. Now, I understand from the evidence you gave this morning that the Coalition for Gun Control was involved in the consultation process that lead to the adoption

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of the regulation; correct?
A. Yes.
Q. Can you tell me more about this consultation process. How were you involved?
A. The minister and his staff were consulting with a wide range of organizations, and we were invited to participate in those consultations.
Q. And when you say minister, are you referring to Minister Blair?
A. Yes.
Q. Have you met with him personally?
A. Not in a one-on-one. I've been part of group meetings that he has held.
Q. Okay. Have you also met with his staff?
A. I don't believe so. Not separate from the processes we were engaged with him and his staff. I don't recall any individual meetings with Minister Blair's staff. There may have been a couple of phone calls, but nothing that sticks in my mind.
Q. Were there any emails or other correspondence exchanged with Minister Blair or his staff in connection with the consultations?
A. We probably -- I don't recall. We probably submitted something formally in writing, as we normally would do, but there have been a number of Freedom of Information

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requests that have retrieved all of the formal correspondence that we've had with the federal government, and it's not a lot.
Q. Was there also informal correspondence?
A. I don't believe so.
MR. BOUCHELEV: Counsel, as an undertaking, can you please provide any correspondence -- by that I mean letters, emails, any other type of correspondence -- with the government in connection with the consultations related to the regulation.
MR. GELBMAN: We will take that under advisement.

UNDERTAKING NO. 3 - To provide any correspondence with the government in connection with the consultations related to the regulation - TAKEN UNDER ADVISEMENT

A. And just to be very clear, we were never consulted specifically on these regulations. We were part of the broader consultation on banning handguns and assault weapons, writ large. There was never a discussion of the specific mechanisms.
Q. MR. BOUCHELEV: You mentioned that at some point prior to the promulgation of the Order in Council, you received a call from Minister Blair saying the OIC was

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coming, but he didn't provide any specifics.
A. I don't think -- I don't believe I said that. I don't believe that I was aware of that, but -- that doesn't sound right to me.
Q. Okay. Because I thought that this is something that -- perhaps I misunderstood you, but I thought that this was what you said this morning?
A. No. We were part of the formal consultations. There were several meetings. I participated. Other members of the Coalition participated. A report was produced. And I have no recollection of any advance notice tabling of the regulations, and I don't think that I would have said that.
Q. You don't remember saying that in one of the podcasts?
A. I don't believe so. Not if we're talking about the regulations that were -- that are the subject of this discussion or this motion.
Q. Now, you've indicated that you are in support of the regulation, and you've also indicated that you understand that the applicants in these several proceedings are challenging the regulation; correct?
A. Yes.
Q. Do you understand what the legal issues are in these judicial review applications?
A. In a -- I'm particular with the principles of using

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orders in council to prohibit firearms that are not reasonably used in hunting, so I'm familiar with the process. In terms of the specific legal issues that are under discussion, I have not delved into them in great detail, but of course, that's something that would be -- that we would be elaborating upon, were we given leave to intervene.
Q. Now, as part of its mandate, does the Coalition for Gun Control do any work for the prevention of violence?
A. I mean, we support, for example, primary prevention. We do a lot of work with organizations that are focused on issues like antiracism, Islamaphobia, addressing the root causes of hate and violence.

We have been actively involved in youth programs. We've been involved in programs with vulnerable populations in an effort to understand what works in preventing violence.

Q. But you are not -- I'm just trying to understand. You are not actually involved in preventing violence; you study prevention of violence?
A. Well, I'm not sure what you -- how you understand preventing violence. In my mind, preventing violence involves addressing the root causes of violence, which includes inequality, discrimination, mental health issues and so on. And we work with organization that

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are focused on those issues.

Preventing violence also means controlling access to means of violence, and that's where the specific work on firearms control comes in. And then there's also what we do in the aftermath of violence when we look at the criminal justice system, support the victims, and so on, and we're also engaged in those processes.

Q. Okay. Well, the reason why I'm focused on the prevention of violence is because you talk about it in your affidavit. You say that the Coalition is involved in work to prevent firearm violence. I'm trying to understand what you mean by that. By that, you don't actually mean that you somehow control access to firearms or that you prevent violent acts; that's not what you do, correct?

A. Well, we work with community groups to provide opportunities for youth, which is understood to be an important measure in preventing violence.

We work with organizations that intervene to help keep women and their children safe in situations of domestic violence. So there's quite a wide range of initiatives that are undertaken by supporters of the Coalition that we collaborate on that address the root causes of violence, as well as controlling access to

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firearms and supporting victims.

Priscilla de Villiers, for example, Justice -- Victim Justice Network is very much about -- based on support for victims.

United Mothers Opposing Violence Everywhere supports banning handguns, but also supports opportunities for youth and a ban on handguns.

So most of the organizations that we work with closely address more than just gun control.

Q. Okay. Well, I understand. What I'm interested in, though, is how the Coalition for Gun Control itself -- just give me an example of work that you do to prevent violence.

A. So, for example, Midaynta is an organization that is particularly concerned about youth diversion and creating opportunities for youth, especially in a smaller community. And we participate in their roundtables, we've done joint research with them, and so on. Is that the kind of example you're looking for?

Q. Sure. So I guess it's an academic process; right? You do research, you provide studies, and so on?

A. Well, I think it's more than that. It's building -- it's building awareness. I mean, we -- it's building awareness of what the real risks to Canadian -- Canadians' safety, community safety are, what the real

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risks are, and then what is required in order to address those risks in terms of primary prevention, access to firearms, and responses to violence.

Q. And you would be able to continue raising this type of awareness regardless of whether or not the Court ends up upholding the regulation or overturning it; correct?

A. Of course. Our work -- our work continues regardless of whether or not we are involved in this particular proceeding.

Q. Okay. Now, are you aware of the fact that a number of individuals have provided affidavits to the AGC in connection with this proceeding?

A. I assume there are affidavits, but I haven't seen them.

Q. Okay. So would it be fair to say that you haven't reviewed any of the affidavits filed by the Attorney General?

A. No.

Q. And you haven't reviewed any transcripts from cross-examinations of those affidavits?

A. No.

MR. GELBMAN: And just for clarity on the preceding question, Mr. Bouchelev, Ms. Cukier said, "No." And I will leave it to her for clarification, but I think the point was that, no, she had not reviewed any of the affidavits.

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A. Exactly. Sorry, yeah. The double negatives are confusing. No, I have not reviewed the affidavits, and no, I have not reviewed any of the materials that the Department of Justice has filed.

MR. BOUCHELEV: Okay. Well, thank you for --

MR. GELBMAN: Or the transcripts.

MR. BOUCHELEV: -- that clarification.

A. Or the transcripts.

Q. MR. BOUCHELEV: Yeah. That's how I understood your answer, as well, but thank you --

A. Oh, okay.

Q. -- for clarifying.

Do you know Dr. Najma Ahmed?

A. Yes.

Q. Okay. Do you know that she provided an affidavit for this proceeding?

A. I didn't know that for certain, but I'm not surprised.

Q. Okay. Is Dr. Najma Ahmed someone that you've worked with before?

A. I've been on panels with her. I think we're both part of the research project that St. Mike's Hospital was leading, but I haven't -- I've been in meetings with her, but we're not -- I haven't coauthored work with her.

Q. Okay. But would it be fair to say that you and her

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share the same views on gun control and access to guns?
A. No. I would say that her perspective as an emergency physician is based on her training. My perspective is as a social scientist who's published on the issue for many years. So we have very different disciplinary training and experience. So, no, I would not say that we would have the same position.
Q. Okay. No, that's fair enough. Have you at any point approached the Attorney General or anyone in the federal government and offered to provide an affidavit for the purposes of this proceeding?
A. No.
Q. You could have if you wanted to; correct?
A. Generally -- generally, we're asked to provide affidavits. We don't look for extra work, but I suppose I could have if I had -- if I had wanted to.
Q. Okay. Now, would it be fair to say that, at this point, you don't know yet what is going to go into the affidavit that you would provide if the Court granted your application for leave to intervene?
MR. GELBMAN: So let me intervene here. And this is probably the first anyone here is hearing of this, but we are in the process of sending a letter today to the Court to advise that the Coalition is no longer seeking to adduce additional evidence. Given

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the time that has passed and the schedule that we're on, it would not be helpful in this context. So we will take the record as it is, and we're -- you'll see the formal statement on that in our letter today.
MR. BOUCHELEV: So, Counsel, what you're saying is that you don't intend to provide an affidavit; you just want to provide a factum?
MR. GELBMAN: That's correct. Yeah. So all other relief set out in the motion in the draft order remains except for the additional elements. We'll take the record as it is.
MR. BOUCHELEV: So let me just put the motion on the screen, just for certainty.
MR. GELBMAN: Yeah. Or the form of order. But this is fine. This is fine. Yeah.
MR. BOUCHELEV: Okay. So you're still looking for an order granting the Coalition leave to intervene in this application. You are not looking for a number 2 --
MR. GELBMAN: Correct.
MR. BOUCHELEV: -- to file an affidavit? Okay.
MR. GELBMAN: Correct.
MR. BOUCHELEV: And you still intend to file a memorandum of fact and law, not exceeding 15 pages?
MR. GELBMAN: Correct.

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MR. BOUCHELEV: And you're still asking for oral submissions of up to 30 minutes?
MR. GELBMAN: Correct.
MR. BOUCHELEV: Okay.
Q. All right. Now, I'm going to switch gears and ask you about some of the statements you've made in the media.
Do you recall saying in an interview with the Toronto Star that legal owners are more effective at killing people because they spend time at target practice or hunting?
MR. GELBMAN: Hang on. I think we need -- I'm not sure we can answer that question. Is there a particular article?
MR. BOUCHELEV: Yeah. It's one of the articles that was submitted by Ms. Generoux. And I can take you to the article, but before I do, I wanted to ask the witness if she remembers that specifically.
MR. GELBMAN: If there's an independent recollection of it?
MR. BOUCHELEV: Yeah.
MR. GELBMAN: You can answer that, yes/no, and then we'll look at the document.
A. Yes. And I know the context, as well.
Q. MR. BOUCHELEV: Okay.
MR. GELBMAN: Mr. Bouchelev, do you have like a

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tab from the --
MR. BOUCHELEV: Yeah. So I'll take you to -- just give me one moment. Ms. Generoux provided you with an affidavit that has a number of documents attached to it, and the document in question is attached as Exhibit H.
MR. GELBMAN: H?
MR. BOUCHELEV: Yeah.
MR. GELBMAN: I'm putting that affidavit to Ms. Cukier right now.
A. From the Toronto Star, yes.
Q. MR. BOUCHELEV: And just hang on a second.
A. What it says --
Q. Yeah. Just a second. Let me just ask you the question.
A. Okay.
Q. I'm just having difficulty opening the document for some reason. Just bear with me for a second.
A. No problem.
Q. Right. So do you have Exhibit H, an article from the Toronto Star?
A. Yes.
Q. Okay. And you agree that there is a reference here at -- for example, if you look on the second page, you're cited here saying that "17 people injured within

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a few days is undoubtedly a pretty big number."
Correct?
A. Yes.
Q. Okay. Then --
A. We're lucky that the people doing the shooting were not better shooters, but that should not make us complacent.
Q. Yeah. Sorry, I'm just trying to find the specific reference that I wanted to take you to.
MR. BOUCHELEV: Can we go off the record for a second?
MR. GELBMAN: Yeah.
(DISCUSSION OFF THE RECORD)
Q. MR. BOUCHELEV: So, Ms. Cukier, can you please look at pdf page 84 of that affidavit, and it will also say --
A. Yeah.
Q. -- "10 of 14" on the bottom right?
A. Yeah.
Q. Okay. So I'll just read the last paragraph: (as read)
"Asked for her thoughts on how Toronto could be experiencing a surge in the number of shootings but a decline in gun-related deaths, Cukier, the Coalition for Gun Control president,

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said the legal gun owners tend to be more effective in killing people because they spend time at target practice or hunting."
Correct? That's what you told the Toronto Star?
A. That's not a direct quote.
Q. Okay.
A. That's her recollection -- or that's her reporting. The point was the kill rate, when we have legal gun owners, if you look at the mass shootings, is far higher than if someone walks into a nightclub, as such has happened, and starts spraying shots around.
So the point in this article was there had been a lot of shootings but not a lot of killings. How did we explain that? And that was the point, is that when you have -- when you have, sadly, legal gun owners and mass shootings, the kill ratio tends to be much higher than when you have mass shootings and gang members or illegal gun owners because typically they are not particularly good shots.
Q. And you base that, this is your personal opinion, or is that based on some data that you have collected?
A. If you look at the data on mass shootings over the last decade, you will see that the kill ratio is generally higher when they're legal gun owners and legal guns

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than you would see in many of these incidents where -- even if you look at the Danforth shooting, for example, as tragic as that was, the ratio of people killed versus people injured was much lower than we see in mass shootings, for example, at the Quebec Islamic Centre, at Polytechnique, or many or these other cases where there are legal gun owners and legal guns. That was the point.
Q. Okay. And you're also aware of statistics that suggest that licensed gun owners are both, in absolute numbers and also on a per capita basis, are much less likely to be involved in murder; correct?
A. But that's not what the -- that's not what this statistic is about. This statistic is about where you have a shooting, where you have a mass shooting, and you have an illegal -- a gang member, and you have a legal gun owner. The legal gun owner is more likely to kill more people than the gang member, when we're talking about mass shootings. That was the context of this, and that's based on evidence.
Q. But I'm asking you about different statistics now. Are you aware --
A. Oh, okay.
Q. -- of statistics that suggest that licensed gun owners are actually less likely to be involved in homicide?

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A. That -- no. I'm not aware of -- that isn't a statistic that's -- that resonates with me. I think the context of homicides vary quite considerably.
Q. Okay. Well, how about murder? Let's use a different term.
MR. GELBMAN: For what question?
Q. MR. BOUCHELEV: Are you aware of statistics that suggest that licensed gun owners are less likely to be involved in murder than individuals who do not have a firearms licence?
A. Overall, that might be true, but it depends on specific context. So as I said, we look at domestic violence, more likely to be legal gun owners, legal guns. If we look at mass shootings, more likely to be legal gun owners, legal guns.
And as I established at the beginning, the focus on assault weapons is very much tied to the concerns about mass shootings.
MR. BOUCHELEV: Okay. We'll look at those statistics in a moment. But I want to mark this Article as Exhibit 2 to this cross-examination.
A. And I just, again, want to underscore: (as read)
"Asked for her thoughts on how Toronto could be experiencing a surge in the number of shootings but a decline in the

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gun death rate."

So it was specifically around the ratio of people injured to people killed, and that was the point that I was responding to in this specific article.

MR. GELBMAN: And, yeah, we're fine with it as Exhibit 2.

EXHIBIT 2 - Toronto Star article marked as Exhibit H in Ms. Generoux's affidavit

Q. MR. BOUCHELEV: So are you suggesting the fact that there were more shootings in Toronto but at the same time a decline in gun-related deaths, that fewer of those shootings were by licensed gun owners, and more of the shootings were by people who don't have a licence?

A. And the specific case was the shooting inside nightclub District 45, where a lot of people were injured but no one was killed, in contrast to other mass shootings.

Q. Now, Ms. Cukier, you live in Toronto; correct?

A. Yes.

Q. So you are aware of the fact that virtually none of the shootings that happen in Toronto are done by licensed gun owners; correct?

A. Yes.

Q. So in fact, a shooting by licensed gun owners are

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extremely rare in Toronto?

A. In Toronto. But across Canada, when we look at mass shootings, they are principally committed by legal gun owners or with guns that were at one time legally owned.

So the mass shooting, for example, on the Danforth was with a gun that had been stolen from Saskatchewan. The mass shooting at the Islamic Centre in Quebec City, legal gun owner, legal gun; Dawson College, legal gun owner, legal gun; Polytechnique, legal gun owner, legal gun.

Q. And those --

(Cross-talking)

A. -- if we look at mass shootings, which are defined as more than four people shot in a single incident.

Q. And those mass shootings are -- you describe them as rare events; correct?

A. Definitely rare events, but also most frequently involve assault weapons or handguns.

Q. Okay. And gang-related and other shootings in Toronto, those are not rare events, are they?

A. Those are not as rare as mass shootings.

Q. I'm going to take you to some of the other documents that are contained in Ms. Generoux's affidavit. I'll put that on the screen for you, or you can just follow

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along in your records --

A. Sure.

Q. -- what document. It's really up to you.

So at Exhibit E, there are a number of tweets, and I'm going to ask you to just go through all of those tweets and confirm that they are, in fact, the tweets that you have made.

MR. GELBMAN: Mr. Bouchelev, I think I may have misheard you, but could you repeat the Exhibit letter.

MR. BOUCHELEV: Yeah. Exhibit A.

THE WITNESS: H?

MR. GELBMAN: H?

MR. BOUCHELEV: No. A as in "Adam."

A. Okay. Yes.

MR. GELBMAN: So have a look at all of them.

A. Okay. So some of these are tweets that I wrote, and some of these are tweets that were simply forwarded.

Q. MR. BOUCHELEV: Retreated by you?

A. Yeah. Things that I retreated, as well as things --

Q. Okay.

A. -- that I wrote.

Q. Okay. But they all came from your Twitter account; right?

A. Yeah.

MR. BOUCHELEV: Okay. So, Counsel, I would like

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to mark the tweets as Exhibit 3.

MR. GELBMAN: What's the relevance?

MR. BOUCHELEV: Well, for one, the witness has identified them, and secondly, they go towards various opinions that Ms. Cukier expressed about gun ownership. And she says that she is unimpartial -- she will be providing impartial an unbiased arguments, so I think they are relevant to that issue.

MR. GELBMAN: Well, I'll agree to mark it for identification now, and we'll hear your questions and make a determination, if that works for you.

MR. BOUCHELEV: No. No, it doesn't. I'm going to mark it as Exhibit 3 because the witness has identified the document. If you want to make arguments that this is somehow not relevant, then you can do that later, or you can bring a motion to strike, but I don't think that this is -- goes in as a letter exhibit because that's when the witness is unable to identify the document, and she hasn't.

MR. GELBMAN: So we're not agreeing to that.

MR. BOUCHELEV: Okay. We'll, it's my examination. I'll mark it as Exhibit 3. We can deal with that in the future, if we need to.

THE COURT REPORTER: Counsel, apologies, I need to step in. As a reporter, I cannot mark it as a full exhibit

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unless both sides agree. In that case, we usually do mark it as a letter for identification.

MR. BOUCHELEV: That's different from just about every other cross-examination I've ever done.

MR. GELBMAN: If you --

(Cross-talking)

MR. BOUCHELEV: It's the party who does the examination that does the marking of the document.

MR. GELBMAN: Well, we don't agree, and we would want to hear questions first, in any event, so.

MR. BOUCHELEV: Okay. Well, anyways my position is that it should be marked as Exhibit 3.

EXHIBIT EXHIBIT A FOR IDENTIFICATION - Wendy Cukier tweets

Q. MR. BOUCHELEV: If you can look at the first tweet there. It says "page 8" in the bottom left.

A. Yes.

Q. Okay. You say: (as read)

"There are a lot of angry, hateful people with too easy access to firearms."

Do you see that?

A. Yeah.

Q. Okay. And: (as read)

The greatest threat of political

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violence in this country comes from right wing extremists, many of them stockpiling legal weapons."

Does that reflect your opinion?

A. It reflects the evidence from CSIS and others.

Q. Okay. So you believe that many Canadian gun owners are right wing extremists who are stockpiling weapons?

A. Not many. I say -- I say -- I don't say there are many.

Q. Well, you say there are a lot of angry, hateful people. I think "a lot" and "many" are interchangeable terms; are they not?

