

Background and Detailed Chronology of Ernst Zundel Persecution

STATUS IN CANADA

Ernst Zündel was born in Germany on April 24, 1939. At the age of nineteen he entered Canada for permanent residence on September 2, 1958.

On January 25, 1968, he applied for Canadian citizenship. He was informed that the application had been rejected by the Minister without reasons by letter dated August 27, 1968. He was told only that: *"The information on which the decision was based is confidential and it would not be in the public interest to reveal it."* He applied in 1988 under the *Privacy Act* for the reason why his application for citizenship was refused. This application for information was unsuccessful and is currently under appeal to the Federal Court of Canada.

Zündel applied for Canadian citizenship a second time on October 24, 1993. This application resulted in a Ministerial report pursuant to s. 19(2) from the Minister of Citizenship and Immigration Canada which alleged that there were reasonable grounds to believe that Zündel would engage in activity that constitutes a threat to the security of Canada. This opinion was based on information and advice provided by the Canadian Security Intelligence Service which alleged that the activities Zündel will engage in are described in s. 2(a) of the CSIS Act.

In a column published July 27, 1994, Toronto Sun writer Christie Blatchford revealed that Zündel had applied for citizenship and that the Canadian Jewish Congress had been aware "for some time" of the application. Blatchford wondered how the privacy laws did not prevent the CJC from being told by the government of Zündel's application. She quoted an official from the Department of Citizenship and Immigration as stating: "The government is going to try very hard to deny it."

B'nai Brith issued a statement that Zündel did not deserve citizenship and should be extradited to Germany instead. "This man does not deserve the privilege of Canadian citizenship. Not only would this be an affront to minority communities throughout Canada, but it would send a message to hatemongers the world over that Canada is a haven for racism." (Montreal Gazette, July 28, 1994)

The Canadian Jewish Congress stated that Zündel should not receive citizenship because of his convictions in Germany and because he was under investigation in Canada for promoting hatred. He indicated that the CJC had again requested that charges be laid against Zündel. (Canadian Jewish News, August 4, 1994)

PERSONAL BACKGROUND

Zündel's personal history in Canada was reviewed accurately in a presentence report prepared after his first "false news" conviction in 1985 by Probation and Parole Officer Karl Nicolson:

"Mr. Zündel was born in Calmbach in Germany (West) on April 24, 1939. The subject's father (now deceased 1969) was a lumberjack and his mother was and is a homemaker. Mr. Zündel has 4 sisters all living in West Germany and a brother who is an attorney in California. He maintains regular contact with his family.

Mr. Zündel's father was drafted into the army shortly after the beginning of World War II, as a result the subject saw little of his father as a child. When he returned permanently to the family home in 1947, he was, according to the subject an alcoholic. Mr. Zündel stated that throughout the war years and thereafter his mother provided much of the structure and support for the family. Mr. Zündel stated his earliest memories are connected with war time privations, and the early post war occupation by the French army.

The subject attended school in Calmbach, graduated in 1957 and applied for permission to immigrate to Canada. He stated that he left Germany in 1958 because as a pacifist he objected to serving in the German Army.

Mr. Zündel arrived in Canada in 1958 and quickly found work as a graphic artist in the advertising field. He met his wife Janick (Larouche) while attending night school shortly after arriving in Canada. The couple were married in 1959. Mr. Zündel has two children Pierre and Hans born in 1960 and 1967 respectively. Pierre is completing his Masters Degree in Forest Sciences at the University of Toronto and the younger son will enter University this year.

Mr. Zündel and his wife separated in 1975. According to both parties the relationship was strained for some years because of the controversy surrounding Mr. Zündel's 'historical' publications. Mrs. Zündel nee (Larouche) stated the separation was her idea, because of her husband's refusal to end, what she referred to as his 'political activities' which she stated resulted in continuous harassment of the family. She was, she said, particularly concerned, regarding threats made to her children.

Ms. (Larouche) noted that she and her husband remain good friends and that he has continued to support and spend a good deal of time with her sons since the separation. She further noted that during their life together Mr. Zündel was a 'good husband' as well as being a 'kind and loving' father, who never attempted to force his views on her or the children.

Pierre Zündel the subject's son described his father as a kind supportive person, who was actively involved with his sons both before and after his parent's separation. He echoed his mother's statement that the subject did

not attempt to push his views on his children, but rather attempted to inculcate, on their part, a questioning and critical attitude toward events."

Zündel's employment history in Canada was reviewed in the same presentence report in 1985:

"Mr. Zündel arrived in Canada in 1958 and found immediate employment with Simpson-Sears Ltd. in their advertising department as a graphic artist.

Between 1961 and 1969 the subject lived in Montreal, where he owned a small commercial art studio employing 3 people. In 1969 the subject returned to Toronto where he started his own firm 'Great Ideas Advertising.' Mr. Zündel is presently the sole owner of two incorporated companies; the above Great Ideas Advertising, and Samisdat Publishers which specializes in private publications of a 'political' nature.

The writer contacted Mr. N. Bennett, who in his capacity as Art Director for MacLean's Magazine, employed Mr. Zündel's firm on a freelance basis between 1980-1983. Mr. Bennett stated that Mr. Zündel is an excellent photo retoucher whose work was always satisfactory.

Mr. Bennett noted that his decision to stop using Mr. Zündel's firm was motivated by business considerations unconnected to Mr. Zündel's other publishing activities. Mr. Zündel expressed the feeling that the decision to stop using his firm was a direct result of pressure by groups opposed to his political/historical publications. He also expressed the view that much of the business he has lost in the past two years is the result of organized pressure by groups opposed to his views."

At times, Zündel's business employed some 12 people during certain periods in the 1970s. He frequently trained young artists and handicapped people with the help of federal and provincial government programs.

Zündel also pursued a career as an artist, producing and selling over 700 watercolours and oil paintings, largely of Canadian themes. While most were produced in Canada, they have been sold to customers as far away as Japan and Europe.

The presentence report by Probation and Parole Officer Nicholson assessed Zündel at the time as follows:

"Mr. Zündel is currently a self-employed individual managing his own advertising and publishing companies. He also has a number of unrelated commercial interests.

Mr. Zündel is also very much involved with an organization called Concerned parents of German Descent, which is dedicated to fostering in the Germans-Canadian community a sense of pride and 'countering the incessant abuse' that the subject feels this group is subjected to. To what

extent this group is representative of the feeling of German-Canadians, one may only speculate.

As noted previously Mr. Zündel is separated from his wife, but maintains a close relationship with his entire immediate family.

Mr. Zündel observed, somewhat ironically, that before his present legal difficulties began he had planned to move from Toronto, buy a rural property and semi-retire to a life of farming and painting. Mr. Zündel is now adamant that his intention is to remain in Canada and 'continue to struggle'; that is to continue to attack what he considers the 'anti-German' thrust of contemporary historiography.

The individual before Your Honour is a 46 year old man who is appearing before the criminal courts for the first time. He is a successful business man well thought of by professional acquaintances and personal friends alike. There is little doubt that had Mr. Zündel confined his activities to purely business interests he would be, if not wealthy, certainly comfortable, at this point in his life.

It is very clear, however, that Mr. Zündel's primary intellectual interest (perhaps passion or obsession is a better word), is an effort to revive recent history touching on the 'Holocaust.' The subject made it very clear to the writer that he sees this 'struggle' as a matter of 'right.' Indeed, Mr. Zündel's wife stated to the writer that 'his passion consumed their marriage' and she often felt that she was married to a 'missionary.'

Mr. Zündel stated emphatically that he does not consider anything that he has published, nor does he consider himself, as anti-Semitic, but rather pro-German. Mr. Zündel also noted that he views himself as a stabilizing influence within the community. He stated within the various ethnic community there are many who share his views but are much more prone to react violently to what they see as historical calumny perpetrated by segments of the Jewish community. Mr. Zündel has made mention on a number of occasions that he is a pacifist. He explained to the writer that his pacifism is regarding military service, but not political pacifism and that his struggle to present a 'true' picture of the Holocaust will continue. The subject did, however, state clearly to the writer that he is prepared to abide by any conditions Your Honour should set as part of Your Sentence in this matter."

During his 1985 "false news" trial, Zündel took the stand and gave evidence concerning his childhood and the reasons he had come to Canada:

"My first recollection is living in a very old house, 370 years old. Later on I was told that it belonged to my family for all those years. My father was very seldom at home and he did come home only on periodic visits because he was a soldier. And I had a normal childhood like millions of other kids in the War on all sides of the battles, and when the war ended, towards the end of the war, we suffered the bombing raids and the sirens going off and the frequent wake-up calls from our mother, herding us children - we were

five of us at the time - into a basement air raid shelter, a bunker. And the house would shake and rattle, but these hundreds of bombers were streaming towards cities like Dresden or Berlin and so on, and I think that the most vivid recollection that I have is the cold, stark terror of the air raid sirens and the droning of these bombers, then the anti-aircraft fire, the search-lights in the sky, Allied planes limping back over the Black Forest area burning, some crashing. It was, for a little kid, a pretty frightening experience." (p. 3791)

"The neighbouring city of Pforzheim was bombed. Twenty thousand people were killed in one night and we, of course, had been once again yanked out of bed and a fire storm was raging in that town that was twenty kilometers away. And we lived in this mountain valley, and there was this terrific howl as if there was a tornado going on, and it was the air being sucked into this town to feed the fires as...it was burning, and the sky was red wherever we looked from, flames as distant as twenty kilometers away. And that left an impression on me that I never forgot." (p. 3792)

"And in the post-war period, of course, there was the cold. There was no heat. There was no food. We had to go to a church basement to school because the French Army had taken over our schoolhouse. School was on an irregular basis. We didn't have paper to write on. The one thing that I will always remember was hunger, and we broke out in sores all over our skin. Later on I found out it was nutritional deficiency disease, lack of protein and so on, and it was just basically a horrible time. And my father was a prisoner of war." (p. 3793)

"...the German government which had just passed legislation to re-arm Germany under the pressure of the United States, and I was absolutely convinced if I had anything to do with it, I would never serve in any man's army, because I believe[d] still that the Germans had killed millions of people, especially Jews, just because they were Jews, and I thought the same generals and the same officers who had been responsible for that were going to be the ones who were building up the new Army which was true in many cases." (p. 3795)

"So I wrote away to various places, and when the coloured brochures came and the descriptions of the different countries, I chose Canada because number one, it had no army, it was the only country that had no army, and also I liked the climate...Well, no army that you were drafted to. It had a volunteer army. And this was the deciding point. And so in 1958 I came to Canada, and I haven't regretted to this day ever having coming here." (Vol. 17, p. 3796)

In his schooling in Germany, Zündel was taught from textbooks approved by the Allied occupation forces which taught a history at variance from what his parents told him. In his 1985 trial testimony he stated:

"I noticed one thing, that in the inside front pages of our textbooks in school there were foreign language things written. Only later I found out that it meant a kind of a censorship approval stamp by the various occupying powers that censored all our textbooks, even our mathematic books and song books, and I think that is an indication of what education that we children in Germany received after the Second World War. We were the victims of the occupying powers who taught us their version of history, and the result was that we became alienated from our parents. What our parents taught us as their life experience seemed like lies to us and fairy tales, because the teachers in the textbooks that we were given were reflecting a totally different reality. And this made for many an unhappy home and a kind of tribalism between the younger generation. We were kind of sticking together, and the parent's generation, the older generation was separated from us.

As we got a little older, naturally, my brothers and sisters, we would ask questions of our father who had been in the war, and friends would drop in, and we began to realize that not all was well with history that we were being taught, that in reality our parents had lived and were eye witness to one version of history, and our school books reflected a totally different version of history. And this made me, certainly, realize that I had to inform myself somewhat independently." (Vol. 17, p. 3794)

THE YEARS 1958 - 1978

In 1961, Zündel and his family moved to Montreal where Zündel started and quickly built through hard work his own thriving graphic arts business. His clients included advertising work for some of the larger corporations in Canada such as Henry Birks jewelers, the Hudson's Bay Company and Reader's Digest of Canada.

Zündel formed the anti-Communist "National Defence Committee" during the early Sixties, a speaker's bureau with Zündel as the sole speaker at first. He often had three or four speaking engagements a week, speaking to Kiwanis clubs, church groups, etc., on "Communism: A threat to our civilization." Through his efforts an anti-Soviet demonstration of 650 supporters took place outside the Montreal Forum.

Zündel took an active part in Canadian political campaigns, appeared as a guest on many radio talk shows, lectured in public and wrote political articles for various German language publications in North America and overseas. He also served as contributing editor and columnist on the campus newspaper for evening students, "The Paper", at Sir George Williams University in Montreal

when he attended the school during the 1966-1968 academic years taking courses in political science. His regular column, "Politics, Past, Present and Future!" dealt with such topics as Quebec separatism.

When the federal Liberal Party leadership convention came up in 1968, Zündel ran for the leadership of the Liberal Party on a platform designed to preempt Pierre Trudeau's "three wise men" from Quebec, all of whom he had watched with alarm for years and whose leftist pronouncements, articles in the "Citë Libre", and policies for Canada seemed a disaster to him. He tried to articulate the fears and aspirations of the then never heard of "immigrants", at that time largely European, as a mediating third force between English and French Canadians. This action annoyed the power brokers of the Liberal Party and brought him disfavour at the highest levels of the then-ruling Liberal government. It was during this period that Zündel's application for citizenship was denied.

A major influence in Zündel's life at this time was Adrien Arcand, a nationalist French Canadian who had been interned in Canada for six and a half years during the war. Zündel met Arcand in 1960-61. He later testified about Arcand's influence on him:

"He was a great Canadian. He spoke eight languages, one of them being German, and he made available to me books, speeches, articles which I had never seen before and never had access to. And he allowed me to study these books from his library. I had no other way of obtaining those things, especially not in German." (Transcript, 1985, p. 4288)

"What he helped me see was that there were people in all parts of the world - Canadians, Americans, Britishers, Spaniards, Italians, who all felt and had written and had studied the Second World War and did not think that the Germans were the ogres that the official propaganda had made them out to be. So he gave me a balance of an imbalanced viewpoint..." (Transcript, 1985, p. 4289)

Zündel's business did well financially and he was able to take off several months a year to travel and meet and interview political leaders, authors and thinkers all over the world whose articles, books and speeches he had read. Arcand wrote a letter of introduction for Zündel to Admiral Sir Barry Domville, who had been interned in Britain during the war, and other notables.

Zündel believed that Germans were being unfairly stereotyped in the media and he sought to rectify the situation through letters to the editor and speaking engagements.

"One cannot be [an] awake and alert person living in Canada and America without being exposed to programmes like 'Rat Patrol', 'Hogan's Heroes' and things like this, and if you are of German background you know there is another German people not bungling idiots or brutal killers, you know there is something going on from all the media and all those books and

school textbooks. And so I decided to, once again, [do] in depth research with eye witnesses from around the world, for instance, I went to England to meet a British admiral, Admiral [Domville], and people like that, also, naturally, German people who had been in the war." (Vol. 17, p. 3798)

Zündel learned that Admiral Sir Barry Domville had spent years interned in a British prison during the Second World War because he had gone on a hunting trip with Heinrich Himmler and that Canada itself had concentration camps for Japanese-Canadians under the War Measures Act based on virtually the same security considerations and policies the Germans had used to incarcerate the Jews. This was a "big surprise" to Zündel who had never heard this before.

"So that made me realize that not all was black and not all was white. I was beginning to mature intellectually. And when I finally decided to go to university to night courses to advance my education, I found that in Canadian textbooks that I was naturally forced to take, the Germans were depicted in a totally false, negative stereotype manner. And I have been all my life, I suppose, somewhat of an active type. When I saw that I thought that this wasn't right, because I knew that although there were Germans, undoubtedly, which had been cruel or were anything less than virtuous, the great mass of the German people were like the rest of the people of the world, like Canadians or Americans, decent, law-abiding, hard-working people. And I did not want to be a member of an ethnic group or be associated with a nation that had such a bad public image. And I thought, what was wrong ought to be corrected through truth. And my research which I had done up until then led me to write to various politicians, to, in those days, the Board of Broadcast Governors, letters to editors, and letters to politicians, to public figures, to poets - I remember Irving Layton was one of them - trying to stop the negative stereotyping and to bring out the truth, whatever the truth was. (...)

I then appealed to other German Canadians, and in a kind of ad hoc fashion we decided to have letter-writing campaigns, too, but citizens, actions groups, or the kind of today we call them human rights activists too." (Vol. 17, p. 3799-3800)

Zündel found that anti-German stereotyping had become more prevalent and vicious as World War II receded, not less as one would expect. It disturbed him that his sons were being exposed to this negative stereotyping even in comic books and school textbooks. He began to collect examples of negative German ethnic stereotyping and during his trial in 1985 brought a box of such publications to show the court. (Vol. 17, p. 3805):

"There is virtually a publication or a book or magazine or a comic book for every warped taste from sadomasochism to pornography in the outright sense. Here is one that was very prevalent in the sixties called, 'Man's Epic',

'Nazi Torture Cult Lust Orgy of the Wild Nymphos', and it shows these semi-nude women with swastikas on their thighs, German soldiers with swastikas on their arm, whips, man with dogs." (Vol. 17, p. 3806)

"So we have looked at comic books which are very serious problems, especially for our children. We have looked at men's magazines which are no longer prevalent because of videos, but nevertheless, they were in the sixties. Then there are other specialty magazines that misrepresent Germans, and then there are, I think, the biggest offender, apart from television, are pocket books." (Vol. 17, p. 3813)

Zündel did approximately 150 open line talk shows a year in Canada and the U.S.A. during this period. Because of his increasingly high profile, Zündel was contacted by German parents from across Canada with problems they had with school textbooks, university textbooks and some with physical attacks on their children in school after Holocaust-related films were shown on TV or the movies. He gave them comfort and advice on how to rectify the situation.

"First of all, I calmed them down, because many of them were near hysterics. Some of them had taken their children out of school, and I advised them to talk to the principals, talk to the teachers, try to get a line to the parents of the kids that had threatened them with cruel exterminators and stuff like this. I usually cautioned them not to take the legal route or take legal action, because children in school become very easily hostages. You know, kids get picked on in school. If kids, we come too stridently to their defence, I have enough experience in this to know that that is the case. So I try to use a kind of a conciliatory method of making some teachers see the errors of their ways, and some kids to calm down. And in a number of cases I was successful." (Vol. 17, p. 3812)

One of the biggest influences on Zündel at this time was the Rumanian Jewish author Joseph Ginsburg, author of many books and booklets as well as articles, who published under the name "J.G. Burg."

"The one man in West Germany who had a profound influence on me in the sixties was Joseph Ginsburg who publishes under the name of J.G. Burg, and he is a non-Zionist, a Talmud scholar coming from a long family of Talmud scholars, and he wrote a book, 'Schuld und Schicksal.' The English translation of the title would be, 'Guilt and destiny.' Well, in it he reproduced documents about the Madagascar Plan and the official German policy of emigration, not extermination. And his book had a tremendous impact on me because here was, for the first time, a Jewish author that spelled out in detail what the German policy really was." (Vol. 17, p. 3814)

"And he flatly said to me, and he says it in his books, that there were no gas chambers in German concentration camps for killing Jewish people." (Vol. 17, p. 3815)

J.G. Burg had himself been uprooted and interned during the war in one of the Jewish settlements in the East. Zündel corresponded with Burg and promoted his books. Burg subsequently came to Canada to do some educational video films with Zündel in German and was a guest in Zündel's home for a month during the period the film was made. In 1988, Burg testified for Zündel's defence in his second "false news" trial. He stated at that time:

"If the Holocaust story - if the Holocaust story goes on the way it's going, there will never be a sincere relationship between the Jews and the Germans. That's what - the Zionist leaders will see to that." (Vol. 25, p. 6851)

"So that [Zündel's] duty is to fight against it. I will help. That's what I'm doing. Why? Because otherwise it will never come to a reconciliation of the people." (Vol. 26, p. 6885)

Burg described Zündel as a "fighter for the truth" for his people:

"He only had the problems - if he had - if he had gone along with the current he wouldn't have the problems he has. It would have been much easier, much easier in life for him. If there were another two or three Zündels, it would be better for us Jews as well." (Transcript Vol. 26, p. 6892)

Another Jewish author that deeply influenced Zündel was a French psychologist Professor Dommerque. Zündel had corresponded with him for years and finally interviewed him during this time period.

"Because he had written on the Holocaust, and I had received his publication in which he calls the Holocaust a mensonge historique, which means a historical lie, which is the same thing Dr. Faurisson said. And I republished his letter...he made tape recordings for me of his viewpoint, and his independent research comes to the conclusion that approximately seven to eight hundred thousand Jewish people died of all causes during the Second World War. He does not believe in the gas chambers, and he certainly does not believe that the Nazi Government were in totality ogres." (Vol. 17, p. 3828)

Other Jewish authors which Zündel sought out during this period were Benjamin Freedman and Rabbi Elmer Berger of the American Council of Judaism whom Zündel met in 1967 in New York. Berger gave Zündel a number of insights on Zionism, "because Zionism is very much part of the Holocaust legend", Zündel testified later in his court cases.

"Because Zionism is the chief beneficiary of the Holocaust legend. Financially, propagandistically, politically - even, to a certain amount, morally - they seem to have a copyright on pain because of this propaganda. So I sought out Rabbi Elmer Berger because he had published formerly in the Toronto Sun in his publication called 'Current Events and Issues', Jewish issues in 1968. And that fascinated me, so I travelled to New York and interviewed Rabbi Berger who I've met since. He is the one that, for the first time, made very clear to me what the difference is between Judaism and Zionism. His particular philosophy of life and the people that he represent is that they are Americans first and foremost, and Jews by religion, whereas the Zionists are Jews first, at least that is the way I understand it, and virtually to the exclusion of anything else. They happen to reside in a different country, but their first loyalty is to Zionist tenets, Zionist goals, Zionist politics, and he felt it was a dangerous ideology because it questioned in the eyes of the general public the loyalty of Jews living in America or in Canada." (Vol. 17, p. 3855)

In 1975, Zündel presented a brief to the Task Force on Human Relations headed by Walter Pitman. In the brief, Zündel reviewed and graphically documented with many examples the negative stereotypes of Germans in the media carried on from wartime propaganda, listing examples and reproducing cartoons and article front pages to illustrate his points. He made this brief available to many members of the Canadian Parliament, newspaper editors and columnists all over Canada.

"We see continuous reruns of World War II propaganda movies piped into every home via television, often during prime time, exposing untold millions of people to the same *emotional* pitch which once made them go and kill their fellow man by the millions. The next day the TV audience goes to school, university or to work, still stirred up with righteous indignation by anti-German propaganda and there meet their stereotype, i.e., their classmates or co-workers who may happen to be German by birth or post war immigrants. *Doesn't anybody in this world ever ask what the outcome on society is of this madness?* Of course it causes friction and hatred between people. We Germans know precisely what awaits us the day after such movies as *North of the 49th Parallel*, *Judgement at Nuremberg*, *Battle of the Bulge* have been shown on TV the night before. You can cut the tension with a knife."

Zündel concluded the brief by stating that the time was long overdue for a change in attitudes and behaviour:

"The German Canadians have a right to equality and fair treatment in the media. This most sacred and common right has long been denied us with YOUR hypocritical acquiescence.

We expect the full protection accorded to all members of this society against discrimination and vilification because of our ethnic and national origin."

In 1969 Zündel and his family had moved back to Toronto because of separatist violence in Montreal. He started anew and built one more time his own commercial graphic arts business and advertising agency. In 1972 he published a book on UFO's which became a run-away best seller marketed by direct mail and through advertisements, mainly in large circulation U.S. magazines. The success of the book convinced Zündel to enter the direct mail business selling other books on UFO's and eventually original, uncensored tapes of Nazi-era songs by German soldiers and SS (which contained no annoying commentaries distorting the music), historical speeches in their uncut form by Adolf Hitler and interviews he had done with various writers and historians on Zionism and the developing area of Holocaust revisionism including Dr. Robert Faurisson, French expert in ancient texts and documents at the University of Lyon II and Rabbi Elmer Berger, head of the American Council for Judaism.

Berger directed Zündel to the work of Peter Worthington, well known Canadian journalist, who had written some articles in Rabbi Berger's journal of Jewish thought entitled "Issues" about the life of Soviet Jewry and their influence in Soviet Russia. Worthington had been unable to get these articles published in the Toronto Telegram.

In 1978 Zündel incorporated Samisdat Publishers Ltd.. The word "samisdat" to Zündel meant "dissident"; an alternative form of communication usually self-published by the author himself. (Postal Transcript, p. 430)

Samisdat published three types of publications, an informational newsletter titled "Samisdat" which was published about once a month, the papers of Concerned Parents of German Descent and the papers of the German-Jewish Historical Society. The papers of the latter two groups were published irregularly from 9 to 12 times throughout the year.

The German-Jewish Historical Society was formed by Zündel "to set up a symposia where Jews, both Zionist and non-Zionist, anti-Zionist and Gentiles, some Germans, Frenchmen, Swedes and so on could meet at our headquarters at Samisdat, in our hall, and have an exchange of ideas. I invited Mr. Kayfetz, Simon Wiesenthal, Irwin Cotler, and other prominent people of Jewish background in Toronto, people like Morton Shulman, Barbara Frum and so on, to participate and thrash out some of these ideas. One of the speakers from Europe was Professor Dommerque who is one of my Jewish collaborators." (Postal transcript, p. 470)

Barbara Frum had interviewed Zündel at length on her radio program "As It Happens" about his UFO books. When he later asked her to chair a such symposium on German-Jewish issues, she declined, telling Zündel that it was "too hot a potato" for her.

