In 2005 Germar Rudolf, a peaceful dissident and publisher of revisionist literature, was kidnapped by the U.S. government and deported to Germany. There he was put on trial for his historical writings. During this trial his defense lawyers were prohibited under the threat of prosecution from filing motions in support of Rudolf's historical views. All motions filed by Rudolf's defense team directed at proving that his writings are scientific in nature and are therefore protected by the German constitution were rejected by the court. Academics willing to confirm as expert witnesses the scholarly nature of Rudolf's writings were barred from testifying.

Confronted with this kafkaesque situation, Rudolf gave a speech in court lasting through seven days' sessions. In it he elucidated what science is and how to recognize its exemplars. He proved that his writings undoubtedly qualified. He demonstrated moreover why the German laws designed to suppress peaceful dissidents are unconstitutional and in violation of human rights. Furthermore he explained in detail why it is everyone's obligation to resist in a non-violent way a state which throws peaceful dissidents into dungeons.

The court was hardly moved by Rudolf's arguments. It sentenced him to 30 months imprisonment and ordered Rudolf's *opus magnum*, his *Lectures on the Holocaust*, to be confiscated and burned under police supervision. In addition, the public prosecutor initiated another criminal investigation against Rudolf, because he had tried to publish his defense speech from his prison cell.

After Rudolf had served his full prison term, he was released from prison in the summer of 2009 but also put under a three-years lasting "conduct supervision" by the German authorities. After this restriction was rescinded in the summer of 2011 due to his emigration to the U.S., his defense speech in support of liberty finally sees the light of day.

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GERMAR RUDOLF RESISTANCE IS OBLIGATION

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15 November 2006 to 29 January 2007

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Cover: In the background Galileo Galilei. Below from left to right and top to bottom: Martin Luther, Nicolaus Copernicus, Karl. R. Popper, Henry David Thoreau, Mahatma Gandhi.

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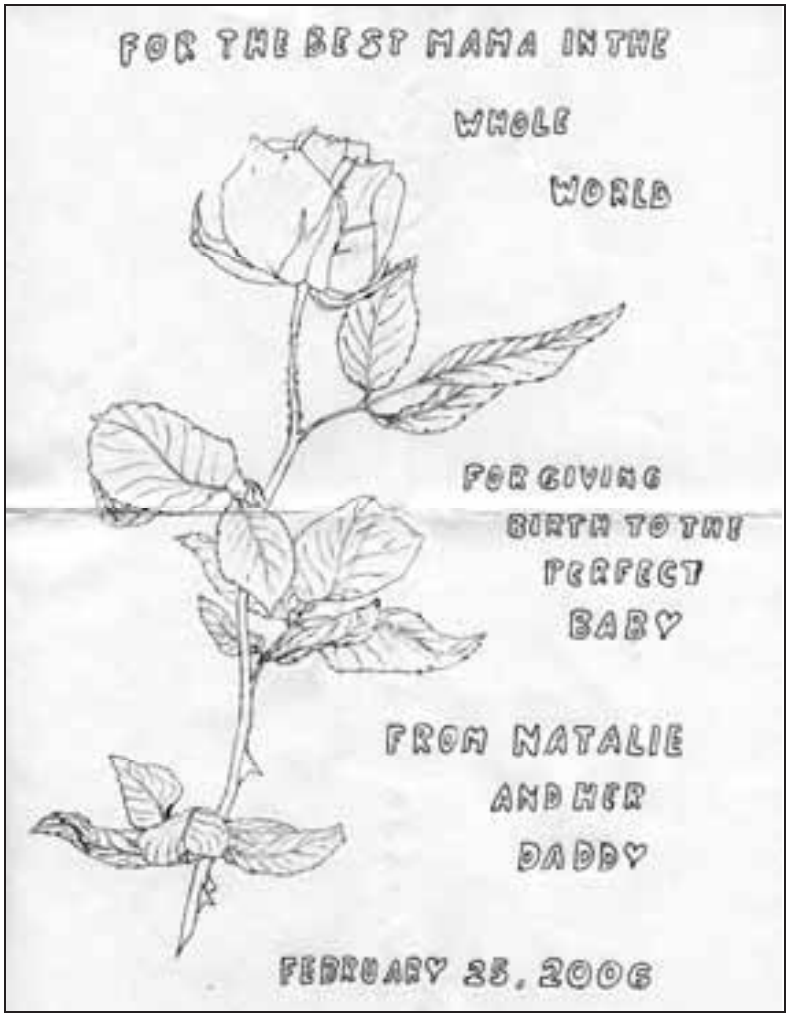

Birthday, © Germar Rudolf 2006

A little over two months after my arrest in the U.S. and after my deportation to Germany, at the beginning of the Christmas church service of 2005 in the Stuttgart-Stammheim penitentiary, every inmate received a red rose. I tied mine to a shelf board in my cell so that it would dry. Not quite two months later I drew this rose with a ball point pen based on my shriveled-up dry rose (unshriveling it in my mind) and sent it to my wife on occasion of the first birthday of our daughter. This was the start of roughly two years of artistic activities behind bars. Some of the pencil drawings on paper are reproduced in this book.

Foreword by Daniel McGowan

I am Not a Holocaust Denier

I have never voiced or written an opinion on the veracity of the sacred tenets of the predominant contemporary Holocaust narrative. Those who support that narrative[1] and those who would revise it both agree that these tenets can be reduced to three simple beliefs, namely

1) that six million Jews were murdered by the Nazis,
2) that Hitler had plans to exterminate, not just expel Jews, and
3) that homicidal gas chambers constituted the most diabolical Nazi instrument of mass execution.

Since I still enjoy traveling to several of the fourteen countries that have made it illegal to question these beliefs and since at age 66 I have no desire to fight lengthy legal battles or be imprisoned for expressing contrary points of view, I keep these opinions to myself.

I am Also Not an Anti-Semite

At least I do not think I am according to the classical definition meaning one who bears prejudice against or hostility toward Jews often rooted in hatred of their ethnic background. But I may be anti-Semitic by the more contemporary and silly use of the term as an epithet against anyone whose discourse and interests are regarded by many Jews with hostility, prejudice, and hatred. Hence my work to speak truth to Zionism, my involvement in the struggle for Palestinian human rights, my memorialization of the massacre of Arabs at Deir Yassin, my persistent criticism of Elie Wiesel, my friendship with known Jewish anti-Zionists (e.g., Paul Eisen, Gilad Atzmon, Rich Siegel, and Henry Herskovitz), and my meeting of "known" revisionists all cause some detractors to smear me and to pressure Hobart and William Smith Colleges to rescind my status as faculty emeritus.

The anti-Semitic line is not easy to define. To hard-core Zionists saying anything positive about Palestinians will warrant smearing you as an anti-Semite, or as Paul Eisen put it:[2]

> *"Although the crimes against the Palestinian people are being committed by a Jewish state with Jewish soldiers using weapons*

[1] www1.yadvashem.org/yv/en/holocaust/insights/video/holocaust_denial.asp
[2] Paul Eisen, "Jewish Power," 2004, see: http://righteousjews.org/article10.html

with Jewish religious symbols all over them, and with the full support and complicity of the overwhelming mass of organized Jews worldwide, to name Jews as responsible for these crimes is impossible, at least in the western world."

But even ignoring the violent history in the decades-long formation of a Jewish state in Palestine – the mere citing of undisputed demographic statistics showing that over half the people within the borders Israel controls are not Jewish is enough to invoke the same anti-Semitic smear. If after six decades of ethnic cleansing over half the population is not Jewish, can we really say that the struggle to create a Jewish state has been successful? To even ask the question is enough to mark you as an anti-Semite.

While more "liberal" Jews would not slime you with anti-Semitism for merely defending Palestinians and their history, most consider it "beyond the pale" if you question the Holocaust or belittle Elie Wiesel. And virtually 99 percent of Jews smell anti-Semitism if you say anything positive about Ernst Zündel, Germar Rudolf, Arthur Butz, Robert Faurrison, Michael Hoffman II, or Richard Williamson. Your Jewish friends are no help, for they, too, will be labeled anti-Semitic or self-haters or worse.

I Like to Go to Holocaust Museums

That is where the message of Jewish victimhood and Jewish innocence is most carefully choreographed. My favorite is Yad Vashem on the west side of Jerusalem. The museum is beautiful, and the message "never to forget man's inhumanity to man" is timeless. The children's museum is particularly heart-wrenching; in a dark room filled with candles and mirrors, the names of Jewish children who perished during World War II are read aloud with their places of birth. Even the most callous person is brought to tears. But upon exiting this portion of the museum, a visitor is facing north and is looking directly at Deir Yassin. There are no markers, no plaques, no memorials, and no mention from any tour guide of the massacre of Arab civilians by Jewish terrorists that took place there on April 9, 1948. But for those who know what they are looking at, the juxtaposition of "Never Forget" and "Never Mind" is startling.

Someday, hopefully within my lifetime, the idea of an ethnocentric Jewish state will be replaced by one state with equal rights of citizenship for all. This is such a basic American idea, and yet it is totally rejected by 9 out of 10 Americans raised on a steady diet of Holocaust movies, docu-dramas, books, and articles generated in our pro-Zionist mainstream media.

Yad Vashem may remain as a testament to the Third Reich's genocide of Jews, but it will be balanced by a truth and reconciliation center in the old Arab buildings of Deir Yassin 1,400 meters to the north. There the brutal truth about the creation of Israel and the dispossession, discrimination, and dehumanization of the Palestinian people will be displayed instead of being hidden by Zionist propaganda or *hasbara* that even today continues to deny that there are Palestinians and not just Arabs who immigrated there as Israel worked to "make the desert bloom" in "a land without people for a people without land."

In all Holocaust memorials the uniqueness of Jewish suffering is stressed. In a delightfully refreshing essay Paul Eisen writes:[3]

> *"It is understandable that Jews might believe that their suffering is greater, more mysterious and meaningful than that of any other people. It is even understandable that Jews might feel that their suffering can justify the oppression of another people. What is harder to understand is why the rest of the world has gone along with it.*
>
> *That Jews have suffered is undeniable. But acknowledgement of this suffering is rarely enough. Jews and others have demanded that not only should Jewish suffering be acknowledged, but that it also be accorded special status. Jewish suffering is held to be unique, central and most importantly, mysterious.*
>
> *Jewish suffering is rarely measured against the sufferings of other groups. Blacks, women, children, gays, workers, peasants, minorities of all kinds, all have suffered, but none as much as Jews. Protestants at the hands of Catholics, Catholics at the hands of Protestants, pagans and heretics, all have suffered religious persecution, but none as relentlessly as Jews. Indians, Armenians, Gypsies and Aborigines, all have been targeted for elimination, but none as murderously and as premeditatedly as Jews.*
>
> *Jewish suffering is held to be mysterious, and beyond explanation. Context is rarely examined. The place and role of Jews in soci-*

[3] Paul Eisen, "Speaking the Truth to Jews," http://righteousjews.org/article19.html

ety – their historical relationships with Church and state, landlords and peasantry – is hardly ever subject to scrutiny, and, whilst non-Jewish attitudes to Jews are the subject of intense interest, Jewish attitudes to non-Jews are rarely mentioned. Attempts to confront these issues are met with suspicion, and sometimes hostility, in the fear that explanation may lead to rationalization, which may lead to exculpation, and then even to justification."

Holocaust museums are fascinating both for what they display and for what they deliberately hide. Consider the "six million" figure. After World War II the Americans claimed that the Third Reich had murdered over 20 million people of which 6 million were Jews. By the time the Holocaust museum was built in Washington, that figure was revised downward to 11 million of which 6 million were Jews. Now Wiesel, Lipstadt, and other "experts" contend that the figure is even lower, except, of course for the six million Jews. Even when the death toll at Auschwitz was revised downward from 4 million to 1.5 million, the sacrosanct six million figure remained unchanged. And no museum notes that the six million figure was bantered about long before the Nazis came to power; for example, Martin Glynn, former Governor of New York, wrote of a "threatened holocaust" of six million Jews in the "tyranny of war and a bigoted lust for Jewish blood" in *The American Hebrew* in October 1919.[4]

All Holocaust museums pay homage to the man who more than any other living person has crafted, packaged, and sold the Holocaust as the sword and shield of political Zionism. If the Holocaust Industry had a CEO, surely it would be Elie Wiesel. Although he is considered "a terrible fraud" by Noam Chomsky and a "clown" by Norman Finkelstein, Wiesel's best-selling "memoir" *Night* has framed the current Holocaust narrative for over 50 years. And yet Wiesel's own stories support the revisionists' contentions far more than any Holocaust museum is willing to admit.

[4] http://balder.org/judea/American-Hebrew-October-31-1919-The-Crucifixion-Of-Jews-Must-Stop-Martin-H-Glynn-Six-Million.php; for more such statements see Don Heddesheimer's *The First Holocaust. Jewish Fund Raising Campaigns With Holocaust Claims During & After World War One*, reprint The Barnes Review, Washington, DC, 2011.

I am Fascinated by the Deconstruction of Elie Wiesel

For a survivor of Third Reich persecution to parley a 120-page "memoir" into the basis of an industry and himself into an icon of moral authority, sought by Presidents and Prime Ministers the world over, is an astonishing feat worthy of a Nobel Prize and every other civilian honor. Yet it is Elie Wiesel's very testimony that gives credence to the doubts of Holocaust revisionists. And his vehement denunciation of Holocaust denial leads careful readers to think this "windbag and poseur"[5] doth protest too much.

The tenet of a deliberate Nazi policy to exterminate all the Jews of Europe is undermined by the fact that the Wiesel family and other Hungarian Jews were not arrested and sent to labor camps until May 1944, when the war had already turned against the Germans. Elie and his two older sisters survived two concentration camps in the worst period of the war; his father died of disease; his mother and little sister likely perished with typhus. Most of Wiesel's other relatives survived; none was gassed that we know of.

Yet Wiesel conflates a "crematorium" with a "gas chamber" and claims there were "thousands of people who died daily in Auschwitz and Birkenau, in the crematoria […]."[6] Surely he knows that this is not true; crematoria are used to dispose of the bodies of those who have already died; they are not used as an instrument of mass murder. Most of those who died in concentration camps in 1944-45 died of disease or were executed by shooting. Of course others died from overwork, exhaustion, hanging, beating, etc. – but thousands did not die daily in the crematoria.

Wiesel insists Auschwitz was a death camp, part of Hitler's Final Solution, which he defines as a deliberate plan to exterminate all European Jews. But his description of an ambulance at Auschwitz to take a sick prisoner to the hospital,[7] his joy of being put in a hospital bed with white sheets, and his statement that "Actually, being in the infirmary was not bad at all: we were entitled to good bread, a thicker soup," all support the revisionists' opinion that Auschwitz was a labor complex and a transfer camp, not one designed to exterminate enemies of the Third Reich.

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5 www.thenation.com/doc.mhtml?i=20010219&s=hitchens
6 *Night*, p. 62.
7 *Ibid*., p. 77

Moreover, his decision to leave Auschwitz with the Nazis rather than be liberated by the Russians suggests that he considered the Nazis to be preferable, hardly an attitude for a prisoner in a death camp. In *Night* he claims the Russians liberated Auschwitz two days after he was evacuated to Buchenwald;[8] in *All Rivers Run to the Sea* he says it was nine days later.[9] The difference matters little for a novel, but Wiesel has sworn under oath that what he said in *Night* is historical truth. "It is a true account. Every word in it is true."[10]

Wiesel told Francois Mauriac (and Mauriac's account is related in the preface to *Night*) that he "had seen his mother, a beloved little sister, and most of his family, except his father and two other sisters, disappear in a furnace fueled by living creatures."[11] Later he admits that he did not know how or when his mother and sister perished. Certainly there were no furnaces at Auschwitz fueled by living creatures; there and at every other prison camp run by the Third Reich crematoria were fueled by coal gas.

It is also ironic that the Wieselian narrative makes little mention of the most diabolical execution machine attributed to the Third Reich, namely homicidal gas chambers. In *Night* he first uses the word "gassed" on page 68 and then not again. He describes beating, shooting, hanging, flaming pits, exhaustion, forced labor, cold, and starvation, but no gas chambers – not even rumors. Why? Is this omission another simple oversight or could the revisionists' third contention indeed have validity?

In the preface to the new translation of *Night* Wiesel claims, "Ilse Koch, the notorious sadistic monster of Buchenwald, was allowed to have children and live happily ever after." Yet the truth is that Koch was sentenced to life in prison where she hung herself in 1967. Why does Elie repeat such an easily refuted lie? Why does his publisher refuse to correct it, saying only that *Night* is our most profitable book? Why is Wiesel's narrative "self-evident" when it is so easily proved to be false?

Wiesel claims infants were thrown alive into fiery ditches, although the Yad Vashem-trained guides at the Auschwitz Memorial say no such

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8 *Ibid*., p. 82

9 *All Rivers*…, p. 91.

10 Carlo Mattogno, "Elie Wiesel: New Documents," March 26, 2010, www.revblog.codoh.com/2010/03/elie-wiesel-new-documents/

11 *Night*, p. xviii.

thing ever took place. He bolsters his contention saying "Historians, among them Telford Taylor, confirmed it." The truth is that Telford Taylor was not a historian but rather a lead prosecutor at Nuremberg, and nowhere did he write or confirm that people, let alone infants, were thrown alive into fires.

Yet Wiesel persists in telling this lie. In 1985 before the Senate Foreign Relations Committee he said under oath:[12]

> *"Mr. Chairman, I have seen the flames. I have seen the flames rising to nocturnal heavens; I have seen parents and children, teachers and their disciples, dreamers and their dreams, and woe unto me, I have seen children thrown alive in the flames."*

While we can forgive the melodramatic presentation, the fact remains that there is no forensic evidence whatsoever that people were mass murdered at Auschwitz by being thrown into fires. Yet again this untruth goes unchallenged and Wiesel continues to be admired as an "honorable witness" and a "nationally approved moral luminary."[13]

There is a famous photograph taken in Buchenwald in adult Block 56 by a professional American photographer Harry Miller of the Signal Corps. When it appeared in the *New York Times* on May 6, 1945, none of the former prisoners were identified. Years later in 1983 Wiesel claimed to be shown in the photo, and he is now so identified in Holocaust museums all over the world.[14]

Not only does the image not appear to be a boy of 16, but if his story in *Night* is true, he could not possibly have been in the photo. Buchenwald was liberated by the Americans on April 11, 1945; Wiesel claims to have become very ill three days later with food poisoning and claims to have been "transferred to a hospital" where he "spent two weeks between life and death."[15] The photograph was taken on April 16th in adult Block 56, not children's Block 66 where Elie was sheltered after the death of his father in January.[16] Yet Wiesel claims, "The truth I present is unvarnished."

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[12] Mark Chmiel. *Elie Wiesel and the Politics of Moral Leadership* (Philadelphia: Temple University Press, 2001), pp. 127f. as taken from Senate Foreign Relations Committee, 99th Congress, 1st sess., *Congressional Record* (7 March 1985), S2857.

[13] *Ibid*., p. 136.

[14] Samuel G. Freedman, "Bearing Witness: The life and Work of Elie Wiesel," *New York Times*, 23 October 1983.

[15] *Night*, p. 115.

[16] www.buchenwald.de/english/index.php?p=168

When NBC produced the docu-drama *Holocaust* Wiesel was outraged. He "modestly" claims that the editors of the *New York Times* "persuaded" him to write an op-ed wherein he called NBC's *Holocaust* "untrue, offensive, and cheap". (Does that make Elie a *Holocaust* denier?) He charged the NBC production with "contrived situations, sentimental episodes, implausible coincidences."[17] He laments that the "private lives of the two families are so skillfully intertwined with historical facts that, except for the initiated, the general public may find it difficult to know where fact ends and fiction begins." He complains that "The tone is wrong. Most scenes do not ring true: too much 'drama,' not enough 'documentary.'" Yet these are precisely the charges made against his own memoirs.

At the end of his diatribe against NBC's *Holocaust*, Wiesel clearly steps off the edge. He repeats what he often claims to be unequivocal:[18]

> *"Auschwitz cannot be explained nor can it be visualized. Whether culmination or aberration of history, the Holocaust transcends history. The dead are in possession of a secret that we, the living, are neither worthy of nor capable of recovering."*

He goes on, "The Holocaust? The ultimate event, the ultimate mystery, never to be comprehended or transmitted. Only those who were there know what it was, the others will never know." Such pontificating nonsense leaves the door wide open for historical revisionism.

Wiesel used almost no varnish when he joined the Education Director of the North American Wolf Foundation to endorse *Misha: A Mémoire of the Holocaust Years* by Misha DeFonseca, the "true" story of a seven year old "survivor" who for four years dodged Nazi persecution by her own wits and a little help from a pack of wolves. Signing as the author of *Night* and the Andrew W. Mellon Professor in the Humanities, Boston University, Elie proclaimed the book "Very moving." He must have been especially impressed with how little Misha survived by eating earth worms, frogs, and even nibbling on scabs.[19] Did he agree with her that "Hitler, anticipating defeat, had organized a series of death marches to speed up the 'final solution' and dispose of any remaining Jews"?[20] Did he feel a kinship with Misha when she proclaimed that she

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17 *And the Sea is Never Full*, pp. 117f.
18 *Ibid*., p. 121.
19 Misha Defonseca, *Misha: A Memoire of the Holocaust Years*, (Bluebell, PA: Mt. Ivy Press, 1997), pp. 73, 176.
20 *Ibid.*, p. 202.

was "given two missions – to bear witness and to help animals as they helped me"?[21] Did he feel let down when he discovered that Misha was not Jewish after all and was a total fraud?

More serious nonsense is Wiesel's insistence that the Holocaust is unique. In *President's Commission on the Holocaust* (September 27, 1979) he writes:[22]

> *"The Holocaust was the systematic, bureaucratic extermination of six million Jews by the Nazis and their collaborators as a central act of state during the Second World War;* […] *It was a crime unique in the annals of human history, different not only in the quantity of violence – the sheer numbers killed – but in its manner and purpose as a mass criminal enterprise organized by the state against defenseless civilian populations. The decision was to kill every Jew everywhere in Europe: the definition of Jew as target for death transcended all boundaries."*

Deborah Lipstadt and other Holocaust experts follow Wiesel's claim of uniqueness saying, "The aim of The Final Solution was the destruction of the entire Jewish people." Furthermore she states that "Killing *all* Jews – irrespective of age, location, education, profession, religious orientation, political outlook, or ethnic self-identification – was the *priority* in the race war that Nazi Germany conducted."[23] If it was really a priority, why didn't Hitler move against the Hungarian Jews, like Wiesel, until the spring of 1944?

Of course the claim to uniqueness is nonsense or self-evident at best; every historical event is unique or has unique features. By defining the Holocaust with a capital H, by defining it to refer to six million people of one special group, and by defining it as a deliberate, nationalistic, top-priority policy of a state causes the definition itself to be "unique." But arguing against Holocaust uniqueness, which is easy to do, immediately leads to defamation with charges of Holocaust denial and anti-Semitism. As Norman Finkelstein has pointed out in his chapter "Hoax-

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[21] *Ibid.*, p. 247.

[22] www.ushmm.org/research/library/faq/languages/en/06/01/commission

[23] See Paul Grubach's review of Deborah E. Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory* (The Free Press, 1993) at www.inconvenienthistory.codoh.com/archive/2011/volume_3/number_2/jewish_conspiracy_theory.php

ers, Hucksters, and History," the problem lies with the premise, not the proof.[24]

It is noteworthy that (only) two of the three main tenets of Holocaust revisionism are included in the definition of the Holocaust, a definition largely crafted by Wiesel and the narrative he contends to be historical truth. The third tenet regarding homicidal gas chambers is missing. Why? Could it be that mass killing in gas chambers was not the preferred narrative in the mid-1950s when *Night* was written? Wiesel testifies to people being thrown alive into burning pits or stuffed into crematoria, which is so much more in accord with the original definition of holocaust, meaning "totally burnt." Yet again, historians today and even the museum at Auschwitz claim that tale about death by fiery pits is simply not true.

But why not include gas chambers in the official definition? Perhaps the answer lies in the fact that there is no forensic evidence that homicidal gas chambers ever existed for mass executions in the Third Reich. The gas chamber shown at Auschwitz (I) is admittedly a bomb shelter reconstructed by the Poles after the war; the gas chamber at Dachau is a shower room that was likely "rebuilt" by the Americans. But surely there is real evidence of homicidal gas chambers somewhere; there must be detailed plans for their construction and directions for their use and maintenance; the Germans were such sticklers for correct protocol and having everything written down. And yet…

At the risk of seeming sacrilegious (and total belief in the Holocaust borders on religious conviction), suppose that a college professor were to peel back the "secret" of Auschwitz and defy the commandment by Wiesel that "truth lies in silence." Suppose that he dared to speak out, but to protect his reputation and his employment, he affirmed in written affidavits sworn belief that no fewer than six million Jews were exterminated under the Final Solution and furthermore that the Final Solution was indeed a priority plan of Nazi Germany to eradicate all Jews from Europe. In other words, suppose that he unequivocally endorsed the current definition of the Holocaust as formulated by Wiesel, Lipstadt, and other "experts."

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[24] Norman Finkelstein, *The Holocaust Industry; Reflections on the Exploitation of Jewish Suffering* (New York: Verso, 2000), p. 43. The real reason for the claim of uniqueness is elevate Jewish suffering above that of the suffering of others and thereby to give greater "moral capital" to Jews than to non-Jews.

But suppose that he had also read the *Lectures* of Germar Rudolf and was convinced beyond a shadow of a doubt that there were no homicidal gas chambers built or employed by the Third Reich.[25] If he dared to speak publicly or to write professionally of this contention (that there were no homicidal gas chambers), would he still be smeared as a Holocaust denier or an anti-Semite or both?

If history really repeats itself as it so often does, the professor at first would be ignored or shunned. His colleagues would begin to avoid contact with him; his access to university committees and panel discussions would be limited, always with some other excuse, if any, being offered. If he did get his contrary views on gas chambers published, even in a local small-circulation paper, righteous and indignant counter articles would appear to drown out his voice. Letters of protest would be sent to his employer; threats by alumni would be generated and threats to withhold donations to his university would materialize.

If he persisted, his colleagues would not only shun him, they would smear him, often behind his back. They might charge him with "questioning undisputed facts," "blaming the victim," "spreading unsupported vitriol," "fostering hate speech," or failing to meet "minimally rational and minimally humane discourse."[26] If he were not tenured, he surely would never be, no matter how outstanding his teaching evaluations, publications, and community service.[27] If tenured, he would find his "new" office in the basement well out of sight.[28] If retired, he would face calls to revoke his status as a *faculty emeritus*.[29]

And it could be worse. He might be accused of "fraud in research" and tried in secret with the administration soliciting testimony from professional Holocaust experts.[30] Or in fourteen countries, including Ger-

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[25] Germar Rudolf. *Lectures on the Holocaust: Controversial Issues Cross Examined* (Chicago, IL: Theses & Dissertations Press, 2005).

[26] These were all charges made in a smear letter sent to over 300 people by seven of this author's colleagues when he merely defined "Holocaust Denial" as Ahmadinejad spoke at the United Nations in the fall of 2009.

[27] The rejection of tenure for renowned author Norman Finkelstein at DePaul University is not the only case in point.

[28] The banished, unidentified office of Professor Arthur Butz at Northwestern University is an excellent example. He is the author of *The Hoax of the Twentieth Century: The Case Against the Presumed Extermination of European Jewry*.

[29] A smear letter allegedly signed by dozens of faculty members called for the revocation of this author's faculty emeritus status at Hobart and William Smith Colleges in reprisal for an op-ed piece that simply defined Holocaust denial based on the three features mentioned above.

[30] This was the fate of David O'Connell, a Professor Emeritus at Georgia State University. His Holocaust Heresy Trial was held in secret from December 2005 to October 2006 as the result of his article entitled "Elie Wiesel and the Catholics" (*Culture Wars* magazine, November 2004,

many, he might be tried on criminal charges and fined and sentenced to prison.

On the brighter side, questioning the existence of gas chambers, even though they are not a part of the Wieselian definition of "Holocaust," is not likely to cause our hypothetical professor to be put on the rack or subjected to water boarding. Not yet.

In *Night* the fate of Wiesel's two older sisters, Hilda and Beatrice, is deliberately omitted leaving the reader with the impression that they too perished at Auschwitz. In fact they were quarantined at Auschwitz for about three months after which they were transferred to another labor camp, Kaufering near Dachau, where they stayed until liberation at the end of the war. The history of the Wiesel sisters between their arrival at Auschwitz and the end of the war has been carefully concealed. Why? Would their accounts have supported or undercut their famous brother's story told in *Night*?

In video testimony for the Shoah project,[31] Hilda Wiesel says she was sent to Auschwitz with her brother, her mother, two sisters, and her paternal grandmother. A comparison of what Hilda and Elie said on the sisters' transfer from Auschwitz to Kaufering near Dachau is revealing. Elie quotes Hilda as saying:[32]

> *"I remember that night, our last night in Auschwitz. That night they moved out a transport of twelve hundred women. Naked. Yes, naked. Bea and I were part of the transport.* […] *In the cattle car, a very pious woman remarked: Today is* […] *the saddest day of the year."*

Actually Hilda said they got undressed and were disinfested.[33] Then

> *"they took us to another place, gave us clothing, and that same morning we left in a passenger train – they put us in a passenger train, the 800 women – they gave us food, some bread to bring with us – and we left, we didn't know where we were going, and there was the Wehrmacht – not the SS but soldiers of the Wehrmacht – who constituted our guard."*

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pp. 24-33). The GSU administration hired Deborah Lipstadt, who testified against him, but of course the amount she was paid could not be revealed, presumably for "ethical" reasons. After 10 months of investigation Lipstadt's charge of fraud in research was dismissed. The trial was never reported in any mainstream media.

31 www.holocaustdenier.com/2011/07/elie-wiesels-sister-apparently-doesnt-have-an-auschwitz-tattoo-either/

32 *And the Sea is Never Full*, p. 404.