A. These are two different issues. A lot of angry, hateful people with too easy access to firearms, that's one point, and that goes to the need for screening. And then the second point is the greatest threat of political violence in this country comes from right wing extremists. That is a factual point that has been shared by CSIS, as well as the public security minister, that a lot of the fear of extremism is misdirected towards others as opposed to the real source. And the fact is that many right wing white supremacists are stockpiling weapons, and that is also documented, and there have been many articles written on that. And it is also true that there are extreme

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elements of those groups that are aligned with the opposition to gun control.

So there are three different statements, and I think you're conflating them.

Q. Okay. So you are saying that there are a lot of angry, hateful people in Canada; is that fair?

A. That have too easy access to firearms.

Q. Okay. So there are a lot of hateful, angry people in Canada, and they have easy access to legal firearms?

MR. GELBMAN: I think that's what the tweet says. We can read it over and over again --

MR. BOUCHELEV: Okay.

MR. GELBMAN: -- but it won't get us any further.

Q. MR. BOUCHELEV: And just --

A. It's not that there are -- if I may, though. It's not that there are a lot of angry, hateful people. It's that a lot of the angry, hateful people that exist have too easy access to firearms. The point is that we haven't done a good job of keeping firearms away from white supremacists, antifeminists, et cetera, et cetera. That's the point of the column.

Q. That's not what the tweet says, but in any event, the -- you are clearly establishing here a link between the angry, hateful people and legal owners of firearms

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in Canada; correct?

A. In the context of political violence and mass shootings, we've already established that most of those are legal gun owners.

Q. And the mass shootings are extremely rare in Canada; correct?

A. Absolutely.

MR. GELBMAN: You get to ask that one more time.

Q. MR. BOUCHELEV: Do you know what an AR-15 is?

A. Yes.

Q. Are you aware of any instance of a legally owned AR-15 being used in a mass shooting in Canada?

A. I'm aware of a stolen AR-15.

Q. No. A legally owned AR-15 used by the owner.

A. Not -- again, it's -- as I've mentioned before, it's a global issue. We see AR-15s figuring prominently in mass shootings around the world, and in Canada, we have instances of AR-15s being diverted from legal owners to illegal purposes and used in mass shootings.

Q. Other than the École Polytechnique shooting in 1989, are you aware of the Mini-14 being used in any mass shooting in Canada?

A. Again, the Ruger Mini-14 is a firearm that has been used in mass shootings around the world. Norway was the most prominent, and the killer there actually

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referenced Marc Lépine.
Q. Okay. Well, I was asking about Canada.
A. Well, as I said, mass shootings are relatively rare. There's one a year, perhaps.
So the point about military assault weapons is that, of course, mass shootings are relatively rare, but the utility of military assault weapons is not accepted by Canadians for civilian ownership.
Q. So the other instance that you mentioned is the Norway shooting. That was around 2010, if I'm not mistaken; right?
A. M-hm.
Q. I forget the guy's name, but this is the guy who went on an island and shot a bunch of people; correct?
A. M-hm.
Q. Sorry, can you say yes or no. It's just --
A. Yes. Sorry. Yes.
Q. Okay. Are you aware of any, other than Marc Lepine and the Norwegian shooter, are you aware of anyone else using a Mini-14 to commit a mass shooting?
A. Not off the top of my head, but I would have to look.
Q. Okay. And you have studied these types of shootings and the types of weapons used in them; correct?
A. In Canada, yes.
Q. Okay. So between 1989 and today, only one mass

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shooting in Canada with a Mini-14; correct?
A. I think that's correct.
Q. And outside of Canada, you are also aware of just one mass shooting with a Mini-14; correct?
A. Yes.
Q. That would suggest that a Mini-14 is very unlikely to be used in a mass shooting; correct?
MR. GELBMAN: That's just an opinion question. Don't answer that.
OBJECTION TAKEN to answering the question: That would suggest that a Mini-14 is very unlikely to be used in a mass shooting; correct?
Q. MR. BOUCHELEV: The point that -- I'm trying to understand, Ms. Cukier, your position. Are you saying that if a gun is used even once in a mass shooting, it has to be banned?
A. What I'm saying is that Canadians and experts, including the police, believe that the risks associated with military assault weapons in civilian hands, however rare the occurrences are, are not worth the utility.
When we look at, for example, firearms reasonably used in hunting, regular rifles and shotguns, the argument is even though these guns are frequently used in domestic violence and murders of police and

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suicides, they serve a purpose that Canadians accept, which is that they're used for hunting, and Indigenous peoples have the right to hunt and so on.
The point with assault weapons and handguns is that the risk outweighs the utility, and most industrialized countries prohibit civilian possession of them.
Q. Is the Mini-14 used for hunting?
A. In some -- the Mini-14 has been used for hunting. The question is, is it reasonably used in hunting, or is it an assault weapon that has been marketed as a hunting rifle? And that is the -- that is the issue that was raised back in 1989 when it was raised at Polytechnique. And the consensus was, this is not a firearm that should be an unrestricted weapon that should be used in hunting, and we should prohibit it. And there was a very high level of consensus around that point.
Q. What is the difference between a Mini-14 and a regular hunting rifle?
A. Large capacity -- it accepts a large capacity magazine. It's based -- it's centered fire based on, I think, the M16.
There are certain features about it that have led people to characterize it as a military style assault

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weapon. But again, I'm not -- I don't think I'm here to debate the technical aspects. I've already said that's not my -- that's not my area of expertise, but there are others in the Coalition who are more expert on that.
Q. Are you saying that the Mini-14 is based on the M16?
A. No, I'm not. As I said, I don't recall the specifics, so I will simply say that I don't want to engage in a debate about which firearms should or should not be classed as military style weapons at this point in time. And I don't think that was -- that was not a matter that was raised in my affidavit.
Q. Well, but isn't the whole point of your intervention to assist the Court with deciding what firearms should or shouldn't be classified as prohibited?
A. As I said, the -- our position is that the AR-15 and Ruger Mini-14 should be prohibited weapons, and that's based on advice from police and other experts.
Q. Okay. So sitting here today, you don't know what makes the Mini-14 different from a regular hunting rifle, other than the fact that you say it accepts a high capacity magazine?
A. And it's centre fire. There are a lot of semi-automatic hunting rifles that are not centre fire; they're rimmed fire.

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Q. So are you saying that any centre file semi-automatic rifle is an assault weapon?
A. No, I would not say that. And I think, you know, there have been -- there's been a review done of the criteria for defining military style assault weapons, and the criteria vary from jurisdiction to jurisdiction. So some have very broad definitions, and some have narrower definitions.
Q. Are you aware of the fact that high capacity magazines have been banned in Canada for a long time?
A. Yes.
Q. So prior to May of 2020, even if you were to buy a Ruger Mini-14, you would not get a high capacity magazine with it; correct?
A. But it's designed to accept them, and that's usually the differentiator. Anyway, I -- sorry.
Q. But you can't buy high capacity magazines in Canada legally, and couldn't for decades; correct?
A. The point is the characteristics of the firearm itself.
Q. I would suggest to you that you can design a high capacity magazine for any rifle, including a regular hunting rifle?

MR. GELBMAN: I've allowed a number of questions in the hopes that this would be leading to something relevant. Ms. Cukier has advised that what the

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Coalition brings to this proceeding is not a technical firearms knowledge base or even submissions on that aspect. There are many issues, and we've described them in the motion record.

We can continue with these questions. It's not a relevant line of questioning, so I've allowed it -- or notwithstanding that, I've allowed it. But if you can tie it back to the affidavit and the motion record, we can continue productively.

MR. BOUCHELEV: Well, I think it's highly relevant. I'm trying to establish what kind of expertise the Coalition for Gun Control is going to bring to the table. It's going to be important for my clients to know that to make a decision whether or not they will oppose your client's motion. So this is -- you know, that's the relevance of my question.

MR. GELBMAN: And I think it's clear, and Ms. Cukier has said so on a number of occasions, that that's not what -- the Coalition is not going to weigh in on how, specifically, a particular technical component is going to be assessed or evaluated.

And again, I would refer you to the motion record for the kind of issues that the Coalition will weigh in on from a legal perspective, with the record as it is.

MR. BOUCHELEV: Counsel, will you be willing to

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provide a draft of the factum that you intend to submit if granted leave to intervene prior to your motion being determined by the Court? In other words, will you provide the Court and the parties in this proceeding with a draft of your submissions so that we can see whether or not you are simply duplicating what the government is saying or whether or not you are brining a unique perspective?

MR. GELBMAN: I'm not aware of a legal requirement to do that, and when we argued the scheduling, that was never raised. And so what we have -- one of the reasons that we have three weeks from a decision was so that the proposed intervenors weren't doing work unnecessarily.

So this proposition is being put to me for the first time, and I -- well, you have my response to it.

MR. BOUCHELEV: That's fine. I acknowledge that I haven't asked you this before. This is something that came out today; nonetheless, I've asked this question, and I understand your position is that you are not going to do that.

MR. GELBMAN: I haven't said that. I have said that this is the first time it's being put to me, and there were lots of opportunities to do that, and that there is an interest among -- certainly on the part of

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the Coalition that -- not the other intervenors, not to do unnecessary work, but that surely could be a -- if you can help me out with the legal requirement, I would be willing to consider the request.

MR. BOUCHELEV: Well, I'm not saying that you necessarily have to do it, but it certainly would help -- in my view will assist the Court, and it will assist my clients in determining what their position will be on your motion.

So I'm not saying you absolutely must do it, but I'm just suggesting that it would be a good idea. So are you taking it under advisement? Is that essentially what you are doing?

MR. GELBMAN: Advising that this is the first time that I've been asked this, any instructions, I need to consider it.

MR. BOUCHELEV: Okay.

MR. GELBMAN: It's not the -- that's it.

MR. BOUCHELEV: Okay. Do you want to mark it as under advisement or as a refusal? It's your position.

MR. GELBMAN: I'm not the witness. And I think this is better dealt with through correspondence. I'm not going to be -- it's not an under advisement, and it's not --

MR. BOUCHELEV: Okay. So we'll mark it as a

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refusal.
MR. GELBMAN: It's not a refusal.
MR. BOUCHELEV: Well, it has to be one of the three. I mean, I gave you three options. You have to pick one, right. And it sounds like it's a refusal. Anyways --
MR. GELBMAN: It sounds like sandbagging, actually.
MR. BOUCHELEV: Well, it's a refusal. You can always change your mind later, but for the purposes of the transcript now, it's a refusal.
MR. GELBMAN: I don't agree with that.
UNDERTAKING REQUEST NO. 4 - To provide a draft of the factum that Ms. Cukier's counsel intends to submit if granted leave to intervene prior to the motion being determined by the Court
RESPONSE TO UNDERTAKING REQUEST NO. 4 - Advising that this is the first time that I've been asked this, any instructions, I need to consider it.
Q. MR. BOUCHELEV: Now, if you can look -- we're still looking at the tweet, so Exhibit A to Ms. Generoux's affidavit. If you can look at the second page.

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So this is your tweet about the NRA; correct?
A. M-hm.
Q. So you're comparing the NFA, which I think is a Canadian group, to the NRA; correct?
A. M-hm.
Q. Okay. Sorry, I understand what you mean when you say, "m-hm," but --
A. Oh, sorry. Yes. Yes. Apologies.
Q. I know it's a habit. I'm not being --
A. No, no, no. It's fine. I understand.
Q. And then if we look at the next page, again, this is a letter that -- you refer to a letter to then Justice Minister Anne McLellan; right?
A. Yes.
Q. Talking about the Mini-14 and the AR-15. Then if you look at the next page, there is a tweet by you saying: (as read)
"Many mass murderers appear to be 'law abiding' until they are not. We need to reduce the risks. We need to know the signs. We need to take action."
So I'm trying to understand, if mass shootings are very rare events, especially in Canada, how can there be many mass murderers?
A. Well, of the mass murderers that there are globally,

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many of them are law abiding and using legal guns. And if we look at the mass -- it doesn't say there are lots of mass murderers in Canada. It says many mass murderers. So if there are ten mass murderers, and eight of them are using legal guns, that's many mass murderers.
Q. So are you aware of how many mass murderers there have been in Canadian history who have used guns to mass murder?
A. There's one mass shooting a year. If you look at the last -- if you look at the last 15 years, there's about 15.
Q. Okay. So here in your tweet, you are basically suggesting that any legal gun owner is a potential mass murder; that's how I read this tweet.
A. No, I don't think that's all what's intended.
Q. Well, then what do you mean by "until they are not"?
A. Well, the point is that very often, there's an effort to distinguish, quote, "criminals" from law abiding gun owners.
And the point is that when we look at mass shooters, often they do not have a criminal record. They may have a record of instability. They may have a history of hate speech. They may have a history of -- they may have markers that potentially they're

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dangerous, but the notion that legal gun owners are never part of the problem is simply not true.
Especially when we look at mass murderers because they more -- are more likely than not either legal gun owners or using legal guns. And that's simply a statement of fact looking at mass murders in Canada where -- defined as incidents where more than four people are shot.
Q. Okay. And then I'm going to skip over to page --
A. And, again, it was in response to the other tweet.
Q. If you look at page 17.
A. Yeah.
Q. Okay. Here you say: (as read)
"Sadly, it's not just critics of gun control that talk about gun owner rights but many well intentioned but uninformed politicians."
So what you are suggesting here is that gun owners do not have any rights; correct?
A. There is no right to own guns in Canada, and that's been made very clear by the Supreme Court of Canada.
So when people talk about the right to bear arms, for example, in Canada, they're importing US rhetoric.
Q. Is there a right to hunt?
A. Indigenous peoples have a right to hunt.

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Q. What about non-Indigenous?
MR. GELBMAN: Is that a legal question?
MR. BOUCHELEV: Well, it could be, but it's a question that goes to the witness's expertise.
MR. GELBMAN: Sure sounds like a legal question that we won't answer.
MR. BOUCHELEV: Okay. Well, that's interesting.
OBJECTION TAKEN to answering the question: What about non-Indigenous?
Q. MR. BOUCHELEV: Now, if you look at the next page, page 18, you say here: (as read)
"It's time to choose: Our children's lives or gun owner hobbies."
So here you are drawing the distinction. It's either we allow gun owners to pursue their hobbies or our children will die; right?
A. I think this was the context of gun owners claiming that gun control punishes them and argue that, in fact, loosing a child to violence is punishment, and having to comply with regulations is not such an imposition.
And when it comes to gun collecting and target shooting, our view is those are not activities that Canadians are willing to accept -- are willing to support, given the risks associated with handguns and military assault weapons.

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Q. So it's your position that gun collecting and target shooting should be outlawed in Canada?
A. It's our position that assault weapons and handguns should be banned, and they're not used for purposes that Canadians consider legitimate.
Q. That wasn't --
A. Most Canadians consider hunting legitimate. They do not -- are not prepared to accept the risks associated with assault weapons and handguns.
So if people want to target shoot with a rifle, or if they want to skeet shoot with a shotgun, if they want to collect rifles and shotguns, no problem. But handguns and assault weapons pose a particular risk that most Canadians are not prepared to assume in order to allow people to pursue their hobbies.
Q. And how do you define the difference between an assault rifle and a non-assault rifle? Or an assault weapon or a weapon that's not an assault weapon?
MR. GELBMAN: So the witness can speak to an understanding --
MR. BOUCHELEV: That's a question for the witness; not for counsel.
MR. GELBMAN: -- and there's no -- she will not speak to the legal distinction or -- you know well that this is a defined term and that is an issue in this proceeding. She will not answer the legal question there, and I'm making that clarification, as I'm entitled to do.

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MR. BOUCHELEV: Actually, Counsel, it's not a defined term anywhere.
MR. GELBMAN: It's an issue in this proceeding, so if you want to ask the witness's understanding, she can answer that question. But it will not be a legal answer or weighing in on the issues around this labeling in this proceeding.
MR. BOUCHELEV: Well, she's --
MR. GELBMAN: If you want an answer.
MR. BOUCHELEV: Yes, I do want an answer. And obviously she's not a judge. Her answer will have no legal force and effect.
Q. But I'm asking you for your understanding of the difference between an assault weapon and just a regular rifle or shotgun.
A. So the approaches to making that distinction vary with jurisdictions. Some have very -- as I explained earlier, some have very expansive definitions of the firearms that they prohibit, and others are far more specific.
Usually it has to do with whether or not they're centre fire or rimfire, whether they accept large

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capacity magazines, whether they have other military features. But it -- there are lists of characteristics that are typically used to make that judgment.
Q. Well, I'm talking about the Coalition for Gun Control position. What does the Coalition for Gun Control consider to be an assault weapon?
A. We would rely on the expertise of the RCMP, police, and others to define the -- to define the specific firearms that would fall into that category.
Q. And you're aware of the fact that the assault weapon or assault style weapon is not defined by law in Canada; correct?
A. I'm aware that there have been laws in other parts of the world. For example, the US assault weapon ban that included a much broader range of firearms than beyond fully automatic assault weapons, for example.
So again, those definitions require consideration and expertise.
Q. So whatever the RCMP decides is an assault weapon is an assault weapon?
A. No. But I would look at the -- I would look at the advice provided by experts like the RCMP. And as I said, our position for many years has been, regardless of what the broad definition is, the Ruger Mini-14 and AR-15 are not reasonably used in hunting and should be

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prohibited.
Q. Sorry, can you repeat that. That's based on what? That's your opinion that they are not reasonable for hunting and target shooting?
A. That's based on the position of the Coalition for Gun Control for many years, through the advice with police and others.
Q. So --
A. And as I said, I have -- you pointed to it yourself. We have a letter from the Minister of Justice promising to prohibit those firearms 20 years ago.
Q. And then if you look at the next tweet. Actually, sorry, just give me a moment. Okay. It's a tweet on page 20. You say: (as read)

> "Where there are more guns, more people are killed with them. The rates of gun death and injury are highest in provinces with the highest rates of gun ownership. The irony is, of course, those are also the places were there is the greatest opposition to gun control."

Right?
A. Yes.
Q. So your view is that the more guns, the more people get killed with them; therefore, it's important to reduce

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the number of guns that are owned; correct?
A. It's important to regulate firearms.
Q. In order to reduce the amount of guns owned by civilians?
A. I don't think that's what it says. It's simply a statement of fact. The evidence is clear that provinces, for example, that have higher rates of gun ownership have higher rates of women killed by guns, higher rates of suicide, higher rates of overall gun death, even though there's a perception that gang violence is simply an urban issue.
Q. So do you believe that in order to reduce the number of, you know, deaths of women and others who are killed by guns, it's important to reduce the overall number of guns in civilian hands?
A. No. What we've argued very clearly is it's important to regulate all firearms because we want to reduce the risk that people will be injured or killed with them, or they will be diverted to be used in crime.
Q. But regulating is the same thing as restricting ownership; correct?
A. Regulating is about -- so the analogy is we regulate -- we regulate drivers, we regulate vehicles. I don't think that that is part of a strategy to reduce driving. I think it's part of a strategy to reduce

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risk.
Q. So how do you reduce risk of gang violence through regulation?
A. You implement strict screening, and in the licensing process, you make sure you can track the movement of guns and who's purchasing them. And you reduce access to firearms where the risk outweighs the utility. Those are the principles.
Q. And who decides whether the risk outweighs utility?
A. Well, it's a policy decision that takes into account a wide branch of interests.

And from our perspective, when we consider the interests of women, racialized people, victims of gun violence, the perspectives of public health experts, the risks associated with handguns and assault weapons outweigh the utility, and the majority of Canadians agree with that, as well.

Q. So what about -- are you aware of the fact that people are oftentimes killed with guns that are not handguns or assault weapons?
A. Absolutely.
Q. So should those guns be prohibited, as well?
A. Again, a lot of -- most Canadians are killed with hunting rifles and shotguns. Actually now, it's probably more handguns. But many Canadians are killed

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with hunting rifles and shotguns, but as I explained, most Canadians accept that hunting and pest control on farms are legitimate activities and, therefore, the utility of hunting rifles and shotguns is considered to be balanced with the risk they represent.