When in April of 1978, the TV mini-series "The Holocaust" was aired across North America and later in Germany, Zündel and members of the Concerned Parents of German Descent demonstrated outside the German

consulate to protest the film. Other Germans did the same in over sixteen countries at the time. Zündel termed the series a "hate message":

"It shows Christians in a bad light, it shows Ukrainians in a bad light, it shows Latvians in a bad light...It shows them torturing, beating people, burning people in synagogues, and it really shows the Germans in one heck of a bad light, so much so that the Toronto German community and German Club and businesses were threatened with arson, bombings and had to be evacuated, and German stores threatened with boycotts. German newspapers were being harangued and harassed. (Postal transcript, p. 557-8)

Zündel and members of Concerned Parents of German Descent also gave press conferences and demonstrated outside movie theatres which showed films with anti-German stereotyping such as "The Boys from Brazil". Zündel was quoted in a Sunday Star article on October 8, 1978 covering one such demonstration: "Canadians love to hate Germans. And Canadians are hypocrites because they preach freedom and equality - but there are no equal rights for Germans in this country. We are second-class citizens."

During this time, Zündel won support for his efforts in some quarters. In an article in the September 1977 *Legion*, a magazine for Canadian war veterans, columnist Douglas Fisher quoted West German Social Democratic Chancellor Helmut Schmidt as asking "Why do Canadians cling to stereotypes of Germany and Germans going back more than 30 years to the second war?..." Fisher went on:

"This intervention by Herr Schmidt happens to follow a campaign being promoted from Toronto by one Ernst Zündel for 'concerned citizens of German background.' His argument is that in the name of anti-Nazi war propaganda (a war long over and lost by the Nazis) a steady diatribe of anti-German material is flogged in film, books, magazines and on TV.

'German Canadians,' Zündel proclaims, 'have a right to equality and fair treatment in the media. This most sacred and common right has long been denied us with your hypocritical acquiescence.'

Zündel goes on in a number of newsletters and briefs to give scores of examples of anti-German propaganda represented by feature films shown in theatres or on TV in Canada recently - The Eagle Has Landed, The Diary of Anne Frank, Battle of the Bulge, Stalag 17, The Devil's Brigade, Ilse - She-Wolf of the SS, Hitler: The Last 10 Days, and on and on.

...I can see what Schmidt and Zündel complain about. I give myself self-examinations on why I am still leery about the place and role of Germans in today's world, not yesterday's. There's no doubt that the popular media perpetrate the image and the memories of wartime propaganda. For example, the brutal series on Sunday night TV in June depicting the story of the Nazi concentration camps and what the Jews call 'the Holocaust.' If one can be fair about a country and a people with such a modern history,

and let us try to be, I think we really should be conceiving of the Germans and the Japanese for that matter, in a much different way, one appropriate to the passage of time and their relations with us as allies."

In February of 1977, CBC Television invited Zündel to participate in a program called "The Kowalski Report" which dealt with the stereotyping of Germans. The program showed that many children interviewed for the program could not draw a distinction between Nazis and Germans. (Postal Transcript, p. 334)

In April of 1978, Toronto Sun columnist Mark Bonokoski alleged that Zündel, while posing as the "seemingly harmless leader of the new Concerned Parents of German Descent who has played his way onto the front pages of newspapers, plus air time on radio and television, to condemn the movie, Holocaust", was in fact a "fanatical neo-Nazi" who wrote hate literature such as "The Hitler We Loved and Why" published by Liberty Bell in West Virginia (owned by George Dietz) under the pen name "Christof Friedrich". Ben Kayfetz, president of the Canadian Jewish Congress was quoted as saying that Zündel had come to his attention as far back as 1966 when he was told Zündel had one of the largest collections of Nazi memorabilia in North America.

Zündel replied in a news release:

"Apparently, the editorial policy of the Toronto Sun is to generate heat rather than light on the subject of anti-German hate propaganda, namely the 'Holocaust' series. It would also appear that Mr. Mark Bonokoski has been selected as a journalistic hatchetman in conducting a smear campaign directed against me as a person which is calculated to distract the public from the important issues which are of concern to all Canadians of every ethnic group."

Zündel listed the distortions and fictions in Bonokoski's article: what was a "neo-Nazi" other than a smear term?; Zündel had no collection and had never possessed any Nazi uniforms, insignia or military accouterments of any kind except his father's wartime medal. Regarding his work with George Dietz of Liberty Bell, Zündel stated:

"The much-touted Zündel-Dietz connection is certainly exaggerated. I have had occasion to supply Dietz with some historical photographs and Red Cross documents plus some newspaper clippings, all of which material has been in the public domain for around 40 years. Some of this background material may have been used by Dietz for the publication of a book entitled "The Hitler We Loved and Why." I can state from firsthand knowledge, however, that I did not write such a book, nor did I write a review of it.

It is sadly typical of Mr. Bonokoski's efforts at aping his yellow journalist predecessors that he makes it appear as if Mr. Dietz, whose political ideas are not very well known to me, is the only politically-oriented person with whom I have corresponded or with whom I have exchanged photographic and documentary material. Surely Mr. Bonokoski's 'police sources' (KGB?) would reveal the long, cordial and mutually informative communications I have enjoyed with Canadian politicians and journalists and with such fine Jewish gentlemen as Rabbi Elmer Berger of the American Council for Judaism and the noted historian, Benjamin Freedman whom I have known and worked with far longer than I have been acquainted with Mr. Dietz. The people all over the world who have consulted me on political matters number into the thousands, as Mr. Bonokoski's alleged 'sources' will undoubtedly reveal if there is an iota of truth in them."

THE YEARS 1978 - 1996

From 1978 onwards, after the publication of Bonokoski's article and the German government raids, Jewish organizations began a steady and relentless campaign to harass and silence Zündel through political lobbying in both Canada and Germany and the use of the judicial system in both countries. The means used was to criminalize his dissenting views on the Holocaust, by repeated charges of "inciting hatred" and "spreading false news" and to discredit him in the eyes of the public as a "fanatical neo-Nazi." Jewish lobby groups worked closely with governments and the media, both of which played crucial roles in their effort to stop any questioning of the Holocaust and to whip up public indignation and "anti-Nazi" hysteria.

This time period also saw an increasing and escalating pattern of violence against Zündel from the terrorist organization, the Jewish Defence League, and in later years Anti-Racist Action. The Jewish Defence League had long been listed by the Federal Bureau of Investigation in the U.S. as a terrorist organization which over the years had claimed responsibility for numerous fire bombings, pipe bombings and shootings resulting in deaths and injuries to those perceived to be "enemies of the Jewish people". The FBI 1981 report of claimed terrorist incidents in the U.S. described the Jewish Defence League as follows:

"The JDL was organized in September of 1968, by Rabbi Meir D. Kahane, who proclaimed that violence is necessary to accomplish the objectives of the JDL. Headquartered in New York City, the JDL is composed primarily of young Jewish-American extremists who consider themselves to be protectors of 'Jewish rights' and supporters of the State of Israel. Chapters of the JDL are located in several of the larger metropolitan areas of the United States. Many JDL members have been trained in self-defence and the use of firearms. (FBI, "Analysis of Claimed Terrorist Incidents in the U.S. 1981", p. 22)

Significantly, during this time of violent demonstrations by anti-Zündel groups in front of his house, attacks on Zündel and his supporters in front of courthouses, watching and besetting of his home by JDL members who would patrol the sidewalk with German Shepherd dogs, JDL members pounding on the walls and roof of his house around the clock or shining powerful lights in the windows at night, and years of terror telephone harassment and death threats (resulting in at least three charges and criminal convictions of Jewish individuals in Toronto), neither Zündel nor his supporters were ever charged with any violent offence, nor in aiding, abetting or counselling such offences. At all times Zündel worked with police authorities and respected the judicial constraints imposed upon him by his bail conditions over a nine year period.

'DID SIX MILLION REALLY DIE?'

In 1979 the Attorney General of British Columbia asked the Attorney General of Ontario Roy McMurtry to consider laying charges of inciting hatred against Samisdat Publishing Ltd. based on pamphlets they had received from Zündel's firm. This was reported in the Toronto Sun on November 22, 1979.

In response to this threat, Zündel mailed out thousands of copies of a 32 page booklet entitled "Did Six Million Really Die?" written by a British author, to Canadian lawyers, politicians, media representatives, school teachers and clergymen with an appeal that Canadians "evaluate this information for yourself, before your right to be informed is denied you through official action." In forewords and afterwords published with the booklet Zündel stated:

"This booklet has been sent to you free of charge as a public service. After reading it, you are perfectly free to agree or to disagree with its content. You may even ignore it and leave it unread. *Truth has no need of coercion* Those who choose to ignore the truth are not punished by law - they punish themselves. *We of Samisdat Publishers do not believe that you should be forced to read something, any more than we believe that you should be forced not to read something* Obviously, we have much more faith in your soundness of mind and good judgment than do the enactors and enforcers of the 'Hate Law!' Whether you agree or disagree with the facts presented in this booklet, we invite you to assist us in reclaiming and safeguarding the freedoms we have all so long enjoyed, until now, in Canada."

"I believe that Zionists and their sympathisers are using the letter of the law to defy the spirit of the law; *that they are using words like 'hate' and 'racism' to conceal their very real attempt to suppress the truth* . I do not believe that the so-called 'Hate Law' section of the Criminal Code was intended to be an instrument for the suppression of free enquiry and discussion. The 'Hate Law' was adopted by the Canadian Parliament as a

result of almost exclusively Jewish-Zionist agitation. *Now it appears that it is being invoked to prevent the exposure of the biggest money-raising racket of all time, namely the Holocaust Lie. The real issues in this matter are not 'anti-semitism', 'racism' or 'hate' but Truth, Freedom of Speech and Press, Freedom of Enquiry and ultimately, Justice.* Help us safeguard these precious freedoms now! EXERCISE YOUR RIGHTS AND DUTIES AS FREE CITIZENS WHILE THERE IS STILL TIME BY GIVING THIS ISSUE MAXIMUM ATTENTION AND PUBLICITY! CONTACT ME FOR FURTHER INFORMATION, INTERVIEWS AND ARRANGEMENTS FOR PUBLIC SPEAKING APPEARANCES:"

The booklet "Did Six Million Really Die?" set out the thesis of what is now known as Holocaust revisionism. The thesis holds that there was no policy by Nazi Germany to exterminate the Jews, that no order from Hitler to do so exists, that there were no homicidal gas chambers for the killing of Jews and others in Nazi-occupied Europe, that the allegation of homicidal gas chambers was Allied wartime atrocity propaganda, that six million Jews in reality did not die during the war, that the figure is much less, probably in the hundreds of thousands. These Jewish losses were due to epidemics and malnutrition in the concentration camps to which they had been deported for forced labour and due also to the vagaries of war.

GERMAN ACTIONS AGAINST ZÜNDEL

Seizure of Bank Accounts and Charges of "Agitating the People" ("Volkoverhetzung")

In January of 1981, the West German government seized Zündel's postal banking account in Stuttgart through which Zündel had received many donations and payments for books and tapes. The seizure was done without any charges being laid.

On March 23-24, 1981, the German Ministry of the Interior ordered the largest police raid in German history into some two thousand private homes for the purpose of seizing books and tapes as "Nazi literature." Some ten thousand police officers, three hundred prosecutors and fifty judges were involved in these raids.

Zündel testified:

"The police obtained the addresses of people who had donated money to me by breaking the German bank laws and taking the addresses off donation slips and then raiding these people's homes." (Postal transcript, p. 140)

Large amounts of materials and books were seized in raids all over Germany and were taken to Stuttgart where they were examined for a year. Zündel was charged with "agitating the people", a crime in West Germany.

Hysterical press reports of the raids in Canada and Germany stated that the bulk of neo-Nazi material circulating in West Germany originated from Zündel's publishing house. In Canada, large headlines screamed "Metro man branded a Nazi - His pamphlets nabbed in W. German raids" and "German raids find Metro Nazi propaganda."

On August 26, 1982, Zündel was acquitted by the Stuttgart District Court which held that Zündel's writings were not hate literature. The court ordered the West German government to pay Zündel's legal expenses and to return the money in the seized bank accounts to Zündel together with interest.

This vindication of Zündel was not reported in the Canadian media except in the ethnic press. The media continued to label Zündel as a "neo-Nazi" who sent "Nazi propaganda" to West Germany.

Denial of German Passport

In 1982, the German government refused to renew Zündel's passport under a section of the German law first promulgated by the Hitler government against Jewish refugees who published anti-Nazi material while in exile. The law stated that a passport may be withheld if **"the security or other serious interests of the Federal Republic of Germany are in danger."** In 1985 the West German government again refused to renew the passport.

An official with the West German consulate in Toronto, Guenther Overfeld, explained in an interview with the Globe & Mail how Zündel threatened the security of West Germany:

"It has been the consistent policy of all West German governments since 1949 to reconcile with the Jews as well as the State of Israel. The positions of Mr. Zündel are greatly contradictory to that policy and the feeling of the German public....[Zündel] is aiming at a broad Canadian public and declaring himself as a German citizen - obviously the interests of (West Germany) are threatened." Globe & Mail, April 2, 1985)

Zündel's lawyer in Germany had appealed the 1982 refusal to renew. During the appeal process in 1985, his lawyer was allowed, in the presence of a policeman at the courthouse, to study (but not copy) various documents in the West German government's files used in the passport proceedings against Zündel which indicated that the Ministry of the Interior, which had no jurisdiction in passport matters, had pressured the German Foreign Office relentlessly since at least 1980 to have Zündel's passport withdrawn.

The files showed that high level officials from the German Federal Intelligence Service had visited Ottawa for talks aimed at getting the Canadian government to ban Zündel's use of the postal system.

The German government files also indicated that Ben Kayfetz of the Canadian Jewish Congress had written to the German consulate general Koch in Toronto, requesting copies of Zündel's materials as they wished to inspect them. Koch replied that "I had to answer this question in the negative." Kayfetz then asked Koch to get samples from Germany. Diplomatic telegrams were dispatched back and forth between the consulate, the embassy and Germany and ultimately sample letters of Zündel's newsletters from 1980 and 1981 were provided by the Federal Ministry of the Interior and turned over to the CJC.

German officials appeared to be under the impression that if Zündel was deprived of his passport, he would be subject to deportation by the Canadian authorities. On September 10, 1981, the Public Prosecutor of Stuttgart, Vogt-Binnet, intervened in the Zündel passport question and demanded that **"the extension of validity of his passport be denied to Zündel and that restrictive steps be taken against him in terms of time and location... According to information received at this office, the Canadian authorities have the intention of deporting Mr. Zündel from Canada when he is no longer in possession of a valid German passport."**

In reply, the consul general indicated that he had already re-issued Zündel's passport for a period of one year:

"On 18 August 1981, Mr. Zündel's passport was extended upon application for the duration of one year. At this time, the comments of the Public Prosecutor's in Stuttgart which had been asked for by letters dated 3 June and 17 July, 1981, had not yet been received by the consulate general.

Also after having received the information contained in the telex from the Public Prosecutor's Office referred to, the consulate general does not see its way for the time being, to take passport restricting measures, since the element of avoiding criminal prosecution is absent here. The consulate general therefore leaves it up to the Public Prosecutor's Office to have a 'wanted' notice written out against him in the police gazette and to summon him via the consulate general to return to Germany. The consulate general will then once again investigate into the reasons for refusing to extend the validity of his passport. (Signed) Dr. Koch."

In 1982, the question of whether or not Zündel's passport should be renewed was again examined by the consul general in Toronto. By letter dated April 19, 1982 to the German Foreign Office, the consul general stated that "a renewed detailed examination" had revealed that measures in pursuance of s. 7(1)(a) of the law governing passports was not possible in his view. It was explained that the intended purpose, namely a removal of Zündel from Canada, could not be achieved by a withdrawal of the passport. The letter explained that because of his legal status as landed immigrant, Zündel would be allowed to remain in Canada even in the case of a withdrawal of his passport. It was therefore not a suitable means of eliminating an impairment to the reputation of the Federal Republic of Germany.

In a second letter, in November of 1982, the consul general indicated that he would be extending the passport unless he received a directive to the contrary from higher authority. He received a directive given by the Federal Ministry of Foreign Affairs which in turn acted under pressure from the Ministry of the Interior. The files showed that the Ministry of the Interior wanted to stop the importation of Zündel's material into Germany and was determined to use every means possible, including the refusal to extend the validity of the passport. (Submissions by attorney Jürgen Rieger, in the administrative law proceedings Zündel/FRG, 18 A 1746/84, dated August 7, 1985)

Zündel appealed the refusal of the consul general to renew the passport. On May 9, 1984, the Administrative Court of Cologne decided that West Germany was not obliged to renew the passport. Zündel appealed to the Administrative High Court for North Rhine-Westphalia, which allowed his appeal on March 31, 1987 (Ref. 18 A 1746/84 - 9 K 2757/83 Cologne). The court stated in its reasons:

"The High Court does not consider that under the pertinent law, particularly of the Federal Constitutional Court, the conduct of the appellant has posed any danger to significant interests of the Federal Republic of Germany or her lands."

An appeal of this decision by the Federal Republic of Germany was rejected by the Federal Administrative Court on July 7, 1987 (Ref. BVerwG 1 B 66.87) on the grounds that it did not constitute a matter of fundamental significance.

Zündel obtained his German passport which he retains to this day.

Seizure of Postal Banking Account - 1984

The Prosecuting Attorney's Office of Stuttgart investigated Zündel because of his "Samisdat Newsletters" No. 59 of November 20, 1984 and No. 80 of November 12, 1986. As a result of the investigations, the West German government seized Zündel's postal banking account. The investigation did not result in any charges being laid.

On December 9, 1992, the District Court of Stuttgart (9 Qe 42/92 - 4 Js 86061/87) determined that Zündel was entitled to be compensated for the criminal investigation to which he had been subjected.

Laws Against "Auschwitz Lie"

In 1985, the West German government, following the example of Israel which had passed a similar law in the Knesset, passed a law making it a criminal offence to "deny Nazi Germany's systemic annihilation of most of Europe's Jews." (Globe & Mail, March 15, 1985)

In 1991, Zündel was convicted of denigrating the memory of the dead and agitating the people for video tapes on Holocaust revisionism distributed in Germany. These tapes were not distributed by Zündel in Germany but by anonymous people using no return addresses or return addresses that turned out to be false. At his trial he testified he had not distributed the tapes and the German prosecutors produced no evidence that he had done so. Nevertheless, he was convicted.

In December of 1991, the judge sharply reduced the fine Zündel had been sentenced to pay by two-thirds and refused to issue a prison sentence on the grounds that **"no serious danger emanates from the accused."** (Revisionismus, Der Verfassungsschutz Informiert, Bavarian Minister of Internal Affairs, 1995; Toronto Sun, December 18, 1991)

Zündel appealed to the District Court of Munich. Although both Zündel and his attorney were advised that the hearing date had been cancelled due to health reasons of both Zündel and his lawyer, the court in fact went ahead and heard the appeal in their absence and dismissed it in November of 1993.

The Bavarian Provincial High Court and Court of Appeal (Ref. 0dSs I 1352/94) dismissed an appeal from this decision on October 10, 1994 on the grounds that Zündel's physician's statement had been insufficient to document his inability to travel. The adequacy of the physician's statement had not been questioned before the appeals nor had supplementary medical reports been demanded by the court.

Zündel appealed the decision to the Secretary of the European Human Rights Commission in Strassbourg. The case is still pending.

Anonymous Letter - 1994

Proceedings against Zündel were initiated in the District Court of Nürnberg- Fürth (Ref. 403 Js 34911/94) on the basis of an anonymous letter from Canada which German prosecutors assumed had been written by Zündel. The proceedings were subsequently abandoned when it was shown that Zündel did not write the letter. Charges of false accusation were brought against the person who had reported the letter to the police but were later dropped on the grounds that the person had not acted with the intent to deceive.

THE MAY 31, 1981 "ANTI-NAZI" RALLY

On May 31, 1981 a massive demonstration by Jewish groups took place in Allan Gardens, Toronto, near Zündel's house on Carlton St. as a direct result of the German raids and the subsequent publicity in the Canadian media alleging that Zündel was spreading "Nazi propaganda" in West Germany from Canada. (This was the case that Zündel subsequently won in Germany.)

The rally had been advertised in the *Canadian Jewish News*, Canada's Jewish newspaper of record, with the following words: "Neo-Nazism in Canada.

Why is Canada the export centre for Nazi propaganda? Why can hatemongers freely spread the lie that there was no Holocaust? Why do war criminals go unpunished? RALLY to protest racism and hatemongering."

The rally was sponsored by the Canadian Jewish Congress and B'nai Brith as well as other smaller Jewish organizations. Although the Jewish Defence League was not listed as a sponsor in advertisements, it was the main presence at the demonstration and turned it into a violent, frenzied mob which attempted to storm Zündel's house. The organizers of the rally from the CJC and B'nai Brith made no attempt to stop them and never distanced themselves publicly from these events. Only the presence of Toronto police prevented a major incident.

Zündel later testified regarding the mob scene:

"...the Jewish Defence League, although a non-sponsoring organization of the rally, took over the rally. [...] ...all these mainstay Jewish organizations had demonstration marshals there who were responsible for the peaceful assembly they had promised the police, and they did not at all restrain these thugs from the Jewish Defence League from almost breaking through the police barriers and constantly making those threats at my place of 'Burn him kill him, shoot him!'.....the Jewish Defence League was the one making all these threats right in full view of these mainstay Jewish marshals. Therefore, am I to assume that these 1500 people were all Jewish Defence League members? Why did the marshals not restrain them if they were not, right in the face of the police?" (Postal transcript, p. 532-532)

Fifty police and barricades were required to protect Zündel's house. Members of the Jewish Defence League. Demonstrators carried signs saying "Butchers have no rights. JDL"; "Nazis are nurtured in Canada"; "Never forgotten - Never again." (Postal transcript, p. 404-407) Zündel received bomb threats and death threats before and after the demonstration.

Zündel taped the demonstration and produced a tape entitled "C-120 Zionist Uprising!" which contained voices clearly shouting "Let's storm the place, let's burn it down, let's kill him and everybody in it." (Postal transcript, p. 528)

THE POSTAL BAN - 1981

By letter dated October 27, 1980, Simon Wiesenthal of Austria wrote to Robert Kaplan, then Solicitor General of Canada, demanding that his government take action to stop Zündel from sending his newsletters to Germany. "Naturally I don't have the possibilities you dispose of to stop this anti-jewish propaganda," he wrote, "so I ask you for your help and I am sure you'll employ all means at your (sic) disposal." As a result, Kaplan ordered a Canada-wide police investigation of Zündel's activities.

By letter dated May 4, 1981, an official from Solicitor General Kaplan's department, Mr. Alistair Hensler of the Security Policy Division, filed a complaint with Canada Post with respect to a German language leaflet entitled

"Samisdat Kampf Tips" ("Samisdat Tips for the Struggle"), published by Zündel, which had been circulating in the mails in Europe. The leaflet had been provided to the Solicitor General by a "resident in Austria" which it may be surmised was Simon Wiesenthal. (Postal Transcript, p. 12) As a result, a full postal investigation of Zündel and his company was undertaken. Canada Post requested further assistance from the Solicitor General's office but they were unable to provide any further samples of Samisdat's publications. (Postal Transcript, p. 14)

In July of 1981, Sabina Citron of the Canadian Holocaust Remembrance Association (affiliated with the Toronto Zionist Council) complained to the Canada Post Corporation that Zündel was spreading anti-Semitic literature and demanded that Zündel's mailing privileges be revoked. At a later meeting with Canada Post officials, Citron turned over a mailing cover and contents. The mailing cover was addressed to J. Thompson, Post Office Box 1013, Station "B", Downsview, Ontario. The contents was a pamphlet entitled "Backlash: Concerned Parents of German Descent." She also turned over the leaflet "The West, War and Islam" but had no mailing cover. (Postal Transcript, p. 16-17)

On August 17, 1981, Postal Inspector Gordon Holmes visited Zündel at his house and interviewed him about the complaints received from the Solicitor General's department concerning the German language leaflet. Zündel provided Holmes with extensive examples of his writings and tapes and showed him photographs of the massive May demonstration in front of his home. He told Holmes that he was engaged in a campaign of mailing out his side of the story. (Postal transcript, p. 79-82) Holmes' report to Canada Post would state that Zündel was most co-operative and freely supplied copies of his books and writings. (Postal Transcript, p. 45)

On September 25, 1981, a meeting was held between Canada Post and Mrs. Citron and a professor which Mrs. Citron had brought with her, Professor Ravault. (Postal Transcript, p. 16-17) The Supervisor of Illegal Mails, a Mr. Zwicker, testified that "We just wanted to discuss the situation at hand to see that the evidence we had would warrant reasonable grounds for the Postmaster General or the Minister responsible to issue a prohibitory order against Samisdat Publishers Ltd." (Postal Transcript, p. 34)

On October 15, 1981 a meeting took place between Canada Post, the RCMP, Solicitor General's and External Affairs regarding the Zündel case. (Postal Transcript, p. 18-19)

Legal opinions were received from Legal Services Branch that some of Zündel's writings constituted hatred against Jews. (Postal transcript, p. 20)

On November 13, 1981 an Interim Prohibitory Order was issued against Zündel's publishing company, Samisdat Publishers Ltd., at both its Toronto and Buffalo addresses. The order was issued on the grounds that Zündel's company was using the mails to incite hatred contrary to s. 218.2 (2) of the Criminal Code.