33 Hilda Wiesel Interview, Part 2, 8/28/2010, p. 1.

Without casting doubt on the veracity of either account of the same event, Elie's version is obviously more atrocity orientated. He has 50 percent more women in the transport and they are crowded naked into cattle cars for a three-day trip. Did he make up the story? Did he "varnish" what his sister really said? Did he embellish the horror of it? Elie claims he would like to know more about the experiences of his two older sisters in the camps, but he is afraid to ask. Perhaps he is afraid that the truth would lie closer to the current revisionist narrative rather than the narrative he has been massaging for over 60 years.

In late January 1945 Wiesel's father died in Buchenwald, not of gas, but of exhaustion, starvation, beating (in *Night*), and disease (according to the records at Yad Vashem). Elie was transferred to the children's block (Block 66) with (by his narration) 600 other children. But by the day of liberation by the Americans he claims there were only a few hundred children left,[34] leaving the reader with the impression that most had perished. Why did he deliberately omit the fact that over 900 children were liberated at Buchenwald, some as young as eight years old?[35] Such omissions give credence to revisionists who argue that the six million figure may well be exaggerated and that the extermination thesis may be less likely than one based on the realities of war and ethnic cleansing.

Why did Elie omit to tell readers that the children's block, Block 66, in Buchenwald was part of "a rescue operation inside the camp carried out by elements of the German Communist-led international underground, together with Polish-Jewish elements who worked with the underground"?[36] Bad as it was, why did he not tell us that the children in Block 66 were given more food, clothing, and protection than prisoners in the adult population? Does the very existence of hundreds of Jewish children in a Nazi concentration camp not cause question of Wiesel's own definition of the Holocaust as a systematic, bureaucratic extermination of Jews everywhere in Europe?

More importantly, why does Wiesel never mention the mass killing and torture that took place in Buchenwald and Sachsenhausen *after* these prisons were evacuated and turned over to the Russians to incar-

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[34] *Night*, p. 114.
[35] www.harpers.org/archive/2008/12/hbc-90004103
[36] Wyatt Mason, "A False Story: Six Questions for Ken Waltzer," *Harpers Magazine*, December 31, 2008, p. 4.

cerate German prisoners of war and anti-Communist political prisoners? This omission is particularly egregious since:[37]

> *"The mortality rate in the Soviet camps was higher than the rate shown by statistics in the Nazi camps. According to the camp records kept by the Soviet Union, there were 122,671 persons arrested and interned between 1945 and 1950 in the Soviet internment camp system in Germany, and 42,889 of them died. In addition, 756 persons were executed. The camp guidebook says that 'This information has been questioned from various sides, requiring corroborative research'."*

Notice that it is fine for historians to question statistics on the victims of Russian massacres and war crimes, but it is beyond the pale, indeed criminal, to question the narrative of Jewish victims as described by Elie Wiesel.

While working as a journalist for the Israeli newspaper *Yedioth Ahronoth*, Wiesel says he went to Dachau, probably in the late 1940s or early 1950s, where he spent the day alone. He was troubled and depressed "for the Jewishness of the victims was barely mentioned."[38] But why should Jewish suffering have been given preeminence? There were fairly few Jews in Dachau when it first opened in 1933. According to the Virtual Jewish Library, hardly an unbiased source, "The number of Jewish prisoners […] rose with the increased persecution of Jews and on November 10-11, 1938, in the aftermath of *Kristallnacht*, more than 10,000 Jewish men were interned there. (Most of men in this group were released after incarceration of a few weeks to a few months.)"[39]

What Wiesel also omits saying is that late in the war the Germans began to bring prisoners from other concentration camps to Dachau under appalling conditions which led to disease and starvation. Many of these prisoners were Jews, but even when the camp was liberated on April 29, 1945, "there were 67,665 registered prisoners in Dachau and its subcamps. Of these, 43,350 were categorized as political prisoners, while 22,100 were Jews, with the remainder falling into various other categories."[39]

It is also noteworthy that in "August 1944 a women's camp opened inside Dachau. Its first shipment of women came from Auschwitz-Birkenau."[39] This was the same time Wiesel's sisters were transferred to

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[37] www.scrapbookpages.com/buchenwald/SpecialCamp.html
[38] *All Rivers*…, p. 202.
[39] www.jewishvirtuallibrary.org/jsource/Holocaust/dachau.html

another camp close to Dachau at Landsberg-Kaufering, built after 1943 with forced labor to make war goods. The fact that they were transferred to another labor camp by passenger train, not cattle cars, supports the revisionists' contention that Auschwitz was not an extermination camp.

Hilda Wiesel also describes the arrival of "3,000 men who came (to Landsberg); they were from Auschwitz and they were a work force that cleaned up the Warsaw Ghetto. Initially, they were at Auschwitz, then they went to clean up the ghetto, and then, afterwards, they were sent to our camp."[40] Does Elie omit such survivor testimony because it does not fit the extermination camp scenario he paints and reiterates over and over again? And why does he never mention that his older sister claimed that prisoners were also killed by Allied bombing and strafing as they marched along the roads prior to liberation?

Hilda Wiesel also testified that in late 1944 and early 1945 the camp "became ridden with typhus. The men died at the rate of 30 per day."[40] Typhus and other diseases were the main cause of prisoner deaths in the last year of the war, but this is virtually eliminated in the Holocaust narrative of Elie Wiesel. Why are all his descriptions of death the result of brutality and sadism instead of disease, starvation, and other causes associated with war?

Finally, if Wiesel spent the day in Dachau in the early 1950s he must have noticed that the barracks were filled with impoverished Germans who had no other place to live. Roughly 80 percent of Munich had been leveled, and poor people lived in the former Dachau concentration camp on a permanent basis until it was upgraded to a Museum in 1965. Extensive and brutal ethnic cleansing of civilian Germans after the war is completely ignored by Wiesel.

While Wiesel fails to emphasize the ravages by disease of all prisoners and others held in tight quarters (in the military or in ghettos), often in unsanitary conditions, he does describe the showers and mandatory hygiene routine followed uniformly in the Third Reich. This emphasis on (almost an obsession with) hygiene was distinct to the German prison camps as opposed to those run by the Soviets or the Japanese. Elie tells us that prisoners took off their clothes, were given hot showers, and then clean clothes. He says, "These were the showers, a compulsory

[40] Translation of an interview in French of Hilda Wiesel Kudler in Nice, France, on December 11, 1995 (see note 31).

routine. Going from one camp to the other, several times a day, we had, each time, to go through them."[41] And "in Buchenwald, everybody had to go to the showers. Even the sick, who were instructed to go last."[42]

He does not acknowledge, or perhaps he did not then know, that the clothing given up by prisoners was treated in gas chambers with Zyklon B, the German substitute for DDT, which was used by the Americans and British to combat lice and bed bugs.

These gas chambers were designed to hold clothing. Metal cans containing Zyklon B pellets were opened automatically (with machines, not manually) to release the gas. Exhaust fans drove the gas out of the chambers when the cycle was completed and the clothing fully fumigated. Today such gas chambers can be seen at Dachau where their operation is described in detail.

But these gas chambers were not homicidal gas chambers; they were fumigation machines for clothing. Right next to the fumigation machines at Dachau are two rooms where prisoners disrobed, handing back their clothes to be put into the machines, and then waited. The third room is the shower room where, like Wiesel and others have described, prisoners were given hot showers. In the next room they were given other clothes that had already been cleaned or at least fumigated.

But the shower room at Dachau has been altered. The ceiling has been lowered; the shower heads and pipes have been removed or covered, and phony showerheads have been stuck in the ceiling. The United States government used to claim that this room was a homicidal gas chamber where prisoners were murdered on an industrial scale. Today visitors to Dachau are still told that this is a homicidal gas chamber, but that it was never used. The question the reader of *Night* might well ask is where did Dachau prisoners take hot showers that were part of every camp's mandatory hygiene routine as described by Wiesel? Are we to believe that the Nazis gave Dachau prisoners no showers after getting them to disrobe and after fumigating their clothes? Why would the Nazis lower the ceiling in the shower room and stick phony showerheads into it? Could it be that the Americans modified the real shower room at Dachau to create a homicidal gas chamber because they had none to show to the mass media and to the congressional commission visiting various camps in Germany at that time?

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41 *Night*, p. 41.
42 *Night*, p. 106.

Galileo Revisited[43]

The story goes that, when Galileo faced his inquisitors, they showed him the instruments of torture. Whatever else he may have been, Galileo was also a physician, so he knew what metal does to flesh, hence he recanted.

Not so Germar Rudolf.

It's also said that, in his recantation, Galileo crawled across the floor to his accusers.

Not so Germar Rudolf.

In a letter written by Germar from his prison cell he examines why he became a Holocaust revisionist and why he was prepared to pay such a terrible price.[44] The fact is that Germar was never much interested in World War II or the Holocaust. What interested him were the whys and wherefores of lies, delusions and propaganda. Why are they created? How are they propagated, maintained and enforced, and why do we believe in them? To him Holocaust propaganda is not a mere historical issue but rather also an ideological issue. Nor does there seem to be any single motive for his interest; rather it stems from a mixture of personal history and personality. From childhood he was blessed (or cursed) with an insane curiosity and with what he describes as "a greatly overdeveloped sense of justice." We also learn that he was brutalized by his father.

In his typical German primary and secondary education, he touched the subject of the Holocaust several times:

> *"The usual claims about it seemed indubitable, undeniable to me, truth chiseled in stone, self-evident."*

But in 1989 he came across the writings of Paul Rassinier,[45] a former French communist, partisan fighter, and inmate of Buchenwald and Dora concentration camps. Rassinier heard stories after the war of mechanized exterminations in Buchenwald – a claim he knew to be untrue. He wondered, "If they can lie about that, what else can they lie

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[43] This section largely reflects the thoughts of the Deir Yassin Remembered UK Director, Paul Eisen.

[44] Dated 27 Aug. 2006, in response to a letter to him by Israel Shamir; www.globalfire.tv/nj/06en/persecution/rudolf.htm; all subsequent quotes from there.

[45] In Rudolf's case it was Rassinier's book *Was ist Wahrheit?*, 8th ed., Druffel, Leoni, 1982; Engl.: *The Real Eichmann Trial or The Incorrigible Victors*, Institute for Historical Review, Torrance 1976.

about?" To the young German student, Germar Rudolf, Rassinier "opened my eyes and allowed doubts. Nothing more, just doubts."

Germar had been raised not to doubt anything about the orthodox Holocaust narrative, which in itself maddened him, as did the increasing persecution in Germany of anyone who raised the issue.

> *"*[…] *at once I knew – and a little research confirmed it – that anyone who doubts or dissents is relentlessly ostracized, persecuted, and even prosecuted with no chance of defense. So I said to myself, this is outrageous, unacceptable, against all norms and ideals of this society, and the fact that there is no other topic where dissent is more severely suppressed is evidence enough for me that it is also the most important topic. He who is sure of being truthful is relaxed; only liars call for earthly judges.* […]
>
> *I was sure I was right, and unless I was convinced by rational, scientific arguments that I was wrong, I was not going to give in. They made the mistake to provoke the blood out of me by persecuting me. That's it. No negotiations any more. My father didn't manage to break me with stick, whip, fists or by using me as a missile, and so they won't break my will with violence either. It only gets stronger with every beating."*

That is Germar Rudolf: a strong-minded contrarian with enormous willpower.

> *"The only way to take this away from me is by killing me. Period. Anybody who punishes me for merely exercising my human right of being a human, a creature able to doubt and explore, will meet my utmost unbreakable resistance. I won't allow anybody to reduce me to a submissive slave. Nobody."*

Revising the Holocaust Narrative

An increasing number of scholars and lay people clearly see that something is not right with Elie Wiesel and the current Holocaust narrative. The writings of Germar Rudolf and others simply confirm what they already suspect. They may care little for chemical traces in the brickwork at Auschwitz or topological evidence of mass graves, but they have seen other historical events substantially revised and they are suspicious of the outrage and scorn heaped upon those who question the

uniqueness and scope of this particular event, especially when it is used to persecute Palestinians and promote endless war in the Middle East.

That Jews suffered greatly during the Third Reich is not in question, but the notion of a premeditated, planned and industrial extermination of Europe's Jews with its iconic gas chambers and immutable six million are all used to make the Holocaust not only special but also sacred. We are faced with a new, secular religion with astonishing power to command worship. And, like Christianity with its Immaculate Conception, Crucifixion, and Resurrection, the Holocaust has key and sacred elements – the exterminationist imperative, the gas chambers, and the sacred six million. It is these that comprise the holy Holocaust which Jews, Zionists, and others worship and which Germar Rudolf and other revisionists question.

Nor is this a small matter. If it were, why the fuss? Why the witch-hunt? Why the demonization and imprisonment of David Irving, Ernst Zündel and Germar Rudolf? And it is not just these infidels. What may well be a massive lie is being used to oppress whole nations. The German and Austrian people are blamed for conceiving and perpetrating the slaughter; the Russian, Polish, Ukrainian, Lithuanian, Latvian, Estonian, Rumanian, and Hungarian people are blamed for hosting, assisting, and cheering on the slaughter; the Americans, the British, the French, the Dutch, the Belgians, the Italians, and even Diaspora Jews are blamed for not doing enough to stop the slaughter; the Swiss are blamed for profiting from it; the entire Christian world is blamed for its faith-traditions and ideologies that allowed the slaughter to take place; and more recently the Palestinian, Arab, and Muslim people are blamed for wanting to perpetuate the slaughter by delegitimizing Israel. To many the current version of the Holocaust oppresses the entire non-Jewish world and indeed much of the Jewish world as well.

Germar Rudolf is a Holocaust revisionist and a dedicated researcher of historical evidence. For him "Holocaust denier" is simply a term of abuse to be hurled as "witch" might have been hurled in the Middle Ages. But for me, "Holocaust denier" is a label with which I have been smeared for merely trying to define the term. Although I have never denied any of the three tenets of the orthodox Holocaust narrative, the mere fact that I am interested in revisionism and have actually met contemporary revisionists has caused the more cowardly of my colleagues to smear me and denigrate my reputation at Hobart and William Smith Colleges.

I first met Germar in April 2010. He had recently been released from prison in Germany and was staying in England until he could get a visa to return to his wife and child in the United States. We spent several days together along with our UK Director of Deir Yassin Remembered Paul Eisen, Henry Herskovitz from Ann Arbor, and Francis Clark-Lowes, an activist from Brighton.

Germar spoke of many aspects of the Holocaust and Holocaust revisionism that were completely new to us. We were fascinated with his struggle. He spoke about his erstwhile Catholic faith, about Germany and Germans then and now, the Third Reich and Hitler, his own present state and relationships, his hopes and fears for the future, and many other topics. Speaking fully and fluently in English and with an astonishing grasp of facts and interpretations, the hours turned into days and yet never, not once did he repeat himself.

Resistance is Obligatory

In this book you will read the address made by Germar to the Mannheim District Court prior to his sentence and conviction. You will see the writings of Germar on a variety of matters including truth-seeking as the essence of human dignity, the conflict between the truth-seeker and the state, the meaning of science, justice and resistance in Germany and in other countries. You will find appendices documenting numerous motions to the courts and their rejections, letters to distinguished historians and their craven and sometimes less-than-craven replies. Finally, you will hear the court's verdict and the sentence.

Read it and Resist!

Daniel McGowan
Professor Emeritus
Hobart and William Smith Colleges
Geneva, New York, November 2011

London, April 2010; left to right: Back row Dan McGowan, Germar Rudolf, Francis Clark-Lowes; Kneeling; Henry Herskovitz, Paul Eisen

A. Introduction

He who argues that peaceful dissidents on historical issues should be deprived of their civil rights for their diverging views, that is: incarcerated, is – if given the power to implement his intentions – nothing else but a tyrant (if enacting laws to support his oppressive deeds) or a terrorist (if acting outside the law).

I. A Peaceful Dissident's Ordeal

Imagine that you are a scientist who has summarized the results of fifteen years of research in a book – and that shortly after publishing this book you are arrested and thrown into prison exactly for this. Imagine further that you are aware with incontrovertible certainty that in the scheduled trial you and your defense attorneys will be forbidden, under threat of prosecution, to prove any factual claims made in that book; that all other motions to introduce supporting evidence will be rejected as well; that all the courts up to the highest appellate will support such conduct; that only a very few of your research colleagues will dare to confirm the legitimacy and quality of your book because they fear similar persecution; but that the efforts of these few colleagues will be in vain as well; and finally that the news media, the so-called "guardians

Snowdrops, © Germar Rudolf 2006

of freedom of speech," will join the prosecution in demanding your merciless punishment. In such a situation as this, how would you "defend" yourself in court?

This is precisely the Kafkaesque situation in which I found myself at the end of 2005 after having been abruptly and violently separated from my wife and child by U.S. Immigration authorities in Chicago, deported to Germany and immediately thrown into jail to await trial, primarily on account of my book *Lectures on the Holocaust*, which I had published in the summer of 2005. Various defense attorneys, who had acquired renown in similar cases in the preceding 15 years, unanimously assured me of what I already knew after having observed similar trials during the past 15 years: that all defense was doomed in principle and that I would have to reckon with a prison sentence close to the maximum term (five years). Other attorneys who until then had not handled such cases either declined to take my case because they did not want to waste their time or my money in view of the complete hopelessness of all defense. Or else they advised me to recant my political views during the

Blossom Study, © Germar Rudolf 2006

public main proceedings of the trial, feign remorse and contrition, and promise to improve my behavior in the future, which might gain me the clemency of the Court, and in the most favorable case I might come out with a sentence of three years.

To renounce my scientific convictions was not an acceptable option, however, if for no other reason than because I could not believe that any judge, who is expected to have at least an average intelligence, would accept and believe such a thing after I had been a full-time publisher of dissident historical and political literature for fifteen years. In fact, it seemed more likely that I would be punished even more for such transparent lies and hypocrisy, and if only by way of a negative character evaluation by the Court in considering the grounds for the verdict. Even

Gentian, © Germar Rudolf 2006

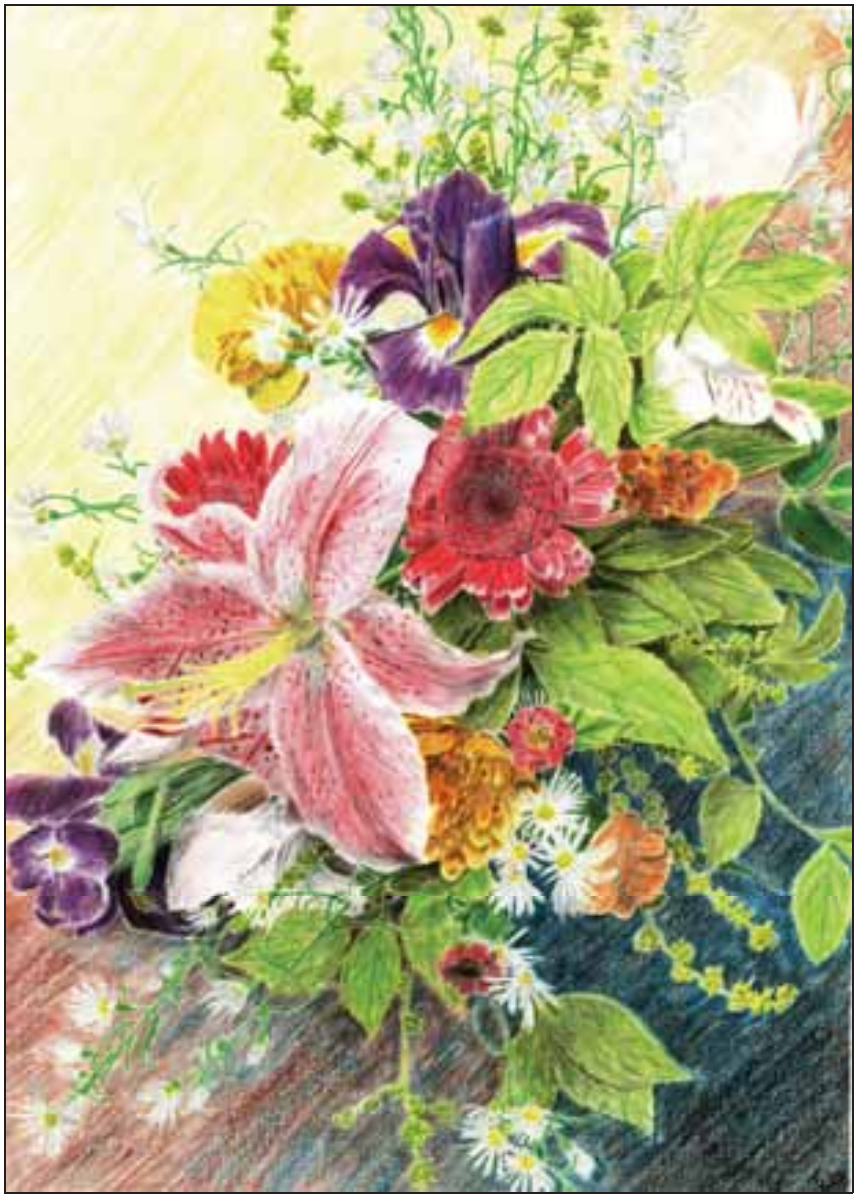
if the rest of the verdict were wrong, the Court would be correct in this point, and I did not want to do that to myself.

A defense based on the facts of the case was not only hopeless, but would have exacerbated my situation, because in defending myself I would repeat once more the very crime of violating state dogma for which I was now facing the Court. But I am opposed to such self-destructive strategy anyway, because I am firmly convinced that no penal court has the right to pass binding judgment on matters of scientific controversy. It is therefore an impermissible concession to allow a court of law to pass judgment on the correctness of scientific theses – here about history – in the first place. Every such motion to introduce evidence is already a crime against science, since it undermines the independence of science.

Thus I decided quite early to treat the upcoming trial as an opportunity to document the Kafkaesque legal conditions now prevailing in the Federal Republic of Germany in order to write a book about it after the trial was over. For this reason I wanted to make a thorough statement about the governing legal situation at the beginning of the main proceedings. After a biographical introduction, I would explain the actual nature of science as such and its significance for human society. This would be followed by a depiction of the Kafkaesque situation pre-

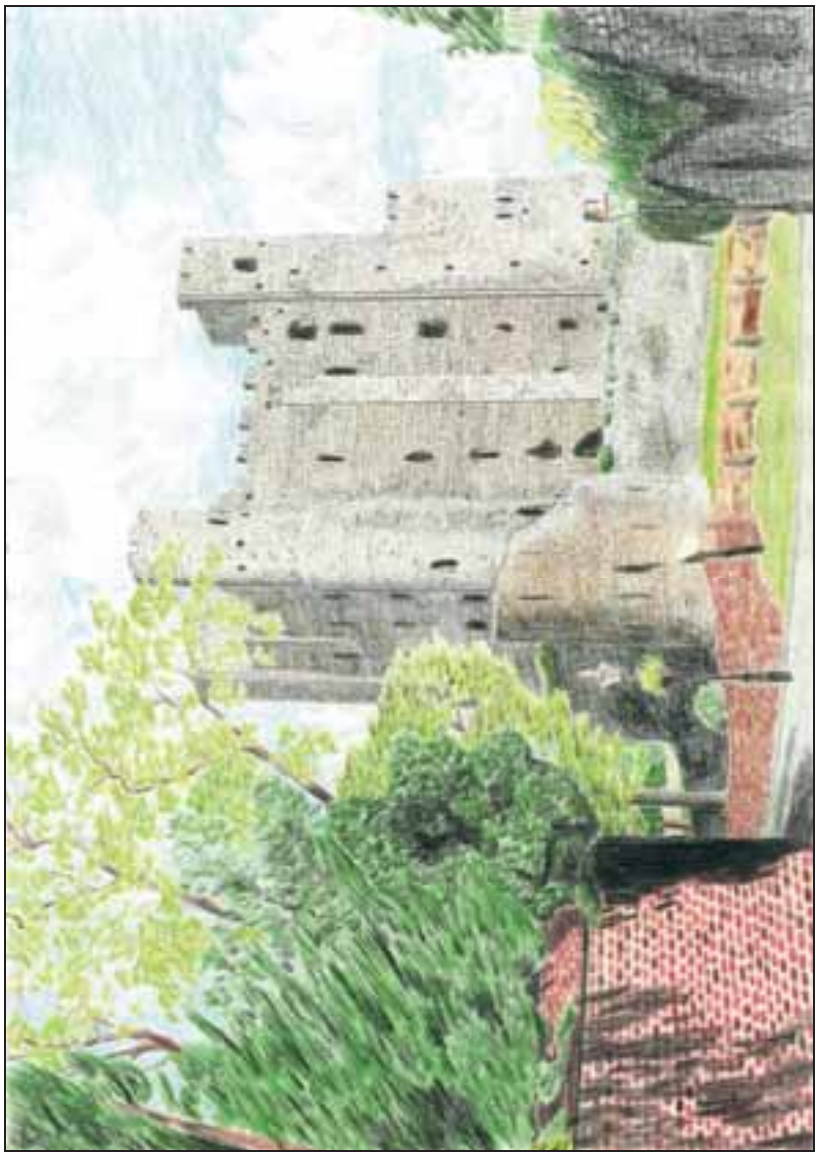
Pansies, © Germar Rudolf 2006

vailing in German court trials today, whose mission is to suppress opinions that are a thorn in the side of the power elite. After analyzing today's practice, which violates all our human and constitutional rights, I wanted to pose the explosive question of the extent to which we as citizens of this State have the right and even the duty to resist such injustice.



Flamboyant, © Germar Rudolf 2006

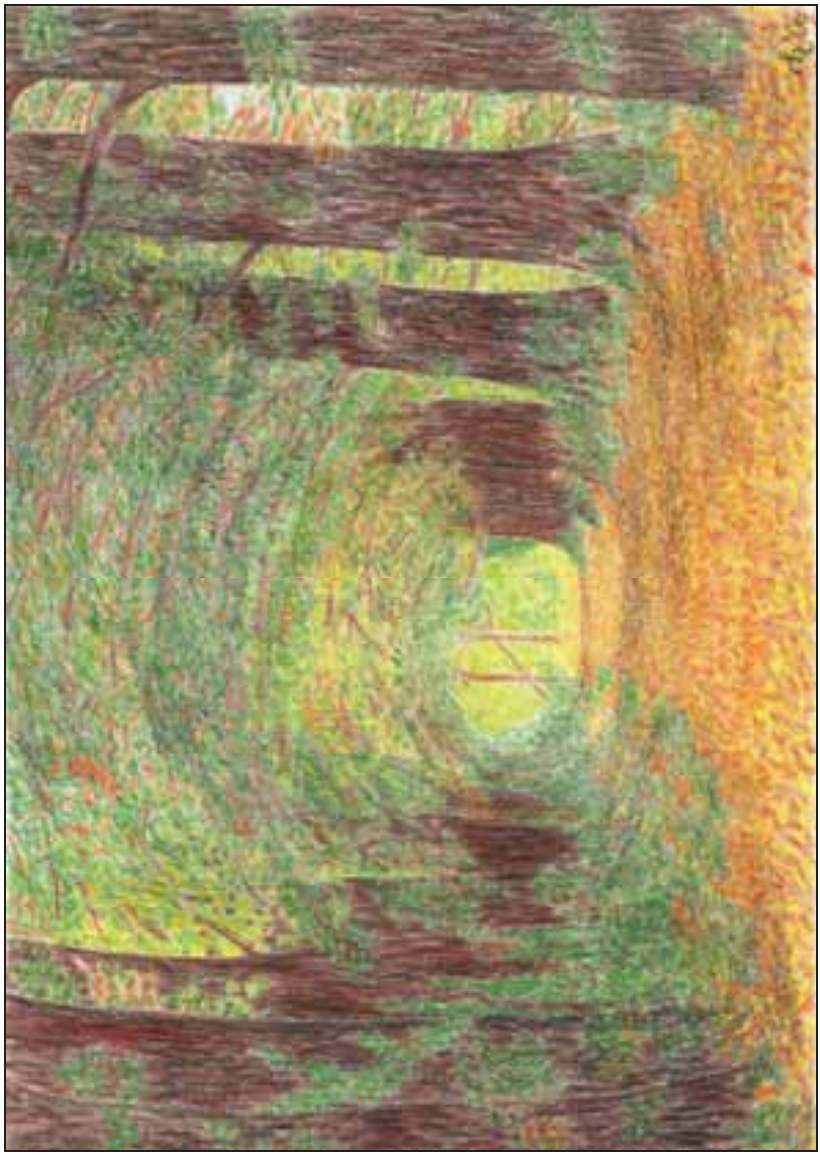
Needless to say that, when planning such a presentation to a German court of law from a bare prison cell, one encounters two major obstacles: The first of these was access to the special literature required to prepare such a lecture, which is not available from the poorly equipped prison library. The second obstacle is the uncertainty of whether the Presiding Judge will even allow such detailed presentations in his courtroom. Formally the Presiding Judge cannot restrict the defendant's



Rochester Castle, © Germar Rudolf 2006

presentation; but if German judges observed our formally guaranteed rights, there would be no show trials to begin with, would there?

Both of these problems were solved, though. The first one by the generous assistance of various supporters who, in the year preceding the trial, supplied me with all the books I needed for my preparation, and the second one by a Presiding Judge who made no attempt to impede me from presenting anything I wanted to say – who in fact has even



Canopy, © Germar Rudolf 2006

Bells, © Germar Rudolf 2007

been friendly enough to provide me with a lectern so that I could stand while presenting my case.

My seven days of lectures on the destruction of freedom of opinion in Germany were strenuous not just for me but apart from the judges certainly also for the audience. However, I have prepared these lectures not primarily for these listeners, but rather for posterity and the whole world: for you, dear reader, who is now holding the book in your hands.

At the end these lectures might have contributed decisively to my not getting the prophesized maximum sentence but "merely" half of it. Although deep down in the back of my mind I might even have hoped

for it, it certainly wasn't a foregone conclusion. In order for this to occur I needed judges who, despite social conditioning and societal expectation, still had the capacity to think rationally and who would allow fairness and mercy to prevail at least to a limited extent. I obviously was fortunate in the composition of the panel of judges in Mannheim District Court who sat in judgment of me at the end of 2006 and in early 2007.