Most Canadians do not feel that the utility of handguns or assault weapons outweighs the risks.

Q. What about target shooting? Is that what you would consider a legitimate activity?
A. As -- if you're target shooting with long guns, sure. But I would not -- I would argue that a ban on handguns will produce public safety benefits that outweigh the benefit of target shooting.
Q. Well, the regulation -- you are aware of the fact that the regulation that is the subject matter of this proceeding has nothing to do with handguns; right?
A. No, it has nothing to do with handguns. But the AR-15, when it was a restricted weapon, was used for target shooting, and we believe that it's -- it should be prohibited. It should not be used for target shooting, and target shooting is not a legitimate reason for having an assault weapon.
Q. Even though the number of people who get killed with hunting rifles and shotguns far exceeds the number of people in Canada who get killed with AR-15s, you still

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feel that it's the AR-15 that should be banned; correct?

A. Exactly.

MR. GELBMAN: Just given the time, Mr. Bouchelev, we've been at this for over an hour and half. I wonder if we could take a few minutes.

MR. BOUCHELEV: Yeah. If anyone needs a break, let's take a five-minute break.

(ADJOURNMENT)

MR. BOUCHELEV: Counsel, so we went through a number of these tweets, so I just want to reiterate that in my view, they are relevant to the issues in your clients' motion, and I think that they should be marked as Exhibit 3.

MR. GELBMAN: Okay. And we maintain that it can only be marked for identification.

MR. BOUCHELEV: So are you suggesting that her position on the issue of gun ownership is not relevant?

MR. GELBMAN: She answered all of your questions, sir.

MR. BOUCHELEV: Okay. And you didn't object to them, so the questions were relevant. Why can't I mark the documents as exhibits?

MR. GELBMAN: You have our position.

MR. BOUCHELEV: I'm just trying to understand. If

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the questions are relevant, you allowed her to answer it, why can't I mark the documents that we were referring to as an exhibit?

MR. GELBMAN: You have our position.

MR. BOUCHELEV: I don't have the -- no, actually I don't have your position. I would like an explanation as to why you say I can't mark them as exhibits.

MR. GELBMAN: I don't think the document itself is relevant. And as I said at the outset, I would allow the questions notwithstanding that I don't think they're relevant. You got your answers, but we're not agreeing to mark it as anything except for identification.

MR. BOUCHELEV: Okay. Well, I don't understand this, but okay. We'll deal with this later.

Q. Now, Ms. Cukier, I've asked you before if you have reviewed any of the affidavits that were filed by the AGC, and you said you have not.

I take it the same is true of the legal arguments that were filed by the AGC, you haven't reviewed their legal arguments; correct?

A. I haven't reviewed any of the documentation beyond what I've worked on with my lawyer at this stage.

Q. Okay. But just to clarify, you have not reviewed their factum? You have not reviewed their legal submissions;

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correct?

A. No.

Q. Okay. And by, no, I mean you have not?

A. No, I have not reviewed their legal positions or documents at this stage. I've relied on advice from my lawyer.

Q. Okay. Thank you.

Have you, and when I say "you," I mean the Coalition For Gun Control, but have you issued a press release in connection with your motion for intervenor status?

A. I don't believe so, no.

Q. Okay. Have you sent out any fundraising letters that mention your efforts to intervene in these --

A. Yes.

Q. -- proceedings?

A. Yes.

Q. Okay.

A. But I don't believe we issued any press releases. In fact, we've not responded to a lot of media inquiries about the proceedings.

Q. Just bear with me for a second. Okay. So I would like to take you to another document that was provided by Ms. Generoux. And these are some excerpts from the affidavit of Gary Mauser.

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MR. BOUCHELEV: Counsel, do you want me to put it on the screen, or do you have it there?

A. We have it here.

MR. GELBMAN: We have it here, and then we'll just do the confirmation. I'm not sure we're looking at the right thing.

MR. BOUCHELEV: Sure.

THE WITNESS: Oh, is this Gary Mauser's -- this is GPC.

MR. GELBMAN: So the first document that we're -- and you may be taking us to somewhere else, but the first document --

A. GPC research. This is a series of -- a series of -- it's nothing by Gary Mauser, per se.

Q. MR. BOUCHELEV: Yeah.

A. It's a series of documents.

Q. Sure. It's a document that was attached to his affidavit. So if you go to page --

A. I see.

Q. If you go to page 107 --

MR. GELBMAN: Okay. And just for the record, we don't have a copy of that affidavit at all, and we have not been served with it, and so we're looking at these documents in isolation and without, you know, understanding how they're referenced and so on in the

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affidavit.
A. And there's no page 107. The document that I have goes from page 1 to -- it's -- the pages are not numbered sequentially. It's just a series of articles.
Q. MR. BOUCHELEV: So what I'm referring to is page 107 in the pdf document, and I'm sharing it on the screen with you now.
A. Oh, yes. Okay. I have --
MR. GELBMAN: It's Exhibit I.
THE WITNESS: Yes. I have --
Q. MR. BOUCHELEV: Exhibit I, yes.
A. Okay.
Q. Okay. So if you go through Exhibit I, there are certain statistics from -- that are produced here, including from Statistics Canada. Are you familiar with these statistics in general?
MR. GELBMAN: Well, let's have a look at them.
A. It looks like it's from the commissioner of the RCMP, maybe, but I'm having trouble finding that specific page.
Q. MR. BOUCHELEV: It's right after Exhibit I. That is the next page.
MR. GELBMAN: So this is Exhibit I. And then for context -- so I have it now in front of me, and I'll give it to Ms. Cukier. There's not a lot of

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information on these pages. What is this table from?
MR. BOUCHELEV: The tables were attached as an affidavit to -- as an exhibit to an affidavit that was filed by Gary Mauser in one of the proceedings.
MR. GELBMAN: So that's helpful. And then the next -- and then more specifically, so we're looking at the pdf page 108.
MR. BOUCHELEV: Yeah.
MR. GELBMAN: Where does this come from? Like, did he compile this data? Or is it some other -- other than the list of sources, how did this table come to be?
MR. BOUCHELEV: Well, if you look at the bottom there is a legend explaining the sources. One is --
(Cross-talking)
A. -- different data.
MR. BOUCHELEV: -- Statistics Canada; two is the commissioner's report. I mean, it looks like it's mostly all from Statistics Canada, but if you look at the legend, you see different numbers 1, 2, 3, 4, 5, and then you see the same numbers above the different columns.
MR. GELBMAN: Yeah. So this was compiled by Mr. Mauser, or is it in a publication of some kind? I understand the concept of sources and references. It's

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just where does this...
MR. BOUCHELEV: I don't know because I haven't -- it wasn't a document filed that I was involved in, so I was just hoping to ask Ms. Cukier if she is familiar with these statistics.
MR. GELBMAN: Well, okay.
A. I'm familiar with some of the statistics. For example, the statistics on licences and methods used for shootings. Accused owner of firearm and PAL licence, a special request from Stats Canada (verbatim). I don't know what that request was, how that would have been calculated.
So that is not a statistic that I'm familiar with, the column 1 that is marked, nor have I seen this information published anywhere.
Q. MR. BOUCHELEV: Okay. So if I take you to page 110 of the pdf, you will see that there are some statistics here from years being 2001 to 2015, different types of shootings. And there are different statistics, homicide rates for males 20 plus, firearms homicide rates for males 20 plus, and then a PAL holder homicide rates. Do you see that?
A. Yes. But I guess I'm questioning the basis of the PAL accused special request Stats Canada from which these statistics are derived.

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Q. Okay. Well, my question is more general. This goes back to what we were talking about before. Do you agree that, statistically speaking, a PAL, possession and acquisition license holder, is less likely to be involved in homicide than just on average for males 20 plus?
A. That data is not contained in here, so I can't comment.
MR. GELBMAN: And what is the source of this?
MR. BOUCHELEV: Again, I am not here to give evidence. I'm just asking Ms. Cukier if she is aware of these statistics.
A. As I said, I'm aware of licences, methods of homicide, but the accused owner of firearm and PAL licence, which is supposed to be special requests from Stats Canada, I've never seen that data, and it doesn't align with data that I'm aware of on -- this seems to be specifically tied to homicide rather than firearm death and injury, and so I don't know where that data came from, and it doesn't obviously make sense to me.
If you understand my point, it's the first column that doesn't make sense to me because there is not a formal source for that, other than a special request from Stats Canada. So without knowing what the request was for, what the data was derived from, it's impossible to judge the relevance of any of this.

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Q. Okay. I'm going to ask you a different question now. If you can open a document. This is one of the documents that was provided by JSS Barristers. This is their document number 3, "Coalition Release on the Regulation."

MR. GELBMAN: You said document 3, Coalition for Gun Control applauds action by Prime Minister Trudeau?

MR. BOUCHELEV: Yes.

A. Yes.

Q. Okay. And this is a press release that was issued by the Coalition For Gun Control; correct?

A. Yes.

Q. Okay. In this release, you agree with me that you are supportive of the regulation?

A. Yes.

MR. BOUCHELEV: Okay. I would like to mark it as the next exhibit.

MR. GELBMAN: Okay.

MR. BOUCHELEV: Exhibit 4.

MR. GELBMAN: I'm not sure that it's 4 because the other one was only for identification.

MR. BOUCHELEV: Well, I guess we have a dispute as to whether that's 3 or A, but let's mark this as 4 and keep that dispute open for now.

MR. GELBMAN: We'll rely on the expertise of the

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court reporter for that.

MR. BOUCHELEV: So this is Exhibit 4.

MR. GELBMAN: Is that right, Madam Court Reporter?

THE COURT REPORTER: I'm going to have to check with my office.

(DISCUSSION OFF THE RECORD)

EXHIBIT 3 - Press release that was issued by the Coalition For Gun Control

Q. MR. BOUCHELEV: Now, you testified in response to a question by Mr. Phillips that there are many sport shooters and hunters who support the Coalition for Gun Control?

A. Yes.

Q. Are you able to name any of these supporters?

A. Not without their permission.

Q. Sorry, not without what?

A. Their permission.

Q. And why is that?

A. Well, because of the threats that gun control supporters receive on a regular basis when they're identified. So we never identify people without their permission.

Q. Well, but without knowing who those people are, you understand that it's impossible for me to verify

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whether or not your statement is accurate?

MR. GELBMAN: Ms. Cukier is under oath, and she's sworn to it in six affidavits. You've asked for an undertaking, and we've taken it under advisement.

A. And if I may add, there are also cases that will be on the public record because in a number of press releases over time, people we quoted identified themselves as being gun owners, so --

Q. MR. BOUCHELEV: Can you --

(Cross-talking)

A. -- that information --

Q. Can you give me any of those names now? The names that are in the public record?

A. No. We would have to look them up.

Q. And how many is many? Is that 5, 10, 15? Do you have a number?

A. No, I don't have a number.

Q. You brought this up, actually, in response to one of the questions that you went target shooting on a number of occasions?

A. Yes.

Q. How many times?

A. More than five, fewer than ten.

Q. Was that in Canada?

A. Yes.

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Q. Where?

MR. GELBMAN: How is this relevant, Counsel?

MR. BOUCHELEV: Well, again, this is relevant to the issue of credibility.

MR. GELBMAN: Seriously?

MR. BOUCHELEV: Yeah.

A. Williams Lake, BC; Toronto, several times; possibly once in Alberta, but I'm not sure.

Q. And Toronto doesn't have any shooting ranges anymore; your aware of that?

A. Well, the shooting range I went to -- remember, Toronto's GTA, it includes Scarborough, it includes a fairly big geographic area, and I most definitely went to a shooting range within the greater municipality of Toronto.

Q. And when was that?

A. Probably the last time was maybe ten years ago. I'm not sure.

Q. Okay. Just bear with me for a moment.

Okay. I'm going to take you to another document that is part of the affidavit of Christine Generoux, and I'm going to ask you to look at page 28 of that document.

MR. GELBMAN: Do you have an exhibit number, Counsel?

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MR. BOUCHELEV: I will in a moment.
MR. GELBMAN: Oh, yeah. There are a number of -- what was the page number, again, sorry?
MR. BOUCHELEV: Page 28, Exhibit C. Actually, no. Sorry, that's not the one. My apologies. Just give me a sec. Actually it's page 25, Exhibit B.
A. Oh, okay. Yes.
Q. This is an article from the Toronto Star. Have you seen this article before?
A. Yeah.
Q. This is an article that suggests that there was a bullying probe as a result of which you did not become the president of Brock University; correct?
A. No, that's not correct. And there's a nondisclosure agreement with Brock, so I can't discuss this case.
Q. Okay. But there was a probe involving the allegations involved in this article?
A. It's not exactly accurate, and I don't quite understand what the relevance is to this proceeding.
Q. Well, the relevance is that you're asking to intervene as a friend of the Court, and I think your background is relevant, and this forms part of the overall background. So that is the relevance.
So are you suggesting that you are not going to discuss what happened here as a result of the

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nondisclosure agreement?
MR. GELBMAN: That's certainly part of it. If you have a question, we'll consider it, but I don't accept your analysis on relevance to this motion.
Q. MR. BOUCHELEV: Were you at one time slated to become the president of Brock University?
MR. GELBMAN: We're not answering that.
OBJECTION TAKEN to answering the question: Were you at one time slated to become the president of Brock University?
Q. MR. BOUCHELEV: Was there a probe related to allegations that you have bullied some of the employees of what was then known as Ryerson University?
MR. GELBMAN: So credibility as a field of inquiry goes to the credibility of the witness's evidence, and that evidence is contained in Ms. Cukier's affidavit. And the question is whether the Court may rely on her evidence on behalf of the Coalition. So how does your question relate to the evidence that has been proffered by this witness?
MR. BOUCHELEV: Well, it certainly relates to the witness's credibility. It relates to the witness's expertise and experience that she has stated in her resume.
Q. You did not mention this probe in the excerpt from the

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resume that you have provided with your affidavit; correct?
MR. GELBMAN: We're not answering this line of questioning because it is not related to the credibility of the witness's evidence in this proceeding. And it's well known and well established that questions going to credibility are subject to the general rule against fishing expeditions, and it's also well known that questions can't be crafted, as yours are, simply to impeach the affiant's character.
You haven't established a link between this article and the evidence that's been proffered, and so we're not answering the last question, and I would advise that this is not a fruitful use of your time.
MR. BOUCHELEV: Well, I disagree with your characterization, and I'll take your answer as a refusal to say whether or not there was a probe involving allegations or of bulling against employees. Without an answer to that question, I really can't ask you anything else about this article, so I'll take that as a refusal.
OBJECTION TAKEN to answering the question: You did not mention this probe in the excerpt from the resume that you have provided with your affidavit; correct?
MR. BOUCHELEV: But I would ask that this document

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be marked as the next exhibit.
MR. GELBMAN: We don't agree to that.
MR. BOUCHELEV: Well, it was identified by the witness. In my view it should be Exhibit 5.
MR. GELBMAN: We don't agree.
MR. BOUCHELEV: So it's your position that it should be marked for identification purposes?
MR. GELBMAN: We don't even think it rises to the level of relevance, but if that's -- we won't object for identification.
MR. BOUCHELEV: Okay. So you say it should be Exhibit B, and my position is that it should be Exhibit 5.
MR. GELBMAN: Yeah. And our position is that it's irrelevant and seemingly a -- it is clearly not relevant or appropriate in light of the Rules and the jurisprudence, and I suggest that you're aware of that.
MR. BOUCHELEV: Well, I don't agree.
EXHIBIT B FOR IDENTIFICATION - Toronto Star article re bullying probe
Q. MR. BOUCHELEV: Now, I have one other question. You said that you haven't issued a press release and that you haven't responded to inquiries from the media. If you are granted intervenor status, do you intend to make a press release?

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A. I have no plans at this point in time.
Q. Okay.
A. Around the -- surrounding the communications, if we were granted intervenor status.
MR. BOUCHELEV: Well, that's all the questions that I have for you, subject to refusals. So thank you for answering my questions today. I believe that Ms. Generoux has some questions for you, as well, so I'll leave it to her.
THE WITNESS: Great.
MS. GENEROUX QUESTIONS THE WITNESS
Q. Good afternoon, Dr. Cukier. Thank you for being here today. Can I just get you to confirm that you're still under oath for me today.
A. Yes.
Q. Okay. So my name is Christine Generoux. I'm a self-represented applicant from T-735-20.
Now, have you read our application for judicial review?
MR. GELBMAN: When you say "our," which number are you referring to?
MS. GENEROUX: T-735-20.
THE WITNESS: Is this the one that I just got?
MR. GELBMAN: This is the affidavit, yeah.
THE WITNESS: That I just received?

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MR. GELBMAN: Yeah.
A. Yeah. No, I haven't run through it in detail.
MR. GELBMAN: Oh. But, I think -- sorry. Just forgive me here for this. Just for clarity, the question was about the application, so Ms. Generoux's application for judicial review filed in 2020.
A. No.
Q. MS. GENEROUX: Right. So you have not read the application for judicial review or the notice of constitutional question, nor my affidavit, nor the affidavit of my co-applicant, I assume?
A. At this stage, no.
Q. Okay. And nor the affidavits of any of the people, Gregory Allard from the Pink Pistols; Lynda Kiejko, the Olympian; Bruce Gold, the historian; or Allan Harding, the sport shooter?
A. At this stage, no.
Q. So -- and you also said earlier that you had not reviewed the AGC's legal arguments or affiants' affidavits; that's correct?
MR. GELBMAN: Yeah. She's answered that question.
MS. GENEROUX: Okay.
A. I've relied on legal counsel.
Q. So, Ms. Cukier, how can your lawyer maintain in your

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written representations, then, that your interests are not adequately defended by any of the existing parties if you don't know the arguments and positions of the existing parties?
MR. GELBMAN: The issues before the Court are legal issues and, therefore, legal submissions. And no one representative of the Coalition or employee or otherwise would make that legal determination, and that's what you rely on legal advice for.
MS. GENEROUX: Right. And have you read them, Mr. Gelbman?
MR. GELBMAN: I'm not here to be questioned.
MS. GENEROUX: Right. But you're here to answer for Ms. Cukier?
MR. GELBMAN: I gave a position answer to an inappropriate question.
MS. GENEROUX: Okay.
OBJECTION TAKEN to answering the question: So, Ms. Cukier, how can your lawyer maintain in your written representations, then, that your interests are not adequately defended by any of the existing parties if you don't know the arguments and positions of the existing parties?
Q. MS. GENEROUX: So since you haven't read them, then I guess you don't understand them, so I'll skip

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through that.
Now, Ms. Cukier, in your affidavit, when you said that the regulation represents a significant development to firearms control in Canada, which designates approximately 1500 models of firearms, et cetera, et cetera, as exceeding safe civilian use, is that your opinion?
A. Sorry, what page are you referring to?
Q. Just paragraph 4 of your affidavit.
A. Yes.
Q. That's your opinion?
A. That's my opinion.
Q. So you mimic the RIAS on that, then?
A. As I said previously, there are elements that are similar to our position, but there are additional perspectives that we think need to be considered.
Q. Okay. Perspectives such as?
A. Gender perspective, the perspective specifically with respect to hate crimes and underrepresented groups, victims, public health perspectives, and so on.
Q. Further to that, what was represented in the RIAS, based on the gender perspective analysis and everything?
A. From our perspective, it had -- there are points that could certainly be elaborated upon.

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Q. Okay. Now, in paragraph 5, you read this stated purpose. You said: (as read)

"The Court will consider the validity of the OIC and the regulation, which were made for the stated purposes of reducing the number and availability of such a firearm and the possibility of their diversion."

And you read this stated purpose from the objective in the RIAS; correct?

MR. GELBMAN: What are we looking at?

MS. GENEROUX: Paragraph 5 of Ms. Cukier's affidavit.