Zündel requested that a Board of Review inquire into the Interim Prohibitory Order in accordance with s. 41(2) of the Canada Post Corporation Act.

The Board of Review hearing was held on February 22, 23 and 24, 1982 and March 11 and 12, 1982. It was one of the longest postal hearings in Canadian

history. The sole expert witness testifying for Canada Post, Professor Ravault, had been provided by Sabina Citron the self-avowed enemy of Zündel who was responsible for the postal ban. (Postal Transcript, p. 118) Publications examined during the hearing included the booklet "Did Six Million Really Die?" and the leaflet "The West, War and Islam" both of which were made exhibits.

During the hearing, the Canadian Civil Liberties Association, represented by Toronto lawyer Ian Scott (who was later served as Attorney General of Ontario), intervened on Zündel's behalf and unsuccessfully argued that the hate provisions of the Criminal Code violated the Bill of Rights provisions with respect to freedom of expression. Scott reviewed cases which held that pamphlets critical of the religious beliefs of others but which were not likely to lead to a breach of the peace were not sedition, and argued:

"I put it to you that in the same way, on the basis of that principle, a pamphlet or book here, which it is not alleged incites genocide or which is not alleged is likely to lead to violence, cannot be a breach of the criminal law." (Postal transcript, p. 108)

Zündel testified in his own defence at the hearing at which the Canadian Holocaust Remembrance Association was given full rights of cross-examination almost like a co-prosecutor. It was represented by two lawyers with Sabina Citron sitting next to them directing the questioning of Zündel for hours. During the hearing Zündel described the use that Samisdat made of the mails:

Q - Now, can you tell me what use Samisdat makes of the Canadian mails?

A - Again, use of the Canadian mails grew helter skelter. At first it was strictly and chiefly selling, the direct mail selling of these books. Then I realized from correspondence and from requests and inquiries there was a market for tapes, like marching songs and things like these. I purchased these tapes in the United States, from the Library of Congress, from England and Germany, master tapes, and I sell duplicate tapes; and that turned out to be a very lucrative business. Later on it expanded into informational mailings, whereas at first it was strictly advertising and commercial. So many questions were asked of me that I was writing myself ragged. It is true that I had some friends helping me, but we were just inundated so I decided to make informational mailings which said essentially the same thing to two hundred or three hundred inquires. I understand that most writers have this problem.

Q - Now, could you tell me, do these informational mailings all fall into the same category, or are there different receivers for these different mailings.?

A - Oh yes. You can classify them in groups and sub-groups. There is still the commercial aspect to it by people who read newspaper advertising for radio shows and things like that; they want to buy the books and the tapes

and I mail those through the Canadian mails. Then because of a circle of friends which has developed around Samisdat, we publish informational mailings to members of the media on [anti-German] stereo-typing, for instance, unfair films. things that interest the public. We tried to get access to the public media but couldn't, so we used the medium of informational mailings to members of Parliament, senators, judges, lawyers, media people, all radio stations and TV stations, sometimes all Catholic priests in the province of Quebec, for instance, on specific topics. We have made mailings to Jewish leaders, for instance, in appealing for understanding and stuff like this." (Postal transcript, p. 295-7)

Zündel testified concerning the role he believed Samisdat played in combatting the negative stereotyping of the German ethnic group:

"I believe that being a member of the German ethnic group we have been victims of negative stereotyping. So I am a living stereotype...Unfortunately because Germany has been involved in two World Wars in this past century and both times lost, we have been tarred with the brush of being all evil things to all men." (Postal Transcript, p. 298)

Asked if he had personal experiences of such stereotyping, Zündel replied:

"As I said before, they come in the form of anonymous phone calls, death threats, bomb threats on the telephone. They come in the form of letters, anonymous letters, eggs, stones thrown at my building. They come in the form of business boycotts, and of course they come in libelous statements where you are called as a firm, in print and in the media, and in speeches by all who wish to, all manner of names, anything from 'Fascist' to 'Nazi pig,' 'German bastard' and other four-letter words." (Postal transcript, p. 345)

During the hearing he testified:

Q - Do you know, Mr. Zündel, of anyone in any place who has ever taken any violent or legal action against Jews, whatever that word may be found to mean, as a result of your writings?

A - No, not as a result of my writings.

Q - What would you do if you discovered that such violent action had been taken?

A - I would be horrified, and I would certainly instantly re-examine what I have said and never do it again.

Q - Does Samisdat publish and deal in books by Jewish authors?

A - Yes.

Q - Does Samisdat have any lines of communications with Jewish - again whatever that may mean - people?

A - Certainly. Most definitely. Some of my best collaborators are Jewish intellectuals.

Q - Now, could you advise the Board if you have made any attempts to bridge what the Board may or may not find to be a gap between that group which may loosely be categorized as Jews, subject to the determination of the Board on that point, and that category of persons who may loosely be classified as Germans, whatever the Board may determine that to mean?

A - Mr. Chairman and members of this review Board, I have done for most of my adult life exactly that. I have contacted Jewish organizations, and I have a letter from the Canadian Jewish Congress in response to one of my letters as far back as 1969. I have been trying to get to grips with the problems that we have discussed today and some of the material contained therein, for most of my adult life, and I have numerous letters here which I can submit to this Board if the Board is interested and finds it important: to Mr. Kayfetz, to Mr. Cotler, the President of the Canadian Jewish Congress at this time, to Morton Shulman, Barbara Frum, asking people who we know in the community as Jewish - media people, religious people, political leaders - to sit down and discuss the grievances which they seem to have against my work and the grievances which I have because of the stereotyping and some of the programs on the air, and so on, in Toronto. Unfortunately, from the Jewish community there has not been much response. However, the man in charge of the Metropolitan Toronto Police Race Relations Squad, Sgt. Pearson, undertook from me in the summer of last year, with his staff, to see if we could get together with some Jewish community leaders and iron out some of these differences and maybe to calm the situation. He did visit them. He reported back to me on it. He said that they had promised to him in a meeting that there would be no more demonstrations like the one that you have seen photos of. They also went to see the Jewish Defence League, the man in charge of the Jewish Defence League, and had a good talking to him because...[objection by counsel for Canadian Holocaust Remembrance Association].. Mr. Chairman, it was not only Sgt. Pearson who was present but two other police officers of the Race Relations Squad. One, Sgt. Andrews from Station 51 in Toronto, which is my precinct area, and the overall head of Race Relations in Toronto, and because of his intercession the Jewish Defence League did stop calling me and making death threats and stuff like this. So there was some visible success there, and there have been really no problems outside the

complaint which was sent to the Post Office by Mrs. Citron and the Holocaust Commission.

Q - Mr. Zündel, do you have any examples of, or perhaps you can tell us whether you have made any attempts, you or Samisdat, to bring your complaints with respect to stereotyping to the attention of authorities? You have mentioned, I believe, some.

A - Yes. Mr. Chairman and members of the Commission, I have again done this for many years through the normal channels that a normal person living in Canada would do, by correspondence with Members of Parliament, government ministries, the Board of Broadcast Governors in the olden days, the Canadian Radio-Television and so on, letters to the editor, to get relief - school boards. I and my friends at Samisdat, we have done that. I have correspondence here with Members of Parliament."

(Postal Transcript, p. 413-416)

During cross-examination by Canada Post's lawyer, Zündel testified that he advertised for sale audio tapes of speeches by Hitler, the songs of the blackshirt and brownshirt storm troopers, battle songs and marches of the Third Reich and books such as "Did Six Million Really Die?" and "The Six Million Swindle." The songs on the tapes were played with their original music and words, unadulterated by the negative commentary usually found on tapes of German military music from the war.

When the government lawyer expressed doubt that Zündel had any Jewish collaborators, Zündel pointed to his advertisements which were in evidence which showed a tape being offered for sale by Benjamin Freedman entitled "German-Jewish Dialogue." Zündel testified he had known Freedman for almost 15 years and had interviewed him on many occasions. Freedman had given him permission to sell the tape. Other Jewish individuals whom Zündel had interviewed and tapes of which were being sold by Zündel were Haviv Schieber, the former mayor of Beer Sheba in Israel, and Professor Dommerque of the Sorbonne University in France. (Postal transcript, p. 458-461) Zündel testified that he had gone to a forum held in Toronto that spring called "Jewish Alternatives to Zionism - A Public Meeting" and met with participants such as Rabbi Elmer Berger, Abie Weisfeld and Professor Israel Shahak, president of an Israeli human rights organization. (Postal transcript, p. 462)

Zündel was asked if he had any Canadian Jews who were collaborators:

**"Privately, but they are scared out of their wits to come out in public."
(Postal transcript, p. 461)**

Zündel gave evidence that he had received a letter from a "J. Thompson" requesting information about Germany during World War II with a mailing address of P.O. Box 1013, Station "B", Downsview, Ontario. It was the mailing to

this individual that Sabina Citron had turned over to Canada Post officials. Zündel testified that this was the address of the Jewish Defence League as shown on their advertisements in the Canadian Jewish News. In an ad published on February 25, 1982, the JDL stated: **"What the JDL has done for you: Lobbied to legally terminate mailing rights of a major Nazi propagandist distributing hate literature in Toronto."** (Postal transcript, p. 471)

Zündel testified that the JDL was a violent and militant organization that sanctioned the use of violence to achieve its aims. He introduced numerous articles to the hearing in which the JDL was shown in militia-type training with semi-automatic rifles and other weapons for the purpose of fighting "anti-semitism." (Postal transcript, p. 387-90) An article by Mark Bonokoski in the Toronto Sun headlined "Zionist fanatics stalk hated enemy" quoted a member of the Jewish Defence League in Toronto saying: "There is no shame in killing for Israel." (Toronto Sun, March 15, 1978) A later article in the Toronto Star reported under the headline "Militant Jews take up arms" that members of the JDL were "arming themselves and are learning to shoot" on a farm 30 miles outside of Toronto because, a JDL member was quoted, "if the time comes when we have to use guns, we'll know how." (Toronto Star, April 29, 1981)

In its report to the Minister dated October 18, 1982, the Board recommended the revocation of the Minister's order suspending Zündel's mailing rights. In its reasons the Board stated:

"While the Board finds that Mr. Zündel's writings are in bad taste and no doubt offensive to some, the Board is not satisfied that it has been established that this material amounts to the promotion of hatred contrary to Section 281.2(2) of the Criminal Code; consequently the Board need not comment further on the other elements of this offence. The Board is prepared to adopt the argument of the Canadian Civil Liberties Association calling for the person to be prosecuted if it is thought that an offence has been committed.

There was much animosity demonstrated at the hearing between the "prosecution" and the "defence" to the extent that the proceedings were unusually long and arduous and were hindered by numerous interruptions, objections and even lack of courtesy between Counsel. The Board believes that what is before it is a much larger problem or struggle between two peoples i.e. the Germans and the Jews and is reluctant to recommend to the Minister that the interruption of mail service should be continued.

(...)

In coming to this conclusion, the Board was influenced by the following:

(a) Mr. Zündel or Samisdat has operated openly in Canada for many years. This is not what might be called an underground operation.

(b) The affected parties co-operated with the authorities. In large measure the evidence presented at the Board was material made available on a voluntary basis.

(c) Mr. Zündel's activities have been the subject of monitoring by both the Metropolitan Toronto Police and the Ontario Provincial Police for many years and as reported to the Board no action has been taken to prosecute him.

(d) The material produced by Zündel is not distributed at large. There is a mailing list. Material is available for those who wish to receive it.

(e) There have been very few complaints emanating from the general public.

Government Minister André Ouellet accepted the recommendation of the Board of Review and signed the revocation order restoring Zündel's mailing privileges on November 15, 1982. Canada Post turned over bags and bags of mail to Zündel. All cheques were stale-dated and Zündel's business suffered near ruinous losses. His mail order business never regained the lost market share and customers.

The Canadian Jewish Congress obtained a copy of the Board of Review's ruling almost immediately from Canada Post. Ben Kayfetz of the Canadian Jewish Congress announced to the press that they were "appalled" by the decision and particularly angered by the finding of the Board of Review that what was before it was **"a much larger problem or struggle between two peoples i.e. the Germans and the Jews..."** (Ottawa Citizen, Dec. 11, 1982; letter to the editor Jan. 7, 1983)

Zündel himself, however, did not receive a copy of the Board of Review's ruling even though the case involved his mailing privileges and resulted in disastrous consequences for his business. In a letter to Zündel replying to his complaint that he had not been given a copy of the report, the Office of Prime Minister Trudeau replied that the report had been "mistakenly released" to the Canadian Jewish Congress but that the Minister responsible for Canada Post was well within his discretion to refuse to give Zündel a copy. (Letter, Martin Blumenauer, Correspondence Assistant, Office of the Prime Minister, March 15, 1983)

Zündel attempted for years through letters to the Minister and others to obtain the decision. It was only after Zündel initiated lengthy proceedings under the Privacy Act and appealed to the Privacy Commissioner that he was allowed access to the report in 1992, some 10 years after the Board of Review's report was issued. He was not allowed to obtain even a photocopy of decision; his lawyer was forced to transcribe the decision by hand at Canada Post offices in Toronto.

"FALSE NEWS" CRIMINAL PROSECUTION

After Zündel's postal ban victory at the end of 1982 and the defeat of Zionist activist Sabina Citron (as well as the government of West Germany which had lobbied hard for the postal ban), there began a campaign in 1983 by Jewish organizations to have him charged under Canada's hate laws.

The Canadian Holocaust Remembrance Association and Sabina Citron, political opponents of Zündel's, wrote to Ontario Attorney General Roy McMurtry demanding that he charge Zündel with inciting hatred under the Criminal Code.

Ontario Liberal leader David Peterson accused Zündel in the Ontario legislature of being "one of the world's big purveyors of Nazi propaganda" and demanded that the Conservative Attorney General McMurtry lay charges of inciting hatred. In an article in the Toronto Sun (June 15, 1983), Zündel stated: "I don't hate Jews. I work with them. There are some Jews I would not go near with a 10-foot pole, but others I like."

B'nai Brith demanded that Zündel be charged under the hate laws. (Toronto Star, October 13, 1983)

In October of 1983, the Canadian Jewish Congress alleged Zündel was mailing out "anti-Semitic" material and urged the amendment of the Canada Post Act to make his activities illegal (Toronto Star, Oct. 7, 1983)

HARASSING TELEPHONE CALLS

Throughout this time period, from the early 1980s onwards, Zündel suffered almost constant strings of terror telephone campaigns by Jewish individuals. Metro Toronto Police traced and taped these callers in investigations that resulted in at least three convictions that are known; one of a design engineer for Ontario Hydro, one of a wealthy local real estate broker and one of a stock broker in one of the largest brokerage houses in Toronto.

The prominent Jewish real estate broker who was convicted was a man named Eugene Lawrence. He was fined \$200 in 1989 and put on probation for two years. Lawrence was a member of the Canadian Holocaust Remembrance Association, the organization headed by Sabina Citron and Helen Smolack, which has pursued Zündel with five criminal charges and one postal ban. He had a previous criminal record of violence. In 1969, Lawrence had knocked self-styled "Nazi" leader John Beattie unconscious in a Toronto demonstration for which offence he was convicted and fined \$25.00.

Evidence from Lawrence's trial indicated the campaign was systematic and organized. Lawrence used different public telephones in shopping malls and restaurants, driving in his white Cadillac along a regular route, and stopping at regular intervals to repeatedly telephone Zündel's number. He would let the telephone ring once, hang up and then dial immediately again over and over. Zündel received literally hundreds of calls a day for months. Lawrence was arrested in the act of making one of these phone calls, quarter in hand, by one of Metro's police officers.

THEFT FROM THE MAILS

At least two of Zündel's postmen were convicted of stealing his mail. One was a man who had delivered mail for seven years along Zündel's street. He stated that he stole the mail and "destroyed" it because he hated Germans. When, arrested, he had on his person DM 120 in cash and an envelope containing West German postal banking statements with names and addresses of Zündel's West German donors and customers. This information could have been sold to anyone interested in knowing Zündel's mailing list, particularly his financial contributors. He was sentenced to four months in prison and Zündel received a letter of apology from Canada Post.

Bank statements regularly vanished from the mail. Credit card and tax bills were destroyed which caused damage to Zündel's reputation and business. His divorce decree mailed to him from the Supreme Court of Ontario was stolen from the mail and never received. Registered mail was stolen over the years. Air mail special-delivery registered letters and audio tapes of interviews with Dutch political figures were detained for almost seven months, then released without explanation. Other mail of a time and deadline-sensitive nature was held up for months, thus sabotaging Zündel's business in myriad's of ways during years of harassment.

THE FIRST TRIAL - "SPREADING FALSE NEWS" (1985)

Throughout 1983, there were continuing calls to have Zündel charged under the hate laws. On November 10, 1983, Zündel wrote the Attorney General of Ontario, Roy McMurtry, to ask for guidelines on what constituted "hate literature." He wrote:

"You have been quoted in the press and in Hansard in reference to your discussions with some five federal ministers of justice and your constant consultation with the committee of lawyers in your ministry regarding the content of my writings which your ministry has been assiduously studying for years. You have declared publicly that these ongoing studies of my publications are being conducted with the purpose of discovering grounds sufficient for the laying of criminal charges against me and against Samisdat Publishers Limited and you have unjustly and erroneously gone on to accuse me of being 'behind a lot of the very vicious material that has been disseminated', although you yourself admit that this is merely a belief on your part and that insufficient proof exists with which to substantiate your allegations. (...) I would like to suggest and request that your committee of lawyers supply me with their guidelines and criteria on 'hate' content so that I may apply them to my writings in advance of publication. Similarly, these guidelines should be available to all writers, educators, media representatives, etc. so that everyone in the community can know exactly what the rules are in Ontario. I make this request solely in the interests of insuring greater community harmony, the lessening of inter-ethnic tensions and misunderstandings and for the relief of current

anxieties and uncertainties on the subject of 'hate literature.' If your motive is really the elimination of so-called 'hate literature' from our society and not actually the malicious persecution, entrapment and victimization of Ernst Zündel and Samisdat, then I see no reason why you would be reluctant or embarrassed to provide me and the general public with information about your thought-crime guidelines; otherwise you are keeping us all in ignorance of the law as it is currently interpreted and enforced."

Zündel never received an answer from the Attorney General. McMurtry, however, refused requests by the Jewish lobby groups to lay hate charges against Zündel.

On November 18, 1983, Sabina Citron of the Canadian Holocaust Remembrance Association laid two private charges against Zündel of "spreading false news" in the publications "Did Six Million Really Die?" and "The West, War and Islam." Both publications had been the subject of the postal review and found not to constitute hate literature within the meaning of the Criminal Code. Notwithstanding this, Citron's charges were taken over by the Crown which meant the state assumed the entire cost for the persecution of Zündel through prosecution on behalf of the Zionists. Zündel began what was to become a nine year costly legal battle for his civil rights.

In the fall of 1984, officials from the Ontario Attorney General's office visited Holocaust author and "survivor" Elie Wiesel, asking him for advice and assistance in the preparation of the case against Zündel. Wiesel refused, telling the prosecutors that "on the basis of his own personal experience he had decided that it was imprudent to use the courts in fighting the Holocaust debunkers." The personal experience Wiesel referred to was a meeting of leading American judges who had cautioned him that a "verdict overturned on the basis of legal technicalities would be used by neo-Nazis as a validation of their doctrines." (Canadian Jewish News, May 21, 1987)

On September 9, 1984, shortly before Zündel's first trial was to begin, a pipe bomb exploded at the back of his house damaging his garage, two cars and sending metal shrapnel flying through neighbouring yards, lodging in the wall near the bedroom windows of the home of two Jewish neighbours. The *Globe & Mail* newspaper in Toronto reported:

"A man called the Globe & Mail last night on behalf of a group he called the People's Liberation Movement of the Jewish Defence League, to claim responsibility for the bomb." (Globe & Mail, Sept. 10, 1984)

Notwithstanding this important lead, no arrests were ever made.

In a press release, Zündel denounced the bombing and warned Canadian authorities of escalating violence by the Jewish Defence League and other like-minded groups:

"A bomb was exploded in downtown Toronto on the premises where I work and live. A self-styled "Jewish" group has claimed responsibility for this premeditated act of terrorism which has escalated from telephoned death threats to physical intimidation outside my door at the hands of masked and hooded thugs accompanied by guard dogs on leashes. From intimidation, it was but a short step to physical assault, as occurred repeatedly on my way to the courthouse to face my Zionist accusers. Day after day, my friends and I struggled through mobs of howling, spitting, punching, kicking Zionist hoodlums. And now, bombs...Where will this lead us?"

At the outset, taped death , arson, bombing and kidnapping threats were forwarded to police, the newsmedia and politicians such as Messrs. Rae, Peterson and McMurtry. Their reaction or lack thereof was most informative. In particular, the media which had accused and 'tried' me as a 'hatemonger' and which were largely responsible for stirring up the Zionist mob sought to hide their responsibility in this matter by blaming me, the victim of the bombing, for my own misfortune. This is tantamount to an inciter of a lynch mob blaming the victim for being hanged.

The so-called Jewish Defence League or some other fanatical Zionist terror group may indeed have planted the bomb outside my home, but they are only the tip of an iceberg of malice, prejudice, venal politicians and pro-Zionist media prostitutes who are setting me up for murder. Ignorance cannot be the excuse! The police, politicians and the media are perfectly aware of the Jewish Defence League's worldwide reputation for arson, bombing, sniping, assault and murder. Further to their well-documented knowledge of this Zionist hate and terror group, I have provided them with evidence of the JDL's violence-prone hostility toward me with tapes and film of these thugs in action. What more can one do?

Those who bear responsibility for violence include many more than the deluded, the criminal or mentally-ill members of the JDL. They include the politicians who have spread calumnies upon my reputation in order to feather their own political nests; they include the prostitutes of the media whose sensationalist lies and distortions single me out for violence. Others have set the stage and so far, those in authority have given the JDL free rein to do largely as they please. So far we have seen that violence feeds on violence. The JDL is testing Canada to see how far they can go. How they would love to turn Toronto into another Deir Yassin or a Sabra and Shatilla! The JDL leaders recognise no law and no limitation to the scope of their actions, so they will go as far as they are permitted. In public statements, their spokesmen have bragged that murder is permissible whenever they deem it to be in 'Israel's interests', as they see them. It is a well-known fact that the racist, psychotic leader of the JDL, Meir Kahane, is anathema to righteous Jews who refuse to allow him and his terrorists to act in their name in the state of Israel. Similarly in Canada, the same good, decent Jewish people have recoiled from the JDL in horror, but not so, unfortunately, in the case of certain politicians who may be deluding

themselves into thinking that they are currying Jewish favour by adopting a 'hands off' policy in regard to JDL hoodlums. Nothing could be further from the truth!

Regardless of Zionist threats, intimidation, dirty tricks and terrorism, I shall confront my accusers in court and I shall expose their global extortion racket within the context of the law. In the meantime, I am allocating funds for the prosecution of the unscrupulous hatemongers of the media and the political prostitutes who incite these terrorists against me and refuse to apply the laws of this land equally to prevent needless deaths."

During court appearances in the winter and spring of 1983 - 1984, Jewish Defence League members attacked Zündel and his supporters on the steps of the court house, kicking and screaming and knocking Zündel to the ground with karate chops. At some court appearances, canes and 1 x 2 inch planks used to mount placards were used by the Jewish Defence League to beat Zündel and his supporters over the head. (Zündel and his supporters would subsequently wear construction hard hats for protection.) Both Zündel and his lawyer, Lauren Marshall, received harassing telephone calls and death threats. One media account stated that in **"a trembling voice, Marshall said she and her client and their families are harassed daily and have received death threats. Later she told reporters one caller told her seven-year-old, 'If your mommy goes to court, she'll be killed.'"** (Toronto Sun, Jan. 17, 1984)

In an open letter to members of Parliament and the media, Zündel warned that the administration of justice in Canada was being endangered by allowing Jewish mobs free rein against him:

"Need I remind Canadians that it is not only Ernst Zündel who is on trial; the eyes of the world and of Canada are watching these proceedings with great interest. No government, no nation can allow its system of justice to fall into disrepute. No state can allow its laws to be ignored or to be applied selectively, without losing the confidence of its people. I, the accused, am respectful of the law, as I have shown [in] over 25 years of political activity. As the accused, I am deemed innocent until proven guilty. This principle forms the basic fabric of our civilized laws, without which we are no better than the many dictatorships which we so vociferously deplore."

A preliminary hearing was held in June of 1984 and Zündel was committed to trial on both charges that had initially been laid privately by Sabina Citron. The trial commenced in January of 1985 and lasted for 39 days. Throughout the proceedings, Sabina Citron and Helen Smolack of the Canadian Holocaust Remembrance Association had a bench in the court reserved for them. This in spite of the fact that hundreds of people lined up for up to three hours each day outside the courtroom in order to see the trial. Near the end of the trial, a busload of Jews from New York were hustled into the courtroom ahead of Torontonians who had waited hours to get in. Members of the Jewish lobby

groups constantly advised the Crown and walked in and out of the Crown offices.

The Crown attempted to prove the Holocaust happened by calling expert witness Dr. Raul Hilberg, the author of "The Destruction of the European Jews", and various "Holocaust survivors" who had been in German concentration camps during the war. It also called the vice president of one of Canada's major banks to prove that the banks were not involved in any conspiracies.