Garden, © Germar Rudolf 2007

European Columbine, © Germar Rudolf 2007

Filigree, © Germar Rudolf 2007

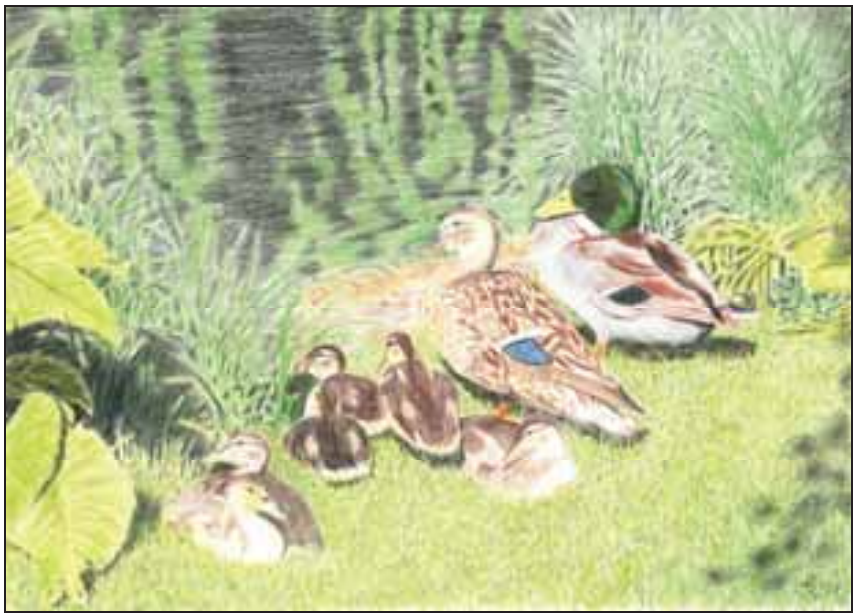
Declaration of Love, © Germar Rudolf 2007

Not included in this book are detailed statements about my personal development, since most of it has already been published in various places, most recently in the books *Freiheit für Germar Rudolf*[46] (Freedom for Germar Rudolf) and *Kardinalfragen*[47] (Cardinal Questions.) A somewhat erroneous summary of my biographical presentation written by a female visitor to the trial has been published separately.[48] A more detailed biographic account must await a later date.

[46] V. Neumann, P. Willms (eds.), *Freiheit für Germar Rudolf,* Castle Hill Publishers, Hastings 2006.

[47] Germar Rudolf, *Kardinalfragen an Deutschlands Politiker,* Castle Hill Publishers, Hastings 2005 (www.vho.org/dl/DEU/kadp.pdf), especially pp. 15-58 and pp. 313-375; partly available in English in: G. Rudolf, *The Rudolf Report*, The Barnes Review, Washington, DC, 2011, pp. 283-435 (www.holocausthandbooks.com/dl/02-trr.pdf).

[48] Elise Seidensticker, "Germar Rudolf vor dem Landgericht Mannheim, *Vierteljahreshefte für freie Geschichtsforschung* 10(3) (2007), pp. 178-199.



Mother's Day, © Germar Rudolf 2007

The following may serve as a brief overview of the background to the trial:

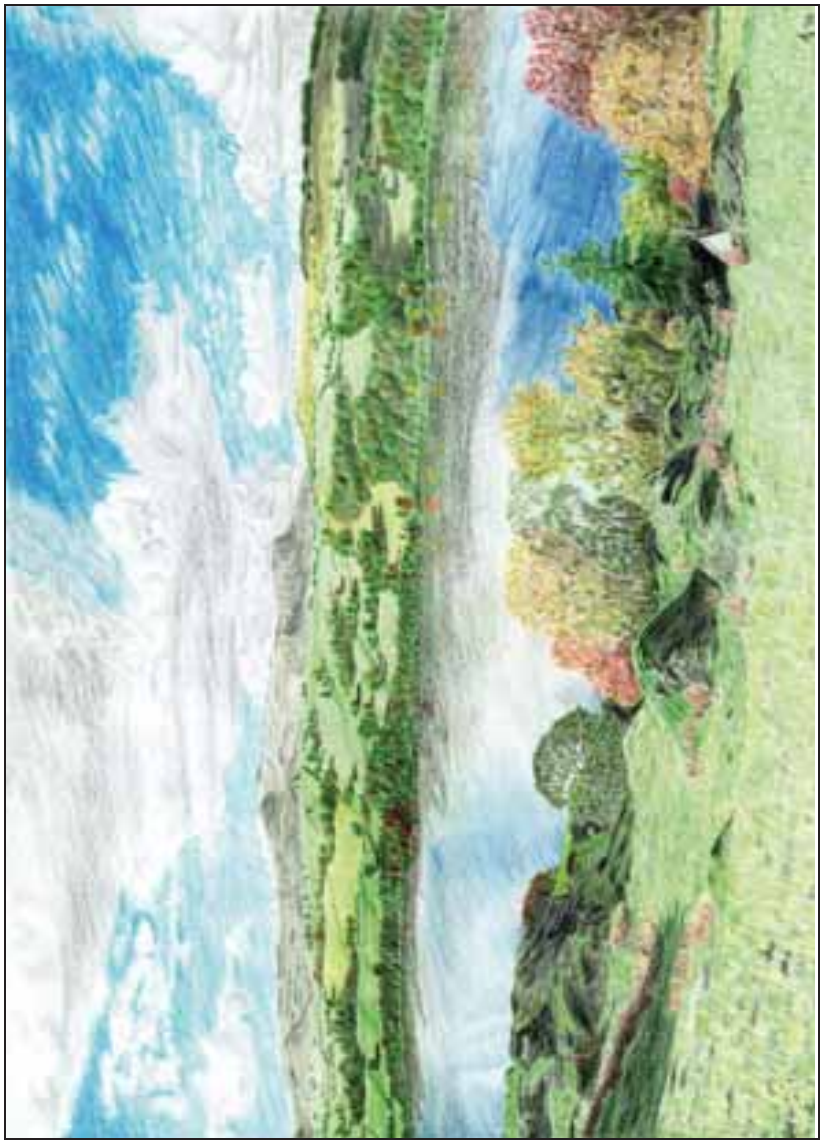
In the years 1991/1992, I prepared, at the request of a defense attorney, an expert report entitled *Gutachten über die Bildung und Nachweisbarkeit von Cyanidverbindungen in den "Gaskammern" von Auschwitz* (Expert Report on the Formation and Detectability of Cyanide Compounds in the "Gas Chamber" of Auschwitz).[49] I prepared this expert report as a private individual, parallel to – but independent of – my simultaneous research of a different nature in theoretical crystallography in pursuit of my PhD degree at the Max Planck Institute for Solid State Research in Stuttgart. The purpose of the expert report was to remedy the omissions and inadequacies of the so-called Leuchter Report.[50] Between 1992 and 1994 this Expert Report was submitted as evidence in some seven or eight penal trials in Germany. It was categorically rejected by each of these courts because, according to federal German case law, the events that transpired at Auschwitz Camp during

[49] Germar Rudolf, *Das Rudolf Gutachten*, 2nd ed., Castle Hill Publishers, Hastings 2001 (www.vho.org/D/rga2); for the expanded and revised English edition see note 47.

[50] Cf. F. Leuchter, R. Faurisson, G. Rudolf, *The Leuchter Reports*, Theses & Dissertation Press, Chicago 2005; 3rd ed.: The Barnes Review, Washington, DC, 2012 (www.holocausthandbooks.com/dl/16-tlr.pdf).

the Third Reich are considered self-evident. They require no proof or evidence, and since 1996 it is even a criminal offense to try to prove the opposite.

After one of the defendants, on whose behalf the report had been prepared, had published it, I myself was indicted and ultimately sentenced to 14 months imprisonment, because my chemical and technical research results had allegedly contributed to incite to hatred against



Wales, © Germar Rudolf 2006

European Robin, © Germar Rudolf 2007

Jews. Instead of serving those 14 months, however, I left Germany in 1996 and went to England, where I established a small revisionist publishing company named "Castle Hill Publishers."

In 1999 I tried to immigrate to the USA in order to avoid persecution in Europe, but my attempt to receive a working visa failed. Hence I applied for political asylum in the U.S. instead in October 2000. The asylum proceedings dragged on for years. In the meantime I married a U.S. citizen in 2004 and at the beginning of 2005 became the proud father of a daughter. I therefore motioned to receive the status of a legal permanent residence based on my marriage in addition to my asylum application. In late 2004 the U.S. Immigration Services rejected my asylum application and moreover stated some time later that I did not even have a right to file a motion for permanent residence due to my marriage. Against theses two decisions I subsequently filed an appeal with the responsible U.S. Federal Court.

Violet (our dog), © Germar Rudolf 2007

In spite of the U.S. Immigration Services' claim that I had no right to apply for permanent residence due to my marriage, my wife and I received an invitation roughly a year later for an interview with the very same authority, during which they would determine whether or not they would acknowledge our marriage as "genuine." So we figured they didn't have their guns drawn quite yet, hence merrily we went to that interview on 19 October 2005. Since we rolled into that office with our baby in a stroller, taking this administrative hurdle was a piece of cake. Hence we had our marriage certified as "genuine."[51] Yet only seconds after handing over the fanciful certificate of approval to me, I was suddenly arrested on the pretext that I had allegedly missed an interview appointment five months earlier which had actually never existed to

[51] See http://germarrudolf.com/persecute/docs/ApprovedMarriage.pdf

begin with (or at least neither has my lawyer nor have I ever been informed of it).[52]

Although my lawyer could temporarily convince the arresting officer that an arrest was unwarranted, the officer claimed that he had no jurisdiction over the case and that he had to ask someone in Washington for instructions about this. After more than an hour of telephone calls back and forth, orders came from Washington to arrest and deport me to Germany no matter what. Neither my recognized marriage to a U.S. citizen nor the well-documented fear of government persecution by way of a long-term imprisonment in Germany for perfectly legal publishing activities in the U.S. were considered a reason by the U.S. Federal Court in Atlanta dealing with the case to exempt me from deportation.

Although the Fifth Amendment to the U.S. Constitution guarantees due process for all persons present on U.S. territory – and not just U.S. citizens – the Federal Court rejected without reason my motion to stay my deportation until it had ruled in my pending case.[53] The U.S. Supreme Court rejected my emergency complaint as well without any reasons given.[54] My premature deportation therefore rendered my entire asylum proceedings moot, as the courts let the government create irreversible facts and cause irreparable damage, which could not even have been redressed by the most favorable court decision imaginable. Due process was simply aborted in my case.

On 14 November I was deported to Germany, where German officials immediately arrested me in order to serve the outstanding 14 months prison sentence and to face a new penal trial initiated against me for my publishing activities of the previous nine years while residing in England and the U.S. Although my publishing activities were completely legal in those countries, the German authorities opine that they have to apply the German Penal Code on legal activities in foreign countries.

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[52] I was told during my arrest that this alleged appointment should have served to take my fingerprints and a passport-size portrait, although my fingerprints had already been taken back in 2001 and I had regularly sent in updated portraits every year during my asylum proceedings, the latest just in spring 2005. Later the U.S. government claimed that I was meant to present myself on 7 April 2005 for my deportation; see U.S. Immigrations and Customs Services, "ICE deports 'Holocaust revisionist' to Germany," once at www.ice.gov/pi/nr/0511/051115chicago.htm, but now removed; cf. www.revisionisthistory.org/revisionist18.html.

[53] For the motion see http://germarrudolf.com/persecute/docs/USSCEmergencyApplication.pdf

[54] For both court's rejections see http://germarrudolf.com/persecute/docs/Denial.pdf

As was inevitable after my deportation, in spring of 2006 the U.S. Federal Court in Atlanta rejected my asylum application – which had become pointless anyway. But it also declared as illegal the regulation which the Immigration and Naturalization Agency of the U.S. had used to justify their refusal to adjudicate my application for permanent legal residency (also called the "green card"). In summer of 2006 the U.S. government changed this regulation by allowing future applications for permanent residency to be adjudicated, yet refusing to adjudicate old applications filed by persons who had already been deported. All at-

Our daughter at the age of 10 months

tempts to get legal redress against thsis regulation failed, since, as I was told by the courts, I would have the opportunity to file a new application after my release from prison.

This entire procedure of filing a new application is extremely lengthy, though, since first of all I had to have been released from prison for this. Then a large amount of documents had to be organized in order to file an application, which would then be "examined" for many months. And in case of a negative decision the next court case might ensue, which could last many years, during which my wife has no husband and my daughter no father.

While writing the original version of these lines, I was almost done serving my original prison term of 14 months, while the new court case in front of the 2nd Superior Penal Chamber of the Mannheim District Court was unfolding. In this trial I was again charged with "inciting the masses" that had allegedly occurred through publication of the results of historical research, which are available on the website of my former publishing firm (vho.org) as free downloads and which can also be purchased as hardcopies. These research results have been summarized in my 2005 book *Lectures on the Holocaust*.[55] This book was therefore also the focal point of my new indictment since, according to the prosecution, it represents in an exemplary manner my allegedly reprehensible opinions.

I commenced my presentation to the Court with the following general explanation, which clarifies right from the start my position regarding the entire trial:

II. General Remarks about my Defense

1. Statements about historical subjects will be made only in order
   a. to explain and illustrate my personal development;
   b. to illustrate by examples the criteria of the nature of science;
   c. to place the District Attorney's charges regarding my statements in a larger context.
2. These Statements are not made in order to buttress my historical opinions with facts.

[55] G. Rudolf, *Lectures on the Holocaust*, Theses & Dissertations Press, Chicago 2005; 2nd ed.: The Barnes Review, Washington, DC, 2010 (www.holocausthandbooks.com/dl/15-loth.pdf).

3. I will not file motions asking the Court to consider my historical theses – for the following reasons:
   a. Political: German courts are forbidden by orders from higher up to accept such motions to introduce evidence, as is stated in Article 97 of the German Basic Law:[56] "Judges are independent and subject only to the Law." Please pardon my sarcasm.
   b. Opportunistic: Item a) above does not prohibit me from submitting motions to introduce evidence. However, since they would all be rejected, it would all be an effort in futility. We should all spare ourselves this waste of time and energy.
   c. Reciprocal: Since present law denies me the right to defend myself historically and factually, I in turn am denying my accusers the right to charge me historically and factually on the basis of the maxim of equality and reciprocity. Thus I consider the prosecution's historical allegations to be non-existent.
   d. Juridical: In 1543, Nicolaus Copernicus wrote:[57]

      "If perchance there should be foolish speakers who, together with those ignorant of all mathematics, will take it upon themselves to decide concerning these things, and because of some place in the Scriptures wickedly distorted to their purpose, should dare to assail this my work, they are of no importance to me, to such an extent do I despise their judgment as rash."

No court in the world has the right or the competence to authoritatively decide scientific questions. No parliament in the world has the right to use penal law to dogmatically prescribe answers to scientific questions. Thus it would be absurd for me as a science publisher to ask a court of law to determine the validity of the works I have published. Only the scientific community is competent and entitled to do this.

Germar Rudolf, Stuttgart, 4 November 2006

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[56] Germany's Basic Law, which was negotiated between German politicians and primarily the U.S. occupational forces right after WWII, is considered to be its constitution, although formally seen it has never been approved by a referendum of the German people, hence lacks formal legitimacy.

[57] Nikolaus Kopernikus, *Über die Kreisbewegungen der Weltkörper*, Thorn 1879, p. 7; Engl.: Nicolaus Copernicus, *On the revolution of heavenly spheres*, Prometheus Books, Amherst, NY, 1995; here quoted from Dorothy Stimson, *The Gradual Acceptance of the Copernican Theory of the Universe*, Hanover, NH, 1917, p. 115; original: *De revolutionibus orbium coelestium*, 1543; from 1616 to 1822 this book was "suspended" by the Catholic Church, which means that, when quoting the book, it had to be emphasized that the heliocentric system is merely a mathematical model.

B. Scientific Considerations

I. The Human Aspect

1. Conflict between the State and the Curiosity Creature

One of the most important questions in this trial will be whether the works I have published are scientific in nature, hence whether I am protected by the civil right of freedom of science. In this regard I wish to thoroughly address the question of what science actually is. For this I will subsequently refer to diverse leading intellectuals and quote them at length so that it will become clear that these opinions are not home-grown "on my own little compost pile," but rather run like a golden thread through the intellectual history of mankind.

I would like to start with the question of what it actually is that makes us human. For my first quotation I go all the way back to the Greek philosopher Socrates, who observed:[58]

> *"The unexamined life is not worth living."*

Aristotle, the equally world-famous ancient Greek philosopher, was expressing the same thought when he observed:[59]

> *"All men by nature desire to know."*
>
> *"*[…] *for men, therefore, the life according to reason is best and pleasantest, since reason more than anything else is men."*[60]

The renowned Spanish sociologist José Ortega y Gasset was a little more thorough:[61]

> *"Life without Truth cannot be lived.* […] *Without mankind there is no truth, but also in reverse: without truth there is no mankind. One can define man as the creature that has absolute need for truth, and in reverse: truth is the only thing that ineluctably needs man. Man is truth's sole absolute necessity. All of man's other needs, including food, are necessary only under the condition that there is such a thing as truth, which is to say that there is meaning in life.*

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58 Socrates, *Apologia*, Sec. 38.

59 Aristotle, *Metaphysics*, book 1, chapter 1, first sentence; Richard Keon (ed.), *The Basic Works of Aristotle*, Random House, New York, 1941, p. 689.

60 Aristotle, *Nicomachean Ethics* book X, chapter 7; *ibid.*, p. 1105.

61 Humans are omnivores, though; GR. José Ortega y Gasset, *Aufstand der Massen*, DVA, Stuttgart 1958, p. 48; this essay is not contained in the English edition of this collection, *Revolt of the Masses*, Allen & Unwin, London 1961.

Zoologically speaking, we should classify man under the category of trutheater rather than carnivores."

The famous behavioral scientist and Nobel Prize winner Konrad Lorenz made a very similar observation when he described human curiosity with these words:[62]

"There exist inborn behavioral systems that are equivalent to human rights whose suppression can lead to serious mental disturbances."

Lorenz's disciple Eibl-Eibesfeld, who directed the Max Planck Institute for Behavioral Research for many years, expressed the idea in a similar fashion:[63]

"Through evolutionary adaptation [man is] *pre-programmed to be a cultural creature – in his curiosity, for example, an independent urge that causes him to seek out new situations in order to learn from them. For that reason we join A. Gehlen in calling him the 'curiosity creature'."*

A reviewer of my magazine *Vierteljahresheft für freie Geschichtsforschung* (quarterly for free historical research)[64] once wrote that the will to the truth, which is to say curiosity, is the divine spark in man.[65]

The compulsion to learn the truth may not be of such high importance for all individuals, but most certainly for the group I have quoted, namely the intellectuals in human history.

I would now like to give you a brief overview of my life under the aspect of my own curiosity, from which it will become clear that I without doubt belong to the group of "trutheaters" who have to wither without this nourishment.

It was probably quite "normal" that I started bombarding my parents with questions as a small boy, with which I was getting particularly on my mother's nerves. Probably due to my parents' moderate education caused by wartime privations – both had only eight years of school education – their ability to satisfy my childlike curiosity was rather limited, which frustrated me quickly and caused me to doubt their competence.

During my first three school years, my mother's vain and despairing attempts to persuade me to read anything indicated that there was more

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62 Konrad Lorenz, *Der Abbau des Menschlichen*, Piper, Munich 1983, p. 1; *The Waning of Humaneness*, Little, Brown & Co., Boston 1987, p. 186.

63 Irenäus Eibl-Eibesfeld, *Der vorprogrammierte Mensch*, Fritz Molden, Wien 1973, p. 272; reference to Arno Gehlen, *Moral und Hypermoral*, Athenäum, Frankfurt on Main 1969.

64 www.vho.org/VffG.

65 D. V., "'Die Würde des Menschen ist unantastbar,'" *Mensch und Maß*, 39(1) (1999), p. 44.

to it than just normal childhood curiosity. Neither fairy tales, folk sagas, pirate tales nor adventure stories could inspire me to read. At the beginning of the third school year my reading skills were still so bad that everyone became alarmed. At that time, however, my mother had an inspiration that was my salvation. For my eighth birthday she gave me the book *Luft, Wasser, Wärme, Schall: Physik für Kinder* (Air, Water, Heat and Sound: Physics for Children), and that caused the breakthrough! Finally I had a book that did not waste my time with make believe, but rather offered answers and explanations for questions that I had long been asking. Since that time, there has been no stopping or turning back for me. Since then I have wanted to read whatever literature I could get, in the way of natural science and technology. My greatest treasure soon became my constantly growing collection of editions of the Tesloff Series *Was ist Was* (What's What). The small town in which I grew up had a tiny bookshop, and the town library had just one single shelf of books on technology and the natural sciences. This put me on starvation rations.

During my childhood paleontology, astronomy and meteorology became my favorite subjects. At age 13 I began my own continual weather recordings three times a day, because I had dreams of someday becoming a meteorologist with my very own weather station. Thus after a year of uninterrupted measurements, I was able to calibrate my barometer to the average air pressure.

By coincidence – I found a subscription coupon lying in the dirt – I learned about a new magazine around the time of my 14th birthday. That was *PM – Peter Moosleitners interessantes Magazin* (Peter Moosleitner's interesting magazine), a popular science magazine on a level which was easy to digest. At an age when other teenagers were reading *Bravo*[66] and devouring Rock'n Roll magazines, I was urging my mother with feverish enthusiasm to let me have this popular scientific magazine. It remained my constant companion until the beginning of my university studies; and in my whole life, I have never had a copy of *Bravo* in my hand.

Shortly after I had turned 15, we moved to the city of Remscheid, whose city library had many shelves of books on the natural sciences. From the beginning I felt I was in paradise. I began borrowing specialized scientific works in my favorite fields, among them at one point

[66] A leading German tabloid youth magazine, see www.bravo.de.

even a doctoral dissertation on a climatological subject that I read with real passion. The contents of that dissertation remain embedded in my memory to this day.

In the upper level of my College prep school I spent my afternoon spare time in elective school-sponsored study groups on conventional and alternative energy sources and energy production. Apparently the information provided during normal class time instruction was not enough to satisfy my appetite.

Since an occupational advisor discouraged me from studying meteorology at the university, calling it a "gateway to unemployment," and because my school performance in chemistry was outstanding, I decided to choose this as my major subject at university. From the very beginning of my university studies, I noticed that in comparison with the majority of beginning students I was better prepared and more highly motivated. Symptomatic for this was an event that occurred during the physics lab course after the second semester. In one of the experiments we had to measure the speed of an electron beam on the basis of the known strength of a magnetic field. This field forced the electrons into a circular path whose radius was easy to measure with reference to a gas that was excited to fluoresce by the electrons.

As I was evaluating the results, it became evident that the electrons had achieved a velocity that was a significant percentage of the speed of light. This led me to check on my own initiative whether it would be necessary to carry out relativistic corrections. Within the limits of the statistic accuracy of our method, however, it turned out that this was not necessary. As we were discussing our evaluations during the seminar, the physics professor asked if anyone had verified whether there was a relativistic effect in this experiment. I was the only one who responded and presented my results. When the professor asked what equation I had used to carry out the calculations, I swiftly recited it from memory, whereupon the whole roomful of students stared at me as though I were a creature from another world. Beginning students of chemistry are not supposed to be able to carry out calculations in relativistic physics, much less to carry the equation around in their head. Thanks to my interest in astronomy, however, I had read a great deal about relativity already in my senior year at high school and had carried out calculations such as the amount of time a space ship would need in order to reach the star Proxima Centauri at constant acceleration and decelera-

tion of one "g" and under the influence of relativistic dilatation of time. Apparently I had been insufficiently challenged in high school.

For me, my university studies were not a mere gauntlet to a steep career, but rather an adventurous voyage into the world of knowledge. I had always wanted to know what forces held the world together, in the Faustian sense.

While the structure of undergraduate studies in chemistry is rather rigid, as one has to follow a rather strictly prescribed program, the curriculum during graduate studies opens up elective options. With my initial enthusiasm I made excessive use of these options. Instead of choosing a single required elective as is customary, I began with four: biochemistry, electro-chemistry, nuclear chemistry and theoretical chemistry, which in principle is applied quantum mechanics. Please note that I was studying these elective subjects in addition to the required subjects of organic, inorganic and physical Chemistry. In addition to these, I occasionally attended lectures on nuclear physics at the physics institute, lectures on information technologies at the institute for mathematics, and since I at that time was residing in a student dormitory immediately adjoining the meteorological institute, I could not resist visiting lectures there as well.

It goes without saying that by doing so I severely overloaded myself. I developed serious symptoms of stress, and so after a year I had to drop some of the electives. I finally chose as my two elective subjects nuclear chemistry and electro-chemistry, which presented a problem with the faculty administration, since there was room on the diploma for only one single elective subject.

Thanks to my straight "A" on my master's certificate, every door stood open to me in my choice of institutions for my PhD dissertation. The options of the Max Planck Institute for Solid State Research in Stuttgart and the Max Planck Institute for Polymer Research in Mainz were especially attractive because of the reputation of the Max Planck Society as the pinnacle of German science. Thus I was rather disappointed to learn that most of the PhD candidates considered the Max Planck Institute in Stuttgart, where I eventually ended up, as nothing more than just a means to further their career for a future with high prestige and material wealth. It seemed as though the mildew of public service had infected the entire Max Planck Institute in Stuttgart. Not only the staff, but many researchers shared a bureaucratic mentality. No trace had remained of that scientific pioneering spirit which I had

gleaned from publications of the first half of the 20th century. To most of the people there, the concept of the eros or cognition seemed to be unknown. They seemed to have no concept of the exciting experience of finding answers to long-held questions, of finally comprehending what hitherto had not been understood, of exploring new scientific territories.

What I found lacking at this Max Planck Institute – a selfless, idealistic spirit of discovery – I found at that time during my leisure time in revisionism: a scientific atmosphere of departure impelled by lots of curiosity and the satisfying sensation of learning a lot, discovering a lot and moving a lot with relatively modest means. Especially the position as a science publisher, into which I was evolving after 1996 – or rather into which fate pushed me – was particularly attractive for me, because after the researcher, the publisher is generally the second person to learn about new research results, although without the painstaking research efforts frequently lasting several years. In addition, the publisher receives the results of many researchers of various research approaches or even fields of research. Hence one is in a position from where one obtains a much wider perspective of entire fields of research than is possible if concerned only with specialized fields. I therefore found my new activity as science publisher of controversial research results to be extremely satisfying intellectually. It has to be added that it was obviously motivating for a number of researchers, if they could be confident that their research efforts would bear fruit in the shape of an actually published work. This symbiotic relationship to the authors and researchers, which in itself promoted research, was equally motivating.

I have inserted this detailed description of my life under the aspect of curiosity, of the will to know, because the prosecution could potentially accuse me that the will to know is not my primary motivation but some merely imputed political or religious persuasions. The course of my life so far proves that such an imputation would be absurd.

I would like to go into one last aspect of curiosity, which is the well-known phenomenon that the grass always seems greener on the other side of the fence. In our case this means that my curiosity was and is being also and especially instigated because one tries to forbid me these fruits of revisionist knowledge. He who uses all the power at the State's disposal in order to suppress certain research and to outlaw its results, automatically exposes himself to the suspicion that he is trying to con-

ceal something extraordinary interesting and important. Then no truly passionate scientist can resist anymore.

2. Urge for Truth and Human Dignity

Since highest German courts have decreed that there can be a conflict between the urge to learn the truth and human dignity, a conflict which I will consider later in greater detail, I want to examine first what human dignity actually is. We humans ascribe a higher value to ourselves than to other living creatures, and consequently we often treat them in a less than noble fashion. One reason for this certainly is our anthropocentric worldview, which is to say that we consider our own species to be special precisely because it is our own. The matter is not quite that simple, though, as there is a categorical difference between humans and all other life forms known to us so far. The philosopher Karl Raimund Popper described this difference as follows:[67]

> *"the main difference between Einstein and an amoeba* […] *is that Einstein consciously seeks for error elimination. He tries to kill his theories: he is consciously critical of his theories which, for this reason, he tries to formulate sharply rather than vaguely. But the amoeba cannot be critical because it cannot face its hypotheses: they are part of it. (Only objective knowledge is criticizable. Subjective knowledge becomes criticizable when we say what we think; and even more so when we write it down, or print it.)"*

At another place Popper says:[68]

> *"Subjective knowledge is not subject to criticism. Of course it can be changed by various means – for example, by eliminating (killing) of the carrier of the subjective knowledge or disposition in question. Knowledge in the subjective sense may grow or achieve better adjustments by the Darwinian method of mutation and elimination of the organism. As opposed to this, objective knowledge can change and grow by the elimination (killing) of the linguistically formulated conjecture: the 'carrier' of the knowledge can survive – he can, if he is a self-critical person, even eliminate his own conjecture.*

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[67] Karl Popper, *Objective Knowledge*, 4th ed., Claredon Press, Oxford 1979, pp. 24f.
[68] *Ibid.*, p. 66.

The difference is the linguistically formulated theories can be critically discussed."

Translated into simpler terms, Popper is referring to the following two main characteristics of specifically human dignity:

1. In contrast to other forms of life, humans do not have to uncritically accept their sensual impressions as true, but they can doubt and critically scrutinize and even correct them if necessary.
2. In contrast to other forms of life, humans are able to objectify the results of their doubting quest for truth, that is to say, by making those results independent of themselves as subjects, either through words, writings, pictures or other forms of data so that others can study and critique them independent of their presence.

Thus, man's right to doubt and critique, that is, the right to follow his curiosity in quest of truth and to communicate what he believes to have found out to be true, are therefore integral parts of human dignity; indeed they form the very core of this dignity, which sets humans apart from other forms of life. Hence these rights are not negotiable. It is therefore an unsurpassed perfidy when agencies of the State attempt to pit freedom of science against human dignity.

I am entitled by nature to seek and announce the truth. I do not need any official permission for this.

II. Essentials

Article 19/2 of the German Basic Law provides that, in case of a conflict between two different fundamental civil rights, a compromise must be worked out whereby neither civil right shall be undermined in its essential nature. On this basis I will now explain the essential nature, the non-negotiable core value of science.