A. I would have to look at the RIAS again to verify that -- where the language came from, specifically.

Q. Okay. Well, the language you chose when you said, "which were made for the stated purposes," where did you get that stated purpose from?

A. Presumably from the regulations. But as I said, I don't have it in front of me, so I would like to just verify that.

MR. GELBMAN: Yeah. So that will be among the documents delivered by JSS here, and it's document number 1, as provided by counsel with CCFR.

THE WITNESS: Yeah.

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Q. MS. GENEROUX: So I do believe that comes from the section in the RIAS underneath "objective."

A. You were asking me specifically about the gender-based analysis in this?

Q. Well, that was from the last question. That was from your paragraph --

A. Oh, okay. Sorry.

Q. That's okay.

MR. GELBMAN: So the question, and correct me if I'm wrong, is what is the source of the stated objectives or stated purposes that's cited in paragraph 5; is that right?

MS. GENEROUX: That's right.

A. Yes. It's under the objective on page 55.

Q. So you think that's where you got that from, then?

A. Yeah.

Q. Okay. Now, would you tend to agree or disagree with me that most any firearm is capable of inflicting significant harm to people?

A. I would agree.

Q. Okay. Now, let's see here. So -- let's see. In paragraph 6 of your affidavit, when you talk about being a globally, you know, recognized leader, and you would like to contribute your perspective to the matters at issue, I guess from, you know, my first set of questions, you understand the matters at issue?

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A. I believe so.

Q. Okay. And what are they?

A. I think I've explained previously that the matter at issue is the -- whether or not the purposes of the regulations and related OICs are within the -- they're legal issues about whether or not they are within the appropriate jurisdiction of the federal government, whether the process was appropriate and so on. That's one piece.

The other piece is whether or not the -- and the piece we're interested in in particular -- is the relationship between this regulation, or proposed regulation, it's intended purposes, the potential impact that it will have, and the interests and perspectives of specific groups, including women and other underrepresented groups who tend to be victimized with these firearms but tend not to be their users.

Q. Right. So you would agree with me, though, that roughly 85 percent of victims of firearm homicide in Canada are men; right?

A. I'm not sure that -- of that proportion, but that sounds likely to be the appropriate proportion. Men are also a higher percentage of victims of other forms of firearms violence.

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But when we look at mass shootings, that -- those proportions are not necessarily the same as when we're looking at other kinds of firearm related violence.

Q. Right. So the matters at issue, as you've just explained, and, you know, your perspective, being as you stated, that the regulation is valid, that's your perspective.

Now, correct me if I'm wrong, but what I understand from our conversation so far, you don't understand the Charter arguments of any of the applicants. You haven't read them, is that correct?

A. I haven't reviewed them in detail, but I'm certainly familiar with some of the arguments that have been advanced previously on these matters.

Q. Right. Well, I don't think anybody would, you know, be advancing arguments that had been advanced previously.

Okay. So, like, under section B, when you talk about the social impacts of the regulation from perspectives of experts in violence prevention, which experts are you speaking of there?

A. Here we would be talking about experts, for example, in public health, emergency medicine, some policing groups, victims of violence, organizations focused on gender-based violence and women's equality, organizations focused on hate crimes and issues like

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Islamaphobia, and so on, as well as survivors of gun violence and other community organizations.

Q. So not people, like, individuals? You're not speaking of them; right?

A. No. The Coalition -- I mean, we do have individuals who support Coalition, who, you know, contribute financially to the Coalition, but we're talking primarily about the organizations that have endorsed the position of the Coalition for Gun Control on the ban on assault weapons and other firearms legislative matters.

Q. So you consider victims to be experts in violence prevention; is that right?

A. I consider victims to have lived experience and perspectives that are very important to bring forward when we're looking at legislative interventions that could have an impact on public safety, and we're trying to evaluate risk versus utility.

Q. So the answer is, no, you don't consider them experts in violence prevention, or you do?

A. I think lived experience provides a kind of expertise that's important to consider.

Q. Right. So when you talk about groups disproportionally affected by firearms violence in that same section B, you mean LGBTQ, Aboriginals, and women?

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A. Indigenous peoples may be considered. Certainly racialized people.

When we look at mass shootings, obviously we've seen people targeted because of their identity. Muslims, for example; women, for example.

In Canada, I'm not aware of any mass shootings involving 2SLGBTQ+ people, but it's clear that there are some segments of the population that represent a higher percentage of victims than they do legal gun owners.

Q. Right. But you don't purport to speak for, you know, Canadian women in general; right?

A. No. But groups that support the Coalition include, for example, the Canadian Women's Foundation, the National Association of Women and the Law, the YWCA of Canada, and many local YWCAs. For example, in Toronto, the Schlifer Clinic and so on.

So organizations that live day in and day out with the repercussions of misogyny and violence against women, and also are acutely aware of the fact that women's perspectives on public policies issues are often not considered.

Q. Oh, okay.

A. Just as an example.

Q. Sure. Again -- no, I have the list. And those people

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that you -- those organizations that you just named, I assume you have their prior permission; right?

A. They are in the press release we issued recently, so.

Q. Right. And do you purport to speak for any Aboriginal groups?

A. I do not purport to speak for any Aboriginal groups, but you will note that there were a number of Aboriginal women who have testified in support of the position of Coalition For Gun Control, including Eleanore Sunchild, who represents the family of Colten Boushie; Pam Palmater, who is very concerned about firearms and hate crimes; and there was also a representative from the commission into murder and missing Indigenous woman and girls, who testified in support of stronger gun control.

So I don't purport to represent them, but certainly we collaborate with them, consult with them, and try to ensure their perspectives are included.

Q. Sure. And you're also aware of a number of Aboriginal women, including, you know, vice chief Heather Bear, who have spoken against your agenda of your organization. You're aware of them; right?

A. Oh, of course.

Q. Okay. Now, since you did mention the Colton Boushie killing, I suppose that you do understand that, you

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know, firearms -- self-defence using a firearm, if you happen to have one, is well within the basis of Canadian laws. You understand that; right?

A. Arming for self-protection, though, is not a legitimate reason for having a handgun. And in that particular instance, the handgun owner claimed that he had the handguns for shooting coyotes, which is not a lawful purpose.

Q. Right.

A. So regardless of that particular case, the purposes for which he said he owned the firearms, in our view, were not legitimate.

Q. Right. Well, I don't know where reason came from, but it is a legitimate use, I'm sure. You agree, right?

A. The Canadian law is pretty clear that the -- that handguns -- the reasons for firing handguns are very limited. And arming for self-protection is a very, very -- very, very uncommon reason for which a restricted weapons permit is issued.

Q. Ms. Cukier, is English your first language?

MR. GELBMAN: How is that relevant?

MS. GENEROUX: Because I think she's mishearing me. I'm saying "use." Not reason.

MR. GELBMAN: Okay. Let's just keep it professional. We're not going to tolerate questions

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like that.
MS. GENEROUX: Well, I mean, it's a French name, right?
Q. So I'm just understanding, Ms. Cukier, that you keep going back to reason, but I'm asking you about use, and you don't seem to want to answer that, so.
MR. GELBMAN: Let's move on.
MS. GENEROUX: Yeah.
Q. So in paragraph 8 of your affidavit, you said the Coalition has filed motions for leave to intervene in very similar challenges, including T-905-20, T-677-20, T-581-20, and et cetera.

Now, you know, you say they're similar, but you haven't read them, again; right?
A. I've relied on the advice of counsel.
Q. Okay. So you're not aware then that my case includes specific claims of systemic cultural discrimination and cultural genocide against my culture. You're not aware of that?
A. No, I'm not.
Q. Okay.
A. And genocide, specifically.
Q. It's actually cultural genocide. It doesn't involve killing anyone, so -- now, in paragraph 9, when you said the Coalition is the leading voice on firearms

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controls in Canada, and you've worked to reduce firearms death, injury, and crime for 30 years, now, your work to reduce firearm death, injury, and crime includes working to reduce firearm ownerships in Canada; right?
A. Not specifically. Our focus, as I've explained before, is improving regulation, ensuring firearm owners are screened before they're licensed, ensuring that we're tracking sales of firearms and restricting access to firearms where the risk outweighs the utility.
Q. Okay. So it doesn't include reducing general firearms ownership in Canada, then?
A. That is not a -- our goal.
Q. Okay. Well, we'll come back to that. So you told either Mr. Phillips or Mr. Bouchelev earlier that you stopped publishing the list of supporters after -- of Coalition supporters without their permission after some sort of incident. Do you remember what year that was?
A. Well, the latest incident was actually about five years ago, I think. Approximately five years ago when one of the other Coalition supporters received a photograph, as did I, of herself used for target practice. So that was -- that was within the last five years.

The case where the Quebec women's organizations

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were targeted by a gun owner, who eventually went to jail for his crime, was in approximately 2005, I think. But there have been -- there have been other incidents since then, and in fact, the experience of -- the experience of harassment and -- on the internet has been, you know, the subject of considerable concern where people express their views on firearms, and then even victims are further victimized for speaking out.
Q. Right. So you said about five years ago was the last incident; right?
A. No. Five years was the last death threat where police were involved, but the experience of harassment is -- and, you know, people calling my place of employment, and, you know, leaving anonymous voice messages. That's a fairly regular occurrence.

And it happens to others who are involved. Even journalists who write positive comments -- columns in support of gun control often find themselves the targets of harassment.

So we're very careful now about naming people and making sure, especially the victims, we have their permission before we list their names or reference their experiences.
Q. Okay. So I'm just going to share I guess a three-page document with you. That would be an accepted document,

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if counsel will allow. I don't know if you can see my screen. Do you recognize this appendix 1?
A. Yes. It's from about ten years ago.
Q. Okay. Yeah. It seems to be attached to a 2016 document on Bill C-64. Most of it's in French, but I was just interested in the three-page appendix attached to the thing. And I was wondering --
MR. GELBMAN: Actually, before you ask, can you advise which exhibit this is to your affidavit, Ms. Generoux.
MS. GENEROUX: Oh, no. It's not attached to my affidavit. This is a Coalition for Gun Control briefing on Bill C-64, I believe, or law C-64. And so the appendix is three pages long here, and it just lists a 2012 list of Coalition for Gun Control supporters.
MR. GELBMAN: Okay. But where is it among the documents that you sent us?
MS. GENEROUX: It's not in the documents. It's -- I'm hoping to use it as an accepted document.
MR. GELBMAN: I see. Well, let's hear your question.
MS. GENEROUX: Sure.
Q. I was just wondering, I suppose this list is rather -- is still somewhat up to date, Ms. Cukier?

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A. No. We've gone through a major revision, as I explained, in 2018 because we consulted with all of the groups on their position with respect to the ban on handguns.

Q. Right.

A. So some of the organizations listed there are still supporters. Others don't exist. There is no longer a Canadian Auto Workers Association, for example.

Q. Okay.

A. So this is ten years out of date.

Q. Right. And the Canadian Association of Chiefs of Police is not a supporter of your handgun ban idea; right?

MR. GELBMAN: This proceeding is not about handguns.

MS. GENEROUX: Well, I'm just saying that in relation to what she had just mentioned to me about, you know, did a revamp in 2018 about the handgun ban.

MR. GELBMAN: Okay. So you can ask a relevant question, but we won't answer that.

MS. GENEROUX: Sure. It doesn't matter.

Q. Ms. Cukier, were any of these organizations that support or advocate for sport shooting and hunting?

MR. GELBMAN: You're going to have to stop moving the screen.

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A. Well, many -- as I said, I don't think -- I'm not sure if the Fédération des femmes du Québec -- familles du Québec is there, but there was, for example, a farming women's organization in Quebec. I'm not sure if they're still -- if they supported the handgun ban or not.

But as I explained before, the organizations are obviously not advocates for firearms owners; however, if you look at -- within the organizations, many of them do have firearms owners. In fact, often the leadership of the organizations will say in their statements that they are gun owners, and yet they support stricter controls on all firearms, a ban on assault weapons, and often a ban on handguns, as well.

And that's borne out in the polling, which shows that a substantial proportion of gun owners, especially in provinces like Quebec, support a ban on assault weapons.

Q. Yes. Well, a lot of people say a lot of things, but that wouldn't, you know, reflect the polls in the consultations that you took part of; right?

A. Those were not -- those were not -- those were not polls. Those were consultations. There's a big difference.

Q. No. I'm talking about the public polling contained in the key engagement summary from "Reducing Violence Crime: A Dialogue on Handguns and Assault Weapons."

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A. Yeah. It wasn't a poll. It was a consultation. A poll -- when I'm referring to polls, I'm talking about randomized samples of Canadians' opinions as opposed to -- you know, in that instance 50 percent of the respondents were gun owners. Most of them were men, and that isn't representative of the Canadian population.

So if you're trying to understand Canadians' opinions on these issues, you need to have randomized samples. There's a difference between a consultation and a poll.

Q. Well, why don't we take a look at that. Let's see here. That would be Exhibit K to the June 10th, affidavit of me.

A. The engagement summary?

Q. Right.

A. Yeah. Again, this is not a poll. This is a reflection of what they heard from the respondents. It wasn't --

Q. Right.

(Cross-talking)

Q. I understand that, Dr. Cukier. I don't need you to explain it to me. I'm not talking about that. I'm talking about a certain portion of it that was public polls and online questionnaires. So we'll get to it. Just be patient.

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So if you can turn to page 123, section 3.3, with the online questionnaire. It says, "To engage --" would you like me to share my screen with you?

A. I'm on page 123.

Q. Okay. So it says: (as read)

"To engage the general public in the dialogue, Public Safety developed and launched a questionnaire that was available to all Canadians."

So it says: (as read)

"The questionnaire was open for one month between October 11th and November 10th, 2018, and during this time, 134,917 questionnaires were completed. Respondent profile highlights."

So 61 percent identified as male; one-third were female, 30 percent; and 1 percent as other; and 8 percent preferred not to say.

So basically, the crux of this is that most respondents, 81 percent, did not want more to be done to limit access to handguns. And if you want to scroll to page 125, it says similarly, most respondents, 77

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percent of their sample, did not want more to be done to limit access to assault-style firearms.

So just to clarify, I think it's not exactly honest of you to be claiming that most Canadians support this radical agenda.

A. This is -- again, with respect, this is an online questionnaire. It was posted on the NRA's Canada website. It was targeted and responded to by a disproportionate number of gun owners relative to the population.

When I refer to polls, I'm talking about polls that are conducted by organizations like Environics and others where it is a stratified sample that reflects the general population.

So we know that in Canada, for example, fewer than 10 percent of Canadians own firearms. So if you have a stratified --

Q. Oh, do we know that?

A. Yes, we --

Q. We know that?

A. -- do know that.

Q. Where did you get that data from?

A. If we look at the number of licensed firearm owners in Canada and do the math, that's what it turns out to.

So I'm just trying to explain that a poll is

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different than a consultation. This is not a poll. This is not stratified. This is not representative. So it reflects the views of the people who responded, but given that it was promoted on the NRA website -- the department actually indicated they had no way to ensure that the respondents were even Canadian.

So just -- just to clarify, there's a difference between this and what we see in polls that are conducted by third parties.

Q. Sure. Like, third parties --

MR. GELBMAN: And I'll just weigh in here --

(Cross-talking)

MS. GENEROUX: -- left-leaning think tanks --

MR. GELBMAN: -- first of all --

MS. GENEROUX: -- like Environics; right?

MR. GELBMAN: First of all, you called Ms. Cukier dishonest, and I would ask you to take that back. And if you want to reframe a question, you can do so first.

MS. GENEROUX: Sure. Did I use the word --

MR. GELBMAN: Second, your tone --

MS. GENEROUX: -- dishonest?

MR. GELBMAN: I'm not finished. Your tone, your sarcastic tone will not be tolerated. So if there are questions that are legitimate and appropriate, we will

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answer them, but we will not respond to smirks, like your smirk now, to sarcasm, or allegations of dishonesty. Those are some of the basic ground rules, and if we are not going to abide by them, we're finishing.

MS. GENEROUX: Sure. I understand.

MR. GELBMAN: You have one hour left.

MS. GENEROUX: Right. At your insistence, we would end this at 6:00, and I have --

MR. GELBMAN: At the direction of the Court.

MS. GENEROUX: Yes. And at the direction of the Court, and I have no problem with that.

Did I call Ms. Cukier dishonest?

MR. GELBMAN: Yes.

MS. GENEROUX: You mean when I said about the 10 percent of Canadians own guns?

MR. GELBMAN: If you would like, we can ask the Court Reporter to read it out.

MS. GENEROUX: Well, I think the record --

MR. GELBMAN: I think your time is better spent just asking appropriate questions, and then we can finish.

MS. GENEROUX: Yeah. Well, you know, I would really appreciate it if Dr. Cukier wouldn't use this cross-examination as a platform to propagate and

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disseminate information that advances her cause. I'm asking --

MR. GELBMAN: You're asking the questions.

MS. GENEROUX: Yeah. Yeah, I am. So I guess we'll get on with it.

Q. Now, Ms. Cukier, the 10 percent of Canadians that own firearms, where do you get that data from?

A. The commissioner -- well, it was actually data that was provided earlier that the number of Possession and Acquisition certificates licensed gun owners that currently exist in Gary Mauser's affidavit. And you just take that and divide it by the population of Canada.

Q. Sure. Do you know how many percentage of households approximately own firearms in Canada, as of 2006?

A. About 24 percent, if I recall.

Q. Right. And the respondents, in the questionnaire from -- that was advertised on the Government of Canada's website, if you say it was from the NRA website, I'll take your word for that; although, as far as I understand, it was advertised on Public Safety Canada's website. You say --

MR. GELBMAN: Are you giving evidence, Ms. Generoux?

MS. GENEROUX: Should we take a look at the

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document?
MR. GELBMAN: Maybe.
Q. MS. GENEROUX: Okay. So if I can just have you turn to -- let's see. Exhibit K to my affidavit that I submitted on June 10th, and we'll just go down to page 125, I think it was. Right. 123.
It says that the questionnaire was open for one month and that it was on Public Safety's website, so I think it was advertised on the Government of Canada's website and not firearms organizations.
A. Firearms organizations redistributed it, and in fact, there were a number of people bragging about how many times they had answered it, and it was indeed on the National Rifle Association's Canada website.
So it was posted on the Government of Canada's website, but it was promoted extensively by firearms organizations, which is why you have such a disproportionate response rate in terms of the percentage of gun owners, the percentage of men, and so on. It's not a stratified sample which represents the Canadian population at large.
Q. So you think the 61 percent of respondents who self-identified as men was very disproportionate to the population?
A. Well, women are 51 percent of the population, so it's

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not in proportion. If it were a stratified sample, 51 percent of the respondents would have been women. If it were a stratified sample, the proportion of gun owners would be approximately the same as gun owners represented in the population. If it was a proportionate sample, we would have had representation from across the country in proportion to where people live.
So just -- I'm just saying it is not a stratified sample, and my comments were based on polling, which is scientific -- scientifically designed to be representative. This was not.
Q. Right. So there was 10 percent more men who answered than men in the population equal to women. Do I understand that correctly?
A. That's not -- it's not a representative sample. That's a fundamental principle, if you're trying to assess what Canadians, writ large, think about an issue.
Q. Right. So in paragraph 13 of your affidavit where you said: (as read)
"Each Coalition supporter has passed a formal resolution endorsing the Coalition's position that military assault weapons and large capacity weapons should be banned."

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Was that in 1991?
A. I'm sorry?
Q. At paragraph 13 of your affidavit --
A. Yeah.
Q. -- where you have: (as read)
"Each Coalition supporter has passed a formal resolution endorsing the Coalition's position that military assault weapons and large capacity magazines should be banned."
That was passed and signed in 1991; is that...
A. No. Coalition -- some Coalition supporters passed resolutions in '91. I also reference the CACP passed resolutions in '94. And there are supporters that passed resolutions or sent letters of support in 2018.
So it's 30 -- over the period of 30 years, a wide range of organizations have endorsed the position of the Coalition for Gun Control.
Q. The position that --
A. With respect to military assault weapons.
Q. Right. And large capacity magazines?
A. Yes.
Q. Okay. Now, earlier, you told Mr. Phillips that your organization is impartial; right?
A. Nonpartisan, I think was the word.