Zündel called in his defence expert Holocaust revisionist Dr. Robert Faurisson, a scholar on ancient documents from Lyon II university in France, Dr. William Lindsey, the retired chief research chemist of the giant American chemical company, Dupont, Dr. Russell Barton who had been in Bergen-Belsen immediately after its liberation as a young medical student, Thies Christophersen, a German who had been stationed near Auschwitz during the war, Ditlieb Felderer, the Swedish researcher who had taken hundreds of photographs of Auschwitz during the 1970s, Frank Walus, a Polish American who was falsely accused by the Simon Wiesenthal Centre of being a Nazi war criminal, Dr. Gary Botting and newspaper columnist Doug Collins, both of whom testified to the freedom of speech issues in the case, Jim Keegstra, the school teacher charged with spreading hatred against Jews in his classroom, Pierre Zündel, the accused's son. Lastly, Zündel himself took the stand as the final witness.

During the trial, the Crown attempted to suggest that Zündel wanted to see a civil war to effect change. Zündel disagreed and spoke of how he was attempting to effect change:

"You need the truth. It is like this. You are in a large room a number of people, all minding their own business, not realizing that among them there is a pickpocket on the loose. Now that pickpocket is a danger to each person in that room. Until such time that the light of publicity, in this case the light of the law, maybe, points at him and follows him throughout the room - nobody has to touch the man; nobody has to beat the man; nobody has to arrest the man. All you have to do is expose the man. And with publicity, that's exactly what you can do. These people who are lying about the Holocaust are only a problem until such time that their racket has been exposed through truth." (Transcript, 1985, p. 4260)

Zündel described why modern Germany had failed to refute the Holocaust propaganda:

"These propaganda claims against Germany were made. Germany was in ruins, defeated. The entire German leadership of that particular time was either rotting in jail, was either executed, was starved to death, or was somewhere in the Soviet Gulag, so the German people were virtually abandoned. What was left was imigree leadership that had left Germany in the thirties, largely Jewish, communists who came back with the

communists or quislings who occupied positions and were given the positions by the Allied powers."

A quisling is properly understood to be a person who is appointed by an occupying power doing the services of somebody else. And the constitutional conference that was held in Bonn to set up the West German State was hand-picked by the occupying authorities, and they rejected people when they didn't toe the line that the Allies had laid down for Germany. So therefore we started out with an occupational government, and it has been self-perpetuating, however much they want to cloak themselves in democratic trappings." (Transcript, 1985, p. 4344-45)

With respect to the "West, War and Islam" Zündel testified that at the time it was published there was tangible agitation by the Zionists for war in the Middle East. He was attempting to help diffuse the situation through dissemination of information to remove negative stereotypes of the Islamic peoples in the minds of Westerners. In the pamphlet, Zündel had urged leaders of the Islamic nations to spend money on information campaigns, not weapons. The pamphlet had stated:

"For the cost of one airplane, a whole nation could be informed about the true aims of one or more Islamic countries. For the cost of one tank, a public information film could be produced and shown over and over again to Western audiences, eager to be informed. For the cost of one anti-tank missile, a small booklet could be published and sent to the newsmedia representatives of the West. For the cost of one artillery shell, a well-trained speaker could present the Islamic case at a university symposium or international gathering. For the cost of one rifle, 500 information-packed tape cassettes could be sent to radio stations around the world. For the cost of one rifle bullet, stamps could be bought to mail ten letters bearing the message of truth and understanding to remote corners of the world. Are Islamic leaders so isolated in their thinking that they cannot grasp the importance and practicality of these suggestions? Are expensive and rapidly obsolescent weapons preferable to propaganda which can bring about peace?...There is a better way, the way of truthful information, our way."

After a lengthy trial commencing January 7th , Zündel was convicted on February 28, 1985 by a jury on the charge concerning "Did Six Million Really Die?" and sentenced on March 25, 1985 to fifteen months imprisonment plus probation for three years. He was acquitted on the charge concerning "The West, War and Islam."

Zündel was released on bail with the following condition among others:

"That he keep the peace and be of good behaviour and, without limiting the generality of this condition that, in particular, he not publish directly or

indirectly, by writing or by speaking in public, anything in support or furtherance of the views and assertions of facts expressed in the publication which was the subject of his conviction." (Order of Mr. Justice Tarnopolsky, March 26, 1985)

Zündel would be subject to this sweeping gag order restricting his freedom and curtailing his civil and human rights for almost seven years as his case wound its way to the Supreme Court of Canada. It prevented him from replying to or correcting outright lies and falsehoods printed in the media or written about him by the Jewish lobby groups.

Sabina Citron expressed satisfaction at the sentence: **"This kind of activity will not be tolerated,"** she said. (Toronto Star, March 25, 1985)

The Jewish organizations, including B'nai Brith, the Canadian Jewish Congress, Citron's Canadian Holocaust Remembrance Association, and the Jewish Defence League immediately began a private and public campaign to pressure the government to deport Zündel to Germany.

A march and rally of some 5,000 people in downtown Toronto at the city's O'Keefe Centre was organized by the Canadian Jewish Congress, B'nai Brith and the Jewish Students Network. Calls to deport Zündel were made by speaker after speaker including the leader of the Ontario NDP Party, Bob Rae. These calls for deportation were greeted by standing ovations and cheers from the crowd. (Toronto Star, March 11, 1985)

Some people did not see the rally and calls for deportation as benign. In a letter to the editor to the Toronto Sun, a J. Thomas wrote:

"It seems to me that hatred is a double-edged sword. The spectacle of 4,000 Jews, very well organized, marching from City Hall to O'Keefe Centre and the voluble utterances of numerous speakers all symbolically crying 'Barrabas, Barrabas, give us Barrabas,' was a frightening display of mob rule...The demand, shrill and continuous, that Zündel be deported is far exceeding the bounds of justice and reveals itself as hatred of anyone who dares question the power of a small minority of Canadians." (J. Thomas, letter to the editor, Toronto Sun, March 21, 1985)

Canada's Minister of Immigration, Flora MacDonald, announced after a cabinet meeting on March 26, 1985 that officials of her department had been instructed to take steps to deport Zündel as soon as they had reviewed a report of his sentence. (Toronto Sun, March 27, 1985)

Incredibly, even though Zündel's criminal appeals had not been exhausted, he was ordered deported from Canada on April 29, 1985 after a brief immigration hearing. B'nai Brith expressed pleasure that the deportation order was made: **"We're very pleased to see that the government has acted quickly. I think it's the proper process and the right decision."** (Toronto Star, April 30, 1985)

The Toronto Star reported that **"[a] spokesman for Immigration Minister Flora MacDonald said it was pure coincidence that the decision to deport**

Zündel was made on the day more than 3,000 Jews met in Ottawa to honour the victims of the Holocaust." (Toronto Star, April 30, 1985)

Zündel immediately appealed and two years later, on July 7, 1987, **the deportation order was quashed as having been issued contrary to law** . Zündel had again to bear the financial cost of fighting this arbitrary and illegal deportation.

In June of 1985, four members of the Jewish Defence League were tried on charges of causing a disturbance by attacking Zündel and his supporters as they attempted to enter the University Ave. Courthouse in Toronto for his trial in January of 1985. The evidence indicated that Meir Halevi (real name Marvin Weinstein) and the other members of the JDL tossed eggs, shouted "Never again!" and started throwing punches at Zündel's supporters. Police witnesses stated they saw Halevi "punching and kicking at members of the Zündel group." He stated that "The Zündel people were fighting back in defence..." (Toronto Star, June 6, 1985)

All four members of the group were acquitted, however, by Provincial Court Judge Jack Climans who held there was a reasonable doubt the men had fought and that even if they had fought, there was no evidence they were not acting in self-defence. He stated that "there are many ways to get into the courthouse if you want to go in quietly," intimating that Zündel should have tried to sneak in by the back door. (Toronto Star, June 21, 1985)

In July of 1985, shortly after the trial and conviction of Alberta school teacher Jim Keegstra for promoting hatred against Jews, Meir Halevi of the Jewish Defence League publicly threatened physical harm to Keegstra. He was quoted in the Toronto Sun as follows:

"Sometimes there's only one way to get rid of a hater like that, and that's violence...The first thing you do when you have a Jim Keegstra or a neo-Nazis of that type is you pounce on them physically. The second thing you do is take them to court." (Toronto Sun, July 31, 1985)

After the Zündel trial, the Jewish organizations began to squabble over which should get credit for the successful criminal prosecution. In a letter to Alan Shefman, head of the League for Human Rights of B'nai Brith, Rose Ehrenworth of the Canadian Holocaust Remembrance Association alleged that Shefman had tried to give the impression in a cable TV interview that it was B'nai Brith that was responsible for the successful charges against Zündel. **"Not that you are alone in this misrepresentation; another group in Toronto which purports to represent the Toronto Jewish community, also likes to give the same impression,"** she wrote in the letter which was reprinted in the Jewish Times newspaper. She stated that it was the Canadian Holocaust Remembrance Association alone, however, that laid the charges and that it had also **"supplied the Crown Attorney with all the necessary evidence, witnesses, information, film, etc. to enable him to build a strong case."** Spokesman from other Jewish organizations had been quoted as stating before Zündel's conviction that the group had been "ostracized by the Jewish community" and that "there isn't a Jew

or non-Jew who agrees with what the Canadian Holocaust Remembrance Association is doing". Now they were trying to take credit for it. (Jewish Times, Dec. 6, 1985)

A year after Zündel's trial a 200 page book entitled "Hate on Trial: The Zündel Affair, the Media and Public Opinion in Canada" was published. The book was written by a Canadian professor and an Israeli sociologist, Conrad Winn and Gabriel Weimann, and was, according to the book's preface, **"made possible thanks to a grant from the League for Human Rights of B'nai Brith, which was in turn made possible by a grant from the Multiculturalism Directorate, Secretary of State, Government of Canada."**

"Hate on Trial" sought to measure through scientific polling data the effect of the massive media coverage of the Zündel trial on public opinion in Canada concerning Jews, the Holocaust and Germans. "The central motivation for our research project," wrote the authors, "was to find out what truly happened in the mind of the Canadian public. Did support for the Nazi perspective grow as a result of the trial and as a result of media coverage of the trial? Did more Canadians become prejudiced against Jews as a result of the affair? How were attitudes towards Germans affected? What specific roles did television and the press have in shaping Canadian attitudes? Were the media as harmful as many people, including journalists, feared?" (p. 31)

The researchers found that news coverage of the trial:

"...did more harm to the image of Germans than that of Jews...Two thirds of Canadians did not change their opinions as a result of the extensive coverage of Mr. Zündel's sensational seven week trial, but of those who did, the vast majority became less sympathetic to Germans and more sympathetic to Jews, the authors conclude...[W]hile television had a strong emotional impact, the effect was exactly opposite to what many people expected. "People who were heavy, heavy television viewers said they became more sympathetic to Jews, " Professor Conrad Winn of Carleton University said." (Globe & Mail, March 22, 1986)

Manual Prutschi, spokesman for the Canadian Jewish Congress expressed "surprise" at the findings. Irving Abella, a York University professor who was later to become president of the Canadian Jewish Congress expressed "shock" at the polling results. (Globe & Mail, March 22, 1986)

Zündel appealed his conviction to the Ontario Court of Appeal and on January 23, 1987, the court allowed the appeal and ordered a new trial. It was held that Zündel had not received a fair trial on the grounds that (a) no challenge for cause of potential jurors had been allowed notwithstanding the extremely prejudicial pre-trial publicity generated by the case; (b) a misdirection on the law by the judge to the jury which the appeal court was "a serious error and was gravely prejudicial to the appellant; (c) the improper showing to the jury of the film "Nazi Concentration Camps" which constituted inadmissible hearsay evidence; and (d) the refusal of the trial judge to admit much of Zündel's evidence into the trial. This evidence included architectural scale models of the

crematoria buildings in Auschwitz which had been built based on the original German plans found in the Auschwitz archives by Dr. Faurisson. The trial judge had also refused to admit numerous German language books Zündel had relied on to form his opinions. (R. v. Zündel (1987), 58 O.R. (2d) 129 (Ont. C.A.)

B'nai Brith, the Canadian Jewish Congress and the Canadian Holocaust Remembrance Association immediately commenced a campaign to pressure the provincial government to appeal the decision to the Supreme Court of Canada and in the event of this move failing, to retry Zündel a second time. Attorney General Ian Scott told the press that "all major Jewish organizations asked him to continue prosecuting Zündel." (Toronto Star, Feb. 11, 1987) A delegation from the Simon Wiesenthal Centre comprising Sol Littman and lawyers John Rosen and Earl Levy, met with the Attorney General to "urge a second trial." The delegation "advised the Attorney General that if called upon, the Simon Wiesenthal Centre was prepared to lend its world-wide research facilities to the Crown. They expressed willingness to aid in the search for witnesses, locate archival documents, provide historical information and recommend scholarly experts in the field of Holocaust studies." (Response, March 1987)

The Crown applied for leave to appeal the decision to the Supreme Court of Canada in an attempt to overturn the Court of Appeal's favourable ruling to Zündel. Zündel once again paid the huge appeal costs for his defence.

Zündel made conciliatory gestures to the Jewish community during a press conference in Ottawa on the steps of the Supreme Court building, suggesting a debate and symposium to spare the tax-paying public the expense and the Jewish community the trauma of another trial. There was no response by the Jewish leadership to these gestures.

On June 4, 1987, the Supreme Court of Canada decided not to allow the Crown's application for leave to appeal. That same day, Attorney General Ian Scott announced that Zündel would be tried a second time on the "false news" charge concerning "Did Six Million Really Die?".

THIRD CHARGE LAID AGAINST ZÜNDEL BY SABINA CITRON

Shortly after the decision of the Ontario Court of Appeal allowing Zündel's appeal in January of 1987, Sabina Citron appeared as a guest on the CBC Radio Noon Phone-In Hour with David Shatsky on January 30th for the purpose of explaining to listeners why the Zündel case should proceed to the Supreme Court of Canada.

Zündel also appeared on the radio show explaining what he thought of his legal situation and his beliefs on the Holocaust:

"Germans are innocent of the charge of genocide against the Jews...Sabina Citron's friends, and Sabina Citron herself, had every opportunity during that seven and a half week trial, Mr. Shatsky, to bring us the orders for the extermination of the Jews. They cannot because there is none. And Sabina Citron, I want to add right here, is only one person...to bring that lady on is

to open up old wounds, to agitate the Jewish community, to create community discontent, to create community unrest. She is an agitator. She was even too uncomfortable for the generally wise leadership of the Jewish community who did not want to have this trial.

Citron told reporters she was "stunned" that Zündel was on the programme and upset that he was to get equal time addressing the question of whether he should be given another trial. When she found she could not respond to callers, she "stormed off" the Radio Noon set. (Toronto Star, Jan. 31, 1987; Globe & Mail, Jan. 31, 1987)

Citron, Helen Smolack, the Canadian Holocaust Remembrance Association, the Toronto Zionist Council and several Jewish individuals who had testified at Zündel's first trial as "Holocaust survivors" subsequently sued the CBC in the Supreme Court of Ontario for general damages for libel of \$14,500,000, aggravated damages of \$14,500,00 and punitive damages of \$14,500,00. Citron claimed that the CBC had maliciously broadcast Zündel's statements which she alleged were defamatory of the survivors of Nazi concentration camps living in Canada. The case appears to have been settled out of court.

On August 25, 1987, some seven months after the talk show incident, Citron laid another charge against Zündel alleging that he had again spread "false news" in the radio broadcast. On September 18, 1987, the charge was withdrawn by the Crown on the grounds that Zündel's statements during the show constituted opinion not falling within the purview of the "false news" section of the Criminal Code.

THE SECOND TRIAL - "SPREADING FALSE NEWS" (1988)

Prior to the commencement of the second trial, Sabina Citron and the Canadian Holocaust Remembrance Association brought an application on December 22, 1987 to intervene in the trial for the purpose of arguing that the trial judge should take judicial notice of the "Holocaust." The motion was denied.

On January 18, 1988 the second trial commenced. It lasted sixty-one days. The trial judge took judicial notice of the Holocaust right at the outset of the trial before any evidence was called. The evidence of Dr. Raul Hilberg from the trial in 1985 was read into evidence because Hilberg refused to return to Canada, informing the Crown in a letter that:

I have grave doubts about testifying in the Zündel case again...Were I to be in the witness box for a second time, the defence would be asking not merely the relevant and irrelevant questions put to me during the first trial, but it would also make every attempt to entrap me by pointing to any seeming contradiction, however trivial the subject might be, between my earlier testimony and an answer that I might give in 1988."

The Crown called seven witnesses. Significantly, no "Holocaust survivors" were called by the prosecution as in the first trial. Zündel called twenty-three witnesses to establish the veracity of the booklet "Did Six Million Really Die?".

One of the most important of these witnesses was American execution equipment expert Fred A. Leuchter, Jr., who was commissioned by Zündel in the winter of 1988 to conduct a forensic examination of the gas chambers at Auschwitz, Birkenau and Majdanek. Leuchter flew to Poland and examined the alleged gassing sites at the camps and removed samples from the walls and floors. Samples were also removed from a fumigation room at Birkenau where Zyklon B had been used to delouse mattresses and clothing. Zyklon B, a cyanide-based chemical agent, was comparable in its usage to the DDT used by the Americans. German authorities used Zyklon B throughout the war to fumigate ships, barracks and clothing. Holocaust historians claimed that the Zyklon B was also used by the Nazis in the gas chambers to kill millions of Jews.

Leuchter was recognized by the court as an expert in the operation of gas chambers by the trial judge and he so instructed the jury:

"During your absence, ladies and gentlemen,...I made a ruling that this witness may give opinion evidence with respect to the operation of gas chambers. He is a person who is consulted...in the United States on the construction, design, maintenance and operation of gas chambers. He went to three camps, and he made certain observations. He also consulted plans that were available there and armed himself with certain information from the literature and made observations. He will compare what he saw there with what he would normally work with in that area of his endeavour, and he will express opinions as to the suitability of the facilities he saw, having regard to his area of expertise." (Transcript, 1988, Vol. 32, p. 9062-63)

Leuchter testified that based on his inspection of the sites in Auschwitz, Birkenau and Majdanek, his observations of their construction, and the results of chemical analysis of samples of brick and mortar removed from the sites, the alleged gas chambers at the camps could not have been used as homicidal gas chambers.

The samples of brick and mortar removed from the alleged gas chambers by Leuchter in Auschwitz, Birkenau and Majdanek were analysed by Alpha Analytical Laboratories in the United States. Dr. James Roth, previously of Cornell University and the present laboratory manager of Alpha Analytical Laboratories, testified concerning the results obtained. These showed that in the alleged gassing sites, either no traces or only tiny traces (0 to 7.9 mg./kg.) of cyanide were found in the samples while in the samples from the fumigation room at the Birkenau camp where Zyklon B was used to delouse clothing and mattresses, the level of cyanide was extremely high (1,050 mg./kg.).

The Leuchter Report was submitted to the court as a lettered exhibit and was subsequently translated into many languages and distributed widely throughout the world. British historian David Irving testified in a *voir dire* that the implications of the Leuchter Report were "shattering" for Holocaust

historiography. He stated that prior to Zündel's sending of Leuchter to Auschwitz, there had been no forensic examinations of the sites conducted whatsoever and concluded that **"it portrays a certain weakness of the supporters of the Holocaust historiography that they have not undertaken this kind of analysis in the past."** (Transcript, 1988, p. 33-9424)

Dr. Robert Faurisson, the leading Holocaust revisionist historian, testified about the findings of his years of research. The Jewish author J.G. Burg, who had worked with Zündel over the years, testified that there were no gas chambers in Nazi camps. Thies Christophersen, who had been stationed near Auschwitz during the war and subsequently wrote a book on his experiences that Zündel had translated and published, testified about his observations. Maria van Herwaarden, a German who had been interned at Auschwitz during the war; gave the court her eye witness testimony of life in the camp. Dr. Russell Barton testified about his experiences as a young British medical student at Bergen-Belsen immediately after its liberation; Dr. Kuang Fann, a professor from York University and an expert in linguistics and the philosophy of language, testified that the booklet "Did Six Million Really Die?" was a polemic which constituted political opinion; Emil Lachout, a post-war military police official of Austria, testified that the western Allies investigated the German concentration camps after the war and determined that none had used gas chambers; Bill M. Armontrout, the warden of Missouri State Penitentiary, testified about the operation of the prison's gas chamber and stated that Fred Leuchter was the only consultant in the United States that he knew of in the operation of gas chambers. Armontrout had highly recommended Leuchter to Zündel as an expert in gas chambers prior to the trial.

In contrast with the first trial, there was a virtual media blackout of the second Zündel trial in 1988 by Canadian newspapers and TV. Toronto columnist Lorrie Goldstein suggested that coverage of the trial be put on "Page 92 under the deodorant ads." (Toronto Sun, Feb. 11, 1987). Widely published articles examining the "dilemma" of whether to cover the trial at all were published. Commentators suggested that "in the public interest" the best solution was to "decide in advance to severely limit the coverage." (Globe & Mail, Aug. 26, 1987)

The Calgary Herald reported that: **"Leading members of the Jewish community have visited major Toronto news outlets to implore them to cover the retrial differently."** (Calgary Herald, Jan. 8, 1988)

In fact, coverage of the trial was almost non-existent. Only the Toronto Star published daily accounts of the trial, the articles always appearing on page two of the newspaper. It took the approval of the senior editor to move coverage to a more prominent part of the newspaper.

In an article published after the trial by George Bain in Maclean's Magazine (May 23, 1988) entitled "The public's right to know", Bain commented on the near failure of Canada's media to report a trial which the first time around had been considered to be major news. Bain questioned media managers about why they had decided to barely cover the event:

"What is curious, nevertheless, is the quickness and near-unanimity with which media managers insist that no representations to them, no feeling of pressure, affected their editorial decisions on how to play - or play down - the second Zündel trial. Curiously, only Ian Urquhart of the Star, the newspaper that (though 'judiciously', as he puts it) covered the second trial throughout, acknowledged that he received representations from the Jewish community about the publicizing of Zündel's hateful views."

At the end of the second "false news" trial, Zündel was again convicted by a jury on May 11, 1988 and was sentenced this time to 9 months imprisonment. He was again placed under the judicial gag order forbidding him to voice any views or facts supporting the booklet "Did Six Million Really Die?". An application by Zündel a month later to have the gag order removed as a violations of his constitutional rights was unsuccessful.

The Canadian Jewish News reported that "moments after" Zündel was sentenced, spokesmen for Jewish organizations, including B'nai Brith, again "issued a call for his deportation." (Canadian Jewish News, May 19, 1988; June 2, 1988)

Zündel appealed his conviction to the Ontario Court of Appeal. Prior to the hearing of the appeal, the West German consul general, Dr. Henning von Hassell, wrote letters to the Ontario Court of Appeal, alleging that Zündel had broken his bail orders by distributing pamphlets "having the denial of the Holocaust as their topic" to crew members of a West German ship while it lay in Toronto Harbour. In fact, Zündel had never distributed the flyers. von Hassell refused to apologize. (Sunday Star, July 2, 1989)

The appeal to the Ontario Court of Appeal was dismissed on February 5, 1990.

Zündel obtained leave to appeal to the Supreme Court of Canada on November 15, 1990 on the issue of whether or not the "false news" law was a violation of the constitutional guarantee to freedom of expression contained in the Canadian Charter of Rights and Freedoms. Both B'nai Brith Canada and the Canadian Jewish Congress obtained standing as interveners in the case to argue that the "false news" law did not violate free speech against Zündel's position that the law was a violation of the individual's right to freedom of expression.

On August 27, 1992, the Supreme Court of Canada acquitted Zündel and struck down the "false news" law as a violation of the guarantee to free speech contained in the Canadian Charter of Rights and Freedoms, adopting Zündel's viewpoint on freedom of speech. The court's decision, as summarized in the headnote to the case, was as follows:

Section 2(b) of the Charter protects the right of a minority to express its view, however unpopular it may be. All communications which convey or attempt to convey meaning are protected by s. 2(b), unless the physical form by which the communication is made (for example, a violent act) excludes protection. The content of the communication is irrelevant. The purpose of the guarantee is to permit free expression to the end of

promoting truth, political or social participation, and self-fulfillment. That purpose extends to the protection of minority beliefs which the majority regards as wrong or false. Section 181, which may subject a person to criminal conviction and potential imprisonment because of words he published, has undeniably the effect of restricting freedom of expression and, therefore, imposes a limit on s. 2(b).

In spite of the hostility and hatred which the media had shown to Zündel over the years, they grudgingly admitted in editorial after editorial across Canada that the decision was the right one and that the "false news" law had threatened the right to freedom of speech of all Canadians. *La Presse* in Montreal applauded the decision, the *Montreal Gazette* said "good riddance" to the law. The heading of the editorial in the *Globe & Mail* was "The right ruling on false news". (*Globe & Mail*, August 28, 1992) The *Toronto Sun* an extremely anti-Zündel newspaper whose editor refuses to use Zündel's name in columns and editorials, nevertheless agreed with the verdict in an editorial headlined "Free to speak" and stated that "the cause of freedom of expression is too important to be sacrificed on any altar of anger" at Zündel. (*Toronto Sun*, Aug. 28, 1992) The *Toronto Star* editorialized that "this mature verdict upholds free expression..." (*Toronto Star*, August 28, 1992) The *Calgary Herald* editorial agreed that "to protect freedom of speech for all citizens, society must tolerate even the most obnoxious opinions of a minority." (*Calgary Herald*, Aug. 28, 1992)

RESPONSE OF THE JEWISH COMMUNITY TO ZÜNDEL'S ACQUITTAL IN THE SUPREME COURT OF CANADA

The organized Jewish community of Toronto refused to accept the verdict of the Supreme Court of Canada and the right of Zündel to peacefully express his opinions on World War II history concerning German treatment of the Jews. They fumed about the verdict in the media, berated the judicial system and ignored the spirit of the court's decision.