The first titan of western thought I may quote is the Königsberg Philosopher Immanuel Kant:[69]

"Enlightenment is man's leaving his self-caused immaturity. Immaturity is the incapacity to use one's intelligence without the guidance of another. Such immaturity is self-caused if it is not caused by lack of intelligence, but by lack of determination and courage to use

[69] Immanuel Kant, "Beantwortung der Frage: Was ist Aufklärung?," *Berlinische Monatsschrift*, December 1784, pp. 481-494; see http://en.wikiquote.org/wiki/Immanuel_Kant.

one's intelligence without being guided by another. Sapere Aude! [dare to know] *Have the courage to use your own intelligence! is therefore the motto of the enlightenment."*

Like Kant, Karl Popper characterized using one's reason as the counterpart to docile submission, in deference to authority, as central for modern open societies when he explained:[70]

"the closed society is characterized by the belief in magical taboos, while the open society is one in which men have learned to be to some extent critical of taboos, and to base decisions on the authority of their own intelligence (after discussion)."

The question before us is whether the Federal Republic of Germany is an open or closed, that is an authoritarian society. Are we allowed to critically discuss taboos and proclaim our opinions based on our own decisions? And does the German society have taboos, or not? As a matter of fact, the subject of this trial is exactly about this, namely about the Great Taboo of German society. Dr. Robert Hepp, professor of sociology, has the following to say about this:[71]

"Occasional experiments that I have conducted in my seminars convince me that 'Auschwitz' is ethnologically speaking one of the few taboo topics that our 'taboo free society' still preserves. […] *While they did not react at all to other stimulants, 'enlightened' central European students who refused to accept any taboos at all, reacted to a confrontation with 'revisionist' texts about the gas chambers at Auschwitz in just as 'elementary' a way (including the comparable physiological symptoms) as members of primitive Polynesian tribes reacted to an infringement on one of their taboos. The students were literally beside themselves and were neither prepared nor capable of soberly discussing the presented theses. For the sociologist this is a very important experience, because a society's taboos reveal what it holds sacred. Taboos also reveal what the community fears.* […] *A 'modern' society does not in any way react differently to breeches of taboos than does a 'primitive' society. The breaking of taboos is generally perceived as 'outrageous' and 'abominations' and produce spontaneous 'revulsion' and 'disgust.' In the end the perpetrator is isolated, excluded from society, and his name and memory 'tabooed.'"*

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[70] Karl R. Popper, *The Open Society and Its Enemies*, Routledge & Paul, London 1962, vol. 1, p. 202.

[71] In: Rolf-Josef Eibich (ed.), *Hellmut Diwald*, Grabert, Tübingen 1995, footnote 46, p. 140.

This point illustrates the sociological background of this trial. As a consequence of this present day German taboo, no individual in our society can express himself rationally, objectively and candidly about this taboo, because either he complies with it and is thereby biased, or else he is under a permanent threat of exclusion, persecution and of being himself taboo-ized, hence finding himself in a state of duress. This is of course particularly true of you as judges in this criminal trial.

For the scientist, however, taboos are strictly unacceptable.

The two non-negotiable main pillars of scientific endeavor are therefore:

1. **Freedom of Hypothesis:** At the beginning of the quest for creating knowledge any question may be asked. Doubt as the intellectual basis of all humans can be expressed as a simple question: "Is this really true?" Thus curiosity is nothing other than reason posing questions in search of answers. In scientific research there are many terms for these questions, as for example "research desiderata," all of which ultimately come to the same thing.

2. **Undetermined Outcome:** The answers to research questions can be determined exclusively by verifiable evidence. They cannot be determined by taboos or official guidelines laid down by scientific, societal, religious, political, judicial or other authorities. This is in keeping with Kant's maturity described above, that is, the ideal of the enlightenment.

If answers to scientific questions are prescribed, then posing questions is degraded to a mere rhetorical farce, and science becomes impossible. This is therefore not just an undermining of the essential nature of science, but its complete abolition.

The greater a taboo and the more severe the persecution of taboo-breakers are, the more appropriate and even required are skepticism, doubt, and distrust. Those who forcefully try to prevent critical illumination of such taboos must be asked how many skeletons they are trying to hide in their own basements.

In this regard, the German physicist George Christoph Lichtenberg very fittingly remarked:[72]

> *"The most common opinions and what everyone considers unquestionable often deserve most to be investigated."*

[72] Georg Christoph Lichtenberg, *Vermischte Schriften*, vol. 1, Dieterich, Göttingen 1853, p. 98.

As a scientist and science publisher, it is my duty to actively combat the gutting of the pillars of science by promoting such doubt, skepticism, and critiques, and by providing them a venue.

Here I must also include a few words regarding the concept of civil courage, which seems to have come into fashion once more. Civil courage implies exhibiting pride before the King's throne. It means showing courage in the face of the powerful. It has nothing to do with turning against this or that marginal societal group, as so often happens today in Germany during the so-called "struggle against the right." No courage is required to attack a persecuted and outcast minority to which everyone is opposed anyway. Quite to the contrary. I do not say this because I would like to politically support the position of the right; I say it as a matter of principle. When those in power and the majority beat up a powerless minority, this is opportunism at best and cowardice at worst. Courage is required only in order to confront the powerful, the majority, the *zeitgeist*. In our case, civil courage means confronting the enemies of science and of human dignity among those in power. Later on I shall have more to say on the subject of resistance.

III. Principles

I would now like to discuss the principles of the search for truth, which can be considered the basic maxims of science. I will start by again quoting Karl Popper, who has sketched the historical genesis of the most basic of all scientific maxims. A great many of the following statements trace back in general to Popper's epistemology, since this philosopher is considered to be one of the best known and most renowned of the 20th century for good reasons. One can even consider his philosophy to have overcome Kant's critical idealism, whose theory of "*a priori*" knowledge has been severely shattered by modern physics.

For example, Kant starts with the assumption that from the very beginning we have actual knowledge of the concepts of space and time, causality and continuity. However, the belief in causality was badly shaken by quantum mechanics, the belief in a constant time and a Cartesian space by the theory of relativity, and the belief in the "truth" of genetically transmitted information has been shaken by genetic research, evolutionary biology, behavioral research, and the physiology of

the brain. There is hardly anything left of Kant's "*a priori*" knowledge. It was precisely at this point that Karl Popper made his entrance. As physicist, mathematician and philosopher he had the required basic knowledge to transform and combine the insights gained by the natural sciences into a solid new theory of knowledge (epistemology). He began developing this new theory of knowledge in the 1930s.

Concerning the genesis of science, Popper explained:[73]

> *"Among the Babylonians and the Greeks and also among the Maoris of New Zealand – indeed, it would seem, among all peoples who invent cosmological myths – tales are told which deal with the beginning of things, and which try to understand or explain the structure of the Universe in terms of the story of its origin. These stories become traditional and are preserved in special schools. The tradition is often in the keeping of some separate or chosen class, the priests or medicine men, who guard it jealously. The stories change only little by little – mainly through inaccuracies in handing them on, through misunderstandings and sometimes through the accretion of new myths, invented by prophets or poets.*
>
> *Now what is new in Greek philosophy, what is newly added to all this, seems to me to consist not so much in the replacement of the myths by something more 'scientific,' as in a new attitude towards the myths. That their character then begins to change seems to me to be merely a consequence of this new attitude.*
>
> *The new attitude I have in mind is the critical attitude. In the place of a dogmatic handing on of the doctrine (in which the whole interest lies in the preservation of the authentic tradition) we find a critical discussion of the doctrine. Some people begin to ask questions about it; they doubt the trustworthiness of the doctrine; its truth.*
>
> *Doubt and criticism certainly existed before this stage. What is new, however, is that doubt and criticism now become, in their turn, part of the tradition of the school. A tradition of a higher order replaces the traditional preservation of the dogma: in the place of traditional theory – in place of the myth – we find the tradition of criticizing theories (which at first themselves are hardly more than myths). It is only in the course of this critical discussion that observation is called in as a witness."*

[73] Karl Popper, *Objective Knowledge*, *op. cit.* (note 67), pp. 347f.

Hence, dogma and criticism stand opposed to each other as antipodes. In our case, this is the State opposed to revisionism; or in other words the Enemies of Science on one hand versus Science on the other:

- Dogma vs. Critique
- State vs. Revisionism
- Enemies of Science vs. Science

The U.S. political scientist Fareed Zakaria illustrated this opposition of science to dogma very succinctly in his book *The Future of Freedom*, particularly in the chapter "A Short History of Human Freedom:"[74]

> *"Science, after all, is a constant process of challenging authority and contesting dogma."*

And by the way, in his book Zakaria explained that democracy and the rule of law are two very different and distinct institutions. Because when the majority represses minorities in a state, this may be done with democratic means, but they are certainly not the means of a government of laws. Only when limits on the majority's exercise of power are imposed by law, thus making the repression of minorities impossible, can we speak of a nation under the rule of law. I mention this because, when I point out that today's Germany is a dictatorship, I am often confronted with the claim that this cannot be true because it is evident that Germany is a democracy. However, the question of whether Germany is a democracy or not has nothing to do with determining whether it is a dictatorship. If a democracy, even with overwhelming majority and approval of wide sectors of the population, passes laws against expressing certain views, and thereby persecutes a minority, regardless of how small a minority, then we are obviously dealing with a democratic dictatorship.

The word "dictatorship" is derived from the Latin *dictare*, which means "to prescribe." And this is exactly what the Federal Republic of Germany does: It prescribes in its penal law what the citizen must consider to be true, and it persecutes the minority that expresses other opinions. For this reason the Federal Republic of Germany is a democratic dictatorship; but regarding this issue it cannot be considered a nation under the rule of law.

My chemistry colleague Dr. Peter Plichta has also emphasized science's basic underlying hostility toward dogma. With the results of his

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[74] Fareed Zakaria, *The Future of Freedom*, Norton & Co., New York 2004, p. 41. Zakaria is editor of the U.S. magazine *Newsweek International* and former chief editor of the magazine *Foreign Affairs*, organ of the U.S. think tank Council on Foreign Relations; cf. FareedZakaria.com.

dissertation research on the chemistry of higher silicon-hydrogen compounds, he contradicted what had been more speculated than "known" in scientific literature on the subject. Because of the assumption that whatever has been written in scientific literature must be true – the erroneous assumption of many scientists – Dr. Plichta found himself opposed by overwhelming dogmatic belief. He thus stated pointedly:[75]

> *"The foundation of every creative process is thinking your own thoughts and doubting whatever exists."*

As the counterpoint to this allow me to quote the "*créme de la créme*" of French Holocaust historians in their reaction to revisionist theses concerning the technical feasibility of the alleged mass murders:[76]

> *"It is forbidden to ask how such mass murder was possible. It was technically possible because it happened. This is the obligatory point of departure for every historical investigation of this subject. We must simply keep this truth in mind: There is no debate concerning the existence of gas chambers and no such debate may be permitted."*

Here we have dogmatism and hostility to science *par excellence*! The first sentence prohibits questioning; the second sentence is an impermissible circular reasoning; the third sentence announces dogma; and the fourth combines them all and announces the prohibition against questioning as an axiomatic truth.

The term "truth" itself is somewhat problematic, although I have used it as well. This is because of the age-old philosophical wisdom concerning the impossibility of being certain that one has found the truth. The reasons for this impossibility are twofold. On one hand there is the inadequacy of our senses and understanding, because of reasons that are primarily but not exclusively psychological. The other reason is that there is no such thing as valid "*a priori*" knowledge.

Karl Popper makes this point very aptly:[77]

> *"First, although in science we do our best to find the truth, we are conscious of the fact that we can never be sure whether we have got it. We have learned in the past, through many disappointments, that we must not expect finality. And we have learned not to be dis-*

[75] Peter Plichta, *Benzin aus Sand. Die Silan-Revolution*, 2nd ed., Herbig, Munich 2006, p. 248.
[76] 34 leading French researchers, *Le Monde*, 21 Feb. 1979.
[77] Karl Popper, *The Open…, op. cit.* (note 70), vol. 2, p. 12.

appointed any longer if our scientific theories are overthrown." – Or so one should think...

In his pioneering epistemological work *The Logic of Scientific Discovery*, Popper presented the logical and mathematical proof that it is impossible to establish even the probable truthfulness of a thesis. With his interdisciplinary capabilities, he was as good as predestined to write such a work. His presentation can be briefly summarized as follows: In order to determine the probable proximity of a theory to the truth, we would first have to know the precise location of that truth, but this is precisely what we do not know. From this, Popper deduces:[78]

> *"I think that we shall have to get accustomed to the idea that we must not look upon science as a 'body of knowledge,' but rather as a system of hypotheses; that is to say, as a system of guesses or anticipations which in principle cannot be justified, but with which we work as long as they stand up to tests, and of which we are never justified in saying that we know that they are true' or 'more or less certain' or even 'probable'."*

As an illustration of how insecure our presumed knowledge really is, I refer to the already mentioned example of our present astronomical concept of the universe.

The geocentric concept of the universe, repeatedly accepted and confirmed for over 2,000 years, was considered to be "true," or due to its frequent and long-lasting reliability at least as "probable," until a single researcher demolished the theory with a unique opinion: Nicolaus Copernicus.

- Copernicus, who was defended by Galileo Galilei against Johannes Kepler, was mistaken on some points;
- Kepler and Galilei in turn were corrected and improved by Newton;
- Newton, who was long considered irrefutable, was in turn "relativized" by Einstein and proven to describe a special case and hence a mere approximation.

However, there is little cause for complacency. The latest discoveries in physics, based among other things on interstellar and intergalactic phenomena such as the speed of satellites Pioneer 10 and 11, as well as problems with the theory of gravity, are now challenging this conception of the universe as well. I do not want to go into detail at this point, as I intend to discuss it later in greater detail, but this example demon-

[78] Karl R. Popper, *The Logic of Scientific Discovery,* Hutchinson & Co., London 1968, p. 317.

strates one of the principal defining characteristics of science, namely that there are no permanent truths. In fact, that is the title of a chapter of my book.[79]

On this subject, the *crème de la crème* of European and international "Holocaust" scholars claim in the book *NS-Massentötungen durch Giftgas*, which is still used as standard reference refuting revisionist theories:[80]

> *"In order to be able to effectively combat and stem such tendencies* [the denial of mass murder, GR]*, the entire historical truth must be irrefutably securely written for all time."*

This is once more dogmatism and hostility to science *par excellence*.

Needless to say that the question arises now: In view of the fact that the degree of truthfulness of scientific theories cannot be established with certainty, how can we make sure that we make progress anyway? In this regard there are two principles at work:

The first is testability

A thesis must be testable; that is, one must be able to subject it to tests by means of which it is either proven to be false or else reliable for the present test case. (I deliberately avoid the term "true," since failure in other tests might still be possible.)

→ falsifiability = empirical testability

The other is the degree of reliability

A scientific thesis must be tested; the more tests – attempts at refutation – it withstands, the more reliable it will be. The more rigorous the testing, that is, the more vigorously one attempts to refute the thesis, the higher its reliability, if the attempts at refutation are unsuccessful.

→ Attempts at falsification = rigorous attempts at refutation

Thus at heart, science is the systematic testing and verification of theories.[81]

Further on Popper explains:[82]

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[79] Germar Rudolf, *Lectures, op. cit.* (note 55)*,* ch. 1.8., pp. 45-54.

[80] Eugen Kogon, Hermann Langbein, Adalbert Rückerl et al. (eds.), *ibid.*, S. Fischer, Frankfurt on Main 1983, p. 2; the later English edition of this book, *Nazi Mass Murder*, Yale, New Haven 1993, does not contain that revealing sentence.

[81] Karl Popper, *Logic*, *op. cit.* (note 78) p. 106.

[82] *Ibid.*, p. 54, similar p. 48.

> *"First a supreme rule is laid down which serves as a kind of norm for deciding upon the remaining rules, and which is thus a rule of a higher type. It is the rule which says that the other rules of scientific procedure must be designed in such a way that they do not protect any statement in science against 'falsification'* [= empirical refutation, GR]*."*

Thus, proscribing attempts to disprove a thesis – including in our case the prohibition of revisionist attempts to refute established theses on the "Holocaust" – is an assault on the most basic principles of science.

But which thesis among the many being discussed should be preferred? On this subject Popper says the following:[83]

> *"We choose the theory which best holds its own in competition with other theories; the one which, by natural selection, proves itself the fittest to survive. This will be the one which not only has hitherto stood up to the severest tests, but the one which is also testable in the most rigorous way."*
>
> *"The old scientific ideal of epistēmē – of absolutely certain, demonstrable knowledge – has proved to be an idol. The demand for scientific objectivity makes it inevitable that every scientific statement* [thesis, GR] *must remain tentative forever. It may indeed be corroborated, but every corroboration is relative* […].
>
> *The wrong view of science betrays itself in the craving to be right; for it is not his possession of knowledge, of irrefutable truth, that makes the man of scientist, but his persistent and reckless critical quest for truth."*
>
> *"Those among us who are unwilling to expose their ideas to the hazard of refutation do not take part in the scientific game."*

Allow me to read this sentence again very carefully, Mr. District Attorney:

> *"Those among us who are unwilling to expose their ideas to the hazard of refutation do not take part in the scientific game."*

What a powerful assertion that is!

The ancient Latin scientific maxim *"De omnibus dubitandum est"* (everything must be doubted) coincides exactly with this line of argumentation.

And now I may again quote Kogon and his colleagues:

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[83] *Ibid.*, pp. 108, 280, 280.

"In order to be able to effectively combat and stem such tendencies, the entire historical truth must be irrefutably securely written for all time."

About this it has to be declared: a thesis that is alleged to be irrefutable cannot possibly be scientific! To expose oneself to potential refutation means precisely to acknowledge the legitimacy of attempts at refutation – indeed, it means to invite such attempts. Above all, it means to identify and discuss such attempts, which Kogon and colleagues of course do not do.

Another example of this is the French pharmacist Jean-Claude Pressac. In particular his study of the crematories of Auschwitz,[84] which appeared in 1993, has repeatedly been presented as a refutation of revisionist arguments by the media, the courts and conformist historians. The problem here is that nowhere in his book does Pressac refer to any revisionist works. Nowhere does he confront, much less disprove a single revisionist argument. In 1996 I edited a book, in collaboration with several other researchers, in which we analyzed and critiqued Pressac's study in detail and refuted it in several decisive points. For the precise reason that our book, in contrast to Pressac's book, adheres to scientific procedure, the German government ordered that it be seized and destroyed, and initiated a new criminal trial against me.[85]

Many more examples of the refusal to submit to attempts at refutation could be provided, of which I included several in the books *Auschwitz-Lügen* and *Auschwitz Lies* (co-authored together with Carlo Mattogno).[86] Among these are the alleged attempts to refute revisionist arguments by the U.S. Americans Shermer and Grobman, who take great pains with their attempt, though, to avoid even mentioning recent, detailed revisionist studies with their multifarious arguments. Also among them are the Polish researcher Dr. Markiewicz, to whom I will return

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[84] J.-C. Pressac*, Die Krematorien von Auschwitz*, Piper, Munich 1994; French original: *Les crématoires d'Auschwitz,* CNRS, Paris 1993; only a heavily abbreviated English version appeared under the guidance of the Jewish chaperon Robert J. van Pelt: J.-C. Pressac, R.J. van Pelt, "The Machinery of Mass Murder at Auschwitz," in: Yisrael Gutman, Michael Berenbaum (eds.), *Anatomy of the Auschwitz Death Camp*, Indiana University Press, Bloomington/Indianapolis 1994, pp. 183-245.

[85] Germar Rudolf (ed.), *Auschwitz: Plain Facts*, Theses & Dissertations Press, Chicago 2005 (see www.holocausthandbooks.com/dl/14-apf.pdf). The German edition of this book (Herbert Verbeke (ed.), *Auschwitz: Nackte Fakten*, VHO, Berchem 1996) was confiscated in 1997 by county court Böblingen, ref. 9[8] Gs 228/97 (www.vho.org/D/anf).

[86] Both published in 2005 by Castle Hill Publishers and Theses & Dissertation Press, respectively; a revised English edition appeared in 2011 by The Barnes Review, Washington, DC (www.vho.org/dl/DEU/al.pdf, www.holocausthandbooks.com/dl/18-al.pdf).

later, and the Austrian Dr. Josef Bailer. Although the latter tried to argue on grounds of chemistry, he refused to even acknowledge in an ostrich-like manner the counter-arguments that I personally had sent him in 1993.

The allegation of federal German courts and prosecutors that established historians do not take revisionism seriously precisely proves the unscientific attitude of these established historians, because science primarily means:

1. welcoming attempts at refutation;
2. discussing them rationally.

This is precisely what revisionism does: It welcomes every attempt by established researchers to refute revisionist theses and it discusses and debates them rationally, that is to say, without making personal or political insinuations against the authors and by criticizing their critique in return – which is then used against us for new criminal charges.

But even if criticism is erroneous or wanting, it can still be fruitful, as Karl Popper pointed out:[87]

> *"Moreover, criticism may be important, enlightening, and even fruitful, without being valid: the arguments used in order to reject some invalid criticism may throw a lot of new light upon a theory, and can be used as a (tentative) argument in its favor."*

If mere erroneousness or inadequacy were prosecutable as such, then we all would be sitting in prison according to the principle of general laws, because we all make mistakes. This can therefore not be an argument for criminal prosecution.

After all, the principle of trial and error is a main method of science. To punish error would amount to punishing being human and to render science impossible. Hence, even if the revisionists got it wrong: so what?

Prejudices and their Immunization

This is what Karl Popper had to say about the omnipresence of human prejudice:[88]

> *"The fact that a sentence appears to some or all of us to be 'self-evident', that is to say, the fact that some or even all of us believe firmly in its truth and cannot conceive of its falsity, is no reason why*

[87] Karl Popper, *The Open…*, *op. cit.* (note 70), vol. 2, p. 380.
[88] *Ibid.*, p. 291.

it should be true. (The fact that we are unable to conceive of the falsity of a statement is in many cases only a reason for suspecting that our power of imagination is deficient or undeveloped.) It is one of the gravest mistakes if a philosophy ever offers self-evidence as an argument in favour of the truth of a sentence."

"for there is no doubt that we are all suffering under our own system of prejudices […]*; that we all take many things as self-evident, that we accept them uncritically and even with the naïve and cocksure belief that criticism is quite unnecessary; and scientists are no exceptions to this rule, even though they may have superficially purged themselves from some of their prejudices in their particular field."*[89]

"Is it not a common experience that those who are most convinced of having got rid of their prejudices are most prejudiced?"[90]

"Thus we do not, in general, see the truth when we are most convinced that we see it;" [91]

Now an interesting and at once important question:

Who is in our case the one who is most fanatically convinced to possess the truth? In order to find this out, a tolerance test needs to be made:

- Who forbids whom to speak?
- Who puts whom into prison?
- Who burns whose books?

I sincerely wish that the answer to these questions were "no one." It is obvious that the revisionists are not forbidding anybody to speak and not arresting anybody or burning anybody's books. Whether in future this can be said about the Federal Republic of Germany depends in large part on the decision of this Court

The more fanatically we believe in the truth of our prejudices, the more we tend to immunize them from attempts to disprove them. For this reason, attempts at immunization are a good indicator of unscientific dogmatism.

In order to illustrate how theories can be immunized, I shall give two examples from everyday life, so to say:

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[89] *Ibid.*, p. 217.
[90] *Ibid.*, p. 223.
[91] *Ibid.*, pp. 390f.

Example 1:

Thesis:	God exists.
Demand:	Verifiable proof.
Support Thesis:	God has characteristics which cannot be conceived by the means and methods of this world.

Thanks to the supportive thesis, the principal thesis is armor-plated for all time against scientific attempts at refutation. By so doing one has removed God from the realm of science. Theology is therefore not a science.

The second example follows the same principle, although it is not of a theological nature.

Example 2:

Thesis:	Little green men from outer space exist.
Demand:	Verifiable proof.
Support Thesis:	These extraterrestrials are technologically so much superior to us that they can completely elude our efforts to prove their existence.

In both cases we are dealing with logical immunizations of the theories, which is an impermissible method in science. Perhaps you are now asking what this has to do with our subject. In response I give you a quotation by Simone Veil, the first president of the European Parliament and an Auschwitz survivor. In response to revisionist demands for verifiable evidence for the existence of homicidal gas chambers (especially from Prof. Robert Faurisson) she said:[92]

> *"Everyone knows that the Nazis destroyed these gas chambers and systematically eradicated all the witnesses."*

If we put this statement into the same pattern as the two examples I have given above, it looks like this:

Example 3:

Thesis:	Gas chambers existed.
Demand:	Verifiable proof.
Support Thesis:	All evidence has been destroyed.
Subsequent Demand:	Verifiable proof of the destruction of evidence and of its content.

The consequence of this logical crutch, which was intended to be an auxiliary theory, is, however, that the argumentative situation is now

[92] *France Soir*, 7. Mai 1983, p. 47.

even worse. Now the proponents of the theory have to prove not only the original thesis but the support thesis as well, which in addition requires proof for two claims. In anticipation of your objections, let me add here that no one will contest the fact that a retreating army, approaching defeat, could and would potentially destroy all kinds of things – and not just evidence of crimes but on principle everything that could be helpful to the enemy. And there is also no dispute about the fact that criminals attempt to destroy evidence of their crimes. However, this does not relieve the scientist of the duty to gather evidence. As a result of the destruction of evidence, this may well be more difficult, which is surely tragic. But the absence of evidence is no substitute for evidence, and this absence can most certainly not serve to undergird incriminating claims. In addition I may point out that the auxiliary theory of a complete destruction of evidence by the SS is not true, as is proven by the Soviet capture of the complete archives of the Central Construction Office of Auschwitz or of the War Archives of the Waffen SS in Prague by the Red Army.

Karl Popper systematically investigated the diverse methods of immunizing theories.[93] He described four main tactics used to immunize theories, which are all unscientific, that is inadmissible, and which I will describe in the following:

1. Support theses that make testing difficult or impossible

Example 1:

Arno Mayer, Professor of Modern Jewish History at Princeton University, has written a summary of what one could call the credo of "Holocaust" research (analogous to Simone Veil):[94]

> *"Sources for the study of the gas chambers are at once rare and unreliable. Even though Hitler and the Nazis made no secret of their war on the Jews, the SS operatives dutifully eliminated all traces of their murderous activities and instruments. No written orders for gassing have turned up thus far. The SS not only destroyed most camp records, which were in any case incomplete, but also razed nearly all killing and crematory installations well before the arrival of Soviet troops. Likewise, care was taken to dispose of the bones and ashes of the victims."*

[93] Karl Popper, *Logic*, *op. cit.* (note 78), pp. 82-97.
[94] Arno Mayer, *Why Did the Heavens Not Darken?,* Pantheon, New York 1990, p. 362.

It may well be true that evidence was destroyed – something that Mayer considers unnecessary to prove, but which is very necessary indeed! – but the reason why no evidence exists is irrelevant; non-existent evidence simply proves nothing.

Example 2:

The late Prof. Raul Hilberg, in his day the most worldwide acclaimed historian of the "Holocaust" – acclaimed by mainstream society, not by me! – has stated the following:[95]

> *"But what began in 1941 was a process of destruction* [of the Jews] *not planned in advance, not organized centrally by any agency. There was no blueprint and there was no budget for destructive measures. They* [these measures] *were taken step by step, one step at a time. Thus came about not so much a plan being carried out, but an incredible meeting of minds, a consensus mind reading by a far-flung* [German] *bureaucracy."*

Let me now place Hilberg's thesis in the above used pattern:

Thesis:	A gigantic genocide took place.
Demand:	Verifiable proof.
1st Support Thesis:	No evidence has been created.
Demand:	How was it implemented? Explanation required.
2nd Support Thesis:	By mind reading.

Since the second support thesis lies outside the realm of modern scientific research, Hilberg has logically "immunized" his theory against refutation.

Example 3:

Let us now look at the holes in the roof of Morgue no. 1 in Crematory II of Auschwitz Birkenau. According to eyewitness testimony, Zyklon B granules were dropped into this morgue through holes in its roof in order to commit mass gassings.

Preliminary Theses: (based on testimony, in contradiction to evidence.)

- Summer 1941: Auschwitz Concentration Camp receives orders for mass exterminations.
- Fall 1941: The first test gassing takes place.
- Winter 1941: Implementation & start of mass exterminations.

[95] *Newsday*, Long Island, New York, 23 Feb. 1983, p. II/3.

– Summer 1942:	New crematoria are ordered for A.-Birkenau for a more efficient mass extermination.
– March 1943:	Crematorium II complete; extermination begin there.
Main Thesis:	Poison granules of Zyklon B were poured through holes in the ceiling of gas chambers.
Demand:	Since mass gassings are said to have been planned since 1941, proper and preplanned holes must have been built into the ceiling.
Findings:	There are no such holes in ceiling.
1st Support Thesis:	Workers forgot the holes during construction; hence they were chiseled out afterwards.
Findings:	The holes chiseled in the ceiling were never finished, and they were demonstrably made after the war.
2nd Support Thesis:	The real holes are located in cracks of the ceiling, which was badly damaged by demolition with explosives, and so the original holes are indistinguishable from damage caused by explosives.

With this second auxiliary thesis the aim to perfectly immunize that thesis against refutation has been achieved.

Yet: that which can be neither proven nor is accessible to attempts at refutation must be considered unproven, or in this case: as non-existent.

Example 4:

As my last example I would like to return to the field of gravity, an entirely unemotional subject, in order to show that even in this area similar logic fallacies can occur. I have already described the genesis of our understanding of gravity, which we associate with the names of Copernicus, Kepler, Galilei, Newton and Einstein. However, more recent observations of galactic phenomena have shown that these phenomena are inexplicable by the traditional concepts of gravity. Once more I use the above introduced pattern to present this problem:

Fact:	The orbital speed of suns around the centers of galaxies does not obey Kepler's laws: they are too fast on the outer circumference (given the presumed distribution of known matter within the galaxy).

Support Thesis:	There is additional, as yet unproven "dark matter" (an irrefutable thesis!).
Consequence:	The total mass of the universe is too large in order to explain its postulated expansion.
Support Thesis:	In order to explain the forces that are driving the galaxies apart, some kind of currently unprovable "dark energy" is assumed to exist (an irrefutable thesis!).