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Q. Right. So in 2019, did you register as a third-party intervenor in the federal election?
A. Yes.
Q. And I guess you mailed out some -- you know, some 15,000 postcards on the various positions of the parties?
A. Sorry, no. We didn't do that in 2019. I think that's -- I don't believe that we -- I think that the date is wrong on that. Do you have something you want me to look at?
Q. Not particularly.
A. So --
MR. GELBMAN: Then so we'll leave it there?
MS. GENEROUX: Sure.
Q. But you intervened in the 2015 election, then. Is that -- and that's when you sent out the postcards or?
A. I think we did a mailing in the 2015 election, and on the advice of our legal counsel, we therefore registered that we were spending money that could be construed as being related to the election, or that we planned to spend money.
As it turned out, though, I'm not sure that we actually did the mailing. I would have to check.
Q. Okay.
A. But certainly not in the most recent election.

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Q. Okay. So we'll move on to paragraph 16 of your affidavit now: (as read)

"The Coalition has advocated for a ban on military assault weapons and supported strategies to reduce firearm death, injury, crime.

The Coalition's position is that easy access to firearms increases the risk that firearms will be used in gang violence, domestic violence, hate crimes, and suicide, and undermines community safety."

Now, when you talk about easy access, are you talking about the current licensing and storage laws that are in place now, or?

A. We're talking in principle about the fact that regulation reduces the risk that dangerous people will have access to firearms. So licensing is part of that, for sure. And banning firearms where the utility is outweighed by the risks would be another piece. Say, storage and so on. So there's a variety of different measures that would ensure that people -- dangerous people don't have easy access to firearms.

Some of it's legislative. Some of it is also administrative, and some of it has to do with community

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engage. So it's not just about legislation.

Q. Sure. So, like, your position, I guess, is the laws, as they are in place today in Canada, undermine community safety because they create too easy of an access to firearms; do I understand that?

A. I'm not sure. It's a principle that's being stated here. It's not a comment on specific laws.

Q. Okay.

A. It's a principle that underlies our approach to regulation.

Q. Okay. So, now, you said also in that paragraph that the military assault weapons, you know, are not needed for hunting or other civilian purposes. Now, do you hunt?

A. No.

Q. Okay. Dr. Cukier, in all of your degrees that you have, did you ever study statistical methods in math?

A. Did I ever study?

Q. Statistical methods in mathematics.

A. My PhD is in management science, which is heavily focused on quantitative analysis and statistics. So I've done a lot of statistical analysis, yes.

Q. Now, you said earlier to me that you're more interested in the prohibition of handguns and assault style firearms, and not the prohibition or the reduction in

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ownership of firearms in Canada, in general; correct?

A. Yes. We don't have a position about the availability of hunting rifles or shotguns or firearms reasonably used for those purposes, except that there should be strict screening and licensing that firearms should be removed from people who present a danger to themselves or others, and that we should track the sales of those firearms and ammunition.

Q. Sure. So the hunting rifles, then, like -- not my Ruger Mini-14 hunting rifle, though, right?

MR. GELBMAN: We don't know anything about your possessions.

MS. GENEROUX: Well, I'm telling you. So it's like a --

MR. GELBMAN: Can you --

(Cross-talking)

MS. GENEROUX: But that's a hunting rifle, so -- or like the Derya MK-12 shotgun that's recently been banned under this OIC. That's a hunting shotgun; isn't it?

MR. GELBMAN: So what's the question?

MS. GENEROUX: I mean, well, she said she didn't have a position on hunting rifles and shotguns. I'm just wondering if maybe we're having a disconnect in the -- what we're using as definitions for hunting

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rifles and shotguns versus these military assault or purported military assault firearms.

Q. So you do consider the Derya MK-12 shotgun or the Ruger Mini-14 Ranch Rifle as assault rifles and shotguns, and not as hunting rifles and shotguns; is that correct?

A. Again, as I explained, you know, the -- you know, purpose, I think, of today's discussion is not about specific makes and models of firearms, but the principle that military style assault weapons should be prohibited.

And our position has been for 30 years that the Ruger Mini-14 and the AR-15 should be classified as prohibited weapons.

Q. Right. And the cofounder, Heidi Rathjen, is she still part of the Coalition for Gun Control?

A. She leads an organization called PolySeSouvient, which is survivors of Polytechnique working with other victims of gun violence. And they certainly support the position of the Coalition for Gun Control, but they also have particular issues that they are preoccupied with.

Q. Right. So they're still part of the Coalition, though, all those Poly groups?

A. They're part of the Coalition. They don't represent the Coalition. So there's -- there are many

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organizations that support the Coalition but also have other positions that are not necessarily reflected with the Coalition's position. So there are --

Q. Okay.

A. -- some things that PolySeSouvient would advocate for that may not be part of our position.

Q. Okay.

A. Although we --

(Cross-talking)

Q. Okay --

A. -- with them.

Q. You do. Did Heidi tell you what evidence she gave the governor in council, or?

A. No.

MR. GELBMAN: What are we --

(Cross-talking)

MR. GELBMAN: -- talking about?

A. -- what you're referencing.

MR. GELBMAN: I'm not totally clear -- so implicit in your question was that Heidi spoke to the governor in council; is that right?

MS. GENEROUX: Yeah. I'll put it another way.

Q. Ms. Cukier, do you know why PolySeSouvient and Ms. Rathjen are suspiciously silent in this proceeding? Because all of our regular gun control, gun grabbers

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are here, but except for her. So --

MR. GELBMAN: Sorry. Sorry --

THE WITNESS: Did she just refer to me as a "gun grabber"?

MR. GELBMAN: So do we have a question here, or are we going to --

Q. MS. GENEROUX: Do you know why --

MR. GELBMAN: -- call people names?

MS. GENEROUX: -- she's absent?

MR. GELBMAN: No. No. We're not answering that question.

Q. MS. GENEROUX: Okay. That's fine. You can object, but I thought that I had read somewhere that you liked being referred to that -- as that, Ms. Cukier, or that you were part of it, or that you liked it or proud of it, or I don't know what, but forgive me if I'm mistaken.

A. Yes. You are mistaken.

MR. GELBMAN: Let's move on.

OBJECTION TAKEN to answering the question: Do you know why she's absent

Q. MS. GENEROUX: Sure. Do you believe that I as a firearms owner have a right to exist just the way that I am?

MR. GELBMAN: We're not answering that question.

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OBJECTION TAKEN to answering the question: Do you believe that I as a firearms owner have a right to exist just the way that I am?

Q. MS. GENEROUX: Okay. Do you believe that I as a firearms owner am prone to criminal and violent behaviour?

MR. GELBMAN: We're not answering that question.

OBJECTION TAKEN to answering the question: Do you believe that I as a firearms owner am prone to criminal and violent behaviour?

Q. MS. GENEROUX: Okay. Do you believe that I as a firearms owner have the right to live free from discrimination, stereotypes, and harassment?

MR. GELBMAN: We're not answering that question.

MS. GENEROUX: Why?

MR. GELBMAN: They're inappropriate and objectionable.

OBJECTION TAKEN to answering the question: Do you believe that I as a firearms owner have the right to live free from discrimination, stereotypes, and harassment?

Q. MS. GENEROUX: Okay. How about do you believe that all Canadians, regardless of their status, have the right to live free from discrimination, stereotypes and harassment. Do you believe that, Ms. Cukier?

MR. GELBMAN: That's not at issue in this

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proceeding.

OBJECTION TAKEN to answering the question: How about do you believe that all Canadians, regardless of their status, have the right to live free from discrimination, stereotypes and harassment. Do you believe that, Ms. Cukier?

Q. MS. GENEROUX: Well, you believe in diversity and inclusion for all, right, Ms. Cukier?

MR. GELBMAN: We're not answering that question. You're right on the line of harassment here, and there's not a lot of room left.

MS. GENEROUX: I'm on the line of harassment?

MR. GELBMAN: Yes.

MS. GENEROUX: How so, sir? How so?

MR. GELBMAN: The record will show it. So just keep to some appropriate questions, and we'll get this done.

MS. GENEROUX: Right. Well, considering that my case is about cultural discrimination, cultural genocide, and harassment, and stereotyping of gun owners, I think it's highly relevant and very important to determine what's in the interest of justice and what's in the public interest here. So we'll move along, but I think that it's not appropriate for you to refuse those questions.

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They're not a question that you should feel ashamed in answering. I think anybody who's reasonable could answer those questions.

OBJECTION TAKEN to answering the question: Well, you believe in diversity and inclusion for all, right, Ms. Cukier?

Q. MS. GENEROUX: Now, Dr. Cukier, in your 2020 letter that you sent to Bill Blair, I believe that is Exhibit -- let's see. Exhibit N to my affidavit that I submitted on June 10th -- and I can screen share if you guys want -- this is an April 2020 -- April 20th, 2020, letter that PolySeSouvient, Doctors for Protection from Guns, the Coalition for Gun Control and the Danforth Families had sent to Minister Blair.

Now, in here you talk about -- you guys are talking about anti-hate experts, so I'll just find that. Let's see here. Right. So I think it's paragraph 1, 2, 3, 4, 5. Paragraph 5 in the letter. It says: (as read)

"Further, the pandemic and associated misinformation campaigns have led police and anti-hate experts to warn of a risk of violence."

So who is the anti-hate expert that you're speaking of there?

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A. You will find -- if you look at -- if you look at information that has been provided by CSIS, for example, on extremist groups, there's support for that. Organizations like the Canadian Anti-Hate Network led by Bernie Farber have testified about issues related to firearms and hate groups.

Pam Palmater has talked about firearms and anti-Indigenous hate, so there are many experts that have spoken about those connections.

Q. Right. Those are --

A. And they were on the record.

Q. The CSIS information that you reference is very interesting. Do you have any more information on that?

A. Not offhand.

Q. Well, I'll undertake to get that information from you, then.

Yes. And by Bernie Farber, you mean the disgraced alt-left organizer of the Canadian Anti-Hate Network?

A. I have no information about what you're speaking of, but the Canadian Anti-Hate Network has produced reports linking white supremacists, right wing extremists, and threats to Canadians' safety.

THE COURT REPORTER: Sorry, I need to interrupt. I didn't get a response to that undertaking request.

MR. GELBMAN: Oh, yeah. We're not going to give that undertaking. I didn't understand it at first, but we're not giving it.

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UNDERTAKING NO. 5 - To provide more information on the CSIS information referenced by Ms. Cukier - REFUSED

Q. MS. GENEROUX: So, Ms. Cukier, you don't know the name of any of the CSIS information; right?

A. There are several reports where CSIS identifies white supremacist and right wing extremist groups as being a significant security threat in Canada.

Q. Do they mention when the last time they killed anyone was or hurt anyone?

MR. GELBMAN: Who?

MS. GENEROUX: CSIS.

MR. GELBMAN: Can you please reframe the question.

MS. GENEROUX: Sure.

Q. They mention -- I'm not really sure what you said, something about threats or whatever. Violence from alt-right wing extremists. Do they mention the last time an act of violence was committed by an alt-right white extremist as you've -- has there been any acts of violence, or is it just perceived threats?

A. The Quebec Islamic Centre attack is generally viewed as a mass shooting motivated by hate, and there have been

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a number of seizures of firearms in the context of protests over the last while where it's evident that firearms were being stockpiled.

But, again, I would invite you to simply look at the record because these things have been well documented.

Q. The record?

A. Sorry, to -- not the record. Sorry. Not the existing record of these proceedings, but if you -- if you look at reports that CSIS has issued on right wing extremism, they have highlighted that as a particular threat to public safety in Canada in recent years.

Q. Yeah. I've seen some vague things, but I haven't really been able to find any good data.

So I guess while we're on the topic of the mosque shooter, I'm going to go back to what you said a little bit earlier about legal gun owners have a more efficient higher killing rate than gangsters.

So when you talk about legal gun owners and mass shootings, you're talking about, you know, Gill from Dawson College who killed 1 person and injured 19. Is he one of them?

A. He is a mass shooter.

Q. Right. And he killed 1 person and injured 19; right?

A. He did.

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Q. And do you consider the Parti Québécois shooting to be a mass shooting done by a licensed owner?
A. I don't recall that incident, and I'm not sure it's listed as -- I'm not sure it counts as a mass shooting. I can't recall how many people were victims.
Q. Well, the government thought it did, but they retracted it.
And you're certainly speaking of Marc Lépine or Gamil Gharbi who killed 14 women in Montreal?
A. Yes.
Q. And you're certainly speaking of Alexandre Bissonnette who killed six people at the mosque; right?
A. Yes.
Q. But you're not speaking of Gabriel Wortman who committed the worse mass shooting in Canadian history and killed 22 people; right?
A. No. He's exceptional.
Q. Right. So it seems like he was the most successful killer; isn't that right?
A. It's one -- it depends on what you're counting. It's one incident out of a dozen.
MR. GELBMAN: I'll take issue with the word "success." So the question doesn't make -- I'm not sure that it's answerable, but I do want to know where the line of questioning is going because none of the

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questions have been relevant.
MS. GENEROUX: Sure. Well, you know, why don't we -- why don't we just go to my affidavit here, and I'll share my screen with you. Let's see here. Let's see.
Q. So this tweet, F, you say you remember making it, right: (as read)
"Military assault weapons are prohibited in most industrialized nations because they're often used in hate motivated mass shootings, typically by legal owners."
You said you remember making that tweet; right?
A. Yeah.
Q. And this one here, too, at the bottom: (as read)
"We do know that most industrialized countries prohibit civilian possession of military assault (verbatim) to reduce the risk they'll be used in hate-fueled mass shootings, often by legal gun owners."
You remember making that tweet; right?
A. Yeah.
Q. And I notice that that language is quite similar to what you've put in your affidavit in paragraph 16, I

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believe. On paragraph 16 of your affidavit, you said: (as read)
"Most countries prohibit civilian access to these firearms. Military assault weapons have been used to commit hate crimes against women and minority groups in Canada."
But you seem to have left out your views about legal gun owners for the Court. I was wondering why you feel comfortable using social media to abuse your position as a doctor and cite hatred against me and my culture but not your affidavit for the Court?
MR. GELBMAN: I'm not really following the question. I think you can rephrase it without an accusation.
Q. MS. GENEROUX: Well, I just notice that the language in paragraph 16 in your affidavit is exactly the same as the language in these two tweets, except in your affidavit for the Court you left out that important opinion of yours that it's often or typically done by legal gun owners. And I was wondering why you left that out for the Court?
MR. GELBMAN: I'm not sure I'm following the question.
Q. MS. GENEROUX: Well, the tweets and the

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paragraph 16 tweets, I guess, G and F -- F and G are exactly identical to paragraph 16 in your affidavit, except for the part about often or typically by legal gun owners. So I was wondering why you didn't include that part of it for the Court?
A. Because I think the context was different. I was responding to a specific comment, and the constant refrain in social media that the issue is criminals, as if they're somehow uniquely identifiable, so I don't really understand your point.
MR. GELBMAN: And we don't accept that the listening is identical either.
MS. GENEROUX: Very, very similar, then. Would you accept that?
MR. GELBMAN: No. Because they're different contexts.
Q. MS. GENEROUX: Well, they're both in the context of this OIC gun ban; right?
A. But it's talking about a global -- the tweet is about a global perspective.
MR. GELBMAN: Yeah. Do you have a question, a relevant question?
Q. MS. GENEROUX: Yeah. So the tweet here in tweet F appears to be from a post by Andrew Scheer, and this person Mike McClory. "Less assault weapons, less

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chance of assault with those weapons." So it's a response to this person.

MR. GELBMAN: Sorry, which tweet are we looking at?

MS. GENEROUX: Tweet F.

MR. GELBMAN: Do you mind going there.

MS. GENEROUX: Sure. Let's see what I can do here. Oh, I am sharing. Okay.

MR. GELBMAN: Yeah.

Q. MS. GENEROUX: Yeah. So in tweet, whatever. Yeah. Right. So Mike McClory. "Less assault weapons, less chance of assault with those weapons." Andrew Scheer's post.

MR. GELBMAN: So we don't have Andrew Scheer's post. We have Mike McClory's post.

A. He's responding to Andrew Scheer.

Q. MS. GENEROUX: M-hm. So you're tweet here in tweet F is in relation to the military assault rifle ban of May 1st, 2020; correct?

A. No. It says -- what it says specifically is: (as read)

"Military assault weapons are prohibited in most industrialized nations because they are often used in hate motivated mass shootings, typically by legal owners. Their risk outweighs their

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utility."

Q. Right. Now, in paragraph 16 of your affidavit, you said, quote: (as read)

"Most industrialized countries prohibit civilian access to these military firearms. Military assault weapons have been used to commit hate crimes against women and minority groups in Canada."

MR. GELBMAN: Which tweet is that?

MS. GENEROUX: No. That was from her affidavit.

MR. GELBMAN: Oh, okay.

MS. GENEROUX: Paragraph 16.

Q. So I'm just wondering, you know, in tweet F and tweet G, you have used identical language to that of your paragraph 16 in your affidavit here about most industrialized countries prohibiting civilian possession of military assault weapons to reduce the risks that they're used in hate-fueled mass shootings. But you did not put that in your affidavit for the Court, and I was wondering if there was a reason why?

A. Well, I don't base my affidavit on tweets. The tweet was May 3rd. It was in response to a series of tweets, and my affidavit was a description of the position of the Coalition for Gun Control.

This was not -- I was not articulating a

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particular position. I was making a comment in response to a whole series of other comments, so I don't really -- I'm sorry, I just don't understand your point.

Q. Sure. Well, I get it that you don't base your affidavit on tweets. I just thought that you might base both your tweets and affidavits on facts and opinions that you hold and believe, so that's where that came from.

MR. GELBMAN: Okay. Let's ask some questions so we can conclude today here.

MS. GENEROUX: Sure.

Q. So I suppose you think that your statements and tweets F and G are very fair and truthful; is that correct?

MR. GELBMAN: I think you haven't answered my question about what the relevance is of this line of questioning. This is your affidavit that we're looking at. Not Ms. Cukier's.

MS. GENEROUX: Sure. My affidavit --

MR. GELBMAN: So --

MS. GENEROUX: Ms. Cukier is intervening against my Charter rights, which include cultural discrimination, cultural genocide, and stereotyping of legal gun owners, so it's highly relevant.

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Q. Now, do you think your statements are true and fair, Ms. Cukier?

MR. GELBMAN: Which statements?

MS. GENEROUX: That legal gun owners typically and often, you know, commit hate-fueled mass shootings.

MR. GELBMAN: We've answered questions about this already, and most of your questions aren't appropriate. So if you can formulate a question that we can answer, we'll consider it.

MS. GENEROUX: Well, my apologies. It's very difficult to formulate appropriate questions based on inappropriate, you know, discrimination.

So you refuse to answer, then, whether you think they're fair and true?

MR. GELBMAN: Yeah, we're not answering that.

MS. GENEROUX: Okay.

OBJECTION TAKEN to answering the question: Now, do you think your statements are true and fair, Ms. Cukier?

Q. MS. GENEROUX: So do you think it would be okay for me to say, then, that professors at Ryerson are often investigated for bullying?

MR. GELBMAN: We're not answering that.

OBJECTION TAKEN to answering the question: So do you think it would be okay for me to say, then, that professors at Ryerson are often investigated for bullying?

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Q. MS. GENEROUX: Or do you think it would be fair to say that bombings and truck rammings are often used in hateful terrorism, typically by Muslim men; is that fair, Ms. Cukier?