Sabina Citron was "stunned, shocked." She added, however, "I'm just beginning to fight." (*Globe & Mail*, Aug. 29, 1992)

Alan Shefman, who had worked for B'nai Brith during the first Zündel trial, expressed confidence that Zündel would soon be charged under the hate law. "Without fail he will be back on the street publishing his stuff. We will have enough material that there will be no problem charging him." (*Globe & Mail*, Aug. 29, 1992)

On August 31, 1992, four days after Zündel's acquittal, a delegation of several high officers of the Canadian Jewish Congress formally laid a complaint with Toronto police alleging that Zündel had "incited hatred" in media interviews given after his acquittal. The CJC provided the police with video tapes and transcripts of the interviews and a 71 page brief containing the booklet "Did Six Million Really Die?". The brief also contained an essay by CJC executive Manuel Prutschi, explaining why Zündel's views constituted "hatred." The essay

called revisionists "evil magicians" and revisionism an anti-Semitic "bacteria ever mutating and developing." (After a six month investigation, police informed the CJC that after examining the material and receiving legal advice, they would not be laying charges as the material did not constitute "inciting hatred." This is dealt with in more detail below.)

Within two weeks, the formation of a coalition to press for new charges against Zündel under the hate law was announced at a press conference at B'nai Brith's offices. This coalition included the Urban Alliance on Race Relations, B'nai Brith's League for Human Rights, the Canadian Jamaican Association and the Toronto Mayor's Committee on Community and Race Relations. (Globe & Mail, Sept. 11, 1992; Canadian Jewish News, September 17, 1992)

The League for Human Rights of B'nai Brith immediately began an advertising and poster campaign to have Zündel charged with inciting hatred. The ads read: **"Help Stop Zündel. Ernst Zündel is a Hatemonger... When the Supreme Court struck down the 'false news' law, the League, which fought him in court, immediately called for hate propaganda charges against him."** The ads urged readers to call Ontario Attorney General Howard Hampton to demand that Zündel be charged under the hate propaganda law. (Canadian Jewish News, Sept. 10, 1992)

The September 1992 issue of B'nai Brith's monthly, The Covenant, featured a full page photograph of Zündel on the cover with the words: "Arrest this man, says B'nai Brith: Coalition campaigns for new charges against Zündel." The accompanying article reported that "thousands of 'stop Zündel' posters produced by the League of Human Rights hit the streets earlier this month. They were designed to pressure Ontario Attorney General Howard Hampton into laying Criminal Code charges against Canada's most well known Holocaust denier.

The Canadian Holocaust Remembrance Association ran ads stating "ZÜNDEL MUST NOT ESCAPE JUSTICE! EMERGENCY RALLY" The meeting, held on October 4, 1992, heard calls to "declare war" on the legal system by one audience member. Sabina Citron urged everyone to:

"...continually harass the lives of the politicians. Zündel must be charged and deported. We are fed up and will not take it anymore." (Canadian Jewish News, Oct. 15, 1992)

During this time period, Jewish Holocaust revisionist David Cole from the United States wrote a letter to Attorney General Howard Hampton in support of Zündel. The letter was published in full in Canada's only national German ethnic newspaper, the *Kanada Kurier*

"Dear Mr. Hampton,

I am writing concerning the case of Ernst Zündel, and your forthcoming decision as to the filing of new charges against him. I am Jewish, and also a Holocaust Revisionist. I am not some nutcase crawling out of the woodwork to spread hatred and anti-Semitism, but quite the opposite. I

have been rationally explaining to people for years that there are two sides to the 'Holocaust' story, and that based on the evidence at hand, the revisionist side is simply more believable. Revisionism is not about hatred and malice, but objectivity and the attempt to discern truth from falsehood. If I was trying to hurt Jews, it would mean trying to hurt everyone in my family. That would be a serious charge to level at me.

I have been profiled on a network television show in the United States (the prime time news show '48 Hours' hosted by Dan Rather) and have also debated the issue with survivors and 'experts' on a national talk show (The syndicated 'Montel Williams Show'). I have never been accused of being a racist, Nazi or Jew hater (all of which I'm not).

The purpose of this letter is to ask you to stop the legal persecution of Mr. Zündel. I realize that there are pressure groups trying to convince you to do otherwise, and I likewise realize that it must be difficult for these people to separate their emotions from what is best for intellectual freedom in Canada. It should therefore be your job, as a representative of both the people AND the law, to look at things objectively and do what's best for both the people AND the majesty of the law. How has the continued persecution of Mr. Zündel benefited the people of Canada, except as an example of how to waste tax money? And how has the gross double standard concerning the rights of Germans as compared to the rights of other ethnic groups benefited the integrity of the law?

Please remember that the issue of the 'Holocaust' doesn't just concern Jews; Germans were there, too, and have as much right to study it as part of their history as do Jews. Years from now, perhaps many years, perhaps only a few, when cooler heads have prevailed and the Holocaust can be openly looked at objectively, and we see that the world as we know it has not ended as a result, the hypocritical and mean-spirited hounding of Ernst Zündel will seem pretty useless in retrospect, and history will not look favorably on those who were a part of it.

Sincerely, (signed) David Cole"

Amid this hysteria whipped up by Jewish groups, Zündel had a letter published in the *London Free Press* on January 28, 1993 explaining his position and hopes for the future. After reviewing the evidence he relied upon for his opinions, including the Leuchter Report and the Lüftl Report, he wrote:

"Yet I was tried twice for questioning the Holocaust. Readers can decide for themselves if we have reached an Orwellian state in Canada where an individual is crazy or a criminal just because he does not believe what many others believe uncritically. My hope now is that this issue can finally be discussed rationally without threat of criminal proceedings, violence or intimidation."

In response, furious members of London's Jewish community wrote the newspaper condemning it for printing Zündel's plea and refusing all dialogue

with him. Letters contained comments such as "Regarding the title of that letter, I must state unequivocally that there is no possible rational discussion to be had with a Holocaust denier." (London Free Press, Feb. 18, 1993)

To his supporters, Zündel wrote in his newsletter (Feb. 17, 1993):

"After I won my court case before the Supreme Court of Canada on 27th August, 1992, I thought and hoped a period of quiet might begin for me. However, it was not to be. In the last six months the hysteria in Canada regarding anyone being 'right of centre' has been something to behold. Justice Sopinka of Canada's Supreme Court said in a speech given a year ago, that those who endeavoured to obtain equality for their own groups are now going over-board and beginning to deprive others of their freedoms and also to infringe or curtail their rights."

In the "Fifth Estate" segment aired on February 23, 1993 on Germany's Neo-Nazi movement, juxtaposing a severely edited interview with Zündel with video clips of burning German cities. Edward Lintner, deputy interior minister in charge of security, stated in the programme that German authorities were frustrated by Zündel who mailed pamphlets, books and videos from Canada. He continued:

"The Canadian government should do everything they can within their laws to stop the actions of Mr. Zündel, especially to prevent him from sending this propaganda from Canada." (Ottawa Citizen, Feb. 23, 1993)

After the showing of the grotesquely biased and severely edited "Fifth Estate" programme, the Canadian Jewish Congress renewed its calls to have Zündel charged with inciting hatred in a letter to Ontario Attorney General Marion Boyd. (Canadian Jewish News, March 4, 1993)

In March, 1993, B'nai Brith criticised the Ontario government of Bob Rae for failing to charge Zündel with inciting hatred and called on the federal government to stop Zündel's mailing privileges. (Toronto Star, March 3, 1993)

Zündel commented on the "Fifth Estate" program in a newsletter (March 22, 1993) to his supporters:

"The well-known Canadian program, 'The Fifth Estate', contacted me and asked for my participation in a program the purpose of which was to show the alleged international connections of the 'Neo-Nazi Movement', or the 'Right.'

It did not take me long to figure out what they wanted to do, it was a smear job of me. The hope was to paint me as some kind of international 'Svengali' like character who basically was behind the 'Neo-Nazi Movement' in Germany and if possible, in Canada as well.

I knew that this program could be very dangerous to me, and at first I refused to participate because the man who was to interview me in Canada and while speaking in Europe would be an extreme leftist Jewish

intellectual who had even come to the defense of Pol Pot. He was Jewish and I had crossed words with him before. I therefore refused to cooperate and asked them to return to me all videos I had already offered the show as background material. The guy's name was Julian Sher.

The CBC producer called me and said that another man called Malorek would take over. Howard Goldenthal was to be the researcher. Reluctantly, I agreed to be interviewed, but told them that I would film the entire interview with my own camera team as well.

I asked that they send me the questions in advance, so that I could prepare myself. Naturally, no questions were submitted. I decided, in light of my visa problems with the US, that I would not go to Europe with this team. Frankly, I feared a trap. I asked them to conduct the interview here at my house, when they [got] back from Europe.

In the meantime, I had heard the kinds of questions they were asking. I realized that I had been right.

The program was to be a typical CBC hatchet job. This was to serve as the basis of a new law suit against me and was meant to set the stage to remove my mail rights again.

The crew came and interviewed me. They filmed for almost five hours - from which they would select four minutes and ten seconds, quoting me out of context and juxtaposing my footage and interviews with WW II Nazi newsreels and footage of burning German towns and rioting people in Germany.

The program was aired twice. It immediately served for all kinds of calls to have me arrested, kicked out of the country, and to have my mail intercepted and stopped.

Some German government bureaucrats beseeched the Canadians to do everything in their power to stop the avalanche of propaganda I was supposed to be sending to Germany to influence its youth.

There was an uproar in Canada, caused by the media.

Back in Germany the prosecutor apparently said that I was digging my own grave by continuing with my information campaign. The prosecutor told the interviewer that a much higher fine, if not jail, was waiting for me in Germany when I go there to fight my upcoming appeal.

Well, that's the way it is!

The Deputy Minister of the Interior said that I was supposedly one of the six largest distributors of anti-Holocaust materials into Germany.

The head of the Constitutional Police said on camera that I am a clever fund-raiser and that I brought young and old together - that's why I'm dangerous! The British, leftist, anti-fascist newspaper 'Searchlight' said the same thing about me. I was dangerous because I was bringing the older generations and their money together with the younger 'activist' elements of the street-marches etc. My crime is also that I intellectualize the struggle with speakers like Irving, Faurisson, etc.

I fought and wrestled with the impertinent, cunning, cheeky and ideologically motivated questions of the interviewer. He got ever more hostile!

I stuck to my points, over and over again!

In the end, I was glad I made the program, for I learned a great deal about what my enemies are planning."

Zündel offered the full unedited interview for sale to his supporters so that "everyone can decide whether or not I got a fair shake. I do not think that it was fair. All of my readers that don't think I got a fair shake should write to the Canadian Radio and Television Commission in Ottawa and protest this abuse and ideologically motivated hatchet job...Your letter would go a long way to get this situation corrected! Letters are a terrific weapon in the struggle for justice and freedom!"

On March 5, 1993, after yet another six month investigation of Zündel involving three police forces, the Hate Literature Section of the Ontario Provincial Police informed the Canadian Jewish Congress that no charges under the hate propaganda law would be laid as Zündel's comments did not constitute the offence of inciting hatred.

Zündel responded to the news by a press release reiterating his position:

"The facts are: My material, my ideas, my television and radio appearances do not create 'anti-semitic' incidents, because they are not anti-semitic. My material is attempting to counter anti-German hate mongering in the media, in films and in text books. There is a simple solution to this problem: Stop telling untruths, half truths and outright lies about Germans and their role in history and I won't have to counter with uncomfortable and unpopular truths. Simple! Remember: A lie does not become a truth, just because it has been repeated millions of times!"

The Canadian Jewish Congress reacted with fury at the OPP decision and immediately renewed their call to have Zündel charged, demanding a meeting with Ontario Premier Bob Rae. They said the decision did not change their view of Zündel as an "anti-Semite." (Toronto Sun, March 9, 1993) In the Toronto Star CJC officials were quoted as being "outraged" at the police for failing to charge Zündel. (Toronto Star, March 9, 1993) Gerta Frieberg, of the CJC, relied on the "Fifth Estate" programme to justify her contention that Zündel was a "hatemonger." (Canadian Jewish News, March 18, 1993)

The CJC officials later met with Premier Rae who, it was reported, made no promises. (Canadian Jewish News, March 18, 1993)

Sabina Citron stated: "He must be charged. Otherwise, we will lose our respect for the law in Canada." She was "outraged" by the police decision. "With all the information they have, the police have still not moved." Citron stated her lawyers had already been in touch with Crown prosecutors and would continue to lobby for charges. (Canadian Jewish News, March 18, 1993)

B'nai Brith stated that they were confident Zündel would be charged at some point in the future when sufficient evidence was gathered. (Canadian Jewish News, March 18, 1993)

To his supporters, Zündel wrote in his newsletter (March 22, 1993):

"There has to be room for honest differences of opinion, about everything, history included.

Even a child or simpleton knows that the German viewpoint on the second world war would be different from the Jewish experience, at least as different as the Soviet version of the 'Great Patriotic' War' is to them.

It is foolish for Jewish thinkers, writers, or lobbyists and media personalities to be so stubborn, arrogant, and insensitive to think that they had the one and only infallible truth in history. Their interpretation was the one and only, no other viewpoint was valid or matters!

It is shortsighted for the Jewish leadership to think that they can impose their intellectual will on all people, and that they can forever terrorize into silence hundreds of millions of people by vilifying and character assassinating people - decent, carefree, honest people - just because they do not like a different viewpoint on a mere detail of the history of the second world war.

The Supreme Court Decision, affirming my right to express an unpopular, even heretical or false opinion, shook my enemies to the core!"

After the refusal of the Ontario Provincial Police to charge Zündel with inciting hatred, B'nai Brith and the Canadian Holocaust Remembrance Association and other Jewish groups paid for an advertisement in York University's student newspaper the "excalibur" (March 24, 1993) urging students to sign a petition to Attorney General Marion Boyd to charge Zündel with inciting hatred. The ad quoted Edward Lintner's above-quoted comment from the "Fifth Estate" programme, and stated: **"BUT YOU CAN HELP STOP THIS HATEMONGER."** The ad was endorsed by various university clubs such as the Jewish Students Association, Lesbian/Gay/Bisexual Collective, York Federation of Students, Womens Centre, African Students Association, etc. Anti-Zündel video-tapes were played on monitors in the halls of the university where tables had been set up for students to sign the petition to re-charge Zündel. Speakers like Bernie Farber from the Canadian Jewish Congress agitated the students with anti-Zündel diatribes on the campus.

At about the same time, B'nai Brith released its report "The Extreme Right: International Peace and Security at Risk" which had been funded by a grant from the Canadian Department of Foreign Affairs in the amount of \$100,000.00. One of its conclusions was that "Ernst Zündel, a German citizen and resident of Toronto, is recognized as a major international purveyor of Holocaust denial materials, but officials indicated he has little impact in Germany." (Canadian Jewish News, March 11, 1993)

In a rally held in April of 1993, the Canadian Society for Yad Vashem held a rally to combat "neo-Nazi" political movements. Its co-chairman told the group in the presence of the German consul-general:

"Germany has asked many times that we suppress this material but the request gets lost in Canada's bureaucratic nightmare...In Germany, Ernst Zündel goes to jail. In Canada we call him a publisher." (Toronto Star, March 1, 1993)

In May of 1993, a sit-in in the lobby of the Ontario Attorney General's offices and demonstrations outside the Attorney General's building were held by the Jewish Student Network demanding that Zündel be charged with hate. (Canadian Jewish News, May 28, 1993)

The media-fueled hysteria unleashed by the actions of B'nai Brith and the Canadian Jewish Congress eventually had their effect as a vigilante mentality began to develop amongst leftists, anarchists, the homosexual and lesbian community and Jewish radicals in Toronto.

"ANTI-RACIST ACTION" (ARA) RIOT - JUNE 11, 1993

On June 11, 1993, a Marxist-Anarchist group called Anti-Racist Action (ARA) trashed the home of Heritage Front member Gary Schipper. Described by the Toronto Sun as a "rampaging mob of close to 300 anti-racists", they did not attack Zündel's house as expected, but instead attacked Schipper's house, smashing windows and doors, tossing smoke bombs, paint bombs, rocks and bags of excrement through the broken windows. (Toronto Sun, June 12, 1993) Zündel's house had been well-protected by the police and the ARA had decided at the last moment to attack the less protected home of Schipper.

Bernie Farber of the Canadian Jewish Congress said he understood why the violence occurred: "While I can understand why these young people feel frustrated at police inaction, violence is only counterproductive." (Globe & Mail, June 14, 1993) Farber used the occasion to criticize the police and government for failing to use the hate laws: "The police and Marion Boyd especially have to take this as a message. They have to start applying Canada's hate-mongering laws otherwise things will get worse before they get better." (Toronto Star, June 14, 1993)

Other anti-racist groups such as the Black Action Defence Committee openly supported the violence. ((Toronto Star, June 14, 1993)

In a subsequent media interview, members of the ARA pointed to the acquittal of Zündel as a justification for violence. (Globe & Mail, June 16, 1993)

"ANTI-RACIST ACTION" (ARA) DEMONSTRATION- NOVEMBER 24, 1993

On November 24, 1993, the ARA demonstrated outside Zündel's house. The event had been advertised in posters posted by the hundreds in downtown Toronto that stated:

"THE ONE THAT GOT AWAY...NOT! STOP ZÜNDEL. Prevent a Nazi March! Toronto will no longer tolerate racism and fascism. We will be at the courts to prevent a Nazi march and then we will march to Zündel's production and distribution hatequarters."

The poster contained a photograph of Zündel with a rifle cross-hairs superimposed over his head.

The demonstrators hurled eggs and red paint at the house. Five people were arrested for assaulting police. 60 police officers were positioned to protect the premises, some on horses. Some shouted, "Nazi in the neighbourhood, trash him out." (Globe & Mail, Nov. 25, 1993)

On March 20, 1994, CBS "60 Minutes" aired a segment entitled "Who Says It Never Happened?" on Holocaust revisionism featuring an interview between Mike Wallace and Zündel. The original interview, which had lasted for over one hundred minutes, was edited down to less than four minutes of on-air time and gave a severely distorted picture of the interview.

B'nai Brith called for Holocaust revisionism to be made a unique criminal offence because the acquittal of Zündel had been wrongly interpreted by law enforcement officials. (Canadian Jewish News, Oct. 27, 1994)

In November of 1994, Conservative MPP Charles Harnick, a Jew and a member of the Yad Vashem Society, demanded to know in the legislature why Attorney General Boyd had not charged Zündel with inciting hatred. Boyd replied that charges were laid in the first instance by the police and that no case had yet been made for a charge. (Transcript, Legislative Assembly of Ontario, p. 7759)

"PROFESSION: NEO-NAZI"

After the airing of the documentary "Profession: Neo-Nazi" on TVO television on March 29, 1995, the CJC again called on the Attorney General of Ontario to charge Zündel. This call for prosecution was also unsuccessful. (Canadian Jewish News, April 6, 1995, p. 4)

ARSON - JEWISH DEFENCE LEAGUE (1995)

Early in the morning of May 7, 1995, a man spread an inflammable liquid over the porch of Zündel's house and set it on fire. The ensuing blaze destroyed the front part of the house and totally gutted the third floor causing \$400,000 in damages. Kahane Chai, an offshoot of the Jewish Defence League, claimed responsibility for the arson. (Toronto Sun, May 9, 1995)

The arson was preceded by agitation for months by the groups Anti-Racist Action and Cabbagetown Campaign Against Nazis in Our Neighbourhood (C-Cannon) to drive Zündel from the neighbourhood he had lived and worked as a painter, writer and graphic artist for twenty years. Spray-painted slogans and posters of "Drive Zündel Out!" and "Die Nazi Die!" were posted in area.

The founder of C-Cannon, a school teacher named Bruce Eakin, who died some months later of AIDS, clapped and cheered the fire. Asked if he condoned the use of violence against Zündel, he said, "Absolutely. If people don't fight back, then where are we?" (Toronto Star, May 8, 1995)

The media on the whole reported the arson and the near destruction of Zündel's house with what can only be described as glee and pleasure.

Brian Hendersen of CHUM Radio reported the arson on its morning show news on Monday, May 8, 1995 as follows:

"The 50th anniversary of VE Day, "V" for victory in the Second World War, was celebrated all over the world in a variety of ways yesterday, the most interesting observance coming here in Toronto where someone decided to pay tribute to the total surrender of the Nazis by torching hatemonger Ernst Zündel's house on Carlton Street. The fire was discovered early yesterday morning by a neighbour who noticed a man calmly walking down the street with a gas can. By the time the fire department had it doused damage was estimated at \$500,000. Zündel was also out of town at the time but says he saw this coming. He receives regular threats, he says, but vows to carry on his campaign to lionize the Nazis while refuting the Holocaust. Says Zündel, 'I'll be damned if a bunch of leftist freaks are going to drive me out.' In contrast, a neighbour lady who stood on the sidewalk smiling while the fire was burning said, 'I don't want anyone to get hurt but I'm thrilled this happened.'"

Henderson's voice and delivery left no doubt that he approved of the arson.

Dick Smyth, a columnist at the *Toronto Sun* wrote:

"There are reports of a fire at Ernst Zündel's home in Cabbagetown and the destruction of his library of 5,000 books. I don't believe it ever happened, despite a mountain of evidence to the contrary. The fire actually was a barbecue. The library of hate literature was really a tennis court." (The Toronto Sun, May 11, 1995)

Gary Dunford of the *Toronto Sun* wrote:

"Despite reports and documentation elsewhere, we choose to deny that Ernst Zündel's house burned up. Indeed, how do we really know this house ever existed? And if there was no house, how could there have been a fire? Checkmate. We've been blinded by the light. Or strange pamphlets. Or example. Or something." (Toronto Sun, May 9, 1995)

Bert Raphael, a prominent Jewish lawyer in Toronto and president of the Jewish Civil Rights Educational Foundation of Canada, wrote:

"Would it not be poetic justice if the insurers of Holocaust denier Ernst Zündel denied coverage for the fire that occurred at his home on the basis that it never happened?" (Globe & Mail, May 13, 1995)

The Canadian Jewish Congress made a lukewarm condemnation of the arson, saying it was "unfortunate" and "deplorable." (Toronto Sun, May 9, 1995).

Christie Blatchford, columnist for the *Toronto Sun* wrote an important column pointing out that in Canada the history of extremist political violence came almost exclusively from the left. It included the riots at Sir George Williams University in 1969, the kidnapping and murder of Pierre Laporte by the FLQ, the bombing of Litton Systems in Toronto, the dynamiting of a British Columbia Hydro substation and the trashing of Heritage Front member Gary Schipper's house in 1993. She concluded:

"Ernst Zündel is a distasteful fellow. His belief that the Holocaust never happened is, to me, so beyond the pale it is barely worthy of contempt. But he is not typical of the Canadian fanatic, and his group is not typical of the Canadian political extremist, and the blessedly limited tradition of bombings, and violence, and destruction in Canada comes not from the likes of Zündel, but rather from the smug and virtuous left." (Toronto Sun, May 9, 1995)

Shortly after the fire, Irv Rubin of the Jewish Defence League in the United States and Meir Halevi of the Jewish Defence League in Canada came to Zündel's house accompanied by two leading ARA members and attempted to breach a protective barrier at the house. They were photographed and filmed by Zündel's security surveillance cameras. Even though they were apprehended and questioned by police at Zündel's request, they were let go within minutes. Rubin has an extensive record of violence in the United States and Halevi had publicly threatened violence against "haters" in the past.

In an interview with NOW magazine (May 18-24, 1995), Halevi (alias Marvin Weinstein) stated that Rubin was in Toronto "to discuss Jewish armed resistance and applaud the recent arson attack on Zündel." Both Halevi and Rubin attended the convention of the Canadian Jewish Congress in Montreal that weekend.

It took seven months to rebuild Zündel's house. Zündel lost his valuable 5,000 volume library and rare book collection and expensive office equipment, none of which was insured because of the 1984 bombing. No suspects have been arrested to date.

MAIL PIPE BOMB (1995)

In April of 1995, Zündel received in the mail an envelope containing a razor blade glued onto a mousetrap. A letter accompanying the trap, from a group called "Anti-Fascist Militia" said:

"SNAP...

Greeting's racist trash,

You and your organization have proven your self to be true scum.

We don't really expect that you will immediately cease your activities in response to our threats. So take this first wave of devices as a declaration of war. Until we see evidence that you and your organization have stopped your fascistic activities, you, and others like you, will need to watch your backs, your homes, your cars, your mailboxes, your offices, your food...

This is only the beginning.

NO JUSTICE - NO PEACE.

MORE TO COME FROM THE ANTI-FASCIST MILITIA

...next time it might be BOOM!"

Two weeks after the May 7th arson which nearly destroyed his house, Zündel received an unusually heavy package with a return address in Vancouver. Suspicious of the package, Zündel took it to 51 Metro Police Division in Toronto who determined the package was indeed a pipe bomb containing metal shrapnel and nails. It was later exploded by police leaving a crater 46 centimeters deep. Police told reporters the bomb would have killed whoever opened it and could have injured or killed anyone within 90 metres of the blast. (Globe & Mail, May 22, 1995)

The mail bomb sent to Zündel turned out to be part of a wider campaign by leftists targetting the right. Bombs were also sent to the McKenzie Institute in Toronto, an Alberta cattle-breeding company, and the head of Aryan Nations in British Columbia. The attempted bombings sparked a Canada-wide police warning to people to show extreme caution when receiving unexpected or suspicious-looking packages or letters. (Globe & Mail, July 20, 1995)

THEFT FROM THE MAILS

The problems which Zündel had experienced with the post office over the years had never ended and in fact escalated after his victory in the Supreme Court of Canada. Nevertheless, Canada Post has never arrested a single culprit of the mail thefts and tampering since the arrests that occurred in the early 1980s.