Both auxiliary theses are by definition unverifiable and therefore scientifically impermissible. However, since the alternative would be to radically question the heretofore reliable theories of gravity, we prefer to seek refuge in using these argumentative crutches.[96]

For about a decade now, we have been collecting other, additional observations which also suggest that something is wrong with our concept of gravity.

For example there is the unusual flight behavior of the space probes Pioneer 10 and 11, both of which were sent past the great outer planets and beyond our solar system in the 1970s. Until quite recently, both satellites sent signals back to earth, and these signals allowed us to determine their locations. Based on these locations, it became clear that the probes were moving away from the sun more slowly than calculations had predicted. Astronomers then suspected that something really was amiss with our concept of gravity. For this reason, scientists are now planning to launch a probe into deep space specifically constructed in order to measure gravity there.[97]

And then there is the case of the Russian physicist Evgeni Podkletnov, who in the mid 1990s, in a Finnish research laboratory conducting experiments with high temperature superconductors, coincidentally observed an effect that really should not have occurred. Podkletnov rotated, at high speed, discs through which electricity was flowing under conditions of superconductivity. By coincidence he happened to notice that objects placed above the rotating superconducting discs were losing weight. When he first released the reports on his research concerning the creation of gravity beams, this did not lead to a sensation but rather to his shunning. In fact, he even lost his position for a time, thanks to a campaign of character assassination. However, since

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[96] See Pedro G. Ferreira, Glenn D. Starkman, "Einstein's Theory of Gravity and the Problem of Missing Mass," *Science*, 326, 6 Nov. 2009, pp. 812-815.

[97] Rudolf Kipphahn, "Die Schwerkraft in der Krise?," *Sterne und Weltraum*, 6 (2006), pp. 42f.

the gravitational effect could be reproduced under laboratory conditions, the scientific world gradually overcame its skepticism. Finally, in the early 2000s, even prestigious physics journals, which had initially exerted peer censorship, began carrying articles on the subject.

Podkletnov's accidental discovery of the possibility of creating aimed gravity beams through electromagnetic effects conflicts greatly with both classical and relativistic models of gravity. According to Einstein, gravity is nothing more than the bending of space caused by energy singularities, that is to say: mass. Aimed gravity beams that are created electromagnetically cannot possibly fit into this concept. On the other hand, physicists have been trying for more than a century to combine the concepts of electromagnetism and gravitation into a single unified field equation. Apparently the experimental physicist Podkletnov has succeeded where the theoretical physicists failed.

It is therefore possible that the entire science of physics is on the verge of another revolution. This clearly shows how literally unsteady the ground is on which we think we are standing.[98]

And if our understanding of gravity – something we have always held to be "firm as a rock" – actually rests on such an uncertain and unsteady basis, how can we speak of self-evidence in other areas that are significantly more difficult to perceive?

In view of the basic insecurity of all knowledge, Karl R. Popper is completely right when he makes the following conclusion:[99]

> *"Only if the student experiences how easy it is to err, and how hard to make even a small advance in the field of knowledge, only then can he obtain a feeling for the standards of intellectual honesty, a respect for truth, and a disregard of authority and bumptiousness."*

Dr. Halton Arp, professor of astrophysics at the Max Planck Institute for Astrophysics near Munich, has summarized the tragedy that is brewing today in science generally and astrophysics in particular as follows:[100]

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[98] David Cohen, "Going up," *New Scientist*, no. 2325, 12 Jan. 2002; Interview with Dr. Eugene Podkletnov: www.youtube.com/watch?v=AgyAFElQZcU; cf. Germar Rudolf, "On Third Reich Flying Saucers, German Physics, and the Perpetuum Mobile," *The Revisionist* 1(2) (2003), pp. 229-234.

[99] Karl Popper, *The Open…*, *op. cit.* (note 70), vol. 2, pp. 283f.

[100] Halton Arp, "What has Science Come to?," *Journal of Scientific Exploration*, 14(3) (2000), pp. 447-454.

> *"The most harmful aspect of what science has become is the deliberate attempt to hide evidence that contradicts the current paradigm.* […] *In a quite human fashion, however, they* [the peers] *act in an exactly opposite manner – judging that 'if an observation disagrees with what we know to be correct, then it must be wrong.' The tradition of 'peer review' of articles published in professional journals has degenerated into almost total censorship."*

Which brings us to the second tactic of the immunization of theories:

2. Arbitrary selection or elimination of data

Data sets are information which we have gained through research of an object and which serves either to form a new theory or to test an existing theory.

If a set of data is reproducible and/or verifiable and can be confirmed, it must not be eliminated.

If such data is nevertheless eliminated in order to immunize an existing theory, then this elimination is unscientific.

The fact that established historians are ignoring and physically eliminating (specifically by additional censorship and book-burning) extensive results of revisionist research is in itself evidence of their dogmatism, which ignores data in order to immunize its own thesis. But I will ignore that here for a moment.

The Holocaust thesis – meaning the industrial extermination of Jews – relies almost exclusively on witness statements as evidence. Exemplary for this is the verdict of the Frankfurt Auschwitz Trial:[101]

> *"For the court lacked almost all possibilities of discovery available in a normal murder trial to create a true picture of the actual event at the time of the murder. It lacked the bodies of the victims, autopsy records, reports by expert witnesses on the cause of death and the hour of death; it lacked traces of the perpetrators, murder weapons, etc. A verification of the witness testimony was possible only in rare cases."*

It is already most unusual to conduct a trial for alleged mass murder in which all the prerequisites are lacking that would be necessary to open a normal murder trial. However, when examining the 77 files of investigatory proceedings of the Auschwitz Trial as well as the trial it-

[101] I. Sagel-Grande et al. (eds.), *Justiz und NS-Verbrechen*, Vol. XXI, University Press, Amsterdam 1979, p. 434; verdict of the Frankfurt Auschwitz trial, ref. 50/4 Ks 2/63. p. 108.

self, it is very striking that neither the prosecution nor the court nor even the defense made any attempt to remedy this deficit. To be sure, it would have necessitated close cooperation of the Polish and Soviet authorities for such things as researching their archives and forensic investigation of the alleged locations and weapons of the crimes. It is possible that such a suggestion would have been rejected, which in itself would have been significant. But the German officials did not even try it in this case as in all similar trials. Thus, witness testimony is practically the only thing on which these court verdicts were based.

And yet:

- Witness statements are not data sets!
- Witness statements are allegations, which means they are the popular equivalent of a scientific thesis or theory.
- For this reason, witness testimony must be supported by verifiable evidence. Such testimony can contain indications as to how, where and when such evidence could be gathered.
- Even if 100 witnesses should say the same thing, this would still not be proof. The pattern "A alleges X, B confirms A, and C confirms B" etc. can be continued indefinitely, but it still reflects merely a circular reasoning, in which each witness relies on someone else as proof of his allegations. A historical example of how such gigantic circular self-confirmation of countless witnesses led to the fallacious assumption that the allegation must therefore somehow be true is the persecution of witches of the late middle ages and early modern age. In their pioneering basic research on witch trials, Soldan and Heppe described in detail how most witnesses, completely without compulsion but driven by the spirit of the age and so-called "common knowledge," repeatedly gave similar testimonies. For this reason, even impartial observers had concluded that the charges must have had substance.[102] Today we certainly know that this was not so.
- Should someone in the exact sciences rely on witness statements of colleagues or laypersons as proof of a theory, that person would make himself appear worse than ridiculous. My former PhD supervisor once made this drastically clear, when a colleague, Dr. Harald Hillebrecht, lecturing during a departmental seminar in 1992, had just quoted a statement by another colleague as proof of the physical

[102] Cf. Soldan-Heppe, *Geschichte der Hexenprozesse*, new edition by Max Bauer, 2 vols., Müller & Kiepenheuer, Hanau 1968.

characteristics of a chemical compound. With his typical sharp wit, the late Prof. von Schnering then remarked:

"Man, you mustn't believe that at all. Everyone around here has his own shithouse slogan!"

- When we move into the field of historiography, statements by witnesses do not become any more reliable. In fact, on account of greater human and political emotions, they become even worse than Schnering's shithouse slogans.
- In the field of historiography, even documentary evidence is often circular, since every bureaucracy occasionally creates paperwork that is designed not to document truth but rather to justify its own political activities.[103] And in addition, historical events cannot be replicated.

From what I have just explained, it necessarily follows that historical theories in principle have low levels of reliability compared with theories in natural sciences or even in the social sciences. This makes it even more absurd that historical theses of all theses are declared to be self-evident and even prescribed by penal law.

On the topic of the subjective convincedness of a witness, K. R. Popper very accurately remarked:[104]

> *"No matter how intense a feeling of conviction it may be, it can never justify a statement. Thus I may be utterly convinced of the truth of a statement; certain of the evidence of my perceptions; overwhelmed by the intensity of my experience: every doubt may seem to me absurd. But does this afford the slightest reason for science to accept the statement? Can any statement be justified by the fact that K.R.P. is utterly convinced of the truth? The answer is, 'No'; and any other answer would be incompatible with the idea of scientific objectivity.* […] *But from the epistemological point of view, it is quite irrelevant whether my feeling of conviction was strong or weak; whether it came from a strong or even irresistible impression of indubitable certainty (or 'self-evidence'), or merely from a doubtful surmise. None of this has any bearing on the question of how scientific statements can be justified."*

In other words: no matter how convinced "Holocaust" witnesses may be of the authenticity of their experiences, and no matter the extent

[103] Karl Popper, *The Open*…, *op. cit.* (note 70), vol. 2, pp. 265f.
[104] Karl Popper, *Logic*, *op. cit.* (note 78), p. 46.

to which they are able to convince others, the scientist must disregard such enthusiasm – not on a human level, of course, but merely on the level of evidentiary assessment.

As support for this I would like to quote the French historian and opponent of revisionism, Jacques Baynac:[105]

> *"For the scientific historian, an assertion by a witness does not really represent history. It is an object of history. And an assertion of one witness does not weigh heavily; assertions by many witnesses do not weigh much more heavily, if they are not shored up with solid documentation. The postulate of scientific historiography, one could say without great exaggeration, reads: no paper/s, no facts proven.* [He forgets material evidence, GR…] *Either one gives up the priority of the archives, and in this case one has to disqualify history as a science, in order to immediately reclassify it as fiction; or one retains the priority of the archive, and in this case one must concede that the lack of traces brings with it the incapability of directly proving the existence of homicidal gas chambers."*

Now I am making a concession to the court: Let us pretend that witness testimonies are data sets, are verifiable evidence.

As a scientist one is confronted with the question, according to which criteria one can distinguish between reliable and unreliable data sets, or in this case witness testimony. If they are unreliable, then one has to remove them from the data collection, if necessary. In Germany during the 19th century, the concept of *Quellenkritik* or sources criticism was developed. *Quellenkritik* refers to the critical investigation of the value, *i.e.* the reliability of a source of information, which does not only include testimony but foremost also documents. This concept is of such central significance that the German term has since entered the vocabulary of Anglo-Saxon literature.

The following table juxtaposes the two methods of selecting data as they are being applied in the present case by the opposed groups. We have on one side an almost complete lack of any source criticism, combined with an ignoring or even active suppression of existing source criticism, which extends to the social and even legal persecution of those who do perform source criticism, which in this case means the revisionists and most recently even their defense lawyers, as all of my

[105] Jacques Baynac, "Faute de documents probants sur les chambres à gaz, les historiens esquivent le débat," *Nouveau Quotidien*, Lausanne, 3 Sept. 1996, p. 14.

Arbitrary Selection/Elimination	**Objective Selection/Elimination**
No Source Criticism	**Source Criticism**
– ignoring/repressing *Quellenkritik* – persecution of critics (revisionists, lawyers) – selection of statements confirming the known. To this Heiner Lichtenstein:[106] *"A valuable witness, one of the few* [SS-men], *who confirm at least some of what has to be assumed to be known anyhow."* This is running like a red threat through investigations and trials.	– circumstances of statement:[107] compulsion, threats, torture, suggestive questions, uncritical rambling, influence by organizations, government authorities, media... – contents of statements: inner contradictions, contradiction to other testimonies, documents, material evidence, logic, technical & natural possibilities → assessment of witness trustworthiness → assessment of statement credibility
= established historians & judiciary	= revisionism

defense attorneys in this trial in one way or another can confirm from bad experience.

From my study of countless books on the subject as well as thousands of pages of investigation and interrogation protocols compiled during German criminal proceedings against alleged National Socialist perpetrators of violent crimes, it has become clear that only such testimonies have been selected as relevant which confirm that which had been assumed to be known anyway already at the beginning of the trial.

The statement by Heiner Lichtenstein, a journalist who has observed several such trials and has written several articles and books about them, distinctively expresses this prejudice, as I have quoted in the table. This attitude runs like a red thread through all penal investigations and trials. It is not restricted to depictions in the media and in literature, but also includes investigating officials, prosecutors and judges and sometimes even defense lawyers.

The object of these trials was therefore clearly not to establish whether, when and to what extent crimes had been committed. Instead, the only point was to pin the already determined guilt on the fitting defendant and to mete out a punishment.

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[106] Heiner Lichtenstein, *Im Name des Volkes?*, Bund, Cologne 1984, p. 56.
[107] Germar Rudolf, *Lectures*, *op. cit.* (note 55) pp. 345-384.

Yet if data sets – here witness testimonies – have been selected or eliminated without thorough source criticism and merely according to the criterion of whether they supported the preordained theses – here the indictment – then this can only be described as unscientific caprice. Yet this is precisely the method of established historians and unfortunately also of the judiciary.

In contrast to this stands the method of fact-oriented source criticism, which on one hand asks how a statement came about in the first place. I have dedicated more than 40 pages of my book to this complex of questions. There I consider questions such as whether compulsion, threats, or torture were applied; whether suggestive, leading questions were asked; whether there was an incentive to ramble on uncritically. I also ask whether statements of third parties have had an influence, that is, either through private organizations, through government authorities, or more generally through the media and the *Zeitgeist*.

This is followed by the second stage of source criticism, the examination of the contents of a statement. Here questions are asked such as: does a statement contain inner contradictions, or does it contradict other statements, documents, or material evidence? Is it in contradiction to laws of logic, to what was technically possible, or to what is possible under the laws of nature?

The first group of questions ultimately leads to an assessment of the trustworthiness of a witness, whereas the second group leads to an assessment of the credibility of the contents of a statement, which in turn of course affects the trustworthiness of the witness. Now, I should not be telling you anything new here, since in principle every judge in every trial has to proceed according to the same pattern.

What I have just described, the objective and fact-oriented assessment and selection of witness statements, is one of the principal methods of revisionism. And precisely because revisionism with its systematic source criticism of testimony is scientific, it provokes the disapproval of prosecutors who object that the witnesses for "Holocaust" claims and their testimony should not be exposed to source criticism – or at least not when they do not like the results.

To conclude my discussion of "immunizing theories" by arbitrarily eliminating evidence, allow me to present an example from the natural sciences. This is the approach used by Prof. Markiewicz and his col-

leagues which I have already briefly mentioned and about which I also report in my book.[108]

When, during the late 1980s/early 1990s, the Leuchter Report was garnering considerable attention due to its results of chemical analyses, the Polish National Auschwitz Museum commissioned Prof. Markiewicz of the Institute for Forensic Investigation in Krakow to scrutinize Leuchter's investigations. A pilot study performed in 1991 came to disquieting results, so that it has never been published. This study has been made public only through an indiscretion.[109] A second, more thorough series of investigations was finally more successful. It was published in 1994 and concluded that in the delousing chambers, where Zyklon B had been used exclusively to kill lice, as well as in the alleged homicidal gas chambers of Auschwitz comparable amounts of reaction products left by Zyklon B could be found. The authors claimed that this proves that both locations must have had a similar history, that is: a high and repeated exposure to the insecticide Zyklon B. With this, the Polish researchers believed to have proven homicidal mass gassings in Auschwitz.[110]

The problem with their chemical analysis was that they had deviated from internationally acknowledged standards by using an analytic method which did not permit the detection of the relevant, long-term stable reaction products. The Poles had deliberately chosen this method precisely because they did not want to detect these products. As a reason for this they stated that they could not understand how these compounds could have formed to begin with.

The scandalous thing about this was not only that a researcher has the duty to first understand his subject before beginning to draw conclusions about it. In fact, the Poles quoted results of my research that I had published more than a year earlier, in which, on the basis of generally available chemical and scientific literature, I had explained in detail the very things that the Poles had not understood.[111] But the Poles were not

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[108] *Ibid.*, pp. 238-240.

[109] J. Markiewicz, W. Gubala, J. Labedz, B. Trzcinska, *Expert Report*, Prof. Dr. Jan Sehn Institute for Forensic Reserach, department for toxicology, Krakow, 24 Sept. 1990; partially published, e.g. in: "An official Polish report on the Auschwitz 'gas chambers,'" *Journal of Historical Review*, 11(2) (1991), pp. 207-216.

[110] J. Markiewicz, W. Gubala, J. Labedz, "A Study of the Cyanide Compounds Content in the Walls fo the Gas Chambers in the Former Auschwitz and Birkenau Concentration Camps," *Z Zagadnien Nauk Sadowych*, Vol. XXX (1994) pp. 17-27.

[111] Ernst Gauss (=Germar Rudolf), *Vorlesungen über Zeitgeschichte*, Grabert, Tübingen 1993, pp. 163-170; 290-294.

the least bit interested in my scientific and chemical arguments, as they were not quoting my book in order to take note of my arguments, let alone criticize them, but merely as an example of historical theories they felt obliged to refute.

Hence the Polish researchers deliberately and against the facts, which must have been known to them, chose a method of analysis which was incapable of detecting precisely that which – 40 years after the end of the war – could only have been the object of contention, namely long-term stable reaction products. It is therefore not surprising that they were able to produce their desired results by using this deliberately chosen incorrect method of analysis: all samples, regardless of where taken, produced similar analytical results, which were practically zero.

Thus the Poles, by using an incorrect method of analysis, eliminated all those data which could have become unpleasant right from the outset. Such a procedure is nothing other than scientific fraud, and that is exactly what I accused them of publicly, after the Poles – confronted with my questions and my critique – were unable to give scientific reasons for their actions.[112] To this day I still have not received any response to my accusation.

3. Arbitrary changes of terms and definitions

The tragedy of the alleged "code" or "camouflage" language belongs in this category of immunization tactics of theories. According to established, officially sanctioned historiography, the National Socialists are supposed to have used this "code" language during the war in order to hide their genocidal actions in their documents. Whereas expressions such as "emigration," "resettlements," "deportation" etc., if used in documents pertaining to the so-called "Jewish Question" up to the outbreak of hostilities between Germany and the Soviet Union in June of 1941, expressed exactly what these words actually mean – there is general consent about this – after this point it is claimed that there was a sudden change in meaning of these terms, because from that point in time onward these expressions are said to have become mere harmless sounding euphemisms for mass murder.

[112] Cf. Letter exchange between Prof. Markiewicz and me, first published in *Sleipnir*, issue 3/1995, pp. 29-33; also in Germar Rudolf, Carlo Mattogno, *Auschwitz Lies*, The Barnes Review, Washington, DC, 2011, pp. 56-65 (www.holocausthandbooks.com/dl/18-al.pdf).

The problem with this is that there is no supporting evidence for the redefinition of these terms, that this claim of redefinition is therefore completely arbitrary. It is hardly comprehensible, however, how one could have organized an undertaking lasting three years, covering an entire continent, and affecting millions of people with the help of countless thousands of assisting people without explaining to the recipients of the orders, from which point in time and in what instances they were supposed to interpret which terms in which way. After all, those receiving the orders were expected to flagrantly violate written orders, which is to say, instead of a barbaric deportation they were asked to commit mass murder, a barbarity worse by orders of magnitude. Raul Hilberg had at least recognized the problem behind such an assumption and tried to solve it with the above mentioned theory of mind reading, which, however, exacerbates the problem.

Exemplary for the arbitrary redefinition of terms is the repeatedly cited book by Kogon, Langbein and Rückerl, who introduce their book with an entire chapter in which they "enlighten" the reader in such a way that he ought not to understand German wartime documents as later on quoted in the book – frequently taken out of their context and hence distorted – as they were written, but rather as the authors purport. The authors suggest that in every case in which in German documents words such as "special treatment," "special action," or "special unit" appear, they are describing murderous actions.

Although there is no doubt that there are instances in which such words do have a homicidal meaning – as for example in documents which state that the special treatment shall be punishment carried out by hanging – it is nevertheless wrong to generalize from these proven cases to all cases. For if it is certainly wrong to conclude, according to the motto *falsus in uno, falsus in omnibus* (once wrong, always wrong), from the revelation of one wrong argumentation that all such argumentations are wrong, the other extreme is just as mistaken, namely to conclude from the successful argumentation in some cases to all cases. The evidentiary situation is simply too complex and multifaceted for this. At the end of it, in every individual case it needs to be investigated what is meant by the given ambiguous term. After all, the German prefix *Sonder* (special) in and of itself has no sinister connotation.

In order to illustrate that there is indeed a vast number of harmless applications of the prefix *Sonder*, allow me to adduce three examples from the Auschwitz camp complex that Carlo Mattogno has document-

ed in his painstakingly researched book *Special Treatment in Auschwitz*.[113]

The first example concerns a *Sonderaktion* which the Gestapo carried out in all Auschwitz camps in December 1942 with the civilian workers, that is to say: the more than 1,000 civilians who were regularly employed by the camp administration to assist in the construction of the camp infrastructure. Since for established historians the term *Sonder* is a codeword for murder – especially when the Gestapo is involved – there is of course a problem here, because who can seriously believe that the Gestapo had executed all of the regularly employed civilian workers?

To this end, the American opponent of revisionism John Zimmerman, in an attempt to salvage the code word thesis, developed the auxiliary theory that the Gestapo, as a disciplinary measure against the mutinous civilian workers, executed a few of them. But as Mattogno was able to demonstrate on the basis of copious documentary evidence, no harm was ever done to a single hair of a civilian head.

The background to this *Sonderaktion* was the typhus epidemic, which had broken out in the Auschwitz camp in summer 1942, and on account of which the entire camp was placed under quarantine and a general camp closure had been ordered. As a result, the 1,000 civilian employees were stranded in the camp as well, in response to which they went on strike shortly before Christmas, since they wanted to leave the camp for their two weeks Christmas vacation. The *Sonderaktion* by the Gestapo consisted merely of an interrogation of the spokesmen of the civilian employees in order to determine the reason for the strike and to find a solution to the conflict. As results from the documents, the civilians in fact succeeded in being allowed to leave the camp on vacation, and the documents even show that all the workers returned promptly to work after the end of their vacation.

As the second example for the indefensibility of the theory of "code language" I may choose the term *Sonderkommando*. According to the testimony of numerous witnesses this term was applied to those prisoner work details that had to perform the horrible work of removing bodies of fellow prisoners from the alleged homicidal gas chambers and of incinerating them in open pits or in crematory ovens after various pre-

[113] Carlo Mattogno, *Special Treatment in Auschwitz,* Theses & Dissertations Press, Chicago, 2004, http://vho.org/dl/ENG/st.pdf.

paratory measures. Numerous documents of Central Construction office of Auschwitz clearly show, however, that there was not just one *Sonderkommando* but rather a multiplicity of special prisoner details. Yet not a single one of them was involved in any way with any sort of homicidal activities. And of all the many prisoner details, the one group that had to bring the bodies from the morgues, prepare them for cremation, and finally incinerate them, were simply called *Heizer* (stokers), but never *Sonderkommando*. Thus the origin of this designation for these prisoner work details clearly lies not in reality, but rather in the propagandistic distortions of the postwar period.

As my last example I may point out to you that the terms *Sonderbehandlung* (special treatment) and *Sondermaßnahme* (special measure), which are claimed to be synonyms for mass murder when referring to Auschwitz, are connected in all cases of their appearance in the 80,000 pages of documents of the Auschwitz Central Construction Office with measures of highest priority – therefore "special" – to improve the hygienic conditions in the camp in order to halt the typhus epidemic, which had gotten out of control, and to prevent future mass deaths among the forced laborers urgently needed in the armaments industry. These measures therefore served the exact opposite of what is officially alleged, namely preserving lives rather than mass murder.

The suppression of these and other well-documented research results by established historiography adds to the immunization of their theories by arbitrary definitions of terms the immunization by arbitrary elimination of data.

4. *Ad hominem* attacks

The last main tactic for immunizing theories consists of attacking persons rather than criticizing arguments, which is typically the last resort of those who have run out of arguments. Concerning these illegitimate tactics Popper simply states:[114]

> *"*[...] *that the argument counts, rather than the person arguing."*

This ought to be self-evident, but the entire persecution of revisionists is ultimately based on nothing other than personal insinuations and is nothing else but an attack on the arguing person rather than on his arguments.

[114] Karl Popper, *The Open*..., *op. cit.* (note 70), vol. 2, p. 225.

Popper characterized these despicable methods very well when he wrote:[115]

> *"I mean the fashion of not taking arguments seriously, and at their face value, at least tentatively, but of seeing in them nothing but a way in which deeper irrational motives and tendencies express themselves. It is* […] *the attitude of looking at once for the unconscious motives and determinants in the social habitat of the thinker, instead of first examining the validity of the argument itself.* […] *But if no attempt is made to take serious arguments seriously, then I belief that we are justified in making the charge of irrationalism;"*

Allow me to proffer four examples of this irrationalism from the subjects treated here:

Ex. 1: First of all there are once more the authors Kogon, Langbein and Rückerl in their oft-quoted book,[80] in which they slander their opponents in their preliminary remarks on page two without naming them or mentioning their works, let alone that they mention their arguments in the book itself, which after all is meant to refute such highly slandered opponents.

Ex. 2: I have already mentioned that in his article Prof. Markiewicz quoted a book of mine, although not in order to discuss the arguments contained in it, but rather in order to label it as a reprehensible example of "Hitler's whitewashers" who need to be refuted. The accusation that I intend to morally whitewash anyone is obviously a political one and is therefore illegitimate. It is furthermore an insult, as it will undoubtedly be understood as a negative moral judgment by the overwhelming majority of readers.

Ex. 3: Then there is Dr. Richard Green, an American chemist with training comparable to mine. His statements on the chemical questions in this matter can claim to be the only ones that are to be taken seriously on the side of established version. Green has unfortunately seasoned his contributions with about 40% political abuses and insinuations, which undermines his respectability. When driven into the corner argumentatively, he finally had to admit that the analytic method chosen by Markiewicz and his colleagues is untenable, for the reasons explained above. But then Green still kept defending the Poles' refusal to consider my arguments by claiming that one does not have to seriously deal with

[115] *Ibid.*, pp. 251f.

me because I had no recognized reputation. First they ostracize a researcher on account of his inconvenient arguments and destroy his reputation, then after this *fait accompli* they allege that they no longer need to discuss his arguments because of his bad reputation. It is probably difficult to outdo such malice.[116]

Ex. 4: As the last example I would like to offer the Presiding Judge of 6th Superior Penal Chamber of the local Mannheim District Court, Dr. Meinerzhagen. In his response to my objection against my arrest warrant, Judge Meinerzhagen stated basically that my works could not be scientific in nature already because I allegedly harbor reprehensible political or religious views.[117] This, too, is an impermissible attack on my person, which – and I mention this only in passing – must not play a role in a court of law, since according to Germany's Basic Law it is unconstitutional to treat individuals disadvantageously on account of their – actual or merely alleged – world view or religious views.

Since the entangling of the question of whether a work is scientific in nature with characteristics of its author could play a role during this trial as well, I may now approach the subject more closely, although I am thankful to the prosecutor that he did not include Dr. Meinerzhagen's accusation in the indictment.

Allow me first to remind you of two simple facts:

First Fact: The degree to which a work is scientific in nature is a feature of that work.

Second Fact: The political and religious views of an author are features of that author.

The features of an author, the creator of the work, do of course influence the features of the work as well. In what way and to what extent this is true, however, cannot be determined from the author, but rather from features of the work itself.

In order to illustrate what that means in concrete terms, allow me to again present several examples.

Ex. 1: The Greek philosopher Plato has long been dead, and we know nothing about him except what is contained in his works. Ques-

[116] Cf. on Markiewicz and Green also the respective chapters in the book *Auschwitz-Lies*, *op. cit.* (note 112).

[117] Ruling by the 6th Penal Chamber of the District Court Mannheim, 7 Feb. 2006, ref. 6 Qs 3/06, p. 8.

tion: can we determine whether Plato's works are scientific in nature, even though we know nothing about the author? Answer: Yes we can, since the features of his work are determined by investigating the work, not the author.

Ex. 2: Nicolaus Copernicus. From his foreword emerges a derogatory attitude toward the Catholic Church, which contributed to his book being censored. Question: Do Copernicus' polemics harm the scientific nature of his work? Answer: No, because first of all his polemics can be justified, and second because the polemics have no effect on the work itself and on the arguments. Arguments are what count, not political or religious suspicions.

Ex.3: A hypothetical author writes a scientific book under a pseudonym. The author remains unknown. Question: Can we determine whether the book is scientific in nature? Answer: Yes we can, because the question has nothing to do with the author.

Ex. 4: What would you do in order to determine the characteristics of a Porsche 911? a) The Rudolf Method: buy and test drive a Porsche; or b) the method of Judge Meinerzhagen and the prosecution: Put Wendelin Wiedeking, the chairman of the Porsche Corporation, on the psychiatrist's couch and question him about psycho-social disruptions and politico-religious anomalies? Or one could also argue in the style of Judge Meinerzhagen that, because Wendelin Wiedeking is corpulent, he is incapable of constructing sports cars?

The logic used by the Judge Meinerzhagen is just as conclusive as the saying

At night it is colder than outside.

Entire categories of logic are being confused here. Of course there is some connection between nighttime, colder, and outside; but it most certainly doesn't work the way I just expressed it. In the same way one cannot transpose the – often only insinuated – characteristics of an author linearly onto his works.

Summary

What Is Science?

- There are no (final) judgments, but rather always only more or less reliable (preliminary) pre-judgments.