MR. GELBMAN: I think we are concluding this cross-examination right now.

MS. GENEROUX: Well --

MR. GELBMAN: -- unless you can --

MS. GENEROUX: -- that's your choice.

MR. GELBMAN: -- ask -- it's actually your choice. You can ask relevant, appropriate questions that are not harassing of the witness, or we can conclude.

MS. GENEROUX: I have -- I think you have no basis to object on irrelevance considering you haven't read my submissions, and you have no idea what the arguments are here.

Q. So, yeah. You can move to tweet H if you want. I see that you retweeted a story from Andrew Lawton about how the Big Brothers and Big Sisters of Toronto refused to accept a $5,000 donation from the CCFR calling the CCFR a "gang and gun culture."

And I was wondering, did you retweet this because you agree with the Boys and Girls Club (sic)?

MR. GELBMAN: We're not answering that question.

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MS. GENEROUX: On what basis?

MR. GELBMAN: It's irrelevant, and you're harassing the witness.

MS. GENEROUX: Right.

OBJECTION TAKEN to answering the question: So, yeah. You can move to tweet H if you want. I see that you retweeted a story from Andrew Lawton about how the Big Brothers and Big Sisters of Toronto refused to accept a $5,000 donation from the CCFR calling the CCFR a gang and gun culture. And I was wondering, did you retweet this because you agree with the Boys and Girls Club (sic)?

Q. MS. GENEROUX: So, Ms. Cukier, do you know what constitutes a hate crime in Canada?

A. Yes.

Q. Right. Promoting hatred against identifiable groups?

A. That are protected under the Human Rights Code.

Q. Everybody's protected under the Charter from discrimination; right?

MR. GELBMAN: Is that a legal question?

MS. GENEROUX: I don't know. Ms. Cukier purports to make legal arguments in her affidavit, right, against my Charter rights?

MR. GELBMAN: No. No, she doesn't.

MS. GENEROUX: No?

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MR. GELBMAN: No.

Q. MS. GENEROUX: So, Ms. Cukier and the Coalition will not seek to make submissions on the Charter implications of the arguments advanced by me?

MR. GELBMAN: Yeah. The affidavit speaks for itself there. That's what paragraph 7 (c) says. It's not directed at you.

MS. GENEROUX: I'm an applicant.

MR. GELBMAN: You seem to be taking this very personally. I suggest you ask a question, or we're going to wrap this up.

MS. GENEROUX: Sure. Well, I've been trying to answer -- or ask questions, but you don't seem like you really want to answer them, so I'm not really sure where we're going with this, but I'll do my best to finish up.

Q. If you want to take a look at tweet K from my affidavit. Now, Mr. Bouchelev got into this with you earlier, and you were saying that this tweet here where you said it's time to choose our children's lives or gun owner hobbies.

And you were saying you don't think that, like, firearms owners cause the death of children; is that correct?

MR. GELBMAN: We could have the court reporter

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read back the answer, if that's helpful.

Q. MS. GENEROUX: I don't think it will be particularly helpful. You can flip to tweet N. It's a retweet that you did where you retweeted Bette Midler, and it says: (as read)

"Remember, the school shooter didn't act alone. He was assisted by 50 senators, 210 House members, and the NRA."

So it seems there that you like to -- you blame the NRA, the Senate, and the House for the school shooting in Uvalde; is that correct?

MR. GELBMAN: Do you mind showing us the tweet. We don't have it in front of us.

MS. GENEROUX: Sure. "It's time to choose: Our children's lives or gun owner hobbies."

MR. GELBMAN: Okay. But you made -- the question was related to something that Bette Midler --

MS. GENEROUX: Yeah. My mistake. It's actually tweet N, right: (as read)

"The school shooter didn't act alone. He was assisted by the NRA and the senators and the House members."

Q. So you -- do you blame them for the school shooting in Uvalde? You think they participated, and it's their fault?

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A. I can't entirely tell you what Bette Midler meant, but I assume that what she meant is that the failure to introduce reasonable gun control was a factor in the school shooter getting access to the firearm, and that contributed to the death of the children who died.

And that would certainly would be the position of the Parkland families, for example, that firearms legislation could have, perhaps, prevented that particular tragedy.

And I think we've heard the same thing repeated many times by many victims.

Q. Yes. I've often heard more repeated that police policy could have solved that Parkland, Montreal massacre, Uvalde. Did you read the Montreal massacre coroner's report?

A. It was quite some time ago. I'm sure we looked at it at the time, and, yes, of course there were issues around -- around the police response. But there were -- there was also simply the matter of access to the firearm.

Q. Well, I don't think that's what the coroner's report found, but we can look into it.

MR. GELBMAN: I think the coroner's report speaks for itself. If you have a relevant question, we'll consider it.

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MS. GENEROUX: Sure. Well, my question was did she read it, and she answered.

MR. GELBMAN: Yeah.

Q. MS. GENEROUX: Now, Ms. Cukier, did you read this part where it says: (as read)

"Nonetheless, we must consider the 60 unused bullets that Marc Lépine left at the scene when he decided to put an end to this terrible episode. Although he was in no danger, no police assault was in progress, or in any obvious state of preparation. Thank Heaven he decided enough was enough on his own."

So did you know that the coroner there and this public health expert, she intentionally did not address the issue of firearms control because she doesn't think that it would have made a difference?

MR. GELBMAN: How is this relevant to the motion for leave to intervene?

Q. MS. GENEROUX: Well, the test is quite broad, including, you know, public interests, interests or justice, Ms. Cukier's unique expertise that she brings, and it has a lot to do with the Montreal massacre; right, Ms. Cukier?

MR. GELBMAN: No. But what's your question?

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Your question is did she know what?

Q. MS. GENEROUX: Did you know that the Montreal massacre, the coroner's report specifically stayed away from the issue of firearms control because this public health expert thought that it would not have stopped.

MR. GELBMAN: How is the answer to that question relevant to the motion?

MS. GENEROUX: Well, Ms. Cukier's unique expertise was all spurred on by the Montreal massacre and her call for stricter gun control.

And Ms. Cukier, you know, in her unique expertise says that we have to listen to doctors and public health experts. So do we need to listen to public health experts like this?

Q. Did you read this, Ms. Cukier? Do you remember it, or?

A. Well, it's 30 years ago, but not all public health experts agree. In general, the discussion of the Montreal massacre, including the Quebec Public Health Association, women's groups, the survivors, and so on, have solidified around a position that argues that controlling access to all firearms, and particularly military assault weapons, might have prevented the tragedy. And certainly that is the position of the Quebec Public Health Association, PolySeSouvient, and the survivors of the Montreal massacre.

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So I hadn't looked at the coroner's report for many, many years.

Q. Right. Now, have you ever read about the symptoms of PTSD?

MR. GELBMAN: Sorry. Can you elaborate on how this is relevant.

MS. GENEROUX: Well, Ms. Cukier's talking about, you know, the victims and stuff, and I'm just wondering if she's aware that some of these victims might be suffering from PTSD and, you know, might be displaying paranoia signs and symptoms and things that, you know -- I mean, Ms. Cukier, to be fair, always, you know, purports to champion for evidence-based, fact-based, you know, transparent policy, right. So I think it's important to examine that.

Q. So do you know anything about PTSD, Ms. Cukier?

A. I know what it is. And I certainly know that victimization -- in fact, I've submitted expert testimony on this -- that victimization after mass shootings extends far beyond the people who were killed and injured and affects extended families, as well as whole communities.

And that experience and that evidence is actually relevant when we're trying to assess whether or not we should allow Canadians to have access to military

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assault weapons that most Canadians do not believe serve legitimate purposes.

So, yes, I'm very aware of victimization on multiple levels and the multiplier effects of mass shootings where very often there are secondary victims who kill themselves or who never recover. And those costs are something that we have to weigh very carefully against the hobbies of people who want to collect military assault weapons.

Q. Right. And so do you think it's good public policy to allow mentally ill people to shape the laws in Canada?

MR. GELBMAN: That's an opinion question that we won't answer.

MS. GENEROUX: Sounds like you do.

OBJECTION TAKEN to answering the question: Right. And so do you think it's good public policy to allow mentally ill people to shape the laws in Canada?

Q. MS. GENEROUX: I'm going to have you move to Exhibit G now, which I'm sharing my screen with you. Do you recognize this 2015 funding letter? Did you write that letter?

A. It looks like a letter that we would have sent to our supporters.

Q. Right. So you say here: (as read)

"The words I wrote 25 years ago are as

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true today as they were then. The government has tried to accommodate the perceived interests of the so-called firearms community, but it is not compelled to frame legislation in deference of their interests."

Now, do you feel that the goverment is compelled to frame legislation in deference of the Coalition's interests?

A. No. I believe they're compelled to frame legislation in the public interest, weighing different perspectives.

Q. Right. And as you said, the Attorney General doesn't have that monopoly on a public interest; right?

A. I'm not sure I said that, but...

Q. Okay. So you also say here: (as read)

"There's a mistaken but a reoccurring notion that gun owners are experts on gun control. They may know about guns and know about the impact, but they are hardly reliable or objective sources on the subject of gun control."

Now, do you think that you're a reliable and objective source on the subject?

MR. GELBMAN: That's a question of opinion, but

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obviously, as is set out in the materials, the Coalition for Gun Control puts out a position that it argues is relevant to this proceeding.

MS. GENEROUX: M-hm. Okay.

Q. This is a typo, right? That "we are punishing criminals." That's a typo; correct?

MR. GELBMAN: Do you have a relevant question?

Q. MS. GENEROUX: Yeah. What you really meant there was we're punishing the law abiding; is that --

A. No.

Q. -- your position?

A. No. It should have been that we should punish criminals, but where did the criminals get their guns? That was the point, that people want to focus on punishment as opposed to preventing gang violence.

Q. Right. Yeah. Where do criminals gets their guns?

Okay. Now, you said that these arguments here are a tired claim of the gun lobby, but you recognize that these arguments are made by Canadian citizens, as well; right?

A. I'm sure there are people who don't own guns that may hold those views, as well.

Q. Where does -- don't own guns -- sorry, I don't understand that. Can you repeat that.

A. Well, I say these are the claims of the gun lobby, and

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you're claiming other people hold these views, as well. That may be true. I don't know.

Q. Canadian citizens. Yeah. Okay. So we've got -- yeah.

Well, so here, when you say, you know, it's not been easy -- let's scroll down a little bit here. Right: (as read)

"We continued to defend our law from constant attacks by the gun lobby which works closely with the American NRA. For example, the NFA, which is Canada's largest anti-gun control group," you say, "they preyed on fears of violence."

Now, that would not be a good thing to do, would it, Ms. Cukier?

A. I think that was specifically with respect to the next paragraph, which is around arming for self-protection, which is a significant concern.

Q. Right. So they preyed on fears of violence by suggesting that French residents should carry guns instead of cellphones; right?

A. Yes.

Q. And you don't think preying on fears of violence is a good thing for an organization to do; right?

A. I don't think that arming for self-protection is a good thing, which you can see is in the next paragraph,

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because the evidence is, as I had previously presented, suggests that, actually, when you have more guns, you will have more people killed.

And the whole point about what we see in the United States is the proliferation of firearms often fueled by efforts to improve security has actually made it the most unsafe industrialized country it the world.

Q. But you wouldn't want to talk to me about Switzerland; right?

A. Switzerland has recently adopted the European Union firearms directive, and now is actually aligning its laws with the rest of Europe.

Q. Yeah. I saw --

A. And in Switzerland, they do not arm for self-protection. Citizens are members of the militia. It's a very different situation.

Q. Sure. But you would agree with me, though, that Switzerland has a higher firearms ownership than Canada, and has a lower firearms crime rate; right?

A. I don't have that data off the top of my head. It has one of the highest rates of gun death and injury in Europe, for sure. So aligning its law with the rest of Europe, presumably, will have an impact on public safety.

Q. So you're not aware that the homicide rate in

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Switzerland is 0.6 per 100,000?

A. I haven't looked at the stats recently. But their firearm death rate when you look at suicide and other forms of firearms violence is high.

Q. Right. Well, suicide is not violence. It's legal in Switzerland. Anyway --

MR. GELBMAN: Okay. We've got four minutes left.

Q. MS. GENEROUX: Yeah. Part of this letter here, too, when you talk about the -- police reported that -- oh, another question that I wanted to ask you before we're finished, Dr. Cukier, is you're not putting yourself forward as an expert witness in this intervention; right?

MR. GELBMAN: We've already answered that question.

MS. GENEROUX: We went into her expertise a little bit, but I don't think that question was answered.

MR. GELBMAN: It was.

MS. GENEROUX: Well, I guess the record will reflect it then.

Q. Now, here in this letter you're saying, you know, smuggled guns are part of the problem but the Ottawa Police -- now, you have no -- there was no academic

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references with this letter; right?

A. No. It's not an academic report.

Q. Right. Let's see. Have you ever seen this?

A. I'm familiar with Gary Mauser and Dennis Young, but I'm not familiar with this particular document, no. As far as I know.

Q. Right. So -- like, for example, when you gave your briefing and your testimony at the 2019 SECU, the brief on Bill C-71 presented to the Standing Committee on National Security and Defence, which is the first posting in your Exhibit A.

Did you stick around to hear Dr. Mauser's briefing on this domestically sourced crime gun business that you seem to talk about a lot?

A. No, I did not.

Q. You didn't stay and listen? Okay. Now, when you gave your answer to Senator Jaffer, I think -- let's see here. Right. He specifically asked you about crime guns; right? Do you remember that?

A. No.

Q. You don't remember --

A. Is the record in here somewhere? Shall I look at it?

Q. Well, we're looking at it right now. It was mentioned in your affidavit.

A. This isn't my testimony. This is -- what you're

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showing is Gary Mauser and Dennis Young. I thought you were asking about my testimony.

Q. Oh, you can't see the Senate of Canada on my screen right now?

MR. GELBMAN: No. I think it was Exhibit -- and now we don't see anything, but it was Exhibit NN, I think, that we were looking.

Q. MS. GENEROUX: Yes. We were looking at Exhibit NN, and then I just wanted to take you to your testimony, which is referenced under your Exhibit A. It was the 2019 brief on Bill C-71 presented to the Standing Committee for National Security and Defence.

MR. GELBMAN: But is this in the materials that you delivered --

MS. GENEROUX: No.

MR. GELBMAN: -- this week?

MS. GENEROUX: This is from Ms. Cukier's materials. It's in her CV, or whatever.

MR. GELBMAN: No, I don't think it is. Can you --

A. It may be referenced, like, the submission. I don't think my testimony was referenced. It was -- our written submission was referenced.

Q. MS. GENEROUX: Brief on Bill C-71. So that is not your testimony? You're just speaking to your

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written briefs, then?
A. Yeah. The brief was a written brief that was submitted.
Q. Okay. Now, did you cite the testimony you gave for this committee at all in your Exhibit A?
A. Let me look and see. I don't see it in proceedings. I don't see it in conference papers.
Q. Sure. So when you cite the brief here, "Coalition for Gun Control submitted briefs and testimony," you're not -- this one right here, you're not citing brief on Bill C-71 presented to the Standing Committee. You're not citing your testimony, you're saying, just your brief?
A. I'm citing the brief.
Q. Right.
MR. GELBMAN: What are you looking at, Ms. Generoux? Like --
MS. GENEROUX: Well, I'm looking at Exhibit A of the affidavit of Wendy Cukier. And it says: (as read)
"Coalition for Gun Control submitted briefs and testimony 2019. Brief on Bill C-71 presented to the Senate Standing Committee on National Security."
So it seems as though here in your affidavit that you're

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referencing your brief as well as your testimony for that -- for this. This right here, if you can see my screen. Standing Senate Committee on National Security and Defence.
MR. GELBMAN: Right. But just for the record, what you're showing us on the screen is nowhere in --
A. It's not my brief.
MR. GELBMAN: -- any of the materials. Yeah.
A. I didn't reference my testimony.
MR. GELBMAN: And your question is basically, yeah, was the testimony referenced, and you have your answer.
Q. MS. GENEROUX: Right. So the affidavit is wrong then, when it says "testimony"? It's just the brief that you meant?
MR. GELBMAN: It's a subheading.
A. Yeah. It says specifically, "brief on C-71." That's the reference to the 2019.
Q. MS. GENEROUX: Right. And you didn't mean your testimony; just your brief?
A. No. It doesn't have a date. It doesn't reference.
Q. Sure. So, I mean, maybe you can answer my question without the testimony, anyway. When you answer --
MR. GELBMAN: No.
MS. GENEROUX: Oh. You object to that?

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MR. GELBMAN: Yeah. If you're going to -- we have direction from the Court about documents, and if we were to look -- if we were to agree to look at anything, it had to have been delivered 48 hours in advance.
And what you're showing us is something from the internet, and we don't agree, and it's after time.
Q. MS. GENEROUX: Sure. So the question, then, Dr. Cukier, was do you remember -- do you recall the testimony you made, or not?
A. Not without viewing it.
Q. Right. Were you --
A. I mean, I recall that I testified, but I don't recall what I was asked or what I answered.
Q. Okay. Now, were you aware of the 2014 change in the definition of domestically sourced crime gun from the Toronto Police and the Alberta RCMP and others when you made that testimony?
A. As I said, I don't recall what the testimony was. I referenced in my affidavit the brief that we submitted.
Q. You don't recall?
A. I don't recall the testimony. Sorry.
Q. That's okay. I've just got a few more quick questions to finish up on, and we'll be gone for the day.
Do you recall recognize this paper?

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A. "Gender Perspectives on Small Arms"?
Q. Yeah.
A. Is it in the package that you've provided? If I can just look at it.
Q. Yeah. It's Exhibit V to the affidavit of me.
MR. GELBMAN: Yeah, we have that.
A. (Indiscernible)
Q. MS. GENEROUX: Sorry. I can't -- there's a lot of interference. I can't really hear you.
MR. GELBMAN: The witness is looking at the materials.
A. I don't specifically recall this. It's from 20 years ago. But what's the question you have? I'll try to answer it.
Q. MS. GENEROUX: Well, I have many questions about it, but given that we're out of time, I'll just focus on the most important ones. Let's see here. You write here that: (as read)
"The themes of small arms and disarmament received attention in the discussions at the Twenty-third special session of the General Assembly on Follow-Up to the Platform for Action."
For June 2000. Now, the resolution 98 (k), which was to: (as read)

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"Strengthen efforts towards general and complete disarmament under strict and effective international control, based on the priorities established by the United Nations."

So is this something that you attended?

A. I was certainly involved in the -- program consultations on the program of action and with respect to the illicit trafficking of small arms, but I'm not sure -- this looks like it was something that was issued by the Department of Disarmament of the United Nations that does cite my work, but I don't recall -- yeah.

And I think that the -- in the context of the UN, disarmament has a very specific connotation in it's related to conflict and postconflict disarmament. If you're trying to draw a connection between this and Canada, I think it's challenging.

Q. Well, given that they -- they include small arms in disarmament now; right? Small arms and light weapons?

A. Yeah. But it's in the context of conflict. If you look at the opening sentence: (as read)

"In recent years, small arms proliferation has gained increased international attention. Although it's

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clear that small arms do not cause conflicts, there is consensus that they exasperate conflicts and increase risks for civilian populations. Small arms facilitate the targeting of civilians during conflict after a formal ceasefire. Small arms proliferation can contribute to violent crimes, instability, and banditry."

So here they're talking about the need to remove small arms from circulation after conflict. I think the relevance of this to our discussion is, perhaps, oblique, at best.

Q. Right. So you don't see it on the screen here where we're also talking about importance to consider the relation to small arms in non-conflict situations?

A. But this is not talking about disarmament. This is talking about the need to reduce proliferation.

Q. That means the buying, spreading, selling, and using of guns; right?

A. The growth of small arms.

Q. Right. So buying and selling and using and spreading.

So you don't think that the UN's disarmament agenda extends to non-conflict small arms?