FOURTH AND FIFTH CHARGES LAID BY SABINA CITRON AGAINST ZÜNDEL - 1995

On November 7, 1995, Sabina Citron laid further charges against Zündel. These charges alleged conspiracy to incite hatred and criminal defamatory libel of the leading members of the Holocaust Lobby, including Deborah Lipstadt, professor of Jewish and Holocaust Studies at Emory University, Simon Wiesenthal, self-styled "Nazi hunter" Beate Klarsfeld of the Klarsfeld Foundation in Paris, Rabbi Cooper of the Simon Wiesenthal Centre in Los Angeles, and Michael Berenbaum of the U.S. Holocaust Memorial Museum in Washington, D.C..

In support of her charges, Citron tendered a videotape of a CBC TV production entitled "Hi-Tech Hate" which aired on April 2, 1995, a transcript of the highly edited television show, "the 5th Estate" which aired on February 23, 1993, and a document that appeared to be a pamphlet published by the accused entitled "Power" dated May 10, 1995.

At Zündel's first court appearance on December 19, 1995, a 200 page brief was provided to the prosecution "on behalf of the Jewish community."

Zündel was forced to appear again in person for an adjournment on February 9, 1996 in spite of police warnings to the prosecutor concerning death threats. He walked a gauntlet through a motley crowd of Marxist-Anarchist ARA members and hissing, cursing Holocaust survivors both inside and outside the courtroom.

On March 14, 1996, the day before Zündel was to appear again on the charges, B'nai Brith in a press conference called on the Attorney General of Ontario to charge Zündel with promoting hatred against Jews.

On his third court appearance on March 15, 1996, however, the Crown withdrew all charges against Zündel in the following statement read to the court by a special prosecutor from the Attorney General's office:

"Investigators at the Hate Crime Unit of the Metro Toronto Police arranged through Ms. Citron's lawyer to receive copies of the material reviewed by the Justice of the Peace. Her lawyer provided them with the material on December 11, 1995

The material was reviewed by the Hate Crime investigators and senior Crown Counsel of the Crown Law Office - Criminal of the Ministry of the Attorney General. Crown Law officers involved in the review of this material have an expertise in analyzing material characterized as hate literature pursuant to s. 319 of the Criminal Code. I should emphasize that our review was contained to the material previously mentioned, that being the CBC videotape, the 5th estate transcript and the "Power" pamphlet.

In this province, all criminal charges are screened to determine whether or not there is a reasonable prospect of a conviction as discussed in the Martin Committee Report and the charge screening guidelines found in the Crown Policy Manual. If in the view of the prosecutor, the anticipated evidence fails to meet this test, the Crown Attorney is duty bound to withdraw the charge. For reasons about to be set out, it is the opinion of the Crown Counsel involved in the review of this matter that the charge fails to meet our charge screening criteria. Accordingly, I intend to withdraw these two charges before

the Court against this accused, and with the Court's permission, I would like to put our reasons for doing so on the record."

The Crown explained that the charge of conspiracy to promote hatred was not supported by the evidence:

"This charge is problematic for three reasons.

First, the evidence of the alleged conspiracy relates to the videotape and the 5th estate transcript. While there are many references on these to the dissemination of hate propaganda by the accused in both the United States and Germany, neither discloses the actual material produced and/or communicated by the accused in those countries. According to the television documentary, it is the videotapes that the accused is distributing in other countries that promote hatred against an identifiable group. Unfortunately, those videotapes were not included in the material presented at the pre-enquete and the Crown does not have copies of them at this point. In the absence of this material, we are currently unable to make the requisite assessment as to whether this is hate material.

Second, the evidence of a conspiracy among the accused and the named co-conspirators based on the information before the Justice of the Peace is very weak. For example, the only reference to a conspiracy between Ernst Zündel and David Macleer is found on the 'Hi-tech Hate' documentary. While it is clear from the videotape that MacLeer, who lives in Vancouver, is a hate-monger, the only evidence of an agreement between him and Zündel is a comment by MacLeer that 'we co-operate with each other, we work with Ernst Zündel.' Without, however, more evidence as to the nature of the agreement, that is, without knowing more specifically what material they are 'cooperating' on and 'working on', there is not sufficient evidence that the relationship between these two constitutes a conspiracy to disseminate hate propaganda.

The other two named co-conspirators, Ewald Althans and Christian Worch are referred to on the 5th estate transcript as Zündel's proselytizers in Germany. They are neo-Nazis who apparently distribute Zündel's material throughout Germany. While it appears on the basis of the transcript that an agreement between Zündel and these two named alleged co-conspirators exists for the purpose of distributing what was referred to on the transcript as hate literature in Germany, once again, the evidentiary foundation before the Justice of the Peace does not include the actual material distributed by Zündel to them. Without possession of this material, it is, in our view, impossible to establish a prima facie case of conspiracy to promote hatred.

Third, as previously noted, the charge as drafted alleges that the statements communicated in a public place are likely to lead to a breach of the peace. There is simply no evidence in the material of any statements that would likely lead to the breach of the peace."

With respect to the charge of defamatory libel, the Crown stated:

"The defamatory libel count alleges that the reputation of a number of individuals who are active in the international Jewish community were defamed by certain comments made by Zündel in his May 10, 1994 newsletter entitled "Power." Authorship of the newsletter is not in dispute due to the fact that it is signed by the accused and he states that the contents of the newsletter are the 'personal opinion of the author.' (...)

...it is our view that the alleged defamatory comments must be a deliberate form of character assassination on the plain reading of the words at issue in order for there to be a reasonable prospect of a conviction. The publication at issue appears to impugn the motives and integrity of well-known individuals who have devoted their lawful efforts to, or have written on the subject of, bringing war criminals to justice. Turning to the part of the "Power" newsletter in which the individuals named in the information are allegedly defamed, our opinion is that there may be two interpretations that may be placed upon these words. One is that these words, objectively viewed are a form of character assassination. Arguably, the description of the named individuals by anyone's standards is offensive.

However, the impugned wording suggests a second interpretation that is not as extreme as the first which does not reach the threshold of character assassination suggested by the Stevens case. Accordingly, given the fact that two equally reasonable interpretations could be placed on the same words, the Committee was of the view that there was no reasonable prospect of a conviction. As a result, it is our view that this count charging Ernst Zündel with defamatory libel should not proceed."

An "outraged" Sabina Citron demonstrated with a coterie of friends outside the Attorney General's office and vowed: "We will do everything within the limits of the law to stop him. We will not allow racism in this country." Citron indicated that she was demanding a meeting with Attorney General Charles Harnick to ask for new charges. She also said she would sue Zündel for libel in the civil courts.

Karen Mock, a director of the League for Human Rights of B'nai Brith, appeared before TV cameras after the hearing (in which she had heard the Crown prosecutor withdraw the charges on the grounds there was insufficient evidence to sustain hate charges) shouting in fury that Zündel was a hatemonger and calling once again for hate charges against him. (Saturday Sun, March 16, 1996)

Spokesman for the Canadian Jewish Congress Steven Shulman stated: "We will maintain this as the highest priority - that Zündel's hatemongering business is put out of business." (Canadian Jewish News, March 21, 1996).

ZÜNDEL'S ACTIVITIES AND ACCOMPLISHMENTS

In spite of the violence of some Jewish and anti-racist organizations, and the repeated attempts by the Canadian Jewish Congress and B'nai Brith to have his opinions about the Holocaust again criminalized, Zündel accomplished a

great deal in the four years following his acquittal by the Supreme Court of Canada.

Zündel wrote to Premier Bob Rae in September of 1992 indicating that he and members of the German-Canadian community had repeatedly requested a meeting with Attorney General Howard Hampton to obtain:

"some kind of guidelines from your government as to what we German-Canadians can or cannot say or write in order to avoid and prevent running afoul of the hate law, especially when debating or writing about the thorny Holocaust topic, which is of particular importance to our ethnic group...Speaking for myself, I have lived with pesky and restraining gag-orders which have restricted my freedom of speech, so your guidelines would be followed to the letter of the law. The current policy seems to be to scare writers, such as myself, by government officials stating in the media 'We are studying and watching everything he writes, does and says' and this is truly intolerable. Either we have freedom of speech or we do not. If we do not, then you are duty-bound to inform the citizenry via guidelines as to what is permissible and what is not."

Four months later, by letter dated January 7, 1993, the Attorney General of Ontario Howard Hampton wrote Zündel informing him that it "would be neither necessary nor appropriate to meet with you at this time. Further, it is not the intention of the Ministry to issue guidelines as to the scope of section 319 of the Criminal Code, as suggested by you."

To his supporters in his newsletter (Jan. 17, 1993) , Zündel wrote:

"The Attorney General had met with Jewish leaders already, who wanted to have me re-charged under a different law, this time the Hate Law Section (Section 319 of the Criminal Code). No meeting with German-Canadians ever took place, which is typical of politicians in this country. They demand our taxes, our unquestioning loyalty, if not our subservience. There is an obvious double standard at work here. You get to see government officials if you are Jewish but the brush off if you are German."

By letter dated January 5, 1993, Zündel wrote to Premier Bob Rae requesting compensation and an official apology for the denial of human rights since 1983 for his prosecution under an unconstitutional "false news" law. In the letter Zündel recounted the effect the prosecution had had on his life and the destruction of his once-thriving graphic arts business in which he had had many Jewish clients. He concluded:

"My political opinions and viewpoints on history should have no bearing on my entitlement to adequate compensation and impartial treatment. Any other treatment would itself constitute a new infringement

of the Charter of Rights. I have expressed my political and historical opinions in a strictly democratic, constitutional and non-violent way for 34 years in Canada.

It is important that a democratic government acknowledge wrongdoing and send a message to the public at large in this multi-ethnic society that members of all ethnic minorities, including Germans, are entitled to their own interpretation of their own people's history and are safe to express their viewpoints in Canada without being physically hurt, financially ruined, psychologically traumatized or being criminalized by wrongful government action."

The government refused compensation.

He sent letters to Jewish organizations repeating his offer to meet with them to calm the fears of their community. He wrote to the Canadian Jewish News newspaper, offering to hold a dialogue with the Jewish community "in the interest of truth and as an attempt at achieving some inter-ethnic harmony." No replies were received.

"DID SIX MILLION REALLY DIE?"

In 1993, Zündel published a massive, 562 page book on his second trial written by one of his lawyers, Barbara Kulaszka, entitled "Did Six Million Really Die? Report of the Evidence in the Canadian 'False News' Trial of Ernst Zündel - 1988." The book reproduced and summarized the testimony of all Crown and defence witnesses at the trial. It also included a copy of the original pamphlet he was prosecuted for and a copy of the Leuchter Report.

In an article on Zündel and Holocaust revisionism, SKEPTIC Magazine in the United States commented that the book **"provides a bibliography, and an index in addition to the testimony and is a valuable resource."** (Skeptic, Vol. 2, No. 4, 1994, p. 69)

The book was sent out on a massive mailing to academics, media persons and other people of influence all over the world! One of Germany's most famous professors called it a veritable encyclopedia of the Holocaust topic.

DAVID IRVING

David Irving was convicted of "disparaging the memory of the dead" in 1992 after stating in a speech in Munich in 1990 that Crematory I in Auschwitz was a "phony reconstruction" made by the Communist Polish authorities after the war to impress tourists. Irving was not allowed to call any expert witnesses to establish the truth of his statement, including Dr. Piper from Poland, the director of the Auschwitz State Museum.

The truth of Irving's statement was admitted by Dr. F. Piper in a videotaped interview with Jewish revisionist David Cole. The interview, entitled

"David Cole Interviews Dr. Franciszek Piper," is available for sale by Cole and the Institute for Historical Review.

The fact that the alleged gas chamber at Auschwitz I was a phony reconstruction was later admitted in an article published Jan. 19-25, 1995 in one of France's most influential and reputable magazines, L'Express. In an article entitled "Auschwitz: The Memory of Evil", anti-revisionist author and historian Eric Conan wrote:

"In 1948, when the Museum was created, Crematory I was reconstructed in a supposed original state. Everything in it is false; the dimensions of the gas chambers, the locations of the doors, the openings for pouring in Zyklon B, the ovens (rebuilt according to the recollections of some survivors), the height of the chimney. At the end of the 70s, Robert Faurisson exploited those falsifications all the better because at that time the Museum officials balked at admitting them. An American revisionist [David Cole] has just shot a video in the gas chamber (still presented as authentic): one may see him questioning the visitors with his 'revelations.'"

In reporting on the David Irving case to his supporters in his newsletter of Jan. 17, 1993, Zündel stated:

"This confronts every truth-loving German with the choice of going to jail, paying outrageous fines or fighting for his right to speak out and state the findings of his historical research and go broke in the process.

I myself paid more than twice the amount of my fine in legal fees and flights for witnesses, hotels and accommodations, my own flights back and forth to Europe and had to stay there for over 5 weeks which also meant I could not run my business properly here.

The German judge held court only once a week, one day at a time, so my attorney had to fly from Hamburg to Munich for that one day. A roundtrip which costs (with taxi fare) a cool \$800 each day, plus the actual legal fees, plus the Munich lawyers legal fees.

By the time I was through with being jerked around, I would have been better off and would have gotten off cheaper, if I had paid the outrageous initial fine for DM 31,500 demanded of me in the jail.

That's the reality of present-day Germany's legal and judicial system and their version of a democratic society.

The New York Times and Sabina Citron are very happy with this state of affairs. It just proves that they don't care how draconian the dictatorship is, as long as it protects their own interests.."

After reviewing further anti-revisionist laws and actions in France and Canada, Zündel continued:

"The pattern is the same all over the world. The same people lobby for similar laws in different countries, but everybody knows that there is no worldwide coordination of these Freedom suppressing laws!

What can we do?

We can give up, run or fight, or go to our enemies with hardhat in hand and beg them for forgiveness for daring to have our own viewpoint and opinions on our history.

This simply means that a German has no right to his German version of history. That a German has to adopt the prevailing viewpoint, largely shaped by Jewish writers or he is subject to prosecution after he has already suffered a lot of persecution.

This is an intolerable affair and will not lead to more inter ethnic harmony, but much less! It won't promote tolerance - it will create intolerance!

German people will be criminalized for merely not wanting to think like Jewish people.

I foresee massive problems! How to solve this dilemma? I don't know! In the meantime, I too have a life to live and want to be left alone for awhile.

I am naturally angry at the shallowness and poor intellectual caliber of our lawmakers, not to refuse to vote for such repressive laws, but this illness or condition of poor quality leadership seems to plague us in every country at every level of our societies."

In March of 1993, Zündel wrote his supporters in his newsletter that a letter-writing campaign must be started to protest the "dismal state of freedom and justice in Germany." He wrote:

"We have to start a letter writing campaign to these international bodies, to put pressure on the German government to stop persecuting and harassing people just because they have a different viewpoint on history when it concerns the Holocaust.

We also have to ask that the UN Human Rights Organizations force Germany to allow civilized trials, where experts can be heard like Leuchter, Faurisson, and Irving - and not just some Kangaroo Court proceedings in which the accused basically gets called to the bar to be convicted, and has no chance to present his viewpoints buttressed by expert witnesses and documents.

In my own case in Munich, Fred Leuchter, the gas chamber expert, was not allowed to testify because he was considered not qualified - a Canadian judge allowed him to testify for two days. Dr. Faurisson was not allowed to testify - not qualified. I had asked Germar Rudolf, a qualified, university trained 'Diplom Chemist' to testify - he too was disqualified.

Thus, not a single witness was allowed to testify in my defence, to make clear my reasons for saying that no six million people were gassed in places like Auschwitz, Birkenau and Majdanek.

This situation must be changed. I believe that if all of us work together, we can make the necessary changes inside the courts and in the media in Germany.

We are the new 'Freedom Fighters'!

Our weapons are our pens, typewriters, computers, or just our telephones, fax machines and telegrams. Thousands of letters should flood their offices. We must act, not just talk."

THE DAVID COLE-ERNST ZÜNDEL COLLABORATION

In 1993, Zündel flew to Europe and arranged to produce what he calls a German-Jewish "Reconciliation Video" with Jewish revisionist David Cole at Auschwitz. Cole had preceded Zündel to Auschwitz several weeks before and had carefully examined the site. In the video David Cole and Zündel tour the camp, particularly the alleged gassing sites, and Cole explains to Zündel why he has concluded that no extermination by means of gassing took place there.

Zündel's collaboration with Cole and his efforts to directly reach out to individual Jews, by-passing the establishment Jewish organizations, led to accusations from some of his supporters that he had "sold out to the Jews." Zündel replied and explained his position in his April 14, 1993 newsletter:

"I am interested in full equality for Germans, and in proper, normal relations with all people - including Jews. I want them to understand that the war is over, that they have been more than generously compensated for their real and imagined, or claimed suffering. Now its time for normal relations to set in - and for the emotional and 'media borne' black mail of the German people to end.

I can only achieve this understanding by talking to Jews of all stratas of society - I don't have to sell anything, to achieve that goal. I just have to tell the truth and show everybody who is willing to look, listen and weigh the evidence what the facts were and are."

Zündel stated that he liked David Cole's spunk and courage in standing up to the "Jewish establishment" at great risk to himself. He continued:

"He shows far more courage than all those Nazi-Uniform fetishists who adorn themselves in the medals and uniforms of a bygone generation, while they booze themselves into a drunk[en] stupor in their basement, 'Valhalla', because of their 'Weltanschauung' or alleged admiration of Adolf Hitler and his ideas. I take the young Jew David Cole any time over the beer guzzling cowards and snivelers and critics of my actions."

Zündel made it clear that he had "no problem with bridging the 'ethnic gap'; he had married outside his own ethnic group and had always enjoyed close cooperation with people of other ethnic groups including his own lawyers,

revisionists of all ethnic groups such as Dr. Robert Faurisson (French), Fred Leuchter (American), Joseph Ginzburg (Rumanian Jew), Professor Dommergue (French Jew) and others. His accountant for over a decade was a Muslim. He continued:

"I have lived and worked with Canadians of all races and ethnic groups, intimately. A Pakistani does my books and a Chinese man does my printing - even though I believe, and they know that I believe that I do not believe in the mixing of the races. This is not hypocrisy but the reality of our modern existence.

We have often discussed these topics, and most Chinese and most Pakistanians do not want their children to 'marry outside their race or culture.' This is simply no big deal with us!"

THE "VOICE OF FREEDOM" RADIO AND TV SATELLITE PROGRAMMES

In the summer of 1993, Zündel began a new informational drive on short-wave radio and satellite TV. His programmes, entitled "The Voice of Freedom", covered Holocaust revisionist topics as well other matters of current and historical interest. The programmes later expanded onto Public Access TV in the United States as Zündel supporters sponsored the programme in increasing numbers of American communities.

In announcing the commencement of this new electronic outreach programme, Zündel told his supporters (Newsletter, June 6, 1993):

"Our hope is to stem the tide of the WW II propaganda lies in history and to shed light and not only heat on what happens today in Germany, Canada and the rest of the world from a totally different viewpoint, namely the *German* perception of things. The program is a response to media born lies and falsehoods and is intended as abridge of understanding. For too long 100 million Germans in foreign lands and a 100 million Germans living under Allied imposed Occupation Regimes in Europe have not had an independent voice. The real German viewpoint has not been heard in the world since 1945! Now we hope that it will be heard by millions around the world, once again."

As could be predicted, the Simon Wiesenthal Centre and the Canadian Jewish Congress began a campaign of pressuring the radio and TV companies carrying Zündel's programmes into cancelling their contracts with him. They succeeded in getting Showcase America, a U.S. satellite TV network, to cancel Zündel's programme as well as Keystone Communications. Gerda Frieberg, an executive of the CJC, stated it was "a continuation of our policy to make sure that Zündel is made *persona non grata* on any television or radio station, newspaper or any other media that he attempts to use to promote anti-Semitism." (Canadian Jewish News, Sept. 9, 1993)

B'nai Brith was extremely disappointed when the Canadian Jewish Congress succeeded in cancelling the satellite broadcasts. In their newsletter "The B'nai Brith Covenant" of September 1993 they reported that they had been "recording and monitoring [the broadcasts], hoping Zündel would provide enough information for the Attorney General to lay a charge under the hate laws." B'nai Brith reported to its members that:

"Despite this setback, the League is continuing to work closely with the various jurisdictions of law enforcement on this issue and both the Metro Police and the Ontario Attorney General's office have committed to a continued investigation of Zündel's activities."

Notwithstanding the constant efforts of the Canadian Jewish organizations and the Simon Wiesenthal Centre in the United States, Zündel's network of radio and TV programmes continued to expand in both the United States and Europe.

THE INTERNET - "ZUNDELSITE" ON THE WORLD WIDE WEB

In 1995, Zündel entered the world of cyberspace with the active help and collaboration of American Free Speech supporters by setting up a page on the World Wide Web on the Internet. It announced to readers:

The Zündelsite is dedicated to the sacred belief held by all independent people everywhere that a truly democratic society does not need to fear, suppress and persecute an alternate view of history, culture, race, religion or politics. If it does, it is no longer democratic. If it does, an alert citizenry will know and act accordingly to circumvent suppression.

In truly democratic societies, a citizen is dutibound to inform himself and others of a threat to the public welfare and to act in defence of life, liberty and the pursuit of happiness. That is what we are doing. We believe in truth, freedom, fairness and justice for all - not just for the privileged, politically correct and well-connected wealthy few.

The Zündelsite offered readers the full text of the booklet "Did Six Million Really Die?" by Richard Harwood for which he was prosecuted in Canada (with corrections added), the entire text of Canadian lawyer Barbara Kulaszka's book "Did Six Million Really Die? Report of the Evidence in the Canadian "False News" Trial of Ernst Zündel - 1988", the full text of the decision in the postal banning case which held his writings did not constitute hatred and a copy of the second Leuchter Report. In addition, Zündel began publishing his monthly newsletters, book reviews and editorials. Material was offered in English, French and German.

In September of 1995, shortly after the Zündelsite debuted, Zündel received an e-mail letter from Jamie McCarthy, the co-webmaster of "The Nizkor

Project," a series of World Wide Web sites which promotes the Holocaust and attempts to disprove Holocaust revisionist claims. Nizkor philosophically endorses the words of Deborah Lipstadt that **"...truth is far more fragile than fiction...reason alone cannot protect it."** Nizkor is funded partially by a synagogue in Victoria, British Columbia, which then issues Canadian tax receipts for donors. Its founder, Ken McVay, was awarded the Order of British Columbia in 1995 for his service on Nizkor.

McCarthy invited Zündel to link his Zündelsite to Nizkor so that Internet users would be able to view both sites easily and determine which was telling the truth. McCarthy wrote:

"Given that you claim, over and over, that 'truth has no need of coercion,' I trust that you will not insult your readers' intelligence by hiding from them an alternative viewpoint..."

Zündel wrote back:

"Thank you kindly for your offer to make the Internet the open forum on which we can discuss, in a mature and civilized fashion, what is of such concern to all of us - namely what did or did not happen during what is, in our opinion, most inappropriately called 'The Holocaust.'

We want to get away from the mud-slinging and settle down to science and reason - as I am sure you do. In point of fact, we should have done this years ago - before the Canadian Holocaust Trials. We would have spared Canada a painful, acrimonious debate and the Canadian taxpayers millions of dollars because they had to pay to have me prosecuted at the behest of Jewish individuals. Had we been able then to have an open debate, maybe we would have laid some ghosts to rest. At least that was my hope.

I offered this public debate on the Holocaust in the early 1980s to the Canadian Jewish community, even inviting in writing well-known personalities like Dr. Morton Shulman and broadcaster Barbara Frum (both Jewish) to chair such a symposium. I offered a university setting and publicly stated, as an alternate option, that I would pay half of the rent for Maple Leaf Gardens, Toronto's famous sports arena, if the other side paid half for this or a similar locale. I even enlisted the Chief of Police and was promised the assistance of the Police Ethnic Squad who broached the idea to Jewish community leaders - who promptly rejected the offer of a dialogue.

In other words - no takers!

Has this now changed? We would be overjoyed if your offer were genuine and sanctioned by the people who support the Nizkor Project. Were this the case, then serious dialogue could begin. Your offer is precisely what we have been hoping for - to be able to put our information out in the open for the entire world to see and to inspect. Intelligent people can judge for themselves and should not be denied what we consider valid and respectable forensic, historical, scientific and anecdotal data gathered

world-wide by experts and ordinary citizens alike refuting serious charges routinely made - such as the extermination of races by gassing.

The information you present has been available for fifty years, broadcast from every roof top and officially rubber-stamped as 'truth' and 'fact' and 'sanctified' by the Nuremberg Trials - proceedings that were described by the American Chief Justice of the US Supreme Court, Judge Harlan Fiske Stone, at the time of these trials, as 'a high grade lynching party' and a 'sanctimonious fraud.'

In the wake of half a century of unrelieved emotional abuse about what Germans and their allies allegedly did, we have not been allowed an appropriate defence. We have been harassed, beaten, bombed, fire-bombed, criminally charged, convicted, imprisoned, judicially gagged - and some of our fellow revisionists were even murdered! - for trying to explain and to defend our view of our people's history. We, the victims of this persecution, agree that this must stop - if freedom of speech is to be preserved in what is left of the rest of the so-called 'Free World.'"