- The reasons (evidence) for our pre-judgments must be testable as well as possible (empirically falsifiable).
- We must both actively and passively test and criticize:
  - Test and criticize pre-judgments and reasons of others.
  - Invite others to test and criticize our pre-judgments and welcome this activity (duty to publish).
  - Address the tests and critiques of others and test and criticize them likewise (don't back down too fast).
- We have to avoid immunizing our pre-judgments:
  - Avoid auxiliary theories.
  - Select data only according to objective criteria (source criticism).
  - Use exact, consistent and constant definitions of terms.
  - Avoid attacks on persons as substitute for factual arguments.

What is Pseudo-Science?

The accusation of pseudo-science is levied against us revisionists as a foregone conclusion and mostly without any reason or evidence given. "Pseudo" is Greek and means as much as "false." For this reason pseudo-science needs not be defined here, since it is but the complement to science, of course with gradual transitions. The less the above mentioned principles are maintained, the worse (more false) is the corresponding science.[118]

Now, the prosecution appears to represent the point of view that "pseudo-science" needs to be officially prohibited. At least that would be the consequence, if one raised their principle to a general law, which is one of the main characteristics of a nation under the rule of laws. This would be a dangerous path, however. Because according to what I have presented here, one could and indeed would have to assume the position that the majority of the established literature regarding the "Holocaust" is pseudo-scientific, which is also the opinion expressed by such famed authors as Norman Finkelstein[119] and Raul Hilberg[120] – albeit with other

[118] Cf. the more detailed discussion in Germar Rudolf, *Lectures*, *op. cit.* (note 55), pp. 487-496; Germar Rudolf, *Kardinalfragen, op. cit.* (note 47) pp. 143-165; *Vierteljahreshefte für freie Geschichtsforschung* 7(3&4) (2003), pp. 403-405, along a different line of arguments yet with a similar result.

[119] Norman G. Finkelstein, Ruth Bettina Birn, *A Nation on Trial: The Goldhagen Thesis and Historical Truth*, Metropolitan Books, New York 1998, esp. pp. 88-92; N.G. Finkelstein, *The Holocaust Industry: Reflections of the Exploitation of Jewish Suffering*, Verso, London/New York 2000, p. 55: "Articulating the key Holocaust dogmas, much of the literature on Hitler's 'final solution' is worthless as scholarship."

words. If one were to take the prosecution seriously, one would have to seize and burn the majority of the established literature on the persecution of the Jews.

Are you actually aware of the possible consequences of your argumentation, Mr. Prosecutor?

Since I am fundamentally opposed to censorship, I am also opposed to prohibiting bad science. Among other things because even bad science can lead to correct results, although less likely, and even bad science can trigger a learning effect.

IV. The German Constitutional High Court on the Definition of Science

In a decision concerning the attempt of the German Federal Assessment Agency for Media Endangering the Youth (*Bundesprüfstelle für jugendgefährdende Medien*) to put a revisionist book on the causes of WWII on the index of banned books, the German Constitutional High Court (*Bundesverfassungsgericht*) expressed the following opinion concerning what constitutes a scientific book:[121]

> *"The protection of the fundamental right to a free science does neither depend on the correctness of its methods or results nor on the soundness of the argumentation and logical reasoning or the completeness of the points of view and the evidence lying on the base of a scientific work. Only science itself can determine what is good or bad science and which results are true or false.* […] *Thus scientific freedom protects minority opinions as well as research approaches and results that turn out to be erroneous or flawed. In the same way unorthodox or intuitive procedures enjoy the protection of the Basic Law. A necessary prerequisite is merely that it is science;*

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[120] "How come we have no decent quality control when it comes to evaluating Holocaust material for publication?" Thusly quoted by N.G. Finkelstein, *The Holocaust Industry*, *op. cit.* (note 119), p. 60; likewise in a letter to Dr. Robert H. Countess of 21 June 1988: "Superficiality is the major disease in the field of Holocaust studies"; similar in an interview with Eva Schweitzer, "Rücksicht auf die Verbündeten," *Berliner Zeitung*, 4 Sept. 2000: "You once said there is no quality control in the Holocaust debate. [Hilberg:] That's correct, especially at numerous U.S. elite universities." (www.vho.org/D/Beitraege/HilbergBZ040900.html).

[121] Verdict BVerfG, 11 Jan. 1994, ref. 1 BvR 434/87, pp. 16f. Indexing a medium means that one is no longer allowed to offer or sell it to minors, that any promotion for it or offer for sale in the general public is prohibited.

this includes everything that is to be regarded by content and form as a serious attempt to determine the truth. […]

It is not permissible to deny a work to be scientific just because it has a bias and gaps or because it does not consider opposing viewpoints adequately. […] *It is removed from the realm of science only if it fails the claim to be scientific not only in singular instances or according to the definition of specific schools but systematically. This is especially then the case if the work is not directed toward the pursuit of truth, but merely lends the appearance of scientific inclination or provability to preconceived notions or results. An indicator of this can be the systematic neglect of facts, sources, views, and results that oppose the author's view. In contrast to that it is not enough that the scientific nature of a work is denied during intrascientific controversies between different substantive or methodical directions."*

This does not sound too bad, actually, and with this decision the Constitutional High Court did indeed bar the Federal Assessment Agency from banning said book. However, I will not leave it at this uncritical quote but will look at the passage more closely. As a background let me mention that I wanted to include this quote in the English edition of my *Lectures* in its entirety. Yet by translating it into English, the old wisdom was confirmed once more that a translator often comprehends a given text better than the author. In translation, the entire first paragraph appeared most peculiar, and on closer inspection it turned out that the Court, in circuitous sentences, said in principle only that science enjoys protection of "freedom of science" then, if it is science. That is a classical tautology. Or in other, more familiar words: here the Constitutional High Court has produced a lot of hot air.

In contrast to that, those statements of the verdict not directed at the work at issue but at the alleged features of the author are a much greater cause for concern, be it in a positive sense when it speaks of a "serious attempt to determine the truth" or in a negative sense when it claims that the effort is not "directed at determining the truth" or that merely "preconceived opinions or results" are to be confirmed. This is so because efforts, attempts, and prejudices are all features of the author and not of the work. The following questions necessarily arise:

- How does one determine whether someone is serious?
- How does one determine to what end an act is or is not directed?

- How does one determine that someone is aiming merely to confirm preconceived notions?

All these questions aim at intention and motivation, *i.e.* at features of the author, but not of the work, and are therefore entirely IRRELEVANT!

Consciously or subconsciously we all have certain preconceived opinions, expectations, judgments etc., as I have pointed out. Whether someone is seeking the truth as his exclusive, his primary or at least as a serious goal can almost never be determined with certainty from the outside, and sometimes not even from the inside. These personal questions about a scientist or an author are therefore not decisive for determining the question of the scientific nature of a work.

I also consider as erroneous the formulation of the Constitutional High Court that everything which is serious "in form and content" is to be considered as science, because the content as such is precisely *not* a criterion to determine the scientific nature of a work. At the beginning of this quotation the Court still maintains that these content-related factors (correctness, soundness, and completeness) play no role. But now they do it after all? Science is a question of form. Its contents are changing constantly: (*panta rei* = everything is in flux).

Regarding the question of the scientific nature of a work the Court would have done better to introduce more indicators of the work at issue that deal with questions of form, rather than adducing misguided and impermissible criteria about the content and the person, which open the floodgates of arbitrariness. It therefore needs to be pointed out that the Constitutional High Court is obviously not competent to determine what science actually is.

Should the German Federal Constitutional High Court ever make similarly superficial and untenable, even embarrassingly incompetent statements in my case, then allow me to announce already now that it will be my moral duty as a scientist to reject such a verdict, whatever it might be. Or expressed in the style of Copernicus:[57]

> *"If perchance there should be foolish speakers who, together with those ignorant of all history and epistemology, will take it upon themselves to decide concerning these things, and should dare to assail this my work, they are of no importance to me, to such an extent do I despise their judgment as rash."*

But allow me to add right away that it does not surprise me to read such an inadequate verdict by the Constitutional High Court, because

one of the amazing facts about German university education is that, to the best of my knowledge, no course of study in German higher education – of course with the exception of philosophy – offers even a basic introduction to theory of science or epistemology, let alone that it would be obligatory. Every year hundreds of thousands of students are educated at German colleges and universities to become scientists, yet hardly any one of them receives a formal instruction in what science actually is. Even I, having completed my studies to the point of my final PhD exam, that is to say to the point where I should have been able to prove my capability for independent scientific work, have never attended a single lecture on the subject – let alone that I have even learned that such lectures are offered. One practically has to learn this skill by reading between the lines. What I have presented to you in the last few days of this trial, I had learned through private studies after having finished my university training. I consider this deficiency of scientific training in Germany to be really grave, and perhaps it is partially responsible for the sad level not only of the above quoted decision of the Constitutional High Court, but for the entire discussion about established science and alleged pseudo-science of dissident researchers, whether in contemporary historiography or anywhere else.

This is in my view one of the main reasons why the general public confuses authority with science. However, not that is scientific which is claimed by "recognized" – or merely powerful – authorities, but rather that which fulfills the formal criteria presented here. In this sense I may again quote Karl R. Popper:[122]

> *"*[Pseudorationalism] *is the immodest belief in one's superior intellectual gifts, the claim to be initiated, to know with certainty, and with authority.* [...] *This authoritarian intellectualism* […] *is often called 'rationalism', but it is the diametrically opposed to what we call by this name."*

V. Science and the Public

In conclusion I would like to elaborate on the relationship of science and the public. After all, the only reason I am standing here before this Court is because I made scientific works accessible to the public. I

[122] Karl Popper, *The Open*…, *op. cit.* (note 70), vol. 2, p. 227.

therefore may point out the following, which partially derives logically from what has been presented up to now:

It is the right and the duty of the scientist to make the results of his research available to:

1. the scientific community;
2. society at large.

This obligation arises in turn from the obligation

– to expose the work to critique;
– to assume accountability for one's activities;
– to inform society at large about new discoveries.

This right includes publication

a) of the scientific work itself;
b) of fact-oriented popularized presentation of the same for the information of non-scientists and students;
c) of fact-oriented promotion for a) and b) above in order to announce and disseminate.

Considered formally, publications under b) and c) above are not, or only under certain conditions, scientific in nature, but they are still pivotal for science. If the right of publication is restricted, then does not only the indispensable communication among scientists and between scientists and society collapse, but science itself comes to a standstill. This also has drastic disadvantageous effects for our modern society based on the division of labor, which depends on science and on communicating with it.

I mention this here also because I am standing before this Court not only because of the scientific works I have written, published or distributed, but also because of advertising brochures and flyers with which I have advertized my products. I would never claim that such material meets the standards of scientific writings. They cannot and they should not do that. But as I explained above, they must still enjoy the protection of freedom of science, because they serve science, for without public announcement of their existence and results, science cannot continue to exist.

After all, science thrives primarily by public critical discussion, and it dies, if that discussion is forbidden. In this sense I will now conclude my presentations on science and its nature by once more quoting Karl Popper:[123]

[123] Karl Popper, *Objective Knowledge*, *op. cit.* (note 67), p. 22.

"I do not know of anything more 'rational' than a well-conducted critical discussion"

While I do not expect you to agree with me on all points of my presentations, I do think that you should not deny me to present them as a legitimate view, if for no other reason than because they are so deeply rooted in the achievements of human intellectual history.

C. Judicial Considerations

I shall now turn to a subject area in which I am not an expert and in which the Court has the advantage of me, namely judicial questions. I would nevertheless like to make a few remarks on this subject, yet I do ask the Court's leniency, should my knowledge not always meet professional standards.

I. A Comparison of Two Systems of Justice

First I would like to juxtapose the conditions of the Federal German judicial system, as I have observed and experienced them, with the judicial system of another country that I will name at the end of this comparison. I shall first quote text passages from a book of a prominent author in which the legal system of this yet unnamed country is commented upon. Then I shall compare this quotation with conditions in Germany from my perspective. The source reference of each quotation contains in parenthesis the volume and page number of the quoted work.

Our unnamed author describes in detail special government units in his country which serve the prosecution of politically motivated "crimes," which mostly refer to undesirable expressions of opinion.

In Germany such special units exist as well, as I discovered to my great surprise at the end of the year 1992. At that time I received a letter from a certain "Dezernat Staatsschutz" (Department for State Protection) without letterhead or signature and printed on a cheap old fashioned dot matrix printer. The letter stated that an investigation had been launched against me concerning the suspicion of incitement of the masses, allegedly committed with my expert report on Auschwitz. Since I was firmly convinced that there no longer existed any political police in the "most liberal state of German history" which is carrying on the tradition of the Gestapo and Stasi, I at first thought that the letter was a forgery by some jokester. Unfortunately an inquiry soon taught me "better," however. Later I learned that the staff of this State Protection Police evidently goes through a specific political training so that for example those officials prosecuting right-wing "thought crimes" would have no sympathies for right-wing opinions, and vice versa for left-wing thought crimes. As we can read in the criminal statistics published

annually in the report of the German Agency for the Protection of the Constitution (*Bundesverfassungsschutzbericht*), each year some 10,000 criminal investigations are initiated in Germany on account of "propaganda offenses," that is, for nothing other than expressing opinions which displease the authorities. In his novel *1984,* George Orwell calls this class of offense "crimethink."

A particular type of federal German thought crimes is "incitement of the masses." Crime statistics show that one can be found guilty of that offense almost exclusively if one is considered to be a "right-winger," as a result of which "right-wingers" are overrepresented in these statistics by a factor of around 10 to 20:1 when compared to "left-wingers."

Now the first quotation from our unnamed author:

> *"Another very important thing about the courts today: there is no tape recorder, no stenographer, just a thick-fingered secretary with the leisurely penmanship of an eighteenth-century schoolgirl, laboriously recording some part of the proceedings in the transcript. This record is not read out during the session, and no one is allowed to see it until the judge has looked it over and approved it. Only what the judge confirms will remain on record, will have happened in court. While things that we have heard with our own ears vanish like smoke – they never happened at all!"* (3/521)

When we compare the Federal German court procedure with this, we are forced to conclude that the German court system is even worse, since in proceedings before a District Court, just as the present case, no protocol is kept at all about who says what and when. Over there you can see the court reporter sitting at his computer, but all he is doing the whole time while I am talking here, is to play with his mouse, giving a little click here and a little click there. Absolutely no protocol is kept here. You yourselves as judges might make your own little personal notes now and again, but they are of necessity rudimentary and furthermore made at your own personal discretion.

This complete lack of a protocol opens the floodgates to error and arbitrariness and enables you as judges to perfectly immunize your verdict against any attempt at refutation, because how can anyone prove what took place here in the courtroom?

Judges are just humans, and hence they cannot possibly keep everything in their heads which goes on during a trial. This alone is a good reason to make verbal records obligatory.

Add to this, as I know from my own experience, that certain penal judges can unconsciously develop negative prejudices toward the defendants. I had an acquaintance who had been a penal judge for decades and who had developed such a cynicism that it would make your blood freeze in your veins. As penal judges you are generally dealing with the lower layers of society, whose representatives usually sit here in the dock, to express it cautiously. I have now spent a year in Stuttgart prison and have therefore gained an impression of the usual regular guests there. It is therefore understandable and to a certain extent inevitable that a judge can develop negative prejudices against such defendants, even if that were to happen completely subconsciously. In order to avoid that this tendency of subconscious assumption of guilt works against the defendant, a verbal transcript would be very important indeed.

In addition to this we must of course consider the possibility of despotic arbitrariness as well, which is a particular threat in trials like the present one, where strong political expectations exist from various sides. I do not want to make any imputation about you in this regard, since I do not yet know what you will finally write in your verdict. But already the mere fact that theoretically you do have the possibility to claim about this trial whatever you want must make us pause and ponder. I may demonstrate with an example from my first trial that this kind of misuse of power does indeed occur.

The core of that first trial consisted of the question whether I had condoned the addition of texts to my expert report for which Otto Ernst Remer had taken the responsibility (preface and documenting appendix). I denied this during the trial, among other things with the reason that I had tried as best as possible to keep a distance to O.E. Remer. In an attempt to prove the opposite, the court introduced an original application form for a revisionist conference of the year 1991, which had been found in my possession and which I had signed. O.E. Remer had been the official organizer of that conference. During the trial I stated that, at that time, I had neither noticed who the official organizer had been nor had I even been interested in it at all. I had only been interested in those who intended to lecture there, and in this regards I had been interested mainly in Wilhelm Stäglich and Robert Faurisson. Apart from that I also pointed out that I had not participated in that conference, which was also proven by the fact that the original of that form had been found in my possession, because I had not sent it in.

Immediately after my statement my defense lawyer asked to be relieved from his duty to defend me in order that he may testify as a witness himself. This was quite an unusual step, because during the time my lawyer was in the witness stand I was formally seen without a defense lawyer, and this in front of a District Court where it is obligatory to have a defense lawyer. I do not know whether this was a reprimandable error of law, but this event itself was in any case memorable, not at least also because my defense lawyer testified that he had attended that revisionist conference and that he can attest to the fact that he had not seen me there, adding that I as a person of 6 ft 5 could hardly have been overlooked.

In a written description of all my contacts with O.E. Remer, which I had prepared some two years before the trial, I had not mentioned this conference, and rightly so. That document was introduced as evidence as well. In the written verdict the court took this document as a reason to accuse me of untruthfulness by claiming that they had found in my possession a photocopy (!) of the application form to the conference – the court turned the original into a photocopy! In addition to that the verdict claims that I had not denied my participation at that conference during the trial, when in fact the exact opposite is true! Plus the rather dramatic appearance of my defense lawyer in support of my statements simply vanished in a memory hole! It isn't even mentioned in the verdict. In other words: The Stuttgart court lied in its verdict in order to justify it. And they did this not only concerning statements of various participants of the trial, but even regarding the nature of documents introduced as evidence. And this is only one, albeit the clearest of many cases in "my" verdict. In my view such behavior is a clear violation of article 336 of the German Penal Code, namely perversion of justice. But how would one prove such a crime? There aren't any verbal transcripts! We only have the statements of those involved. And who would you believe: the judge or the sentenced criminal?

The procedures in the United States show that it could work otherwise. There the immigration court tried the same dirty trick during my asylum case by claiming something in its verdict which was in total contradiction to what had occurred during the trial. The verdict stated that my asylum application was "frivolous" (=deceitful), as a result of which I should be banned for the rest of my life from entering the U.S. Since deceit during an immigration case is the worst violation of U.S. immigration law, strict rules apply in such cases, such as, among other

things, that the accusation of deceit has to be made by the judge during the hearing and that evidence in this regard has to be introduced or named, so that the immigrant can defend himself against it. By means of the verbal transcript we subsequently managed to prove that during the entire hearing the judge had never raised the accusation of deceit. Quite to the opposite he had repeatedly confirmed the seriousness, respectability and the well-founded nature of my asylum application. Furthermore all the documents listed in the verdict as apparent proof for my alleged deceit either had not been introduced into the trial or I had not been told that the introduced documents would be seen as proof for this claim.

Since the verbal transcript is part of the trial documentation reviewed by the court of appeals, it was easy for us to prove that the asylum verdict was a misjudgment in this regard, and we consequently won the appeal regarding this issue.

Not to have any verbal transcript at all is in my eyes unworthy of a state under the rule of law. This is almost an invitation to error and perversion of justice. In Germany a defendant is totally at the mercy of the impartiality or infallibility of the judge. But not all judges are impartial, and not a single one of them is infallible.

This isn't just my opinion, but it is a serious flaw of the German judicial system which has been repeatedly and massively criticized, among it recently by the well-known defense lawyer Rolf Bossi in his 2005 book *Demigods in Black.*[124] In it he also criticizes that the Federal German principle of free assessment of evidence, which means that only the investigating judge directly confronted with the case may assess the evidence, has deteriorated to an anarchical liberty to arbitrary probative claims. This is especially true for cases deliberated in front of a District Court, whose decisions cannot be appealed, which means that there is no second trial dealing with the facts of the matter. After a verdict of a District Court one can merely request a revision by the German Federal Supreme Court, but they examine only matters of law, yet never matters of fact as claimed by the subordinate court. Hence, in cases where it is about neck or nothing for the defendant, that is, where it is about alleged serious crimes dealt with directly by District Courts, a defense against errors or arbitrary claims by judges about matters of fact is impossible.

[124] Rolf Bossi, *Halbgötter in Schwarz*, Eichborn, Frankfurt/M, 2005.

Yet even in cases dealt with by the lower County Courts it can be arranged that in political cases no appeal will be filed, as the case of the right-wing publishing company Grabert proves. In June of 1996 the owner of that company stood trial at the County Court Tübingen for having published the book *Grundlagen zur Zeitgeschichte*, which I had edited.[125] During that trial the late expert witness Dr. Joachim Hoffmann, who had been a director at the German government Research Institute for Military History (*Militärgeschichtlichen Forschungsamt*) in Freiburg, testified to the effect that this my book was scientific in nature, as a result of which it ought to enjoy the protection of freedom of science according to article 5, paragraph 3, of the German Basic Law. Yet the County Court Tübingen simply ignored this expert opinion and sentenced Mr. Grabert anyway. After the latter had filed an appeal against that decision, the prosecution informed him unofficially that his publishing company would be subjected to constant house searches and book confiscation, if he does not withdraw his appeal. And indeed, since Mr. Grabert had to endure a spring tide of house searches and book confiscations already during the years 1995/1996, he knew that this was no empty threat, so he withdrew his appeal. Grabert's copy editor told me this several years ago after I had inquired about the state of the case, since I had hoped that the confiscation of my book would eventually be dealt with by the German Constitutional High Court.

And such events and general conditions are then claimed to be the features of a state under the rule of law.

Now to the second quote of the unnamed author:

> *"Even if you were to speak in your own defense with the eloquence of Demosthenes* [[126]…] *it would not help you in the slightest. All you could do would be to increase your sentence* […]*."* (1/294)

That's the same with trials against historical dissidents in Germany, because if I tried here to prove my historical views, then this would probably result in the court's charge of my being incorrigible and even obdurate, which would lead to an even more severe punishment. Or the prosecutor would even initiate a new criminal investigation against me, as I would be committing the same crime of "denial" once more during a public trial.

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[125] Ernst Gauss (ed. = Germar Rudolf), *Grundlagen zur Zeitgeschichte*, Grabert, Tübingen 1994 (www.vho.org/D/gzz); Engl.: G. Rudolf (ed.), *Dissecting the Holocaust*, Capshaw, AL, 2000; 2nd ed., Theses & Dissertations Press Chicago 2003 (www.vho.org/GB/Books/dth).

[126] Leading Greek orator and leading statesman of Athens (384-322 B.C.).

I wonder also how this court will assess my defense speech.

Now to the next quote:

> *"The tribunal roared out a threat to arrest* […] *the principal defense lawyer* […]*"* (1/350)

In the meantime that can be found in German trials against dissidents as well, where defense lawyers, although not yet arrested in the court room, are nevertheless threatened with criminal proceedings, if they try to prove the historical views of their clients to be correct. When it comes to the facts themselves, that is, to the historical views of the defendants, there basically exists during trials like the present one a prohibition even for defense lawyers to introduce evidence and to make statements. Mr. Attorney Bock to my right side, for instance and to my knowledge, has been sentenced because he had dared to file a motion during a trial in this very house to have prominent politicians of this republic testify to the effect that the main reason why the Holocaust must not be discussed controversially in public are political in nature. My third defense lawyer Jürgen Rieger, who does not partake in person during this trial, has been sentenced because in 1996 he had dared to file a motion during a trial to have me testify as an expert witness about the question whether there had been homicidal gas chambers at Auschwitz. My defense lawyer to the left side, Mrs. Stolz, had to experience how the police removed her from the court room by force during the Zündel trial taking place parallel to this present trial in this court house and how a criminal investigation has been initiated against her for her statements during this trial, as it also happened somewhat earlier to the defense lawyer Horst Mahler, even though the background of these criminal investigations are more political than historical in nature, so that these two cases are somewhat outside of the scope of the present issue.

To the next quote from the same page:

> *"And right then and there the tribunal actually ordered the imprisonment of a witness, Professor Yegorov,* […]*"*

That reminds me at an event at the District Court Nuremberg during the trial against Swiss citizen Arthur Vogt in 1994. Vogt had been indicted because on invitation of the Thomas Dehler Foundation, which is closely affiliated to the German Liberal-Democratic Party, he had lectured about his revisionist views on the Holocaust. On the initiative of the defense I had been summoned to this trial as an expert witness. After the defense lawyer had read out aloud his respective motion, accord-

ing to which my expert investigation would prove that homicidal gassing could not have happened at Auschwitz as attested to, the Presiding Judge Peter Stockhammer asked me whether I did indeed intend to testify along that line. After I had confirmed this, the judge merely warned succinctly that I surely am aware that I would be liable to prosecution for this. I never managed to testify, though, as this motion was rejected as usual. I hope that you are surely aware what this statement of the Presiding Judge Stockhammer means: He threatened a summoned expert witness during a trial and before his potential testimony with criminal prosecution, if the witness testifies to the best of his knowledge and conscience. That amounts to nothing less than threatening a witness by a judge!

What finally happened during my first trial in Stuttgart in 1994/95 was nothing else than the fact that I, as an expert witness, was sentenced to imprisonment because my expert research results contradict certain witness statements.

The next quote is from the next page:

> *"Defense witnesses were not permitted to testify."* (1/351)

That, too, has a perfect parallel in German trials against historical dissidents, and worse even: In our case not only all the witnesses supporting the views of the defendant are rejected, but all kinds of evidence, be they witnesses, documents, or experts. The so-called "self-evidence" enables German courts to simply reject all evidence.

The next quote reads:

> *"The second main characteristic of our political courts is the lack of ambiguity in their work, which is to say predetermined verdicts. In other words, you, a judge, always know what the higher-ups expect of you (furthermore there's a telephone if you still have any doubts)."* (1/288f.)

That, too, is a reliable component of German trials against dissidents, as I know from my own experience and as I have related earlier.[127] A judge suddenly interrupts the trial, because he is confronted with a motion to introduce evidence which cannot be rejected by legal means, but which has to be rejected for political reasons. So he runs to the telephone in order to first obtain instructions from "above" as to how he is to react, obviously in order to ascertain that the politically

[127] Reference to my statements of autobiographical nature not included in the present book at the beginning of the trial, cf. in *Kardinalfragen an Deutschlands Politiker*, *op. cit.* (note 47), pp. 38f., 266ff.

demanded violation of law by suppressing evidence, which he is about to perpetrate, is covered from higher up. Or in another case a different judge clearly states on the phone to a defense lawyer that instructions exist from higher up not to admit evidence about the Holocaust under any circumstances.

And if a mishap happens after all, as was the case in this Court in 1994 when the judges Orlet, Müller, and Folkerts sentenced a historical dissident only to a prison term on probation with the justification that he was, after all, a decent chap, had only good intentions, and did not really harbor illegal opinions, then this will be corrected upon pressure from higher up by giving the respective judges the choice to either retire early or face prosecution themselves, which proves that the so-called independence of the judges in Germany has turned into a farce.

Since that event at the latest it is clear that historical dissidents are considered guilty right from the start not only regarding the objective side of the offense (*i.e.*, the crime itself) due to the "self-evidence" of the Holocaust – without having any means to defend themselves against it – but that also the subjective side of the offense (*i.e.*, the offender) has to be predetermined: We revisionists have to be considered as criminals who cannot be reintegrated and to whom neither legitimate motives nor good character features or other mitigating circumstances must be conceded. Hence we are both objectively as well as subjectively sentenced before the trial has even begun.

The next interesting passage of the unnamed author is:

> *"The reader has seen throughout this book that from the very beginning* […] *there have been no* <u>*politicals*</u> *in our courts.* […] They] *were merely common* <u>*criminals*</u>*."* (3/506)

Each government claims about itself officially that there are no political prisoners in their country. Even the former communist East Germany always claimed this about itself. It is self-evident that one must not ask the government of a country in order to find out whether political prisoners exist there. This is a trivial fact.

And yet in German courts of law, behind closed doors, one readily admits that there are political trials indeed. In this context I may again remind you at my experiences in Bielefeld in 1992: In that year, during the trial against Udo Walendy in front of the District Court Bielefeld, to which I had been summoned as an expert witness but as usual rejected due to "self-evidence," I listened by chance as the prosecutor lauded the defense lawyer Hajo Herrmann for his competence, yet defended his

own ignorance about the matter with the fact that he merely helps out a colleague who couldn't attend but who is otherwise in charge of these "political cases." There exist therefore especially delegated prosecutors among the public prosecution upon whom it is incumbent to prosecute citizens due to their views for – underhandedly admitted – political reasons in order to protect the state from these very citizens. And if such trials end with a prison term, how are those convicted inmates to be called? I want to postpone addressing this question to a later point in time.

Now to the next quote:

> *"For us… the concept of torture inheres in the very fact of holding political prisoners in prison…"* (1/331; this is the statement of a prosecutor about methods of the previous regime.)

That is also the official view of the Federal Republic of Germany about political prisoners during the time of National Socialism, and rightly so. And since we are talking about torture, I may once more mention my foot shackles, which were used on me again during the transport to the court, quite in contrast to the utmost majority of other prisoners who are never transferred with shackles. Are you at all aware how painful fetters are, how they cut into the ankles with every step?[128]

But now to the next quote:

> *"One important additional broadening* […] *was its application* […] *'via intent.' In other words, no* [crime] *had taken place; but the interrogator envisioned an intention…"* (1/61)

This is pretty much exactly along the line of argument of my Stuttgart trial. At that time a revisionist could only be sentenced for inciting the masses, if he had committed the so-called "qualified Auschwitz lie," that is to say, if he had expressly claimed that Jews had invented the Holocaust in order to gain political or financial advantageous. But I had never claimed such a thing. Even the Stuttgart court had to admit this, which did not prevent them, though, to sentence me by insinuating that I had had the "intention." I may quote the according passages from the verdict:[129]

> *"Although* [the text passages] *do not expressively accuse the Jews of having invented the accounts on the Holocaust particularly to gain political and material advantages, in the eyes of this court*

[128] Following an order by the Presiding Judge no fetters were used after that day in court.
[129] District Court Stuttgart, ref. 17 KLs 83/94, p. 115.

the purpose of the [Expert Report] *is nevertheless to suggest this* […]*."*

And toward the end of the verdict, after an entire series of hair-raising interpretations and extrapolations, the verdict even comes to the following conclusion:[130]

"With this, the right to live […] *is denied to the Jews."*

Or, to express it pointedly, the Stuttgart court stated that, because I had not written anything about Jews, I had denied their right to live, and therefore I must be imprisoned. Well, you know, if one administers "justice" in that way, one should not be surprised when citizens in knowledge of such procedures lose their faith in the state.