A. They wouldn't use the term disarmament; certainly with

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some of the UN provisions aimed at combatting the illicit trade, they link combatting the illicit trade to appropriate domestic regulations: marking and tracing and so on. But I think it's a mistake to suggest that the UN agenda is -- has anything to do with disarmament in the context of domestic use of firearms.

Q. So you disagree that that's the goal, then?

A. Well, if you -- if you look at the references to disarmament, it's in the context of postconflict situations.

Q. Right. And in non-conflict situations, they call it the need to reduce arms proliferation; is that what you're saying?

A. Which is something different. Yeah.

Q. Now, have you ever seen this document before, "Gender Perspectives on Small Arms and Light Weapons in Society"?

MR. GELBMAN: As the witness considers this question, I'll note the time. It's 6:12. We've been extraordinary patient. We took short breaks. We lost some time at the start. We've now made that up. I'm going to insist that we conclude by 6:15.

A. This is the -- this is, I think, the 2002 report that was coauthored by a number of people on small arms

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proliferation and misuse. Am I correct? To BICC. The BICC report.

And the coauthors, I've worked with a number of international experts on this, but the Bonn Institute for -- the Bonn International Centre for Conversion is very much focused on postconflict.

Q. Right. And you --

(Cross-talking)

Q. -- agree with me -- oh, sorry. Go ahead.

A. No, go ahead.

Q. So it seems here that the authors have cited a lot of your work. Mostly -- largely theoretical, they call it. But here, you know, they say: (as read)

"Wendy Cukier explores the relationship between small arms culture and violence."

It also says here that: (as read)

"Cukier thinks or researches that small arms usage and proliferation sometimes figure largely into culture."

Is that a correct assumption of your work on this document?

A. In the context of the culture of violence, guns often figure prominently, and there's quite a lot of research on that globally.

Q. Right. Specifically, though, this part. So specifically, "small arms usage and proliferation sometimes figure largely into this culture." Also -- now, you're talking about -- they're talking about you talking about some gun culture here, and how you think that in certain regions of the world, gun culture and a culture of violence are closely connected.

Do you believe that the gun culture in Canada is closely connected to a culture of violence?

A. I don't think that this was referring to Canada. I think this was referring -- I would have to look at the article in more detail, but again, I think it was -- that reference was particularly informed by the experience in postconflict zones and the global south; although, there is in Canada -- there are in Canada links between certainly gun culture, masculinity, and so on.

But I think the research that's been done on gun culture and the culture of violence is mostly not focused on Canada.

Q. Right. I think we would agree that this paper is not focused on Canada. I just thought it was interesting because it specifically omits Canada, and that's actually part of my case. And I find it interesting that you, you know, write that in many regions of the

world gun culture is tightly linked to identity.

Now, do you agree or disagree that it's linked to Canadian identity?

A. I don't think -- I don't think that what is meant by gun culture here is consistent with Canadian identity. In fact, I think most Canadians would argue that it's -- that's something that distinguishes Canada from the US, which would be more characteristic of gun culture.

MR. GELBMAN: Okay. It's 6:17 now. We are done answering questions.

MS. GENEROUX: All right. Well, thanks for coming. Have a good day.

(Proceedings ended at 4:17 p.m.)

Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages 1 to 250 are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

I further certify that this questioning was conducted in accordance with the Alberta Protocol for Remote Questioning, Revised 05/05/2020.

Dated at the City of Calgary, Province of Alberta, this 22nd day of June, 2022.

Melinda M. Heinrichs, CSR(A)
Official Court Reporter

- I N D E X -

WENDY CUKIER
June 15, 2022

The following is a listing of exhibits, undertakings and objections as interpreted by the Court Reporter. The transcript is the official record, and the index is provided as a courtesy only. It is recommended that the reader refer to the appropriate transcript pages to ensure completeness and accuracy.

EXHIBITS

OBJECTION TAKEN to answering the question: So, 226
yeah. You can move to tweet H if you want. I see
that you retweeted a story from Andrew Lawton
about how the Big Brothers and Big Sisters of
Toronto refused to accept a $5,000 donation from
the CCFR calling the CCFR a gang and gun culture.
And I was wondering, did you retweet this because
you agree with the Boys and Girls Club (sic)?

OBJECTION TAKEN to answering the question: Right. 233
And so do you think it's good public policy to
allow mentally ill people to shape the laws in
Canada?

Court File Nos.: T-569-20
T-577-20
T-581-20
T-677-20
T-735-20
T-905-20

FEDERAL COURT

Court File No. T-569-20

BETWEEN:

CASSANDRA PARKER and K.K.S. TACTICAL SUPPLIES LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-577-20

BETWEEN:

CANADIAN COALITION FOR FIREARM RIGHTS, RODNEY GILTACA, LAURENCE KNOWLES, RYAN STEACY, MACCABBEE DEFENSE INC., and WOLVERINE SUPPLIES LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-581-20

BETWEEN:

JOHN PETER HIPWELL

Applicant

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-677-20

BETWEEN:

MICHAEL JOHN DOHERTY, NILS ROBERT EK, RICHARD WILLIAM ROBERT DELVE, CHRISTIAN RYDICH BRUHN, PHILIP ALEXANDER MCBRIDE, LINDSAY DAVID JAMIESON, DAVID COMERON MAYHEW, MARK ROY NICHOL and PETER CRAIG MINUK

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-735-20

BETWEEN:

CHRISTINE GENEROUX, JOHN PEROCCHIO and
VINCENT PEROCCHIO

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-905-20

BETWEEN:

JENNIFER EICHENBERG, DAVID BOT, LEONARD WALKER,
BURLINGTON RIFLE AND RECOLVER CLUB, MONTREAL
FIREARMS RECREATION CENTRE, INC., O'DELL ENGINEERING LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

ANSWERS TO UNDERTAKINGS GIVEN ON CROSS-EXAMINATION OF DR. WENDY CUKIER HELD ON JUNE 15, 2022

No.	Undertaking/Questions Under Advisement	Answer
1	To advise of the official registered address for the Coalition for Gun Control	Box 70672 RPO Junction Gardens Toronto, ON M6P 4E7
2	To provide a list of the organizations that support the Coalition for Gun - TAKEN UNDER ADVISEMENT	As stated in Dr. Cukier's cross examination, CGC has re-confirmed formal support from over 200 organizations in the last two years and actively maintains a list of those organizations. However, CGC stopped publishing this list following incidents where

No.	Undertaking/Questions Under Advisement	Answer
		supporters were targeted with death threats, harassment, and other victimization. In response to this undertaking, CGC asked all 200 organizations whether they would agree to have their names listed. In the time that was available, CGC has been able to provide a list of CGC supporters that are on the public record supporting the position of CGC, including a ban on assault weapons, and who consented to their names being made public (see below). The remaining supporters were either unable to provide their consent in the time available, or did not provide consent to disclose their support publicly due to the associated risks of threats and harassment. 1. Association pour la santé publique du Québec 2. Association québécoise de prévention du suicide 3. Association des policières et policiers provinciaux du Québec 4. Barbra Schlifer Commemorative Clinic 5. Canadian Anti-Hate Network 6. Canadian Association of Emergency Physicians 7. Canadian Association of University Teachers 8. Canadian Council of Muslim Women 9. Canadian Federation of Nurses Unions 10. Canadian Federation of University Women 11. Canadian Labour Congress 12. Canadian Paediatric Society 13. Canadian Public Health Association 14. Canadian Women's Foundation 15. Danforth Families for Safer Communities 16. Ending Violence Association of Canada 17. Equality Fund

No.	Undertaking/Questions Under Advisement	Answer
		18. Fédération des policiers et policières municipaux du Québec 19. Montreal Assault Prevention Centre 20. National Association of Women and the Law 21. National Council of Women of Canada 22. Nnamdi Ogba Foundation 23. Ontario Association of Interval & Transition Houses 24. Out of Bounds 25. Polysesouvient 26. Peace Magazine – To Save the World Project 27. Springboard 28. Toronto City Council 29. Unifor Women's Department 30. United Mothers Opposing Violence Everywhere 31. Universities Canada 32. Victims Justice Network 33. Women's Legal Education and Action Fund (LEAF) 34. Women's Shelters Canada 35. YWCA Canada 36. YWCA Toronto
3	To provide any correspondence with the government in connection with the consultations related to the regulation - TAKEN UNDER ADVISEMENT	CGC identified no such correspondence.
4	To provide a draft of the factum that Ms. Cukier's counsel intends to submit if granted leave to intervene prior to the motion being determined by the Court RESPONSE TO UNDERTAKING REQUEST NO. 4 - Advising that this is the first time that I've been asked this, any instructions, I need to consider it.	Please see attached letter from counsel for CGC dated June 23, 2022.

No.	Undertaking/Questions Under Advisement	Answer
5	To provide more information on the CSIS information referenced by Ms. Cukier - REFUSED	Refused. CGC agreed not to proffer additional evidence and takes the record as it is.

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OSLER

June 23, 2022

Thomas Gelbman
Direct Dial: 403.260.7073
tgelbman@osler.com
Our Matter Number: 1211436

Sent By Electronic Mail

Bouchelev Law Professional Corporation
65 Queen Street West, Suite 1700
Toronto, ON M5H 2M5

Attention: Arkadi Bouchelev

Re: ***Michael John Doherty et al v The Attorney General of Canada***
Court File No. T-677-20

We write further to your late request of the proposed intervener, Coalition for Gun Control ("**CGC**"), to provide a draft memorandum of fact and law ("**MFL**") with its motion for leave to intervene.

Your request was made on the record, on June 15, 2022, during your cross-examination of Dr. Wendy Cukier. You conceded that this was the first time you had made the request, yet demanded an immediate answer. When one was not forthcoming, you insisted it was a refusal. We obviously disagree with your position.

CGC notes that, although its motion was filed almost two years ago, on July 17, 2020, you made a strategic decision to make your request just two weeks before your clients' response is due. Your late request would require CGC to prepare its MFL within less than two weeks to allow your clients to review it before filing a response. If this was a serious request, it would have been properly made at some point during the preceding two years; it was not even mentioned during the various correspondence and multiple case management conferences that addressed scheduling of this motion.

CGC will not be providing you with a draft MFL, and cannot be faulted for declining to do so given the late timing of your request.

Yours truly,

T. Gelbman

Thomas Gelbman
TG:km

cc: Bruce Hughson, Robert MacKinnon and Sean Gaudet, *Department of Justice Canada*
Counsel for the Respondent

Court File Nos.: T-569-20
T-577-20
T-581-20
T-677-20
T-735-20
T-905-20

FEDERAL COURT

Court File No. T-569-20

BETWEEN:

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Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-577-20

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Applicants

- and -

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Respondent

Court File No. T-581-20

BETWEEN:

JOHN PETER HIPWELL

Applicant

- and -

THE ATTORNEY GENERAL OF CANADA

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Court File No. T-735-20

BETWEEN:

CHRISTINE GENEROUX, JOHN PEROCCHIO and
VINCENT PEROCCHIO

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-905-20

BETWEEN:

JENNIFER EICHENBERG, DAVID BOT, LEONARD WALKER,
BURLINGTON RIFLE AND REVOLVER CLUB, MONTREAL
FIREARMS RECREATION CENTRE, INC., O'DELL ENGINEERING LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

THE HONOURABLE	)	●, THE ●
	)	
ASSOCIATE CHIEF JUSTICE GAGNÉ	)	DAY OF ●, 2022

ORDER

UPON MOTIONS in writing dated June 2020 – January 2021, and the consolidated reply submission dated July 6, 2022, made on behalf of the proposed intervener, the Coalition for Gun Control ("**Coalition**"), pursuant to Rules 109 and 369 of the *Federal Courts Rules*, SOR/98-106;

UPON reading the Coalition's written materials and the responding motion records of the applicants;

AND UPON noting the consent of the respondent;

THIS COURT ORDERS that:

1. Leave is hereby granted for the Coalition to intervene in this proceeding on the following terms:

   (a) The Coalition may serve and file a consolidated written memorandum of fact and law of up to 15 pages;

   (b) The Coalition may make oral submissions of up to 30 minutes at the hearing of this application;

   (c) All parties to the application shall serve documents to the Coalition as they are required to any other party, and may do so electronically;

2. The motion record of the Generoux applicants dated June 30, 2022 shall be struck from the Court file;

3. The Generoux applicants shall not attack, malign or otherwise disparage Dr. Wendy Cukier, the Coalition, or its counsel in any submissions made in this Court; and

4. No costs shall be awarded against the Coalition on this motion, or in the application.

_____

(Signature of Judge)

Court File Nos.: T-569-20
T-577-20
T-581-20
T-677-20
T-735-20
T-905-20

FEDERAL COURT

Court File No. T-569-20

BETWEEN:

CASSANDRA PARKER and K.K.S. TACTICAL SUPPLIES LTD.

Applicants

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent

Court File No. T-577-20

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Court File No. T-581-20

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Applicant

- and -

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Court File No. T-735-20

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Court File No. T-905-20

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Respondent

WRITTEN REPRESENTATIONS:

Consolidated Reply of The Canadian Coalition for Gun Control on its Rule 109 Motions for Leave to Intervene (in accordance with the direction of Associate Chief Justice Gagné, July 5, 2022)

PART I. OVERVIEW

1. The Canadian Coalition for Gun Control (the "**Coalition**") seeks leave to intervene in six applications (the "**Applications**") that challenge the administrative and constitutional validity of regulations made by the Governor in Council ("**GIC**") designating certain assault-style firearms, and other firearms that exceed safe civil use in Canada, as prohibited under the *Criminal Code* (the "**Regulations**"). This consolidated reply responds to the applicants who have opposed the Coalition's motions.

2. In reply to these objections, the Coalition provides further context on how its proposed submissions will assist this Court in interpreting the legal framework to assess the issues squarely before the Court: (i) the reasonableness of the GIC's decision that the now prohibited firearms are not reasonable for use in hunting and sport, and (ii) the constitutional validity of the Regulations.

3. The Regulations were introduced in response to public demand that the government take steps to address gun violence and mass shootings in Canada.[1] Historically, there have been relatively few opportunities to contribute to the legal discourse surrounding Canada's firearm control legislation. As Canada's leading firearm control advocacy organization, the Coalition is the only proposed participant that represents those who advocate for tighter firearm control, and in particular those who approach the law from a gender and victim's perspective.

4. As detailed below, the Coalition's perspective is different from that of the AGC and will be useful in resolving the issues in dispute. In a matter that raises such significant issues of public safety, the interests of justice will be served by granting the Coalition intervener status in the Applications.

PART II. FACTS

The Motions to Intervene

5. The Coalition relies on the facts set out in its memoranda of fact and law filed in its motion records for the six Applications and adds the following.

---

[1] Regulatory Impact Analysis Statement accompanying PC 2020-298, (2020) C Gaz II, Vol 154, Extra No 3.

6. The Coalition seeks to intervene in the six Applications. The respondent, Attorney General of Canada ("**AGC**"), supports the Coalition's intervention.[2] The applicants in T-905-20 ("**Eichenberg**"), T-577-20 ("**CCFR**"), T-677-20 ("**Doherty**"), and T-735-20 ("**Generoux**") oppose the Coalitions intervention. The applicants in T-569-20 ("**Parker**") and T-581-20 ("**Hipwell**") have not made submissions on the Coalition's motions.

7. In or around October 2020, we understand the Court determined that no additional evidence would be filed by any proposed interveners. The Coalition recently clarified that it no longer seeks to provide additional evidence in support of its proposed intervention and will take the record as it stands.[3]

Cross examination of Dr. Cukier

8. On June 15, 2022, the Coalition's affiant Dr. Wendy Cukier was cross-examined by CCFR, Doherty, and Generoux.

9. Dr. Cukier's cross examination confirmed that the Coalition's unique perspective stems from expertise in prevention of mass shootings, violence against women, hate crimes, and violence that disproportionately affects racialized communities.[4]

PART III. ISSUES

10. The sole issue on these motions is whether the Coalition should be granted leave to intervene in the Applications.

PART IV. SUBMISSIONS

A. The Legal Test

11. The Coalition's motions were filed between June 2020 and January 2021. Since that time, the test for intervention under Rule 109 was clarified by Justice Stratas in *Canada (Citizenship and Immigration) v. Canadian Council for Refugees*, 2021 FCA 13 as follows:

---

[2] Responding Motion Record of the AGC, filed June 30, 2022.

[3] Confirmed by the Coalition by way of letter to Court dated June 15, 2022.

[4] Transcript from Cross-Examination of Dr. Wendy Cukier, held June 15, 2022 ("**Cukier Transcript**"), p. 22:19-22 **[Tab 1, p. 12]**.

> I. Will the proposed intervener make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues?
>
> II. Does the proposed intervener have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervener has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?
>
> III. Is it in the interests of justice that intervention be permitted?[5]

12. The Coalition stands by its original submissions, governed by the previous test; however, it will frame its reply demonstrating how it meets the restated test.

B. The Coalition Will Make Different and Useful Submissions

13. In its motions to intervene, the Coalition proposed to make submissions on (i) the relationship between the prohibitions in the Regulations and its stated purposes; (ii) the social impacts of the Regulations from the perspective of experts in violence prevention and groups disproportionately affected by firearm violence; and (iii) the *Charter* implications of the arguments advanced by the applicants, and in particular how those implications affect the individuals and groups the Regulations serve to protect.

14. With the benefit of now having reviewed the evidence and the parties' memoranda of fact and law, the Coalition can provide this Court with further context on how its submissions will be different, useful, and will further the Court's determination of the legal issues raised by the parties to the proceeding.

The Public Safety Purpose of the Regulations

15. The Coalition will provide a unique perspective on the public safety purpose of the Regulations and governing legislation.[6]

---

[5] *Canada (Citizenship and Immigration) v Canadian Council for Refugees*, 2021 FCA 13 at para 6 ("**Council for Refugees**").

[6] Cukier Transcript, p. 21:8-12 **[Tab 1, p. 12]**.

16. The GIC determined that the now prohibited firearms are not reasonable for hunting or sporting use in Canada. On judicial review, the Court must determine whether the GICs determination was reasonable, which requires consideration of the factual and legal constraints bearing on the GIC.[7]

17. If granted intervener status, the Coalition will make submissions (i) providing additional history of and context for Canada's firearm legislation, and (ii) on the public safety concerns from the perspective of the organizations that the Coalition represents.

18. A challenge to the *vires* of regulations is not an inquiry into underlying "political, economic, social or partisan considerations" or the policy merits of the regulations.[8] Rather, the judicial review of regulations requires interpreting the regulation and enabling statute, applying a broad and purposive approach.[9] The Coalition's perspective will inform its proposed interpretation of the Regulations and the *Criminal Code*, and the public safety framework that should be applied in interpreting the language contained in section 117.15 of the *Criminal Code*. While the Coalition supports the Regulations, it does not – and cannot – represent the AGC's perspective which, *inter alia*, seeks to balance polycentric concerns. Rather, the Coalition represents critically important perspectives on firearm control that Cabinet was obliged to take into account – those of women, racialized communities, and targets of hate crime.[10]

19. Where a proposed intervener can assist the Court by providing a broader perspective than the parties to the issues in dispute, this weighs in favour of granting intervention.[11] The Coalition brings this broader public perspective. The Coalition acknowledges that the AGC points to public safety concerns to justify the reasonableness of the GIC's decision; this is sensible given that public safety legislation is at issue. However, more than one view on public safety exists; the Coalition will argue that satisfying the public safety objectives of the legislation may include a broad and

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[7] *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 101.

[8] *Katz Group Canada Inc. v Ontario (Health and Long-Term Care*, 2013 SCC 64 at paras 27-28.

[9] *Katz* at para 26.

[10] Cukier Transcript at p. 22:19-22 **[Tab 1, p. 12]**.