Within a short time, the Zündelsite and Nizkor Web pages were linked together and readers of either site could switch from one to the other to determine the positions of both revisionists and Holocaust exterminationists.

By letter dated January 5, 1996, Zündel invited the Simon Wiesenthal Centre to link their Web site to the Zündelsite. Zündel received no answer.

On January 7, 1996, the Zündelsite announced that a global electronic debate on the Holocaust was about to begin between Zündelsite and Nizkor. In preparation, Zündel's Webmaster began uploading to a FTP site the massive book by attorney Barbara Kulaszka, "Did Six Million Really Die?" as well as one of the reports by execution expert Fred Leuchter. Almost immediately, the files - even those in restricted files - were downloaded by an unknown party. It tipped Zündel to the fact that there was a 24-hour watch on the site and on all of its activities. "Who has the money, skill, equipment and personnel to do that?" he asked later in a Web editorial.

Two days later., the Simon Wiesenthal Centre in Los Angeles sent out hundreds of letters to Internet providers and university presidents asking them to refuse to carry messages that would "promote racism, anti-Semitism, mayhem and violence." (New York Times, Jan. 10, 1996, p. 1)

The Zündelsite began suffering increasing electronic attacks on its web site. Its e-mail was stolen, subverted or destroyed. Electronic e-mail "bombs" began arriving from as far away as Russia. Fake Zündel e-messages began circulating around the Internet, in an obvious attempt to cause harm and damage to Zündel's reputation and his message.

On January 25, 1996, the major news media reported that German prosecutors were considering hatred incitement charges against two Internet providers in Germany for helping to distribute the Zündelsite. Deutsche Telekom AG immediately moved to block user access to its California web provider.

Zündel appealed for help over the Internet:

If there are patriotic Internet experts out there who can help us defend ourselves with technical or legal remedies, please call. We sure can use your help!

Within days it was clear that the Internet community would not abide the censorship of the besieged Zündelsite. At universities across the United States, free speech advocates began setting up electronic clones of the Zündelsite (called "mirror sites") on their own initiative. These electronic shelters were set up at Stanford University, MIT, the University of Pennsylvania, the University of Massachusetts, and Carnegie Mellon University (CMU), among others, by individuals who did not agree with Zündel's views but felt that Freedom of Speech on the Internet was at stake for all.

Declan McCullagh, a graduate student at Carnegie Mellon University, who spearheaded the drive to establish the mirror sites, wrote:

"If the German government forces Deutsche Telekom to block access to web servers at Carnegie Mellon University, MIT, and Stanford University, it will be slicing off communications with three of the most respected universities in the United States."

One of the mirror sites was preceded by the following statement of the Webmaster:

This is a mirror archive of most of Ernst Zündel's holocaust revisionist site. My reasons for this mirror are not because I agree with Zündel's politics. I do not...[P]art of my reason for this website is my belief that the questioning of any belief deserves some space. In this way, I believe Zündel's project to be good for our society. He does contribute to the questioning of beliefs - beliefs that should be questioned....The pious at places like the Simon Wiesenthal Centre push as the one true interpretation that the Holocaust is the World's most important suffering - a suffering that is a wholly owned monopoly of the Jews. It is hardly surprising that such a faith leads to a demand that the one true line be accepted and that dialogue be abolished. Such a faith has censorship as a simple corollary. Before we accept a faith that has such undesirable results, we should question its correctness...I hope that this mirror archive demonstrates the folly of Internet censorship for a government. I also wish that these statements before the Zündel's text remind everyone that there is no moral obligation to hold the one, true view of the Holocaust as held by the Simon Wiesenthal Centre."

The Simon Wiesenthal Centre "was fuming however - faxing indignant messages to the presidents of CMU, Stanford, the Massachusetts Institute of Technology, and University of Pennsylvania" demanding that the mirror sites at the universities be dismantled. (Pittsburgh Tribune-Review, February 2, 1996) Rabbi Abraham Cooper, the associate dean of the centre, wrote an op-ed piece

published in the San Francisco Chronicle on January 29, 1996 demanding that Internet hosting providers begin "establishing rules of engagement which will carry forward the American tradition of marginalizing bigotry."

The controversy set off a world-wide media discussion of freedom of speech on the Internet. Visitors to the Zündelsite skyrocketed to hundreds of persons daily. Zündel was featured on the global newsmagazine "24 Hours in Cyberspace" in a segment entitled "The Revisionist. Revisionist History and Freedom of Speech in Cyberspace." It quoted Zündel as saying:

"Control of information has always led to the control of people. The Internet if left uncensored can lead to global liberation through information. Our websites are our training wheels to freedom. Through it, we can win or defend all our liberties. The uncensored interchange or free flow of ideas, not managed or packaged by information brokers or quasi-censors, will for the first time in written or recorded history level the playing field. It will and must lead to the democratization of information! Humble people without university degrees will be offering their ideas on an even, almost value neutral info-bahn. Suppressed and ignored, and even prosecuted thinkers will be heard by millions at an instant! No wonder information and power brokers, governments for instance, are scared!"

David Jones, a professor of computer science at McMaster University in Hamilton, Ontario, told reporters that Germany's efforts to censor the Zündelsite on the Internet had "backfired". He continued: "It's ironic that although the idea is to control this information, it's causing the opposite - for it to be spread around." (Hamilton Spectator, Feb. 3, 1996)

At a conference of the national officers of the Canadian Jewish Congress, Canadian Member of Parliament Dr. Rey Pagtakhan called on the Canadian government to move to censor the Internet. He noted that the Canadian Parliament had passed a motion unanimously the previous year calling for measures to stop the spread of "hate propaganda" on the Internet. He stated his belief that freedom was not absolute. (Canadian Jewish News, February 15, 1996)

As the controversy about censorship of the Internet continued to swirl, the founder of the Electronic Freedom Foundation, John Perry Barlow, wrote an essay on the philosophical basis of freedom in Cyberspace. In many ways, it summarized the struggle of Ernst Zündel in his quest for truth, freedom and justice. And it perhaps provided an insight into the wars of the future for the mind and soul of mankind:

A Declaration of the Independence of Cyberspace

Governments of the Industrial World, you weary giants of flesh and steel. I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.

We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

Governments derive their just powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.

You have not engaged in our great and gathering conversation, nor did you create the wealth of our marketplaces. You do not know our culture, our ethics, or the unwritten codes that already provide our society more order than could be obtained by any of your impositions.

You claim there are problems among us that you need to solve. You use this claim as an excuse to invade our precincts. Many of these problems don't exist. Where there are real conflicts, where there are wrongs, we will identify them and address them by our means. We are forming our own Social Contract. This governance will arise according to the conditions of our world, not yours. Our world is different.

Cyberspace consists of transactions, relationships, and thought itself, arrayed like a standing wave in the web of our communications. Ours is a world that is both everywhere and nowhere, but it is not where bodies live.

We are creating a world that all may enter without privilege or prejudice accorded by race, economic power, military force, or station of birth.

We are creating a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence or conformity.

Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are based on matter. There is no matter here.

Our identities have no bodies, so, unlike you, we cannot obtain order by physical coercion. We believe that from ethics, enlightened self-interest, and the commonweal, our governance will emerge. Our identities may be distributed across many of your jurisdictions. The only law that all our constituent cultures would generally recognize is the Golden Rule. We hope we will be able to build our particular solutions on that basis. But we cannot accept the solutions you are attempting to impose.

In the United States, you have today created a law, the Telecommunications Reform Act, which repudiates your own Constitution and insults the dreams of Jefferson, Washington, Mill, Madison, DeToqueville, and Brandeis. These dreams must now be born anew in us.

You are terrified of your own children, since they are natives in a world where you will always be immigrants. Because you fear them, you entrust

your bureaucracies with the parental responsibilities you are too cowardly to confront yourselves. In our world, all the sentiments and expressions of humanity, from the debasing to the angelic, are parts of a seamless whole, the global conversation of bits. We cannot separate the air that chokes from the air upon which wings beat.

In China, Germany, France, Russia, Singapore, Italy and the United States, you are trying to ward off the virus of liberty by erecting guard posts at the frontiers of Cyberspace. These may keep out the contagion for a small time, but they will not work in a world that will soon be blanketed in bit-bearing media.

Your increasingly obsolete information industries would perpetuate themselves by proposing laws, in America and elsewhere, that claim to own speech itself throughout the world. These laws would declare ideas to be another industrial product, no more noble than pig iron. In our world, whatever the human mind may create can be reproduced and distributed infinitely at no cost. The global conveyance of thought no longer requires your factories to accomplish.

These increasingly hostile and colonial measures place us in the same position as those previous lovers of freedom and self-determination who had to reject the authorities of distant, uninformed powers. We must declare our virtual selves immune to your sovereignty, even as we continue to consent to your rule over our bodies. We will spread ourselves across the Planet so that no one can arrest our thoughts.

We will create a civilization of the Mind in Cyberspace. May it be more humane and fair than the world your governments have made before..."

AFTERWORD

By letter dated August 5, 1995, the Minister of Citizenship and Immigration Sergio Marchi informed Zündel that he believed there were reasonable grounds to believe that Zündel constituted a "threat to the security of Canada" and that an investigation of the matter would be made by Canada's Security Intelligence Review Committee (SIRC). Until such an investigation had been completed Marchi was suspending Zündel's application for citizenship.

In October of 1995, SIRC informed Zündel that the grounds for the allegation were based on the "political terrorism" provisions of the Citizenship Act and the Canadian Security Intelligence Service Act, namely, that there were reasonable grounds to believe that Zündel would engage in:

"activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state."

The grounds for believing that Zündel would engage in political violence after living peacefully and lawfully for 38 years in Canada were set out in a summary of the case disclosed to Zündel: Zündel played "an important role within the white supremacist movement in Canada"; he was a "leading distributor of revisionist neo-Nazi propaganda worldwide"; he "supported the use of violence against persons or property as a method to achieve his political goal"; he supported groups and individuals that had engaged in or might engage in "acts of serious violence in the furtherance of common political objectives."

While making the allegation that Zündel advocated violence, the Minister of Citizenship produced no evidence to support the accusation in the summary of its case against Zündel. Instead, the evidence against Zündel centred on the allegation that he was a major publisher of books, videos and articles of "militant revisionist material proclaiming that the Holocaust is a hoax."

The witnesses announced by the Minister of Citizenship to testify openly against Zündel were Bernie Farber of the Canadian Jewish Congress, Ian Kagedan of B'nai Brith and Dan Dunlop of the Ottawa Police Hate Crimes Unit. Warren Kinsella, the author of the book "Web of Hate" backed out of testifying at the hearing days before it was to begin.

Under the procedure mandated to SIRC by legislation, however, it was entitled to hear evidence in camera and ex parte. Zündel would never know who testified against him or what they said. He would have no chance to cross-examine the witnesses openly or to hear their accusations. Only an edited, censored transcript would be made available to him. SIRC lawyers, who know little if anything about Zündel except what they read in the daily press would be the only persons entitled to question these secret witnesses.

Zündel lost an initial application to the Federal Court of Canada to have the hearing before SIRC stopped on the grounds of reasonable apprehension of bias and violations of his rights under the Canadian Charter of Rights and Freedoms. The application was based on the report of SIRC on "The Heritage Front Affair" in which SIRC had repeatedly called Zündel a "Holocaust denier" and "hate monger". As a result the hearing commenced on March 25, 1996 with Bernie Farber of the Canadian Jewish Congress as the first witness against Zündel.

* * *

The story of Ernst Zündel is the story of the disaster which has befallen Canada in the last thirty years. It is the story of the siege by Jewish organizations on the right of all ordinary Canadians to hear all sides of public issues, to weigh the evidence before them and to decide for themselves where the truth lies and where Canada's national interests lie.

The Jewish organizations of Canada have become vigilantes, taking upon themselves the unauthorized responsibility of interpreting and acting upon matters of law and public and political morality. Time after time, having failed to convince the postal tribunal, the police, Crown attorneys and the Attorney General's department of their case against Zündel, and having lost the "false

news" case against him in the Supreme Court of Canada where both the Canadian Jewish Congress and B'nai Brith were given status as interveners, they have indicated that they will not accept the decisions of prosecutorial and judicial authorities. Instead they have declared war on Zündel and all Canadians who wish to live in a civil and peaceful society where debate is based on reason and argument, not on intimidation and coercion. They have repeated that they will not tolerate Zündel, that they will make him a "persona non grata," that they will "put him out of business," that they will pursue him again and again to have him charged under the criminal hate laws of Canada "every time he opens his mouth", that they will try every means to have him deported from Canada to Germany.

The case of Ernst Zündel has exposed for all Canadians the danger of the law against inciting hatred under s. 319 of the Criminal Code in Canada and the power this law has put in the hands of vindictive and militant ethnic organizations such as the Canadian Jewish Congress, B'nai Brith and the Canadian Holocaust Remembrance Association. Armed with the hate law, these self-appointed vigilantes can always argue that their harassment, vilification and defamation of political and philosophical opponents, such as Zündel, is "legal." In result, however, the actions of these organizations amounts to nothing less than an assault on the democratic process in Canada.

The remaining question for Canadians is whether or not their society and democracy will be able to withstand this assault on their traditions and institutions or whether the Jewish organizations will succeed in imposing their ethnic or tribal interests over the freedom of all Canadians to think and weigh historical and philosophical issues for themselves.

APPENDIX I

WHAT IS HOLOCAUST REVISIONISM?

Holocaust revisionism, for the publishing of which Ernst Zündel has been persecuted and prosecuted for almost twenty years, involves the critical study of the evidence put forward by historians in support of the claim that the Nazi government of Adolf Hitler deliberately exterminated some six million Jews during World War II mainly in homicidal gas chambers in concentration camps such as Auschwitz.

For many of these claims, the Revisionists have found the evidence to be non-credible or entirely absent. Recent forensic examinations of the alleged gassing sites at Auschwitz, for example, have contradicted the allegation that massive gas chambers there were used to kill thousands of people. Other contradictions and exaggerations in "Holocaust survivor" testimony and other evidence have brought the entire story into question.

Holocaust revisionists believe the evidence proves that the Jewish ethnic minority suffered persecution under the Nazis, deportation to concentration camps, forced labour, disease, malnutrition and deprivation. They believe, however, that the evidence fails to prove a deliberate policy of extermination, the existence or use of homicidal gas chambers to kill millions of people, or the killing of six million Jews. The figure is still in doubt because of lack of credible evidence and the refusal of the Allied governments to allow research into vital archives such as those at Arolsen, Germany, which house the records of the Nazi concentration camps.

The following are reproductions of pamphlets issued by Ernst Zündel during the marking of the 50th anniversary of the liberation of Auschwitz Concentration Camp in January of 1995. The pamphlets clearly set out the controversy surrounding the Auschwitz camp.

1. HOLOCAUST CLAIM -

THE NAZIS SUCH AS AUSCHWITZ COMMANDANT RUDOLF HOESS "ADMITTED" THEMSELVES THAT THEY EXTERMINATED THE JEWS IN AUSCHWITZ

The most important "witness" to the alleged mass exterminations of Jews at Auschwitz was the camp's commander, Rudolf Hoess. Hoess' affidavit (written in English, a language there is no evidence he understood) and his testimony before the International Military Tribunal at Nuremberg were used to justify the hangings of the Nazi leadership on the charge of exterminating the Jews. It was his testimony which laid the foundation and validated the extermination story of Auschwitz.

We now know from the book **Legions of Death** that Hoess was beaten almost to death by Jewish members of the British Field Police upon capture and

badly mistreated thereafter until he gave his "testimony" and "affidavit." His wife and children were threatened with deportation to Siberia. He also spoke of his mistreatment in his "autobiography", **Commandant of Auschwitz** .

Historians today are finally admitting that Hoess' testimony is WORTHLESS. The figures of dead he gave for Auschwitz are totally false. He swore that 2,500,000 people were gassed and burned at Auschwitz and a further half million died of disease for a total dead of 3,000,000. Today the figure of dead claimed for Auschwitz is 1,100,000. He spoke of a concentration camp "Wolzek" which does not exist. Christopher Browning had to admit it in a recent *Vanity Fair* article that Hoess is an unreliable witness. Browning stated that "Hoess was always a very weak and confused witness. The revisionists use him all the time for this reason, in order to try and discredit the memory of Auschwitz as a whole."

In fact, the revisionists have concentrated on Hoess because he is probably the most important witness and source for Holocaust historians' conclusions on the "Holocaust". Raul Hilberg relies on his testimony heavily and he was the primary witness relied upon by the Nuremberg Tribunal in their judgment regarding the "extermination of the Jews."

HOESS WAS TORTURED UNTIL HE SIGNED AN AFFIDAVIT WRITTEN BY THE ALLIES CONTAINING PATENTLY FALSE INFORMATION. THE ALLIES USED THIS INFORMATION AT NUREMBERG TO JUSTIFY HANGING THE GERMAN LEADERSHIP.

2. HOLOCAUST CLAIM - FOUR MILLION PEOPLE DIED AT AUSCHWITZ

At the Nuremberg War Crimes Trials, the Allies accused the Germans of killing 4 million people at Auschwitz (Indictment, p. 42) After the war, plaques were erected at the camp which said: "Four Million People Suffered And Died Here At The Hands Of The Nazi Murderers Between The Years 1940 And 1945."

Right up until 1989, major media repeated this figure endlessly in articles on Nazis and the "extermination of the Jews" ("Sheer efficiency at Auschwitz became symbol for war", The Globe and Mail, September 1, 1989)

In 1989 the Soviet Union released the death registers of Auschwitz, revealing a death figure of 74,000 ("Auschwitz ID cards released by Soviets", The Globe and Mail, September 22, 1989) This new list ignited a new controversy over the figure until Holocaust historians were finally forced to admit that the 4 million figure was false ("New list of Holocaust victims reignites controversy over figures" Washington Jewish Week, March 8, 1990)

Israeli Holocaust historian Yahuda Bauer admitted the falsity of the 4 million figure ("Auschwitz Revisionism: An Israeli Scholar's Case", The New York Times, November 12, 1989)

In 1990, the plaques at Auschwitz claiming that four million people died there were removed and the toll of dead reduced to 1.1 million ("Poland reduces Auschwitz death toll estimate to 1 million", The Washington Times, July 17, 1990)

In 1993, the Auschwitz toll was reduced by J.-C. Pressac in a new book on Auschwitz to 800,000. Other Holocaust historians like Claude Lanzmann were furious that Pressac was dealing with documentary proof as the revisionists were instead of relying on emotional testimony of survivors. ("Book on Nazi Murder Industry Stirs French Storm" The New York Times, October 28, 1993)

THE TRUE FIGURE OF AUSCHWITZ DEAD WAS AND IS KNOWN TO THE ALLIES BECAUSE THEY WERE BREAKING THE SECRET CODES SENT BY AUSCHWITZ COMMANDERS TO BERLIN HEADQUARTERS. THERE IS LITTLE DOUBT THE TRUE FIGURE IS NOT ABOVE 100,000 DEAD FOR THE WHOLE WAR.

3. HOLOCAUST CLAIM - THE ALLIES HAD NO KNOWLEDGE OF THE GAS CHAMBERS

The Allies and world Jewish organizations invented the "gas chamber" story as wartime atrocity propaganda. They used atrocity propaganda against the Nazis to distract their own people from the atrocities being committed by themselves. In 1944 the British Ministry of Information requested British clergy to help spread atrocity propaganda against the Germans which would be put into circulation by the Ministry. The purpose of the atrocity propaganda was to distract public opinion from Red Army atrocities which would inevitably occur as it "liberated" Central Europe. ("Allied Wartime Diplomacy", Edward J. Rozek)

Affidavit of Charles Coward, filed at the Nuremberg trials, swears that the Allies dropped leaflets in Poland alleging gassings and that radio broadcasts were made by Anthony Eden making the same allegation. (Prosecution Exhibit 1462)

The Allies were fully aware there was no evidence to support the allegation of "gas chambers" against the Germans. In August of 1943, the Allies decided not to make a specific allegation of gas chambers against the Nazis in a published declaration on the grounds that there was "insufficient evidence to justify the statement regarding execution in gas chambers." (Foreign Relations of the United States Diplomatic Papers 1943)

The Allies were breaking all top-secret codes between Auschwitz and Berlin, yet there is NOT ONE MENTION OF DEATHS BY GASSING. As the Germans did

not know the code was being broken, they had no reason not to report the deaths by gassing if they were occurring.

The Müller document, revealed by Emil Lachout in 1988, shows that Allied Commissions of Inquiry investigated and established by 1948 that no people were killed by gas at Belsen, Buchenwald, Dachau, Mauthausen and several other named camps. Austria admits the Müller document is genuine.

THE ALLIES MANUFACTURED THE "GAS CHAMBER" STORY AS ATROCITY PROPAGANDA TO "STOKE UP" THEIR OWN PEOPLE AGAINST THE NAZIS AND TO DISTRACT THEM FROM THEIR OWN WAR CRIMES SUCH AS THE TERROR BOMBING OF CIVILIANS.

4. HOLOCAUST CLAIM - MASSIVE GAS CHAMBERS WERE USED TO EXTERMINATE JEWS AT AUSCHWITZ CONCENTRATION CAMP IN POLAND

There were no "gas chambers" at Auschwitz. This fact has been conclusively proven by several forensic studies of the alleged "gas chambers" at Auschwitz.

The Leuchter Report - Fred A. Leuchter, Jr. is an expert specializing in gas chambers and executions. He was described by Missouri State Penitentiary Warden Bill M. Armontrout as "well versed in all areas and is the only consultant in the United States [in gas chambers] that I know of." Leuchter examined the alleged gas chambers at Auschwitz, Birkenau and Majdanek in 1988 and took samples from the walls and floors for forensic testing for cyanide. He concluded that the rooms were not and could not have been used as gas chambers based on their construction and the fact that either no or only extremely small traces of cyanide were found in the brick and mortar samples. In contrast, a room where Zyklon B (the alleged killing gas) was used for disinfection purposes by the Nazis, had 1000 times more cyanide in the samples.

The Krakow Institute Report - Alarmed by the Leuchter Report, the Auschwitz State Museum itself commissioned in 1990 the Krakow Forensic Institute to carry out an investigation of the alleged gassing sites. The Krakow Report fully corroborated the cyanide readings found by Leuchter. The Auschwitz Museum maintains, however, that Poland's acid rain had eliminated the cyanide. This flies in the face of scientific fact that "Prussian blue", the compound formed by cyanide and iron in the bricks and mortar is one of the most stable and enduring compounds known to man. The blue stain is clearly seen in disinfection chambers at Auschwitz today.

The Rudolf Report - Germar Rudolf, a diplom chemist in Germany, investigated the sites of the alleged gas chambers of Auschwitz and took samples for the purpose of determining cyanide levels. Rudolf's report concluded, like

Leuchter's, that the alleged gas chambers could never have been used for gassings. Tests on samples showed no or minimal traces of cyanide.

The Lüftl Report - Walter Lüftl is a professional engineer with a large engineering firm in Vienna and was president of the Austrian Association of Engineers. He is regularly called in court cases as an expert witness. In 1992 Lüftl wrote a report calling the alleged extermination of millions of Jews in gas chambers "technically impossible." He pointed out that the design of the crematories themselves showed that they were incapable of handling the number of victims alleged. "Corpses are not flammable material," wrote Lüftl. "to cremate them requires much time and energy." Lüftl was criminally charged for writing this report for "denying the Holocaust." BUT ALL CHARGES HAVE BEEN DROPPED.

Jewish historian Arno Mayer of Princeton now admits that evidence for the gas chambers is "rare and unreliable." ("Why Did The Heavens Not Darken?") The truth in fact is that there is no reliable evidence whatsoever for gas chambers in Auschwitz.

THERE WERE NO "GAS CHAMBERS" AT AUSCHWITZ.
THIS HAS BEEN PROVEN BY SCIENTIFIC EXAMINATION.
THE HOLOCAUST LOBBY HAS NO SCIENTIFIC EVIDENCE. THEY RELY
SOLELY ON "EYE-WITNESS TESTIMONY" BY EX-INMATES AND NAZI
OFFICERS SUCH AS RUDOLF HOESS
WHO WERE LATER EXECUTED.

5. HOLOCAUST CLAIM - SURVIVOR TESTIMONY "PROVES THE HOLOCAUST"

With no scientific evidence to back up the claim that millions of Jews were killed in Auschwitz by gassing, the Holocaust lobby relies on "survivor testimony" which it is apparently rude to dispute. How reliable is their testimony? Here are some of the opinions of non-revisionist historians:

Prof. Michel de Bouard - "The record is rotten to the core. On one hand a considerable amount of fantasies, inaccuracies, obstinately repeated (in particular concerning numbers), heterogeneous mixtures, generalizations, and, on the other hand, very dry critical studies [by revisionists] that demonstrate the inanity of those exaggerations." (*Ouest-France* August 1986).

Samuel Gringauz - "The hyperhistorical complex [of survivors] may be described as judeocentric, lococentric and egocentric...This is the reason why most of the memoirs and reports are full of preposterous verbosity, graphomantic exaggeration, dramatic effects, overestimated self-inflation, dilettante

philosophizing, would-be lyricism, unchecked rumors, bias, partisan attacks and apologies." (*Jewish Social Studies* January 1950).

Shmuel Krakowski - In an Aug. 1986 *Jerusalem Post* article - "[Yad Vashem director] Krakowski says that many survivors, wanting "to be part of history" may have let their imaginations run away with them. "Many were never in the places where they claim to have witnessed atrocities, while others relied on second hand information given them by friends or passing strangers" according to Krakowski. Over half of 20,000 survivor accounts were found by Yad Vashem to be "unreliable" and "inaccurate."