And now I want to reveal where I got those quotes from: They have been taken from Aleksandr Solzhenitsyn's trilogy *The GULag Archipelago*, Collins & Harvill, London 1974-1978, which describes the conditions of the Soviet judicial system during the reign of Joseph Stalin. You see: it's a match!

There are important differences between the Soviet and the Federal German systems of justice, though: torture does not exist in German prisons, and I am very grateful for this – if one ignores for once that the mere incarceration of peaceful dissidents already amounts to torture.

II. Definition of a Political Prisoner

Since I have repeatedly spoken about political prisoners a short while ago, I now want to try to define them so that one does not depend on official claims by governments. By so doing I wish to choose my criteria as narrow as possible in order to make provision against the accusation that I picked them in such a way to fit my own size. In addition to that I will restrict my following definition merely to political prisoners in the more narrow sense. This does not encompass prisoners who are incarcerated for their religious views, ethnic origin or sexual orientation, although it goes without saying that in most cases the reason for their persecution is also political in nature in a broader sense. But already in order to restrict the discussion temporally, I will talk only about political or politically interpreted dissidents. In the left column of the following table various criteria are listed which can serve to define

[130] *Ibid.*, p. 234.

Definition of a Political Prisoner	
Criterion	**Germar Rudolf**
1. Peaceful dissent, peacefully presented (esp. no justification or advocation of violations of civil rights of others)	Given (unlike RAF)
2. Not punishable in the vast majority of nations	Not punishable in 195 of 205 countries (unlike RAF)
3. Support by civil rights organizations	ISHR, Uomo e Libertá
4. Statements of solidarity from strangers (correspondence, visits, interventions at authorities, demonstrations)	All four given
5. Governmental attempts to suppress such statements of solidarity	Ban of demonstrations; negative social prognosis due to contacts
6. Statements of solidarity by prominent individuals	Professors in support of asylum; criticism against prosecution of opponents (Aly, Hilberg, Lipstadt, Finkelstein)
7. Statements of solidarity or criticism against prosecution by media & politicians, especially abroad	• Muslim world • England (Index on Censorship, Guardian) • Media in general in non-persecuting countries • German media
8. Restricted right to a defense	• self-evidence = ban of evidence • Prosecution of defense lawyers
9. Persecuting nation's refusal to recognize political prisoners despite the above features	Given, in contrast to Czarist Russia[131]
10. Worse treatment than regular inmates.	Zündel in Canada; non-recognition in Germany; automatic negative assessment of defendant's character, negative social prognosis, no early release on parole, security measures (incl. fetters); punishment as "social prophylaxis."[132]

political prisoners, and the right column indicates whether and to what degree these criteria apply to me or to revisionists in general.

The first criterion is at the same time the most important. Under peaceful dissent I understand foremost that no unlawful violation of civil rights of others is justified or advocated. In my view this is the only really essential requirement for a legitimate expression of an opinion, while pornography, depictions of violence, vituperation etc. are not dis-

[131] Cf. Alexandr Solzhenitsyn, *The Gulag Archipelago*, vol. 1, Collins & Harvill, London 1974, pp. 457-459, 499f.
[132] Quote from A. Solzhenitsyn, *ibid.*, p. 42.

cussed here, as they have little, if anything, to do with opinions. There can be no doubt that all of my writings for which I am prosecuted fulfill this criterion, as I have never justified, condoned, or advocated the unlawful violation of the civil rights of others.

In the table I have added in parentheses that this very criterion absolutely does not apply to the former terrorists of the German terror organization "Red Army Fraction" (RAF). The background of this is that the media, foremost the *Frankfurter Allgemeine Zeitung*, drew parallels between the trial in this very house against the revisionist Ernst Zündel and the trials against the RAF terrorists in the 1970s and 1980s.[133] Yet they really cannot be compared, as the actions of the RAF have been the exact opposite of peaceful: They were violent, applied despotic arbitrariness and violence in an extreme way, condoned this, and asked other to do so as well. That one even dares to compare this with the revisionists' utterly peaceful dissent merely proves that the minds of these journalists must be thoroughly confused.

The next entry also applies to trials against revisionists, as criticizing the dominant historical theories on the Holocaust is illegal only in a vanishingly small minority of countries in the world. This does of course raise the question why I should develop a sense of wrong at all, if what I am accused of is punishable almost nowhere else in the world, and especially not where I committed these deeds, that is, in England and in the U.S.

That, too, is in stark contrast to the acts of the RAF, which are punishable in all nations of the world and which would probably be so in those hypothetical states as well which the RAF terrorists would have created, if they had had the opportunity. Therefore the trials against RAF terrorists were not political trials, as the defendants were not on trial for their opinions but for violent acts, and therefore the RAF terrorists have not been political prisoners, as left-wing radicals still claim today, but violent felons. The RAF terrorists were perpetrators who kidnapped and murdered people and who planted bombs. The revisionists, however, are victims, because we are subject to muggings and assassination attempts, as for instance Prof. Faurisson had to experience frequently, and it is we who receive parcel bombs and whose houses are subject to arson, as Ernst Zündel had to experience.[134] It is therefore an

[133] Volker Zastrow, "Der Riß in der Robe," *Frankfurter Allgemeine Zeitung*, 25 March 2006, p. 3.
[134] Cf. the summary in *Lectures*, *op. cit.* (note 55), pp. 495-500.

infamy of the media to even mention the trials against revisionists, *i.e.* the victims of terrorism, simultaneously with those against terrorists.

The next criterion is the recognition of the inmate as a political prisoner by civil rights organizations. This is problematic for the present issue, though, as the opinions persecuted by the German authorities are generally considered to be right-wing or right-wing radical. Most civil rights organization are traditionally on the political left, however, which has historical reasons, as the civil rights movement is by its origin a left-wing idea rooted in the French revolution. Hence inmates who are categorized as being on the political right – whether justly or unjustly so – usually face difficulties finding an open ear with leftist organizations.

In this context I may draw your attention to a letter of the German civil rights organization "International Society for Human Rights" (www.ishr.org/) of 30 October 1996, a copy of which I gave you recently. The ISHR is an organization which had been established, among other things, because leftist civil rights organizations like Amnesty International hardly showed any inclination to denounce civil rights violations in Eastern Block countries during the Cold War, especially in former communist East Germany and with regards to German ethnic minorities in other east European countries. Since their formation and due to their engagement on behalf of political persecutees in the Eastern Block, the ISHR in Germany has itself been attacked regularly by leftist group, at times even violently. For several decades now they find themselves societally persecuted in Germany.

I had received this letter by the ISHR, a copy of which I gave you, as a response to my inquiry, whether the ISHR are in the position to recognize me as a political persecutee and to support me accordingly. The then executive chairman of the ISHR responded to this with the telling words:

> *"I believe that the ISHR does not have the energy to see through a trial without suffering damage to itself."*

In other words: The ISHR feared to become a victim of societal persecution itself, should they publicly campaign for freedom of speech for revisionists as well. How bad does it have to be in a society when even civil rights organizations are afraid of persecution, should they dare to campaign for political prisoners?

The Italian civil rights organization "Associazione Uomo e Libertá" displayed somewhat more courage, when they informed me in spring of 2006 that they had recognized me as a victim of socio-political persecu-

tion and offered their help. Since it is not outlawed in Italy to have a different opinion than the government and because one is socially obviously considerably more tolerant toward dissidents in southern Europe, this association does not have to fear persecutorial measures as a result of this step.

As the next, albeit much less important criterion I have listed statements of solidarity by strangers, which all occur as listed in my case. You, your honor, are for instance aware that I am receiving a great number of letters from individuals whom I either know only by name – as former clients – or not at all. The prison officials are always amazed to find out that I am being visited here in prison by individuals whom I have never before met. I even had to regulate this kind of fan tourism, as my own family couldn't have visited me anymore due to this high demand. We even briefly considered taking an entrance fee, but that would probably have been too impudent. Add to this the various letters of protest to German embassies all over the world as well as to leading German politicians, which I cannot endorse in most cases, as they usually cause only annoyance at the recipient's end, which can hardly have a positive effect on my situation. Finally there is also the demonstration for freedom of speech which several activists wanted to organize a few weeks ago here in Mannheim but which has been banned.[135]

This brings me to the next point, namely the attempt of authorities to suppress such statements of solidarity, especially when they take place publicly. What is to be thought of a country that prohibits demonstrations for freedom of opinion with the reason given that it could serve to express prohibited opinions? In what kind of a state do we live where such a thing is possible?

Another subtle attempt to suppress statements of solidarity is exerted via the so-called social workers in prison. When I was called to the social worker in charge of my case in Stuttgart prison for a hearing about an application for an early release, which is possible after half or two thirds of my term, the social worker stated dryly that, due to my voluminous correspondence with supporters and fans, I would never get out of prison again, should I continue this way and should I also maintain contact with these people, which would prove that I would not change my views. Although I am behaving socially and decently in prison by

[135] The complaint against this was rejected by the German Constitutional High Court on 6 April 2006 (1 BvQ 10/06); cf. also the documentation at www.ab-rhein-neckar.de/meinungsfreiheit.

politely answering everybody who writes me, this "social" worker takes that as a sign that I cannot be reintegrated into society. What is expected of me to get reintegrated? That I "disintegrate" myself completely, that is to say, that I isolate myself, that I turn almost autistic?

Then there are various statements of solidarity by prominent individuals, such as the row of university professors from several countries and disciplines who wrote affidavits on occasion of my application for political asylum in the U.S., explaining that I am a victim of illegal political persecution in Germany and therefore ought to obtain asylum in the U.S. We will get back to these letters later on.[136] There is moreover the censure of prominent opponents of revisionists against this political persecution of dissidents, foremost the German historian Götz Aly, the late doyen of Holocaust research Raul Hilberg, and the U.S. professor of Jewish studies Deborah Lipstadt, who all, on occasion of the sentencing of British historian David Irving for his revisionist statements in Austria in early 2006, spoke out against the prosecution of revisionists, as did the famous critic of Zionism Prof. Dr. Norman Finkelstein.[137]

Solidarity can also be heard from the media, in particular from abroad. First of all the Muslim world is to be mentioned here, which cannot surprise. They lay their fingers into the West's wound, which claims to fight for democracy and civil rights in the Middle East, but who at the same time locks up its own dissidents in its prisons. This way the West loses all its credibility in the Muslim world.

On occasion of the verdict against David Irving one could once more hear critical voices from England, as so often during the past ten years. First there was the internationally highly renowned magazine *Index on Censorship*, which opposes censorship on a worldwide basis, yet also the dailies spoke out, such as the left-wing *Manchester Guardian*, which described in a pointed way the absurd attempts of continental European countries to prescribe historiography by means of the penal law. It is apparent that the media particularly in such countries which do not prosecute revisionists are considerably more critical about this persecution than the media in prosecuting countries, which is no surprise either, as the journalists and editors in prosecuting countries have to reckon with legal prosecution and social persecution as well, if they expose themselves too much.

[136] See Appendix 5, starting on p. 313; see also www.germarrudolf.com/persecute/asylum.html.
[137] Cf. Irving's documentation at fpp.co.uk/Austria/arrest_2005/index.html.

Yet still, even in the German mass media there have been voiced sporadic and timid misgivings about this new political inquisition.

The restriction of defense rights in political trials shall be the next indicator, which is evidently given in the Federal Republic of Germany due to the practice of "self-evidence," which basically amounts to a prohibition of any defense, as well as threats of prosecution against defending defense lawyers and just judges.

Another criterion which is not really relevant but nevertheless interesting is the fact that almost all persecuting countries deny that they are politically persecuting people, as does the Federal Republic of Germany.

As a quaint footnote I may point out that, according to Solzhenitsyn's *Gulag Archipelago*, Czarist Russia, of all countries, did officially recognize its political prisoners as such during the last decades of its existence, as a result of which these inmates were granted all kinds of privileges, like being imprisoned together in special prisons, having their cell doors open all day, being allowed to obtain political writings as well as to mail out political treatises that had been written by the inmates. Considering such sweeping liberties, it really cannot surprise that Czarist Russia eventually collapsed, as it basically hatched out the revolution on public expense.

As the last point we find the fact that political prisoners are often treated worse than normal criminals. That was especially obvious in the case of Ernst Zündel, who had been treated like a dangerous terrorist in Canada for two years, even though he had not been accused of a single offense. Here in Germany during the trial against Zündel a "legal expert" got carried away to claim as an expert witness that Zündel has not been held in deportation detention for two years in Canada due to his views on the Holocaust. Formally seen that may even be correct, as revisionism is not illegal in Canada, which is why the Canadian authorities made up some spurious reason for his deportation. Yet in view of a history of twenty years of persecution which Ernst Zündel endured in Canada due to nothing else but his revisionist opinions, the question arises, how ideologically blind-sighted this expert witness must have been in order to deny the obvious. And how can a judge, who is to administer justice, agree to such a pseudo-judicial nonsense?

I have mentioned before that we revisionists are considered to be guilty from the outset when it comes to the factual side of our alleged offenses. We are said to commit our crimes as a result of our persua-

sions which we would not want to abandon. But how are we to change our views if we are not confronted by arguments but by mere violence? That really is not a convincing way. Thusly tagged with a unpropitious social prognosis, we political prisoners can never enjoy early releases from prison after spending half or two-thirds of our terms, as is granted to drug dealers, robbers, thieves, and murderers. No, as incorrigibles we have to spend our terms to the last minute. To top it off, we are whacked with all kinds of security measures in prison, which exacerbate life in prison even more. I have still not received any comprehensible explanation why that is so, though. Do the other prisoners have to be protected from our thoughts? Or are we taken into protective custody in order to safeguard us against the other prisoners whose hatred against us has been fanned by media reports? Be that as it may, fact is that the reason occasionally given to the public for the harsh punishment meted out against us is that it is meant to be a deterrent in order that no underling in this country will dare to utter an opinion divergent from that of the government. In legalese this term is called "general prevention." According to Solzhenitsyn such verdicts in the late Soviet Union were called "social prophylaxis,"[138] which probably amounts to the same thing.

III. Development of the Law

Now I want to turn to the development of the law in Germany under the aspect of the increasing deterioration of civil rights. I may start with a quote from the speech of the late German political scientist Carlo Schmid, who, as a Social Democrat, was a member of Germany's Parliamentary Council in 1948, which at that time was debating the Basic Law for the fledgling Federal German Republic. On the question of restrictions to civil right by general laws Schmid said on 8 September 1948:[139]

> *"We also do not want that one equips these civil rights* [in the Basic Law, GR] *with restrictions by general laws, as it is the case in some constitutional guidelines of the* [East German communist]

[138] Alexandr Solzhenitsyn, *op. cit.* (note 131), p. 42.
[139] Deutscher Bundestag, Bundesarchiv (ed.), *Der Parlamentarische Rat 1948-1949*, Oldenbourg, Munich 1996, pp. 22ff.

People's Council and in several constitutions of the states of the eastern zone. If I can restrict every civil right with a law, then it is worthless to guarantee it by means of the constitution, then it is a mere declamation and has no effective reality. Restrictions by general laws devalue the civil right, reduce it to naught."

Yet exactly that which Carlo Schmid wanted to prevent happened not even 20 years later, namely the introduction of restrictions to civil rights by general laws in the course of the Cold War and the thusly justified enactment of the so-called emergency laws (*Notstandsgesetze*). This onslaught against the civil rights was one reason for the formation of the left-wing extra-parliamentary opposition (APO), and it is tragic that it was the extremist wing of this APO, of all groups, who, with their terror in the 1970s under the acronym RAF, gave the authorities a new pretext to further restrict civil rights in order to facilitate dragnet-style police investigations against these very terrorists. And it is at least as tragic that the very generation which in their youth took to the streets in protest against this undermining of the civil rights did not reinstate these civil rights after their "march through the institutions," but quite to the contrary undermined them even further.

The next wave of restrictions of civil rights came in the early 1980s in the course of the battle against organized crime. Critics, however, emphasized that the problem of fighting organized crime was not a lack of legal possibilities but inappropriate equipment, staffing and institutional as well as public support for the police.[140]

This pattern of not tackling societal problems at their roots but by passing declamatory laws, which further restrict civil rights yet merely cure symptoms superficially, continued in 1983, when in a swift move the right to demonstrate was restricted as a reaction to the huge demonstrations against the NATO deployment of middle range nuclear missiles in Germany, against the erection of new nuclear power plants, and against various large industrial construction projects like for instance the new western runway for the Frankfurt airport. After decades of discussions, the first tightening of penal law against historical dissidents was passed in 1985, triggered by an increased activity of revisionists worldwide.[141] In this law, also nicknamed "Lex Engelhardt,"[142] revi-

[140] Cf. Dagobert Lindlau, *Der Mob. Recherchen zum organisierten Verbrechen*, 4th edition, Hoffmann und Campe, Hamburg 1987.

[141] Primarily due to the book by Wilhelm Stäglich, *Der Auschwitz-Mythos*, Grabert, Tübingen 1979; Engl.: *The Auschwitz Myth*, IHR, Newport Beach, CA, 1986.

sionist theses on the Holocaust were declared an "official offense." Ever since the German authorities have been obligated by law to prosecute revisionists for their published theses, which are considered to be "libel of the Jews" or "disparagement of the commemoration of the deceased," and this even if no criminal complaint by any person directly affected had been filed.

The second, much more drastic restriction of free speech followed in 1994 as a result of the first round of trials against the then national chairman of the German National Democratic Party Günter Deckert, the outcome of which had been deemed a scandal by media and politicians. In that year a special law was introduced during the revision of article 130 of the German Penal Code, which, for the first time in German judicial history, expressly aims at the suppression of only one particular opinion about only one certain topic. Yet inevitably this, too, had to be a helpless and useless attempt to get an authoritarian handle against the patriotism and nationalism which had been surging after the reunification in all of Germany, against the escalating xenophobia in the new, former communist *Länder* caused by social tensions, and finally also against the expansion and dramatic increase of revisionist activities deep into mainstream society after the publication of the Leuchter Report.

This was succeeded shortly thereafter by another attack on civil rights by the so-called "great eavesdropping attack," that is, the government's attempt to get sweeping authorities to tap just about anything and anybody they deem suspicious – a suggested law which later on had to be somewhat trimmed down.

After 11 September 2001, the – for Germany only alleged – threat of terrorism had to once more justify the continued curtailing of civil rights.

Since the social problems and demographic tensions in the eastern parts of today's Germany could not be solved by penal law, that is to say, because the right-wing political opposition had not disappeared, the thumbscrews were tightened even more in 2005 by adding a special offense to article 130 of the German Penal Code. The debate about this new restriction to freedom of speech in the German parliament clearly indicates that this was a measure permitting the specific and exclusive prosecution of revisionist historical dissidents and politicians of the

[142] Named after the then German secretary of justice.

right-wing opposition. The German government's reasons for this change of law explain basically that statements on the Third Reich can already be prosecutable if it can be implied from the context of the deed or from the perpetrator that he intended to glorify or belittle the human rights violations committed by the Third Reich, even if those violations were not a topic of the objected statements.[143] This means in plain English: This offense can be committed only by (alleged) right-wingers, because in Germany it is automatically insinuated that they intend to glorify the Third Reich. Hence article 130 has been converted into an article for the illegal suppression of the legal right-wing political opposition.

Parallel to this erosion of civil rights, the position of the defendant and his defense lawyer has been deteriorating steadily, for instance as a result of the abrogation of verbatim protocols for trials at District Courts in the 1970s, by the abolition of jury courts, which means that in German Courts of Law the verdicts are precisely *not* handed down in the name of the people, and – particularly drastically in the area of jurisdiction of interest in this context – by the misuse of the so-called "self-evidence," which is instrumentalized to categorically suppress evidence, and by the prosecution of defense lawyers for filing motion to introduce evidence regarding the historical issues at hand.

Even the German Federal Assessment Agency for Media Endangering the Youth has followed this tendency of increasing restrictions of civil rights. Originally, this censorship agency had been established to keep pornography and depictions of violence away from minors, and there is nothing to be objected against this, although a look into any newsagent shop and into the Internet shows that this censorship is not efficient at all. During the left-wing social-liberal German government of the 1970s, however, a portentous development commenced to deploy this censorship agency against unwanted political or historical material. At that time both left-wing literature suspected to be close to the RAF as well as right-wing literature got into the crosshairs of the censors.

[143] *Bundestags-Drucksache* 15/5051, p. 5; http://dip21.bundestag.de/dip21/btd/15/050/1505051.pdf. The respective passage has since been quoted almost verbally by German courts of law; cf. Bavarian Administrative Court (Bayerischer Verwaltungsgerichtshof), verdict of 10 Aug. 2005, ref. 24 CS 05.2053: "For an approval of the violent and tyrannical rule of National Socialism it suffices, if the perpetrator implicitely gives a positive assessment of the human rights violations committed under the rule of National Socialism – for instance by way of value judgments about responsible personalities." Confirmed and more thoroughly justified by the German Federal Administrative Court (Bundesverwaltungsgericht), verdict of 25 June 2008, ref. 6 C 21.07.

When RAF terrorism petered out toward the end of the 1970s, the censoring of left-wing writings ended almost completely, whereas the indexing of right-wing writings kept swelling.

As an unsuspicious witness to this one-sided instrumentalization of this governmental censorship agency against right-wing oppositional views I may quote the sociologist Prof. Dr. Eckhard Jesse, who has made the study of right-wing extremism his life's task. Ironically in a publication by the German Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*), he stated in 1990 that the Federal Assessment Agency has "proven to be a gateway in several way for a one-sided anti-fascism."[144] He continues:[145]

> *"Anyway, the procedures of the Federal Assessment Agency for Media Endangering the Youth are difficult to reconcile with the principles of a free society, because the written and spoken word must not be subjected to guardianship."*
>
> *"*[…] *A free society must not suffocate or suppress the free exchange of ideas and viewpoints."*

The indexing of political or politically undesirable literature as such would not be that big a drama, if the act of censorship really served only to keep such literature away from minors. After all, all sorts of pornography and horror depictions are freely available to adults. You just have to go to those plentiful special stores and departments accessible only for adults. If similar special stores existed on a grand scale for indexed, politically unwanted literature as well, one could live with such censorship, since this kind of literature hasn't been written for minors anyway. But such stores do not exist. Or rather: there once was one single store like it – in Frankfurt upon Main – which had such a special department. But because only literature deemed to be right-wing is indexed in Germany, the left-wingers were opposed to this store, and so it happened that this store fell victim to an arson attack in the early 1990s which has never been resolved.

The indexing of politically unwanted media by the German Federal Assessment Agency therefore does not primarily serve to keep unwanted literature away from adolescents, who aren't interested in it anyway, but in order to let them practically disappear from the market, as it is

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[144] Eckhard Jesse, *Streitbare Demokratie und 'Vergangenheitsbewältigung'* in: Bundesamt für Verfassungsschutz (ed.), *Verfassungsschutz in der Demokratie*, Heymanns, Cologne, 1990, p. 304.

[145] *Ibid.* pp. 287, 303.

not only forbidden to sell an indexed medium publicly, but also to promote it publicly. Hence the indexing of politically unwanted material gets very close to a total censorship, because if you do not already know in advance what you are looking for and where to look, you will hardly make a find.

This already unacceptable state of affairs was exacerbated even more in 2002 with the tightening of the German Law for the Protection of the Youth. This reform not only extended the authority of the Assessment Agency, but in addition it mandated that the list of indexed and confiscated media is no longer publicly accessible. Whereas before every citizen could find out which media are indexed or even completely prohibited in Germany by obtaining the respective list from the Assessment Agency or by consulting it in public libraries, this list is now only made accessible for libraries and book dealers for their internal use. To top it off, this list no longer contains those media which have been confiscated and are thus subjected to book burning. Since 2002 these media are kept in secret lists. This secrecy is meant to prevent the use of these lists as advertisement material for forbidden media. Hence the citizens are kept intentionally ignorant by their government about what is and isn't prohibited in this country. Yet when a citizen commits an offense due to his inevitable ignorance, because he has produced, imported, stored, disseminated, or offered a prohibited medium, the principle of "ignorance doesn't protect from punishment" still hits him or her with full force, even though it is exactly the government which has, with premeditation, prevented him to remedy his ignorance. And such a state is then called a state under the rule of law.

I have partly based my presentation about the increasing deterioration of civil rights in Germany on a lecture which Prof. Eike Mußmann held in the premise of my then Catholic student fraternity in Stuttgart back on 19 January 1993. At that time Prof. Mußmann was teaching police law at the Academy for Public Administration in Ludwigsburg. At the end of his lecture about the deterioration of civil rights in Germany Prof. Mußmann stated that he wouldn't want to live in Germany anymore in 40 years, if the restriction of civil rights were to continue as during the first 40 years of the Federal Republic of Germany, because then Germany would be a police state.[146] The development of the sub-

[146] Cf. *Lectures*, *op. cit.* (note 55), p. 509.

sequent years unfortunately confirmed Prof. Mußmann's fears, as the dismantling of civil rights has since briskly continued.

These statements of this expert for police law were an important confirmation for me that I do not suffer from a subjective distortion of reality when coming to similar conclusions. It was also a confirmation for my view that it is high time to actively oppose this deterioration of civil rights, because it is no doubt easier to stop and revert misdevelopments toward a police surveillance state at the outset rather than to oppose a full-fledged police state. The German saying "Parry the Onsets!" (equivalent to: A stitch in time saves nine!) was appropriate during the 1960s and 1970s. Today we citizens have to fend off a decay of civil rights which in the meantime has advanced quite far!

IV. Legal Situation

1. Prime Guideline

Before elaborating on the currently prevailing legal situation with regards to my case, I wish to explain that for me the chief guideline is not Germany's Basic Law or any interpretation of it by the German Constitutional High Court. This is so not at least because my activities have reached far beyond the realm of German law. Instead of this, Immanuel Kant's Categorical Imperative is my supreme lodestar:[147]

> *"Act only according to that maxim whereby you can at the same time will that it should become a universal law."*

This principle of a universal law will serve me as a leitmotif for the subsequent observations.

2. Civil Rights and Conflicting Civil Rights

My following statements are based on the work by K.H. Seifert and D. Hömig (eds.), *Basic Law of the Federal Republic of Germany*,[148] as

[147] Immanuel Kant, *Kritik der praktischen Vernunft*, Riga 1788, p. 54 (§ 7 "Grundgesetz der reinen praktischen Vernunft"; new: Meiner, Hamburg 2003, p. 41); Engl.: *Grounding for the Metaphysics of Morals*, 3rd ed., Hackett, Indianapolis 1981, p. 30; also quoted in my *Lectures*, *op. cit.* (note 55), p. 527.

[148] Karl-Heinz Seifert, Dieter Hömig (eds.), *Grundgesetz der Bundesrepublik Deutschland*, 2nd ed., Nomos, Baden-Baden 1985.

far as interpretations of the Basic Law are concerned and if not otherwise indicated.

The present trial takes place only because the prosecutor claims that a conflict of civil rights has occurred between my exercise of freedom of speech and science on one hand and the human dignity of a particular group of the populace on the other hand.

Article 19, paragraph 2, of the German Basic Law determines that in case of such a conflict a balance has to be found between the different civil rights which may not undermine the essential content of the affected civil rights.

Let us first turn to the right to freedom of science as determined by article 5, paragraph 3. As shown before, the essential content of science is that any hypothesis can be chosen freely and that the results of research activity may be determined only by verifiable evidence, but not by pressures exerted by external sources.

Human dignity simply does NOT depend on where one seeks the truth or where one thinks to have found it, but that one is allowed to doubt in the first place; next that one is permitted to seek the truth, and finally to proclaim what one deems to have found. The will toward the truth is the divine spark in us humans, is therefore an integral part of our human dignity.

After all the things I have stated so far it should also be clear that there can be no entitlement to certain research results, and most certainly not a civil right. There are no exceptions to this, for anybody, as such exceptions would contradict both the categorical imperative of a "universal law" and the principle of equal treatment, which is itself a civil right included in the German Basic Law, isn't it, Mr. Prosecutor?

As an example of what the consequence would be, if the rules applied in Germany regarding the National Socialist persecution of the Jews were to be transformed into a universal law, I may bring up so-called creationism. As is known, there is an increasingly strong movement among fundamentalist Christians especially in the United States that rejects the theory of evolution, and this not just because it contradicts biblical claims. Deep down in their innermost feelings these individuals consider their human dignity violated by the claim of modern biology that we humans have descended from an ape-like creature. The theory of evolution is unconscionable for these Christians, and they consequently try to have books on this topic removed from libraries and

to thwart the teaching of this theory in schools. They have been partly successful with this in some states within the U.S.

Hence, if the principle were elevated to a universal law that all those scientific theories had to be outlawed by which some individuals feel offended and attacked in their human dignity, then one would sacrifice science to the caprice of the respective mood of the masses, the *zeitgeist*, or those in power. Little would be left which would not be threatened to fall victim to the censors somewhere and at some point in time.

A conflict between freedom of science and other civil rights is therefore possible only due to the means and methods used to gather evidence, that is to say: on the path from the question (hypothesis) to the answer (thesis), for instance by using research methods at the expense of humans – in the most extreme for instance by conducting experiments with humans – animals or the environment. Posing questions and giving answers, however, must never be restricted. The results of research are never in conflict with other civil rights!

I think the German legislators have also recognized that there cannot be a conflict between the publication of scientific research results and human dignity, because the last paragraph of the law relevant for this trial, article 130 German Penal Code, refers to a clause of article 86a of the German Penal Code, according to which such cases are exempted from prosecution where media are affected that serve science. There can be no doubt that scientific works serve science and that their distribution therefore has to be legal even according to the reigning legal situation. The only open question is therefore whether my writings for which I have been indicted are scientific or not or at least whether they serve science. In my eyes this offers the Court a golden bridge to come to a just verdict in spite of the dubitable legal situation. Hence, if this clause is more than a cosmetic fig leaf for the deception of the public, then it should be applied here according to my opinion.