[11] *Safe Food Matters Inc. v Canada (Attorney General)*, 2022 FC 915 at paras 24, 29.

contextual range of issues, including ones beyond those considered by the GIC, with a view to enriching future application of Canada's firearm control legislation.

20. Indeed, the Coalition is the only group out of all the applicants, the respondent, or the proposed interveners that represents the "public demand" cited by the government as one of the reasons for introducing these measures to address gun violence and mass shootings in Canada.[12] The Coalition took part in the consultation process referred to in the Regulatory Impact Analysis Statement ("**RIAS**").[13] The Coalition advocates on behalf of over 200 organizations that support a ban on military assault weapons and large capacity magazines. These organizations represent a diverse subset of Canadian society including women,[14] victims and their families,[15] healthcare workers,[16] educators,[17] the police force,[18] and anti-hate groups.[19] Having advocated for firearm control legislation for over thirty years, the Coalition must be entitled to contribute to the legal discourse surrounding this legislation.

21. The Coalition does not require further evidence for its submissions; rather, it will assist in the interpretation of the relevant statutory provisions. The Coalition will advance its arguments through the Hansard, jurisprudence, and the record before the Court.

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[12] Regulatory Impact Analysis Statement accompanying PC 2020-298, (2020) C Gaz II, Vol 154, Extra No 3.

[13] Affidavit of Dr. Wendy Cukier, sworn January 14, 2021 at para 22 ("**Cukier Affidavit**"). For the purposes of this consolidated response, all references to the Cukier Affidavit are to the version found in the Coalition's Motion Record for T-735-20.

[14] For example: YWCA Canada, Women's Legal Education and Action Fund, National Council of Women of Canada, Canadian Women's Foundation, Barbra Schlifer Commemorative Clinic, Women's Shelters Canada, Canadian Council of Muslim Women. See Answers to Undertakings Given on Cross-Examination of Dr. Wendy Cukier Held on June 15 ("**Cukier Undertakings**"), Response No. 2 **[Tab 2, p. 75-76]**.

[15] For example: Victims Justice Network, Polysesouvient. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 76].**

[16] For example: Canadian Federation of Nurses Unions, Canadian Association of Emergency Physicians. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75]**.

[17] For example: Universities Canada, Canadian Association of University Teachers. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

[18] For example: Association des policières et policiers provinciaux du Québec, Fédération des policiers et policières municipaux du Québec. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

[19] For example: Canadian Anti-Hate Network, United Mothers Opposing Violence Everywhere. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75]**.

The Social Impacts of the Regulation & the Charter Implications of the Applicants' Arguments

22. With respect to the *Charter* implications of the arguments advanced by four applicants,[20] the Coalition will provide this Court with a different perspective than that of the AGC on the Court's section 1 analysis, should it find that the Regulations infringe any *Charter* rights.

23. While the AGC emphasizes that "[t]he strong societal interest and benefits in addressing the threats to public safety posed by firearms" outweigh the minor infringement of rights that results,[21] the Coalition will argue that, to the extent the applicants' *Charter* rights are limited, the section 1 analysis must also consider the competing *Charter* values, rights, and interests of minority groups disproportionately impacted by firearm violence.[22] The Coalition will identify the relevant *Charter* values and offer a framework for balancing those values and interests.

24. The Coalition does not require additional evidence to speak to *Charter* values. In support of its argument, it may rely on existing evidence on record, including (i) women and religious minorities have been the targets of horrific mass shooting events in Canada;[23] (ii) in 2016, approximately 85% of police-reported victims of intimate partner violence incidents involving a firearm were women;[24] and (iii) women's organizations have continually advocated for a ban on military assault weapons, emphasizing that women and their children are at a greater risk for firearm violence when firearms are present in the home.[25]

25. This evidence has not been emphasized anywhere in the AGC's argument but is central to the Coalition's perspective and this Court's assessment of the Regulations' public safety objective – both with respect to the reasonableness of the GIC's determination and to the *Charter* considerations under section 1.

26. Lastly, the Coalition will provide the Court with submissions on the Generoux argument that the Regulations amount to "cultural genocide". While the AGC seeks to dismiss this argument

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[20] Generoux, Doherty, CCFR, and Hipwell.

[21] Memorandum of Fact and Law of the Attorney General of Canada, filed June 7, 2022 at para 236.

[22] *Law Society of British Columbia v Trinity Western University*, 2018 SCC 32 at paras 57-59, 79-81.

[23] Affidavit of Randall Koops affirmed on December 9, 2021 ("**Koops Affidavit**") at paras 23, 26, 27.

[24] Regulatory Impact Analysis Statement accompanying PC 2020-298, (2020) C Gaz II, Vol 154, Extra No 3.

[25] Koops Affidavit at paras 60, 64.

through the lens of section 15 jurisprudence, the Coalition intends to respond directly to the assertion that the Regulations perpetrate hatred and cultural genocide against the Generoux applicants.[26] The Coalition will address the dangers of the Generoux argument and provide this Court with a framework for approaching it, from the perspective of groups that have been victims of extreme violence and hate crimes.

C. The Coalition Has a Genuine Interest

27. CCFR incorrectly asserts that a proposed intervenor must be "directly affected" by the matters in issue. However, the test is whether the Coalition has a "genuine interest" in the matter.[27] Eichenberg concedes that the Coalition has a genuine interest, and the AGC agrees.

28. In considering whether the Coalition has a genuine interest, the Court must ask whether the Coalition has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court.

29. Contrary to the arguments made by Doherty and Generoux,[28] the Coalition's genuine interest, as set out in the Coalition's motion record, is not merely jurisprudential, nor political.[29] The outcome of the Applications will directly affect the work of the Coalition and its supporters. Its mandate of banning military assault weapons and large capacity magazines is uninfluenced by political ideologies and remains the same regardless of which political party is in power.

30. As for a proposed intervener's skills and resources, Courts have concluded that where a proposed intervener delivers clear and concise motion materials within the deadlines set by the Court, they will do the same as intervener.[30] The Coalition has retained counsel and met all Court imposed deadlines to date. It coordinated a cross-examination protocol for its affiant and has

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[26] Genocide has a specific legal meaning and in Canada is understood to be one of the "most serious crimes of concern to the international community as a whole,": *R. v Bissonnette*, 2022 SCC 23 at para 101.

[27] *Council for Refugees* at para 7; see also *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)*, 2022 FCA 67 at para 10.

[28] Responding Motion Record of the Applicants (T-677-20) at para 32 ("**Doherty Objection**"); Memorandum of Fact and Law of the Applicants Opposing the Motion for Leave to Intervene (T-735-20) at para 24 ("**Generoux Objection**").

[29] See Coalition's Memorandum of Fact and Law (T-735-20) at paras 19-22.

[30] *Safe Food Matters Inc. v Canada (Attorney General)*, 2022 FC 915 at para 26.

efficiently navigated the complexities of responding to the six applications. Quite simply, the Coalition has the requisite skills and resources.

31. Doherty suggests the Coalition does not have the necessary knowledge, skills, and resources because "there is no evidence that **any** of [the Coalition's supporters] would be in any way involved in CGC's intervention".[31] This argument misses the point: the Coalition will make *legal argument* prepared by counsel, and will bring the perspective of the Coalition, which takes into account the broad interests of its supporters and its three decades of advocacy work. This does not require the active involvement of the Coalition's 200+ supporters intervention, but rather the demonstrated knowledge, skills, and resources of the Coalition and its counsel.

32. Generoux contends the Coalition's supporters are "invisible and secret".[32] However, the Coalition has provided sworn evidence that all of its 200+ supporters formally support a ban on military assault weapons and large capacity magazines.[33] The Coalition has also provided a list of 36 organizations who agreed to have their support listed publicly for the purpose of these motions in the short time available (the opposing applicants only made this request two years after the motions were filed, and a matter of days before responses were due).[34] Other supporters either did not have time to consent to posting their names publicly, or did not consent due to the risk of threats or harassment that have occurred when the Coalition previously published its list of supporters.[35]

33. Whether 20, 200, or 2,000, the number of Coalition supporters does not matter; rather, what matters is the perspectives the Coalition offers, which stems from its work with supporters. The Coalition's interest is evident in the advocacy work that it has undertaken in the past 30 years, including its involvement as an intervener in seminal Supreme Court of Canada cases on firearm control, its contribution to the development of modern firearm control legislation, its involvement

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[31] Doherty Objection at para 23.

[32] Generoux Objection at paras 34, 75.

[33] Cukier Affidavit at para 13; Cukier Transcript, p. 104-107 **[Tab 1, p. 32, 33]**. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

[34] Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

[35] Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

on numerous Canadian government advisory councils and global firearm control efforts.[36] The Coalition has persisted in this vigorous advocacy despite the obvious and at times, angry reaction to its work on the part of some of the applicants.[37]

D. It is in the Interests of Justice that Intervention be Permitted

34. The following considerations may be relevant to determining whether a proposed intervention is in the interests of justice:

> Is the intervention consistent with the imperatives in Rule 3? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
>
> Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
>
> […]
>
> Will the addition of multiple interveners create the reality or an appearance of an "inequality of arms" or imbalance on one side? [38]

35. *Council for Refugees* also confirmed that the relative weight to be afforded to each element of the test for intervention and the rigor of their application can vary from case to case.[39] In the Coalition's view, the interests of justice ought to be given ample weight when determining whether to grant the Coalition intervener status.

36. The impugned Regulations address deadly mass shootings and their threat to public safety in Canada. The judicial review of the Regulations clearly raises significant and complex issues of public importance. Thus, it is imperative that the Court be presented with perspectives beyond

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[36] Cukier Affidavit at paras 18-25; Cukier Transcript, p. 111:09-112:5 **[Tab 1, p. 34]**. See Cukier Undertakings, Response No. 2 **[Tab 2, p. 75-76]**.

[37] Generoux Objection at paras 38, 40, 48, 56, 57, 65, 66, 71.

[38] *Council for Refugees* at para 9.

[39] *Council for Refugees* at para 7.

those offered by the particular parties before the Court, the vast majority of which are against firearm control efforts.

37. Although two other groups have applied to intervene in the Applications,[40] neither group represent public safety perspectives: one is a taxpayer's advocacy organization and the other is a firearm owners' rights organization that seeks to advance the same arguments as some of the Applicants.[41] Not only will there will be no imbalance if the Coalition is provided intervener status – the Coalition's presence will rectify the current imbalance before the Court.

(i) The AGC Affidavits

38. Doherty argues that the interests of justice do not warrant including the Coalition's perspective as the AGC has already filed affidavit evidence from a diverse group of firearm control advocates including academics, civil servants, and a trauma surgeon.[42] Generoux similarly argues that the Affidavit of Randall Koops already advances the Coalitions perspective.[43]

39. The Koops affidavit provides the Court with fact evidence, not legal argument and discourse. The Coalition intends to rely on portions of the Koops affidavit that provide factual background on the Coalition's perspective. The Coalition will then provide legal submissions on how this perspective fits within the relevant legal analysis. Neither the Koops affidavit nor any of the other affidavits – sworn by experts and affiants with different disciplinary training and expertise – fill this role.[44]

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[40] National Firearms Association; Canadian Taxpayers Association.

[41] Responding Motion Record of the Attorney General of Canada (T-569-20) at paras 11, 27, 28 (**"AGC Objection"**).

[42] Doherty Objection at para 24.

[43] Generoux Objection at para 50.

[44] Cukier Transcript, p. 125:1-7 **[Tab 1, p. 38]**.

(ii) The Coalition's Position on the Regulations Does Not Disqualify it from Intervention

40. CCFR argues that it would not be in the interests of justice for the Coalition to intervene because it is an advocacy group that does not advance objective views and is "aligned entirely with the AGC".[45]

41. First, the Coalition is not entirely aligned with the AGC. As Dr. Cukier stated in cross-examination, the Coalition places more focus on gender issues, hate crimes, and the impact of underrepresented groups than is reflected in the government's RIAS.[46] The Coalition's broader mandate includes advocating to address root causes of violence (including racism and islamophobia), providing educational opportunities for youth, and outreach to support victims in the justice system, none of which is addressed by any other party.[47]

42. Second, there is no Federal Court authority that states an intervener cannot advocate for a similar outcome to one of the parties to the matter; as a practical matter, this happens every time an intervener is granted leave. As stated by Justice Stratas in *Council for Refugees,* "many interveners are dedicated to advance causes—many political and some controversial."[48] As emphasized in Alberta Court of Appeal jurisprudence relied on by CCFR, "the fact that an intervener's submissions aligns it generally with one party over another, does not, without more make the submission inappropriate".[49]

43. Advocacy groups are often granted intervener status in situations where they are adding additional perspectives in support of one parties' position,[50] including where a proposed intervener purports to support the Crown's position that legislation is constitutionally valid.[51] It is no secret

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[45] Motion Record of the CCFR Applicants – Response to Motion for Leave to Intervene at para 36.

[46] Cukier Transcript, p. 63:4-64:7 **[Tab 1, p. 22]**, 66, **[Tab 1, p. 23]**, 180 **[Tab 1, p. 51]**.

[47] Cukier Transcript, p. 68:3-9 **[Tab 1, p. 23]**; 120:8-17 **[Tab 1, p. 36]**; 121:17-122:09 **[Tab 1, p. 37]**.

[48] *Council for Refugees* at para 8.

[49] *Edmonton Police Service v Alberta (Information and Privacy Commissioner)*, 2021 ABCA 428 at para 22.

[50] See for example, *Revell v Canada (Citizenship and Immigration)*, 2018 FCA 138 at paras 4, 7; *Canada (Attorney General) v Amazon.com, Inc.*, 2011 FCA 127 at para 8; *Thamotharem v Canada (Minister of Citizenship and Immigration)*, 2006 FC 16 at para 2.

[51] *Starlight v Canada*, 2001 FCA 342 at para 6; see also *Arcelormittal Exploitation Minière Canada S.E.N.C. v Canada (Attorney General)*, 2021 FC 913 where several proposed interveners were granted intervener status to add

that the Coalition has been advocating for a ban on military assault weapons for over thirty years; however, its work does not stop there. Its perspective and submissions are unique from that of the AGC. The fact that it believes the Regulations should be upheld should not be determinative of the Coalition's motion to intervene.

(iii) Past Government Funding is Irrelevant

44. Generoux objects to the Coalition's intervention on the basis that it has received funding from the respondent AGC.

45. The last time the Coalition received government funding was 20 years ago. The funds were received from the National Crime Prevention Program, following a competitive bid process in 2002; the funds were directed to a program in Quebec focused on community mobilization to implement firearms legislation.[52] That program has long concluded, and if anything, the fact that the Coalition received such funding only demonstrates its credibility, and long-standing knowledge of the relevant issues, and connections within affected communities. It does not align the Coalition with the AGC. The Coalition has not received any government funding in the last two decades – its current funding sources are primarily from individual donations.[53] The 2002 funding is irrelevant and has no bearing on the motion for leave to intervene.

E. Responses to Generoux's Objection

46. In their objection, Generoux relies on the affidavit of Christine Generoux sworn June 10, 2022 (the "**Generoux Affidavit**"), which does nothing more than attach over 450 pages of documents, including screen shots of Twitter pages, news articles, and website printouts.

47. Rule 81 establishes the requirement that affidavits be confined to the personal knowledge of the deponent or on the basis of the deponent's belief, "with the grounds therefor".[54] The Generoux Affidavit fails to comply with this basic rule. Ms. Generoux has no personal knowledge

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additional arguments and perspectives in support of an applicants' challenge to the constitutional validity of a direction.

[52] Cukier Transcript, p. 114:11-18 **[Tab 1, p. 35]**.

[53] Cukier Transcript, p. 113:23, 116:13-55 **[Tab 1, p. 35]**.

[54] *Federal Courts Rules*, SOR/98/106, r. 81(2).

of the exhibits attached to her affidavit – each exhibit is therefore hearsay, inadmissible for the truth of its contents. Where the Generoux objection refers to any facts arising from the Generoux Affidavit, this Court ought to give those submissions no weight.

48. The Generoux objection is also replete with irrelevant argument,[55] untrue assertions,[56] and inflammatory accusations.[57] Specifically, Generoux targets the Coalition's President, Co-founder, and affiant in this motion – Dr. Wendy Cukier. On reading the transcript from Dr. Cukier's cross-examination, it appears the intent of the Generoux applicants was to malign and harass Dr. Cukier (and not to obtain evidence related to the intervenor motion).[58] The Generoux objection includes malicious and unfounded personal attacks on Dr. Cukier, which must be censured by this Court.[59] Generoux's submissions are an abuse of the Court's process and irrelevant to considering whether the Coalition should be granted intervener status under the *Council for Refugees* test. If anything, these attacks highlight the ideological views of certain applicants and their motivations for objecting to enriching the discourse and diversity of perspectives that interventions bring about in our justice system.

PART V. RELIEF SOUGHT

49. The Coalition proposes to make submissions on the administrative and constitutional validity of the Regulations. While two of the Applications do not raise *Charter* arguments (and not all Applications raise precisely the same issues), the Coalition submits that intervener status ought to be granted in all Applications on the basis of their overlapping facts and issues, and the fact that they will be heard concurrently.

50. Accordingly, the Coalition seeks an order granting leave to intervene on the terms set out in the revised Draft Order provided at Tab 3 of its Reply Motion Record. The Draft Order has been revised from the original to reflect that the Coalition (i) does not seek to file evidence, and (ii)

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[55] Generoux Objection at paras 36, 46, 53, 64, 65, 73.

[56] Generoux Objection at paras 36, 38, 40, 71.

[57] Generoux Objection at paras 38, 48, 57, 65, 68.

[58] Cukier Transcript **[Tab 1, p. 51-71]**.

[59] See paragraphs 17, 32, 33, 36, 38, 56-73.

seeks to file only 15 pages of written submissions in a consolidated memorandum of fact and law for all Applications (not 15 pages in each).[60]

51. As noted in its motions and by correspondence to the Court dated July 5, 2022, the Coalition believes these motions should be disposed of in writing.

52. Further, in light of the serious, malicious and unfounded personal attacks levelled against Dr. Cukier, the Coalition additionally seeks (i) if leave to intervene is granted, a direction that the Generoux applicants may not attack, malign or otherwise disparage the Coalition, Dr Cukier or its counsel in any submissions made in this Court, (ii) that the Generoux motion record in this motion be struck from the court file, or otherwise be made inaccessible to the public, and (iii) in any event, any other sanction deemed appropriate by this Court.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DATED at Calgary, Alberta, on July 6, 2022.

T. Gelbman

Thomas Gelbman and Kelly Twa
Osler, Hoskin & Harcourt LLP
Counsel for the Proposed Intervener Canadian Coalition for Gun Control

[60] Draft Order, **[Tab 3]**.

PART VI. LIST OF AUTHORITIES

Legislation

Federal Courts Rules, SOR/98/106

Jurisprudence

Arcelormittal Exploitation Minière Canada S.E.N.C. v Canada (Attorney General), 2021 FC 913

Canada (Attorney General) v Amazon.com, Inc., 2011 FCA 127

Canada (Citizenship and Immigration) v Canadian Council for Refugees, 2021 FCA 13

Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65

Edmonton Police Service v Alberta (Information and Privacy Commissioner), 2021 ABCA 428

Katz Group Canada Inc. v Ontario (Health and Long-Term Care, 2013 SCC 64

Law Society of British Columbia v Trinity Western University, 2018 SCC 32

R. v Bissonnette, 2022 SCC 23

Revell v Canada (Citizenship and Immigration), 2018 FCA 138

Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour), 2022 FCA 67

Safe Food Matters Inc. v Canada (Attorney General), 2022 FC 915

Starlight v Canada, 2001 FCA 342

Thamotharem v Canada (Minister of Citizenship and Immigration), 2006 FC 16

Secondary Sources

Regulatory Impact Analysis Statement accompanying PC 2020-298, (2020) C Gaz II, Vol 154, Extra No 3