HOLOCAUST HISTORIANS ARE WELL AWARE
OF THE TENDENCY OF "HOLOCAUST SURVIVORS" TO LIE!
JOHN DEMJANJUK WAS CONVICTED ON
FALSE EYEWITNESS TESTIMONY.

6. HOLOCAUST CLAIM - HOLOCAUST SURVIVORS MUST BE BELIEVED!

With no scientific evidence to back up the gas chamber claim, the testimony of Holocaust "survivors" becomes vital to proving the gassings at Auschwitz. How reliable is this testimony? Judge for yourself.

Rudolf Vrba is an extremely important eyewitness to the Holocaust Lobby. He wrote *I Cannot Forgive* which stated in the foreword that the book was "meticulous" and written with a "fanatical respect for accuracy" (p. 2) - but under cross-examination by defence lawyer Doug Christie in the Zündel case in 1985, Vrba immediately backtracked and admitted that the book was merely an "artistic expression" which belonged to the "realm of a literary afternoon."

Kurt Gerstein, heavily relied upon by Holocaust historian Raul Hilberg as a witness to the Holocaust was admitted by Hilberg to have been a person who had spoken "pure nonsense." ("Expert's Admission: Some gas death 'facts' nonsense" *Toronto Sun* January 17, 1985)

Filip Müller, another important witness for the gas chambers, claimed in his book *Eyewitness Auschwitz* that muscles of those who had been shot were cut from their legs by the Nazis and thrown into a bucket. He claimed the muscles "were still working and contracting, making the bucket jump about."

Arnold Friedman, a prosecution witness in the 1985 Zündel trial, testified that he could tell the difference between skinny people and fat people from the colour of the flames at the crematory at Auschwitz.

Dr. Henry Heller , was "saved" at Auschwitz when a former colleague, a German, recognized him as he was being led to the gas chambers and "mercifully turned on the water instead of the gas." (*Chicago Tribune* May 4, 1975.)

Rudolf Kauer , a former inmate of Auschwitz, admitted he lied when he accused former Auschwitz personnel of beating a Polish girl on her breasts with a bullwhip, ripping one breast off. "I lied," he said, "That was just a yarn going about the camp. I never saw it." (*Miami Herald* July 7, 1964.)

Moshe Peer was sent to the gas chamber at least six times at Bergen-Belsen and lived to tell. "Maybe children resist better, I don't know," he said. Peer hasn't heard yet that no reputable historian claims there were gas chambers at Belsen. ("Surviving the horror", *Montreal Gazette*, August 5, 1993)

JUDGE THE CREDIBILITY OF THESE PEOPLE FOR YOURSELF.

7. HOLOCAUST CLAIM - MILLIONS WERE CREMATED AT AUSCHWITZ

Olga Lengyel, another important witness for the Holocaust Lobby, claimed that 1,314,000 Jews were gassed and cremated at Auschwitz in only three months (May, June and July of 1944) and that these statistics were provided to her by a doctor who had worked in the crematory. She claimed that 3 bodies could be burned in a crematory retort in half an hour and that 17,280 people were gassed and burned every 24 hours. (*Five Chimneys: The Story of Auschwitz*)

Raul Hilberg claimed that the Birkenau crematories could cremate 4,400 corpses daily under optimum conditions. (*The Destruction of the European Jews*)

THESE CLAIMS ARE PREPOSTEROUS
AND WERE DEMOLISHED BY THE EXPERT TESTIMONY OF CANADIAN
CREMATORY MANAGER IVAN LAGACE
AT THE TRIAL OF ERNST ZÜNDEL IN 1988.

Lagacé examined the building plans of the crematories at Birkenau and testified that the maximum number of bodies that could have been cremated daily at Birkenau was 184. Lagacé termed Hilberg's figure "preposterous" and "beyond the realm of reality." It takes 2 hours for a modern crematory to cremate one body. This time could not have been exceeded by the Birkenau crematories. The Holocaust Lobby has never produced one cremation expert to substantiate their claims.

Crematories were built at Auschwitz in 1942 to help stop the typhus epidemic then raging through the camp. Typhus was incurable and highly contagious. Victims of the disease (including Nazi personnel) could not be buried due to the

extremely high water table at Auschwitz. Even today in Canada, strict procedures are in force to deal with corpses infected with typhus. Protective clothing must be worn, and the clothing and container in which the corpse was put must be destroyed. In the case of typhus, Lagacé testified that the medical officer would likely order a direct cremation as this was the most effective way of dealing with something that volatile.

THE CREMATORIES AT AUSCHWITZ WERE BUILT TO SAVE LIVES BY
DISPOSING OF THE BODIES IN A MANNER BEST SUITED TO CONTAINING
THE TYPHUS EPIDEMIC. FOR THIS, GERMANS WERE HANGED.

APPENDIX II

WHAT IS "HOLOCAUST DENIAL"?

Within minutes of the release of the Supreme Court of Canada's decision overturning the conviction of Ernst Zündel and striking down the "false news" law, representatives of Canadian Jewish organizations appeared before television cameras with dire predictions that they would make sure that Zündel would be charged under the "hate" provisions of the *Criminal Code* if he continued with his Holocaust denial activities. There is nothing new in the demand of the Jewish organizations that "Holocaust denial" be prosecuted as "hate" under the criminal law. In a letter published in the *Globe and Mail* on Jan. 22, 1992, David Matas, Senior Counsel for the League for Human Rights of B'nai Brith Canada, called for the prosecution of Malcolm Ross for "Holocaust denial." Wrote Matas: "The Holocaust was the murder of six million Jews, including two million children. Holocaust denial is a second murder of those same six million. First their lives were extinguished; then their deaths. A person who denies the Holocaust becomes part of the crime of the Holocaust itself."

But before Crown authorities commit themselves to any further criminal charges against Zündel or anyone else because they are allegedly "Holocaust deniers", they should ask two important questions - what is the "Holocaust" and what will constitute "denial"?

Will someone be a "Holocaust denier" because he does not believe that the six million Jews referred to by David Matas died during World War II? Certainly, the six million figure was cited by the International Military Tribunal at Nuremberg. It found that "the policy pursued [by the Nazis] resulted in the killing of six million Jews, of which four million were killed in the extermination institutions." Yet if that is so, then several of the most prominent Holocaust historians would be subject to criminal prosecution. Professor Raul Hilberg, the author of *The Destruction of the European Jews* doesn't believe that six million Jews died. He puts the total at 5.1 million. Gerald Reitlinger, the author of *The Final Solution* didn't believe in the six million either. He estimated the figure to be a high of 4.6 million and admitted that the figure was conjectural due to lack of reliable information.

Will someone be a "Holocaust denier" if he says that the Nazis didn't use Jewish fat to make soap? The International Military Tribunal, which had all the evidence before it to be able to decide whether this allegation was true or not (including actual bars of soap), held in its judgment of October 1, 1946 that "in some instances attempts were made to utilize the fat from the bodies of the victims in the commercial manufacture of soap." Then, in 1990, Israeli historians at Yad Vashem (Israel's Holocaust Remembrance Authority) admitted that the soap story wasn't true. "Historians have concluded that soap was not made from human fat. When so many people deny the Holocaust ever happened, why give them something to use against the truth?", said Shmuel Krakowski of Yad Vashem. (*Globe & Mail*, April 25, 1990)

Will someone be a "Holocaust denier" if he says that the meeting of Nazi bureaucrats at Wannsee on January 20, 1942, was not a meeting for the purpose of coordinating the systematic mass murder of Europe's Jews? Gunther Plaut of Holy Blossom Temple in Toronto recently wrote on the fiftieth anniversary of this meeting that it was "a conference, surely the most macabre in recorded history...calmly discussing a task. Rounding up millions of men, women and children" who were ultimately murdered in "extermination camps." If Plaut is right, then Israeli Holocaust historian Yehuda Bauer must be wrong and a "Holocaust denier" to boot. With people like Plaut probably in mind, Bauer was quoted as saying at a recent London conference: "The public still repeats, time after time, the silly story that at Wannsee the extermination of the Jews was arrived at." In Bauer's opinion, Wannsee was a meeting but "hardly a conference" and "little of what was said there was executed in detail." (*Canadian Jewish News*, Jan. 30, 1992)

Will someone be a "Holocaust denier" if he says that there was no policy to exterminate the Jews because no Hitler order for such a policy exists? Once upon a time the answer would have been 'yes'. In 1961, for example, Raul Hilberg wrote in his book, *The Destruction of the European Jews* that there were two Hitler orders for the destruction of Europe's Jews, the first given in the spring of 1941 and the second shortly thereafter. But by 1985 and the publication of his second, revised edition, Hilberg was not so sure. In a review of Hilberg's revised edition, historian Christopher Browning wrote: "In the new edition, all references in the text to a Hitler decision or Hitler order for the 'Final Solution' have been systematically excised. Buried at the bottom of a single footnote stands the solitary reference: 'Chronology and circumstances point to a Hitler decision before the summer ended.' In the new edition, decisions were not made and orders were not given." ("The Revised Hilberg", *Simon Wiesenthal Annual* Vol. 3 (1986), p. 294).

The controversy over the lack of a written Hitler order has fractured Holocaust historians into the "intentionalists" and the "functionalists"; the former believing there was a premeditated plan with Hitler at the top and the latter believing that Nazi Jewish policy evolved at lower levels in response to circumstances. But the point is, they cannot show either a plan or an order notwithstanding the capture of literally tons of German documents after the war. This was admitted by Hilberg at Zündel's trial.

So what will constitute "Holocaust denial"? Surely, if one claimed that most people at Auschwitz died from disease and not systematic extermination in gas chambers, this would be cause for prosecution. But perhaps not. Jewish historian, Arno J. Mayer, of Princeton University in his 1988 book *Why Did The Heaven's Not Darken?: The "Final Solution" in History* writes at page 365: "...from 1942 to 1945, certainly at Auschwitz, but probably overall, more Jews were killed by so-called 'natural' causes than by 'unnatural' ones."

Even the number of people who died at Auschwitz, the main alleged extermination centre, is not clear-cut. For 45 years after World War II, the monument at Auschwitz read: "Four Million People Suffered and Died Here at the Hands of the Nazi Murderers Between the Years 1940 and 1945." During a

visit to the camp in June of 1979, Pope John Paul II stood before this monument and blessed the 4 million victims. Would it be "Holocaust denial" to deny these four million deaths? Not today. In 1990, the Auschwitz Museum removed the words from the stone monument, admitting that the 4 million figure was grossly exaggerated. The toll has been tentatively put at 1.1 million, but the release by the Soviet Union in 1990 of the Auschwitz death register books has complicated matters further. They show a death toll in the camp during the war of approximately 74,000 people. Arno Mayer admits these are open questions. At page 366 of his book he states: "...many questions remain open...All in all, how many bodies were cremated in Auschwitz? How many died there all told? What was the national, religious, and ethnic breakdown in this commonwealth of victims? How many of them were condemned to die a 'natural' death and how many were deliberately slaughtered? And what was the proportion of Jews among those murdered in cold blood - among these gassed? We have simply no answers to these questions at this time."

How about denial that "gas chambers" existed? Here too, Mayer makes a startling statement at page 362 of his book: "Sources for the study of the gas chambers are at once rare and unreliable." Mayer believes there is no question that gas chambers did exist at Auschwitz, but points out that "[m]ost of what is known is based on the depositions of Nazi officials and executioners at postwar trials and on the memory of survivors and bystanders. This testimony must be screened carefully, since it can be influenced by subjective factors of great complexity." One example of this might be the evidence of Rudolf Hoess, one of the three commandants of Auschwitz. At Nuremberg, the International Military Tribunal quoted from Hoess' evidence at length in its judgment to support its findings of extermination. But today, with the publication of the book *Legions of Death* by Rupert Butler (*Hamlyn Paperbacks, Great Britain, 1983*) is now known that Hoess was beaten almost to death prior to making the statements relied upon by the Nuremberg Tribunal. His wife and children were threatened with the firing squad and with deportation to Siberia. In Canada today, Hoess' statement would not be admissible in any court of law. He claimed that an extermination camp called "Wolzek" existed; it is now known there was no such camp. He claimed 2,500,000 people were exterminated in Auschwitz and that a further 500,000 died of disease; today, no historian can uphold these figures. It is obvious that Hoess was willing to say anything, sign anything and do anything to stop the torture and to try to save himself and his family.

Mayer also calls for "excavations at the killing sites and in their immediate environs..." to determine more about the gas chambers. Two such forensic studies have now been made. The first was conducted in 1988 by execution equipment consultant, Fred A. Leuchter, Jr., of Boston, Massachusetts. Leuchter was commissioned by Zündel during his 1988 "false news" trial to examine Auschwitz, Birkenau and Majdanek to determine if the places alleged to have been gas chambers could in fact have been used as such. Leuchter's conclusion, based on examination of the alleged gas chambers and the analysis of samples taken from the walls and floors, was that the sites could not have been used and were not used as homicidal gas chambers. Analysis of the samples taken from

the walls of the alleged gas chambers showed either no or extremely small traces (1.1 to 7.9 mg/kg) of cyanide, the chief component of Zyklon B, the insecticide allegedly used by the Nazis to murder the victims. A forensic examination and subsequent report commissioned by the Auschwitz Museum has confirmed Leuchter's findings that minimal or no traces of cyanide can be found in the sites alleged to have been gas chambers. The significance of this is evident when forensic examination of disinfection facilities at Auschwitz where Zyklon B was used to delouse mattresses and clothing, showed massive traces of cyanide (1050 mg/kg) in the walls and floor. The Auschwitz Museum still maintains that the sites were used as gas chambers, but obviously the results of these forensic reports has thrown the issue open to further investigation. In fact, further examinations are being planned by Polish authorities. A third study of the problem was made this year by the Austrian engineer Walter Lüftl. Lüftl called the alleged mass extermination of Jews in gas chambers "technically impossible." Lüftl is not a right-wing fanatic. He is the president of Austria's Chamber of Engineers and a respected expert witness in court cases.

So what will constitute "Holocaust denial"? Those who so vehemently advocate criminal prosecution of "Holocaust deniers" seem to be living still in the world of 1946 where the Nuremberg Tribunal has just given its judgment concerning what happened to the Jews during World War II. But the findings of the Nuremberg Tribunal can no longer be assumed to be valid today. Because it relied upon such questionable evidence, as that of Rudolf Hoess, more and more of its basic findings are being debunked. The courts of Canada are not the place to resolve historical debates. Why should the taxpayers of Canada in these recessionary times be handed yet another massive bill in the millions of dollars to finance historical debates in criminal courtrooms because some special interest group doesn't like someone's opinion? Whether it is politically correct or not, there is a growing controversy over what happened to the Jews during World War II. Let this matter be resolved as all other historical controversies are resolved: with free and open inquiry and debate in our journals, newspapers and classrooms.

APPENDIX III

GERMAN LAWS AGAINST HOLOCAUST REVISIONISM

In 1991, Fred Leuchter, an American expert in execution technology and an expert witness at Zündel's 1988 "false news" trial in Toronto, gave a lecture on his findings regarding the alleged gas chamber installations at the concentration camps of Auschwitz and Majdanek to the National Democratic Party headed by Günter Deckert. Deckert, bilingual in both German and English, interpreted the lecture to attendees at the meeting and subsequently sold videos of the lecture in Germany. Deckert was later charged with inciting racial hatred by propagating Holocaust revisionism.

In October of 1993, ten minutes before Leuchter was to appear as an invited guest on one of Germany's most popular TV talk show programmes, he was arrested at the television studios on charges of contravening the Auschwitz law and agitating the people. The police making the arrest told the show's shocked producer that **"the decision to arrest Leuchter was political because his appearance on television would have damaged Germany's image."**

In March of 1994, Germany's Federal Court of Justice overturned Deckert's conviction, holding that denying the Holocaust did not in itself constitute incitement to racial hatred. The court ordered a new trial for Deckert to determine whether Deckert sympathized with Nazi beliefs.

However, in April of 1994, the Supreme Court of Germany gave a contradictory ruling in another case stating that Holocaust revisionism fell within the purview of the law.

In the meantime, Deckert was tried again by a three judge panel who held that he was a Nazi sympathizer. However, the panel sentenced Deckert to only a suspended one-year jail sentence and a small fine on the grounds that he had only expressed an opinion that came from his heart, was a good family man, and was only trying to strengthen German resistance to incessant Jewish demands.

The Deckert case created a storm of controversy in the media which even created a new word in the German vocabulary - "Richterschelde" - which meant "admonishing judges." Prior to the Deckert case, this was extremely unusual and even illegal because German judges were supposed to be aloof from public criticism. Two of the judges sitting on the Deckert case were immediately relieved of their duties because of "long-term illness", the only ground upon which the German government could immediately remove them.

On appeal, the Federal Court of Justice quickly overturned this sentence and ordered another trial for Deckert.

In 1994, in response to the Deckert case and the pressure exerted by the Federation of Jewish Communities, Germany passed a new law making Holocaust revisionism in and of itself a criminal offence. A spokesman for the Federation of Jewish Communities of Germany, Michael Friedman, expressed the reason for the law: it was a highly symbolic move in the **"democratic Germany that was established under the condition that it would accept responsibility for the history of the Third Reich and the Holocaust."** Friedman expressed fury that Holocaust revisionism was not illegal in Canada., thus allowing Zündel to send revisionist information into Germany. (Globe & Mail, May 21, 1994)

International human rights groups have protested the anti-Holocaust revisionist laws in Germany. The distinguished legal authority on human rights, Ronald Dworkin, wrote an article entitled "The unbearable cost of liberty" published in the Index on Censorship in 1995 dealing with the Leuchter and Deckert cases. He wrote:

"The German Constitution guarantees freedom of speech. What justifies this exception? It is implausible that allowing fanatics to deny the Holocaust would substantially increase the risk of fascist violence in Germany. Savage anti-Semitic crimes are indeed committed there, along with equally savage crimes against immigrants, and right-wing groups are undoubtedly responsible for much of this. But these groups do not need to deny that Hitler slaughtered Jews in order to encourage Hitler worshippers to attack Jews themselves. Neo-Nazis have found hundreds of lies and distortions with which to inflame Germans who are angry, resentful and prejudiced. Why should this one be picked out for special censorship, and punished so severely?"

Dworkin warned that:

"We must not endorse the principle that opinion may be banned when those in power are persuaded that it is false and that some group would be deeply and understandably wounded by its publication...The Muslim fundamentalists who banned Salman Rushdie were convinced that he was wrong, and they, too, acted to protect people who had suffered deeply from what they took to be outrageous insult...Beware principles you can trust only in the hands of people who think as you do."

Human Rights Watch/Helsinki dealt with the German anti-Holocaust revisionist laws in its 1995 publication "Germany for Germans: Xenophobia and Racist Violence in Germany." After reviewing Germany's laws and recent cases such as Deckert and Althans, it stated:

"Human Rights Watch/Helsinki acknowledges that the tragedy of the Holocaust is the historical context in which such laws were adopted. We

also recognize that, by more rigorously enforcing these laws, the German government has underscored the seriousness with which it views the danger posed by right-wing extremists. Nevertheless, Human Rights Watch/Helsinki believes that such measures seriously restrict the protected right to freedom of expression, association and assembly. We are mindful of the fact that international human rights law provides different and conflicting standards in this area and base our position on a strong commitment to freedom of expression as a core principle of human rights. (...)

Certainly those whose expressive activities constitute a direct and immediate incitement to violence can and should be prosecuted to the fullest extent of the law. But sweeping restrictions that affect entire parties, organizations or philosophies inevitably cast too broad a net; they can be used to suppress dissenting political movements of all sorts and often encourage gratuitous restrictions beyond those initially foreseen. (...)

Our own research has shown that such restrictions are often misused by majoritarian governments against minorities. It is our view that it is inherently dangerous for governments to have the power to determine which political philosophies are 'threatening'; power that invites abuse against political foes." (pp. 70-77)

APPENDIX IV

THE OFFICIAL PERSECUTION OF ERNST ZÜNDEL IN CANADA A CHRONOLOGY

POSTAL BAN

(This ban was instigated by Sabina Citron of the Canadian Holocaust Remembrance Association and Simon Wiesenthal of Austria. The ban was made on the grounds that Zündel was using the mails to "incite hatred" against Jews. The Board of Review restored Zündel's mailing privileges on the grounds that his writings did not constitute "hatred.")

Postal ban imposed November 13, 1981
Board of Review Hearings held February 22, 23, 24,
..... March 11, 12, 1982
Revocation Order restoring mailing privileges issued November 15, 1982

CRIMINAL "FALSE NEWS" CHARGES LAID BY SABINA CITRON

(Citron laid two charges alleging Zündel had "spread false news" about the Holocaust in the book "Did Six Million Really Die?" and about Jews and bankers in "The West, War and Islam." The charges were later taken over by the Crown.)

Private Charge laid November 18, 1983

PRELIMINARY INQUIRY

Held on June 18, 20, 21, 22,
..... 26, 27 1984
Judge Provincial Court
..... Judge W. P.
Hryciuk

FIRST TRIAL

Formal indictment laid July 26, 1984
Trial Commenced January 7, 1985
Judge County Court Judge
..... Hugh Locke
Length of trial 39 days
Date of Conviction February 28, 1985
Date of Sentence March 25, 1985
Sentence imposed 15 months plus
..... probation for 3
years

DEPORTATION PROCEEDINGS

Deportation Inquiry Ordered April 12, 1985
Deportation inquiry April 29, 1985
Deportation Order issued April 29, 1985
Notice of Appeal filed April 29, 1985
Immigration Appeal Board appeal heard June 25, 1987
Deportation order quashed as contrary to law July 7, 1987

FIRST APPEAL TO THE ONTARIO COURT OF APPEAL

Appeal filed March 20, 1985
Appeal allowed January 23, 1987

CROWN APPLICATION FOR LEAVE TO APPEAL TO THE SUPREME COURT OF CANADA

Application for leave to appeal filed March 3, 1987
Application argued April 7, 1987
Application dismissed June 4, 1987
Attorney General Ian Scott announced second trial June 4, 1987

THIRD CHARGE LAID BY SABINA CITRON OF FALSE NEWS (RE "RADIO NOON" TALK SHOW ON CBC NETWORK ON JANUARY 30, 1987)

Private charge laid for comments on talk show August 25, 1987
Charge withdrawn by Crown September 18, 1987

APPLICATION TO INTERVENE BY SABINA CITRON AND THE CANADIAN HOLOCAUST REMEMBRANCE ASSOCIATION (Citron and the CHRA applied to intervene in the second trial for the purpose of ensuring that the trial judge took judicial notice of the "Holocaust.")

Motion to intervene..... December 22, 1987
Motion denied..... December 22, 1987

SECOND TRIAL ON "FALSE NEWS" CHARGE

Trial Commenced January 18, 1988
Judge District Court Judge
..... Ronald Thomas
Length of trial 61 days
Date of Conviction May 11, 1988
Date of Sentence May 13, 1988
Sentence 9 months

SECOND APPEAL TO ONTARIO COURT OF APPEAL

Appeal filed..... May 11, 1988
Appeal heard (Brooke, Morden & Galligan) September 18-22,
..... 1989
Appeal dismissed February 5, 1990

APPEAL TO SUPREME COURT OF CANADA

Application for leave to appeal filed February 7, 1990
Leave granted to appeal November 15, 1990
Appeal allowed; Zündel acquitted August 27, 1992

**CRIMINAL COMPLAINT LAID BY THE CANADIAN JEWISH CONGRESS
AGAINST ZÜNDEL FOR "INCITING HATRED"**

(The CJC filed a 71 page brief with police alleging that Zündel had "incited hatred" in comments made in media interviews after his acquittal by the Supreme Court of Canada. Included in the brief was the book "Did Six Million Really Die?".)

Complaint laid with police against Zündel..... August 31, 1992
Police refuse to lay charges on grounds that Zündel's
comments did not constitute "inciting hatred" March 5, 1993

**CANADIAN JEWISH CONGRESS PUBLICALLY CALLS FOR ZÜNDEL TO
BE CHARGED FOR "INCITING HATRED"**

(The CJC called for the Ontario Attorney General to prosecute Zündel for the film "Profession: Neonazi" aired on TVO television network)

CJC call for prosecution..... March 29, 1995

FOURTH AND FIFTH CHARGES LAID BY SABINA CITRON

(These charges alleged conspiracy to "incite hatred" against Jews and "criminal defamatory libel" of named Jewish individuals including Deborah Lipstadt, Simon Wiesenthal, Beate Klarsfeld, Rabbi Cooper, Michael Berenbaum. The charges were supported by the Canadian Jewish Congress which filed a 200 page brief in support of the prosecution.)

Private charge November 7, 1995
First Appearance December 19, 1995
Second Appearance (scheduled for)..... February 9, 1996
Charges withdrawn by Crown because of
insufficient evidence to support charges March 15, 1996

NOTES:

This chronology does not include the numerous court and harassment actions taken by the German and Austrian governments against Zündel since 1980 when

the German government illegally seized Zündel's bank accounts and his passport.

It should also be noted that during most of the seven years from his first "false news" conviction in 1985 to his acquittal in 1992, Zündel was under a sweeping gag order as part of his bail conditions as follows:

"Not publish directly or indirectly by publishing or speaking in public anything in support of or in furtherance of the views and assertions of fact expressed in the publication that is the subject of the appellant's conviction."

This order prevented Zündel from speaking about the policy and actions of Nazi Germany regarding the Jewish people in Europe during World War II, revisionism or any matter contained in "Did Six Million Really Die?" for seven years.