Next I turn to the right to free speech as guaranteed by article 5, paragraph 1, of the German Basic Law, even though it is immediately restricted by a list of exceptions in the law's second paragraph. Carlo Schmid has summarized succinctly what I think about this clause restricting this civil right by general laws: This basically renders the right to free speech worthless. In my view such a restricting clause is even unnecessary, as article 19, paragraph 2, mandates that a balance has to be found in case of a conflict with other civil rights.

Article 5, paragraph 2, introduced three restrictions of free speech. The first refers to "general laws." According to common sense as well as various verdicts by the German Constitutional High Court, this precisely does NOT include such laws which prohibit only certain opinions or which regulate only certain topics. Already for this reason those paragraphs of §130 of the German Penal Code which intend to regulate historical views are unconstitutional – and besides, they are of course also in conflict with Kant's categorical imperative. The question really imposes itself why this law regulates only this one genocide. Why not all genocides of human history? And why is it restricted to genocides? Why aren't all views on history regulated which can evoke displeasure in people against others? This would, of course, amount to outlawing historiography as such, as one can always find somebody who feels offended by certain views or which may motivate them to feel displeasure against others.

The massacre of the Armenians in Turkey during World War I exemplifies the absurd situation which can be created with the attempt to regulate historiography by penal law. A short while ago France enacted a law prohibiting the denial of the above genocide. At the same time it is currently illegal in Turkey to claim that those events constituted genocide.

Let us for a moment assume that Turkey will become a member of the European Union in the foreseeable future. Imagine, for instance, an Englishman living in Germany who denies the genocide against the Armenians in an article. He subsequently gets arrested due to a French arrest warrant and put into a French prison. Since the Briton has learned from this experience, he publishes an article after his release in which he emphatically *confirms* the genocide against the Armenians. He subsequently gets arrested again, this time due to a Turkish arrest warrant – the European arrest warrant makes it possible! – and put into a Turkish prison. And since our English fellow citizen is a role model in teachability, yet like me cannot shut up, he publishes another article after his release from Turkey, in which he once more denies the genocide against the Armenian, upon which he ends up once more in a French jail. And so he spends the rest of his life alternatively in French and Turkish prisons, as he cannot please everybody at once.

And now imagine that all European countries would raise to a norm the German pathological behavioral pattern of prescribing discussion of traumatic events of their national history by penal law. Then everybody

in Europe who dared to speak out about any chapter of human history would risk going on a roundtrip through European prisons.

Doesn't this show clearly that the German spirit cannot heal the world, but rather that it can only ruin it?[149] And yet you are trying here to enforce this spirit in other countries, because what I am accused of here I have not committed in Germany but rather in England and in the U.S., where such acts were and are completely legal.

And if I think the principle of universal laws to its consequential end: Why only prohibit historical views which may be potentially offensive? Why not any view which could cause negative emotions against others? And since every opinion could potentially cause negative feelings in somebody, shouldn't we then consequently outlaw opining as such? This would amount to outlawing speaking itself.

The protection of honor is the second restriction of free speech in article 5, paragraph 2. According to verdicts by the German Constitutional High Court, an insulting way of expression is required in order to constitute an infraction of one's honor. But no such expressions can be found in any on my books! In its famous and notorious verdict about the slogan "Soldiers are Murderers," which categorized this statement as legal, as it is not insulting, the Constitutional High Court has consciously[150]

> *"defined the term vituperative critique narrowly, as it has been developed by the jurisdiction. According to this not even an exaggerated or even abusive critique turns a statement as such into a vituperation. This must be accompanied by the fact that no longer the dispute, but the defamation of an individual is in the foreground."*

Fact is, though, that none of my publications contain vituperative critiques, neither against individuals nor against groups. Hence, the slogan "Soldiers are Murderers" is permitted, even though there can be no doubt that not every soldier is a murderer. Following the principle of equal treatment, shouldn't sweeping judgments about Jews be permitted as well? This question is irrelevant, though, as I have never made or published such judgments.

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[149] Reference to the German saying "*Am deutschen Wesen soll die Welt genesen*," (The German spirit ought to heal the world) frequently used during the German pre-WWI Kaiserreich.

[150] Verdict of BVerfG, 10 October 1995, ref.: 1 BvR 1476,1980/91, and 102,221/92; see www.servat.unibe.ch/dfr/bv093266.html; also quoted by Rolf Bossi, *op. cit.* (note 124), p. 160, who doesn't give a source for it.

Hence, if the equal treatment as mandated by the German Basic Law exists, nobody's honor is insulted by my publications, and there is therefore no conflict with the civil rights of others.

The third and last restriction to free speech as listed in article 5, paragraph 2, concerns the law for the protection of the youth. According to a decision by the German Constitutional High Court, censorship for reasons of protecting the youth is permissible only, if a danger to the youth derives "always and typically" from the thusly censored views. These empty word shells open the floodgates to arbitrariness, though. I will get back to that later.

There used to be a time when I was proud of the fact that, in contrast to the constitutions of other countries, the German Basic Law not only guarantees freedom of speech, but in addition to that also and expressly the freedom of research, teaching, and science. Today, however, I consider this division of free speech into scientific and non-scientific opinions to be a tragedy, because it leads to a two-class system of free speech law. Whereas freedom of speech for laymen, that is: non-scientists, can be easily restricted by simple laws, it remains unfettered for scientists and researchers.

Should a researcher get obstreperous, however, then the state swiftly disenfranchises him of the status as a scientist and prosecutes him as a "pseudo-scientist" or lay person. This two-class law therefore permits the state to keep everybody perfectly in leading strings while maintaining the illusory impression of maximum freedom.

The thesis about the conflict between civil rights as maintained by the German jurisdiction is wrong also because most Jews would be horrified, if they knew that impeccable scientists are being persecuted in their name. No Jew reading my books with common sense will find anything malicious or inciting in them.

In this context I may once more mention my former Jewish girlfriend Jodi Keating and her family, who clearly prove my claim, as they had no problems at all with my views. I may also mention that there are a number of Jewish revisionists, among them for example David Cole, who I had the honor to call a friend. During the early and mid-1990s he worked closely together with various revisionists and stepped into the background only after he had received death threats by his co-religionists due to his involvement. I may also mention Israel Shamir as my last example. In the 1960s Shamir immigrated to Israel from the USSR and participated as a soldier in Israel's wars. He later became a journal-

ist, yet became disenchanted due to the way the Israeli authorities and settlers treated the Palestinians. Ever since he has been increasingly supportive of the Palestinians' human rights struggle. Several years ago he even converted to Christianity, which renders it questionable whether one can still call him a Jew, depending on whether one considers the term to be religious or ethnic, a topic upon which not even the Jews can agree.

At any rate, since the second Intifada Shamir has been at the forefront of that civil rights movement which insists on equal rights for Palestinians. Shamir's son was one of the heroes of the International Solidarity Movement who, while risking their own lives, helped those Palestinians with food supplies who had sought refuge in the Church of Nativity during the siege of Bethlehem by the Israeli occupational forces around Easter of 2002. Several months ago Mr. Shamir asked me why I am prepared to risk so much for my persuasions. He published my answer to him on 16 Sept. 2006 on the Internet with an introductory comment of his, which I may quote here:[151]

> *"In my view, H*[olocaust] *approval is an approval of Jewish superiority and exclusivity, while H*[olocaust] *denial is a rejection of this exclusivity claim, and thus a duty of non-racist and/or a Christian.*
>
> *Germar Rudolf is a scientist dissident who was recently torn from his young wife and baby in the United States and extradited to his native Germany to stand trial for a scientific investigation of Auschwitz, the best-selling Rudolf Report. Born in 1964, he is one of the youngest high-profile Revisionists who came out of the post-war generation – young folks as a rule brutally brain-washed with conventional Holocaust lore. Germar, as we know, is different."*

I mention this here in order to emphasize that one cannot make sweeping statements about the Jews, but that the German state cannot sweepingly claim the Jews as a justification for the persecution of innocent dissidents either. Because that is in my eyes exactly what the Federal Republic of Germany is doing in order to cook their own political brew behind that pretext. In fact, the conflict is not between the Jews and me, but between the German state and me. In their aforementioned book, Seifert und Hömig have expressed the same view, *i.e.*, that the

[151] See www.globalfire.tv/nj/06en/persecution/rudolf.htm.

real conflict is most frequently between citizen and government when dealing with problems of civil rights:[152]

> *"Seen from their historical development, the function of civil rights is at first that they are a defense right of the citizen against the deployment of governmental power (BVerfG 1, 104). According to jurisdiction, this is also their primary and central dimension of efficacy today (BVerfG 50, 337)."*

There can be no doubt that article 130 of the German Penal Code as a special law aiming at certain opinions is in violation of the principle of general laws and is therefore unconstitutional. And although this is self-evident, both the German Supreme Court and the Constitutional High Court ignore this fact in all their decisions in matters as the current one and act and sentence against all their other fundamental verdicts in all other cases about free speech. They even exacerbate the already unconstitutional legal situation by further eroding the civil right, especially by preventing an effective defense by means of enforcing the misuse of the rule of self-evidence and by prosecuting defense lawyers.

In my view one of the causes for this behavior especially of the Constitutional High Court is that the judges of this court are appointed based on a political horse-trading between the dominating political parties in Germany, where political party affiliation and party loyalty is at times more important than judicial competence. A classic example for this was the appointment of Jutta Limbach – as quota Social-Democrat – to the Presidency of the Constitutional High Court, although she had almost no professional experience in law. That led to unmistakable criticism even in legal journals. Considering such circumstances, one has to ask in what sense we can still speak of a separation of powers in Germany.

Hence, the question about the right to resist according to article 20, paragraph 4, of the German Basic Law imposes itself once more, about which I will say more later on.

3. Protection of the Youth

As a third legal restriction of free speech in Germany I will now discuss the Law for the Protection of the Youth, which I am said to have violated as well.

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[152] K.-H. Seifert, D. Hömig, op.cit. (note. 148), pp. 28f.

First of all, article 18, paragraph 3, clause 1 of this law prohibits the indexing of media merely due to their political or ideological content, among other things. Yet regarding media suspected to be "right-wing" in nature, the Assessment Agency does exactly that, as has also been criticized by the afore-quoted Prof. Jesse. It is therefore in my view not I who breaks the laws here but the Assessment Agency. The reasons that can lead to an indexing of a medium to begin with are listed in article 15 of that law. The first four reasons are clearly defined, among which especially pornography, glorification of warfare, and depictions of violence are perfectly comprehensible. This is different with the fifth reason, however. According to this, media can be indexed which are

> *"obviously capable of severely endangering the development of children and adolescents or their education toward personalities which are responsible for themselves and socially competent."*

This phrase is so undefined and imprecise that it is not clear to me what kind of media could be affected by this. It is also not understandable how this fuzzy feature can somehow be "obvious." Such a rubber law readily invites to political misuse and is therefore absolutely unacceptable. But more than anything else it is a mystery to me how critical literature about historical topics could possibly be capable of severely endangering the development of minors toward socially competent personalities.

In order to clarify the potential political misuse for you, permit me to insert a completely different observation. As should be generally known in the meantime due to various news reports and discussion in the public, the original, indigenous population in Germany is decreasing dramatically. The same phenomenon, which one could also call a demographic collapse due to its speed, can also be observed in many other European countries. Many of the current societal problems have their cause in it, like for instance the instability of pension funds, the explosion of healthcare and nursing costs, as well as the mass immigration from abroad, which is claimed to be a necessary demographic compensation, with all the resulting social, political, and economical upheavals.

The reason for this demographic collapse is the fact that the second generation in a row refuses to show the most important of all social behaviors essential for the physical maintenance of a community, namely founding families and having children. This radical change of behavior is driven by the ideology of self-realization as an isolated individual, that is to say, by the ideology of egotism and egocentrism, which has

been propagated for decades. Materialism ("wealth"), hedonism ("pleasure"), and emancipation from social bonds are "values" which are being pursued. The statistical numbers of single households, divorces, and lack of children clearly indicate that nowadays young people are hardly capable of forming lasting social bonds; that love and loyalty, responsibility and altruism, that is: the will to make sacrifices for others, foremost and first of all for one's own family, but also for kin, community, people, fatherland, and one's own culture hardly exists. Among them, the love for children is the purest, deepest, most selfless and intensive form of love or even form of emotion of our entire emotional world. The rejection of children therefore proves the inaptitude of an entire generation to love. The striking lack of these features, which lets this society collapse to such a degree that, if this development continues steadily for another 100 years, there will be basically no German people left, proves unshakably that these new generations are no longer socially competent. And to go even further: the behavior of this generation is ultimately destroying their society. I think that there can hardly be a more socially incompetent behavior than the one leading to the extinction of a society itself. The question arises: What are the causes of this dramatic change of behavior? We revisionists at least cannot be blamed for this.

If one is politically so inclined, one could give an answer to this question as follows: It is obvious that a change of behavior affecting people from all walks of life at once can be caused only by corresponding depictions in the mass media. The primary cause would then be the propagation of hedonism, materialism, and egoistic self-realization as well as the disparagement of traditional family values, among them father- and motherhood, animosity toward children, and abasement of self-sacrificial engagement for a family and for the society at large. The way the German law for the protection of the youth is currently written, such a way of arguing would permit the indexing of a major part of the German mass media, provided one has the political will.

Please don't misunderstand me. I am not in favor of such measures at all, as I am opposed to censorship in general, but this example shows, what kind of arbitrary misuse your laws permit. As undefined as this section of the law is, it is not only unlawful in my eyes but potentially very dangerous.

When revisionist media are indexed, the claim that they endanger the social competence of adolescents is never substantiated. It is

claimed to be obvious. The only thing that is obvious to me is that our revisionist media strengthen skepticism and critical faculties towards authorities. Our writings therefore lead the German underling out of his immaturity by teaching him how to use his intelligence without the guidance of others, just as Kant has described it. And that is exactly what the authoritarian state wants to prevent with its rubber-like censorship laws! I want to go even one step further by putting the shoe onto the other foot. As should be known, it is illegal to make horror movies accessible to minors, and quite correctly so, because even if one explained to children and adolescents that these are mere invented stories and staged events, the gory butcheries shown still would have a traumatizing effect.

Yet simultaneously the very same pedagogues claim that similar bloody butcheries have to be shown compulsorily to adolescents, if events are concerned of allegedly true historical nature. With this I mean that nowadays the school children of basically all western countries are compelled to be exposed to certain – authentic or staged – movies scenes and written stories in order to give them an understanding of what the National Socialists allegedly committed during World War II. It ought to be really self-evident that such material must be even more traumatizing for adolescents than the exposure to invented horror special effects. How can one outlaw the one as reprehensible yet make the other compulsory? I may emphasize that I am not against teaching school children about historical catastrophes and atrocities, but when selecting the means we ought to expect similar standards as apply to the release of horror movies.

That this kind of "education" has a traumatizing effect indeed, I wish to illustrate with three examples which I have experienced myself. I have obtained emails from German students on an irregular basis who had accidentally gotten to my former website. They told me that they were at that time in the United States as exchange students and that they were just learning about the Holocaust in their history classes. As Germans they suddenly saw themselves cornered by the other students and besieged with reproaches and accusations as to how the Germans could have possibly done that to the Jews in those years. These German exchange students were desperately looking for arguments to defend themselves, as they were suddenly ostracized and turned into scapegoats.

An even more drastic case is the daughter of a then girlfriend of mine. In 2002 at the age of 13 this daughter was for the first time in her life confronted with the Holocaust during a history lesson at school. After she had watched a movie at school with the usual heaps of corpses and the corresponding comments, she came back home completely distraught, stammering something to the effect that she had seen the devil and that she is terribly scared. We had to take her out of her history class for that phase in order to prevent further psychological damage.

The last example occurred in the summer of 2000 when some American friends of mine and I visited the Museum of Tolerance of the Simon Wiesenthal Center in Los Angeles, which is basically a Holocaust museum. After touring the museum we attended a lecture by an Auschwitz survivor. Apart from us there were mostly students at the estimated age of 12 to 14 years in the room. The lecturer told us about her alleged experiences in Auschwitz, during which she included things which are nowadays considered untrue even by the mainstream version of history, like flame-belching chimneys, soap production from the body fat of victims, and corpses strewn all over the camp which burned spontaneously. At the end of her lecture we were allowed to ask questions, upon which an acquaintance of mine asked the lecturer what she thought about the fact that even the worldwide leading research institute Yad Vashem in Israel has stated that the claim about soap production from human fat is a propaganda lie. She had hardly asked the question, when a grumbling and murmuring went through the room, for already those students had understood that it is a sacrilege to doubt the statements of a survivor.

When we wanted to leave the room at the end of this event, my acquaintance found herself surrounded by students accusing her as to how she could dare to doubt the statements of a survivor, because at the end of it, it was the survivor who had been in Auschwitz, but not my acquaintance. When I tried to help her with arguments, the students noticed from my accent that I am a German, upon which the entire situation became ugly, because those adolescents now started becoming personal and insulted me. The teacher of this school class terminated the conflict by cajoling the children into leaving. We then went to the underground parking lot to our car. There we once more met some of these students, who were making disparaging remarks about us from the distance. I took that as a reason to walk over to them in order to ask them to concider why this building is called “Museum of Tolerance.” I

said that it ought to be understood as a call for tolerance toward other views. But those adolescents did not listen anymore. No sooner had I embarked on my way back to our car than these youngsters suddenly came running after me yelling words like "Beat the Nazi!"

Back then we had the two sons of said acquaintance with us, who were of a similar age as those adolescents. The two boys were truly shocked about such aggressiveness of the other youngsters. Without assistance from us they stated dryly that children and adolescents are educated to hatred and intolerance in this museum – and very specifically so against Germans in general and against historical dissidents on this topic in particular.

All three examples prove that the Holocaust propaganda permanently going on in western countries – no matter whether based on truth or falsehood – is nothing else but a gigantic incitement of the peoples of the world against the German people. This is even true for Germany, where the population's mind is filled with hatred against everything German; or in other words: in this country Germans' minds are being filled with hatred against themselves.

Hence, if you are searching for persons poisoning people's minds and for individuals and institutions traumatizing adolescents and perverting them into socially incompetent humans, maybe you should for once look into the other direction. We revisionists do not traumatize anybody with our media, and you cannot find any depictions of violence or the glorification of it either.

In the context of attempts by the German Assessment Agency to index a revisionist book on the causes of World War II, the administrative court of Cologne has decided that such a censorship is unlawful. Shortly thereafter this verdict was confirmed by Germany's Constitutional High Court with a decision from which I have quoted already early in connection with the definition of science. I may now quote from the decision of the administrative court:[153]

> *"The Federal Assessment Agency ignores that it is exactly the possibility of an open dispute between different opinions which supports the critical faculties of adolescents, which requires a free discussion. Apart from the conveyance of historical knowledge this downright requires the critical contention with deviating opinions.*

[153] Administrative Court Cologne, confirmed by BVerfG, ref. 17 K 9534/94, re. Udo Walendy, *Wahrheit für Deutschland*, Verlag für Volkstum und Zeitgeschichtsforschung, Vlotho 1964; Engl.: *Truth for Germany*, *ibid.* 1981.

By so doing the youth can conceivably be protected much more effectively from becoming susceptible to distorted historical presentations than by an indexing, which may even confer some justified attraction to such views, […] *which the General Assessment Agency has not taken into consideration at all in their assessment."*

Needless to say that this is true not just for books on the origins of wars, but in principle for any topic, be they treated scientifically or not. He who prohibits always exposes himself to suspicions to have no arguments anymore. I myself can therefore not get rid of the suspicion that revisionists are censored only because their literature enables people to think again in a balanced and assessing way by neutralizing the traumatization – that is, the brain washing or "social-ethical confusion," as it used to be called in older version of the law for the protection of the youth, which is caused by established literature and by the mass media.

In any case, children and adolescents cannot even process my expert literature intellectually. Censorship against these books is therefore not only illegal but also ridiculous. The targeted group for this censorship is therefore not the adolescent as an individual requiring protection, but the critical adult, that is, the populace at large.

I have already pointed out the questionable and in my view clearly unlawful practice of the Assessment Agency to no longer make the lists of indexed books generally accessible and to keep revisionist writings in particular on secret lists. Add to this the fact that a few years ago the deadline to file an objection against a decision to index a medium was reduced to one week, which is a mockery especially for publishers abroad if considering their extended postal delivery times.

In summary I have to conclude that the proceedings and the legal basis of the German Federal Assessment Agency cannot be brought into alignment with the Kantian principle of a universal law, which is essentially also the principle of the German Basic Law. Because an utterly vaguely formulated law permitting everything to be banned which runs against the ideological grain of the current Powers That Be has to degenerate to despotism and is therefore unacceptable. In chapter D.V. I will elaborate in detail about the individual cases where I am accused of having violated the law for the protection of the youth.

4. Arbitrary Interpretation of Terms (Immunization against Criticism)

As the last point of my judicial observations I want to talk about the interpretation of terms used by German judges and prosecutors, as they are common in cases like mine. These interpretations are marked by total arbitrariness, as I will show in the following, which by the way is an illegitimate tactic of immunization against criticism, as I have shown in the context of science. The terms subsequently quoted and discussed can be found literally in my indictment:

a. The prosecution of dissident Holocaust researchers, writers, or publishers is rationalized by claiming that their writings "incite to hatred" "in a way capable of disturbing public peace," that they "insult," "maliciously expose to disdain," "denigrate," and/or "disparage" by, among other things, "denying" historical events or by representing them "consciously against the truth."
b. The German term used in this context for "denial" – "leugnen" – means to deny something against better knowledge, hence insinuates knowledge of the truth and conscious statements against it. Yet no court has the capability to find out what an individual was consciously aware of during an activity in the past. But most of all it is beyond the competence and authority of a court to determine what is true or what a citizen has to consider to be true. "Consciously against the truth" is therefore the most absurd phrase of the German jurisprudence, which seriously thinks it can determine historical truth and consciousness by verdicts. One cannot treat history like that in courtrooms.
c. A writing isn't already "insulting, disparaging, offensive, libelous, denigrating, or mind-poisoning" just because a reader subjectively feels that way. That is particularly true for writings containing opinions which are considered to be totally erroneous by a majority or even to be a breach of a taboo. Because even if those opinions considered to be totally erroneous are presented absolutely soberly, they still have a very emotional effect on the reader due to their eccentricity or because they violate a taboo. Historical examples of novel views are galore which were initially regarded as completely erroneous and which had an extreme emotional effect despite being presented soberly.

I have repeatedly referred to the Copernican shift, which can be regarded as the beginning of the scientific era and which resulted in enormous political and social upheavals. Emotions erupted during those years, just as they did in the middle of the 19th century on occasion of the already mentioned Darwinian theory of evolution. Yet the best parallel to our case may well be the forgery of the so-called Donation of Constantine, which is called the most far-reaching historical forgery so far with good reasons. At the base of it lies a document which was allegedly authored by Roman Emperor Constantine I. It claims that on occasion of his conversion to Christianity in the 4th century A.D. he transferred authority over Rome and the western part of the Roman Empire to the Catholic Church.[154] This document served as a justification for the church to claim ownership of the entire Occident during the Middle Ages. Already in the middle of the 15th century Cardinal Nicholas of Cusa exposed the document as a medieval forgery in a thin, sober treatise. Also due to the invention of book printing by Gutenberg, it was only the ca. 80 pages long, more polemical paper by the papal advisor Lorenzo Valla that found wide recognition. It had appeared toward the end of the 15th century and furnished a multitude of arguments in support of the forgery claim. One of the many readers of Valla was a certain Martin Luther, who, by reading this book, was convinced that the Pope was the Anti-Christ. Encouraged by Valla's writings Luther developed his well-known critique of the abuse of power by the Catholic Church, and we know only too well today what this led to, namely to the Peasants' Wars and the Thirty Years' War resulting in the devastation of large swaths of Germany and to the death of roughly a quarter of all Germans of that time.

If one were to apply the logic of the German judiciary, Nicholas of Cusa, Valla, and Luther would nowadays be thrown in prison in Germany for inciting the masses and endangering public peace due to their revolutionary historical theses or their politico-religious views capable of inciting emotions – although neither of them wrote in an inciting way.

In such case it is not the views that are causative for emotional reactions but the attitude of the readers, who are intolerant, fanatical, obstinate etc. Hence, whether a writing is insulting, disparaging, in-

[154] See http://en.wikipedia.org/wiki/Donation_of_Constantine.

citing etc. has to be determined by purely formal criteria of the writing itself. In analogy to what the German Constitutional High Court has determined regarding the violation of one's honor, choice of words and tone must explicitly and objectively be hurtful or inciting. If these features are missing, the claimed offense cannot have been committed.

Pure factual claims can never bear these characteristics, be they as controversial and taboo-breaking as they want. If it is nevertheless claimed that matter-of-factual views about the persecution of the Jews, which are considered to be wrong, have these characteristics, then this is an arbitrary, illegitimate interpretation of these terms, which, if applied universally, could be misused for the prohibition of each and everything, if only somebody can be found who feels sufficiently upset or unsettled by it.

In order to better illustrate how the judges during my first trial twelve years ago argued, I may use an emotionally neutral example. Imagine a defendant who is in court for allegedly having caused a car accident under the influence of alcohol. He lets 100 friends testify on his behalf, who all claim that during that said evening he had not drunk any alcohol. Yet then an expert testifies who has analyzed a blood sample drawn from the defendant shortly after the accident. He states in court that the blood values clearly indicate that the defendant was severely drunk at the time of the accident.

And now imagine the prosecutor as he demands that the expert witness be arrested and put in the dock himself, because with his testimony he has indirectly given the impression that those 100 witnesses might have lied. Certain circles of the populace could conclude from this that the witnesses have acted out of base motives, which could cause negative emotions within these circles against the witnesses. This could result in some individuals going so far as to call for actions against these witnesses. This would therefore prove that the expert witness with his testimony about the defendant's blood values, which contradict the other witnesses, has insulted them and has incited the populace to acts of violence against them. Hence the expert witness has to be imprisoned for inciting the masses.

If in such a case a prosecutor would repeatedly argue this way, one would probably suggest that he change his profession, and if he defied such advice and kept acting that way, one would probably advice him to seek psychiatric aid.

Yet that is exactly the way one argued during my case in 1994/95 in Stuttgart, when I was sentenced to 14 months imprisonment for my expert report, and the same pattern of argumentation can be found again in my present indictment. If the prohibition to contradict witnesses were to be elevated to a universal law, then the lights would go out quickly in this country! Or more general still: if nothing could be said anymore because somebody feels insulted or attacked in a mere subjective way, then speaking as such would probably have to be prohibited.

d. Already the Third Reich imprisoned peaceful dissidents in concentration camps because their views were capable "of disturbing public peace." The Catholic priest Mayer, for instance, was publicly indicted because with his sermons he "repeatedly made public, inciting statements" and because he had discussed matters of the state "in a way capable of endangering public peace."[155]

It may be interesting in this context that in the mid-thirties Rupert Mayer was expelled from the Cartel Association of Catholic German Student Fraternities following pressure from "above." In 1994 I was expelled from the same association as well following pressure from "above" due to my allegedly "disturbing public peace."

It goes without saying that there are also considerable differences between us, for Rupert Mayer was later canonized by the Catholic Church, to which I attach no importance at all, as I have left the Catholic Church.

(At this point State Prosecutor Grossmann makes the following meaningful interjection: "Oh, come on, don't assume such an air of importance, Mr. Rudolf!")

Hypothetically every opinion which massively contradicts the Powers That Be or the reigning *zeitgeist* is capable of disturbing the public peace under certain circumstances. This undefined term is therefore suited to suppress every political, scientific, or social dissent. In order to prevent such an arbitrary, despotic interpretation, it must be stipulated that the capability of disturbing the public peace must derive directly from the statements at hand in order to be prosecutable. This means that the statement has to actively call for or contribute to the disturbance of the public peace, for instance by calling for armed riots, pogroms, re-

[155] Otto Gritschneder (ed.), *Ich predige weiter. Pater Rupert Mayer und das Dritte Reich*, Rosenheimer Verlag, Rosenheim 1987, p. 89.

volts, or other acts of violence or arbitrariness, or at least the approval of such acts.[156]

The dangerous arbitrariness of the terms used against dissidents by German courts of law has also been emphasized by Dr. Thomas Wandres in his dissertation *The Punishability of Auschwitz-Lying*, which has even been quoted by the German Federal Supreme Court as a source of law – although only such passages permitting a conviction.[157]

Wandres opines by the way that the books authored and published by me have to enjoy the protection of the freedom of science as guaranteed by the German Basic Law. Florian Körber came to a similar result in his 2003 dissertation *Rightwing-Radical Propaganda on the Internet – the Töben case*.[158] I like to quote several theses from this PhD dissertation:

> *"7th Thesis*
>
> *Due to being undefined, 'public peace' as an element of the offence is unsuited to constrain article 130, paragraph 1, III of the German Penal Code, the more so as merely the capability to endanger the public peace is a prerequisite for the offense.* […]
>
> *15th Thesis*
>
> *The offense of incitement of the masses is not absolutely necessary, as offenses like incitement, psychological abetment, or public instigation to commit offenses sufficiently regulate this complex of problems.*
>
> *16th Thesis*
>
> *The offense of incitement of the masses not only restricts political discussions in a risky way, but also the discussion about its legitimacy.*

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[156] Recently I've actually come to realize that the concept of "public peace" as such is the real enemy of free speech. The only rule needed for governing free speech is: Anything should be legitimate unless it advocates, condones or justifies the violation of the civil rights of others. That would automatically include all acts that really do threaten public peace, like calls for revolution, insurrection, putsch, riots, pogroms, ethnic cleansings, etc., as long as calls for the violation of others' human rights are included. That is to say that no one should even be punished for advocating a *peaceful* revolution or secession, since I think everybody has the right to call for them. 9 Nov. 2010.

[157] Case against Paul Latussek, ref. 2 StR 365/04, 22 Dec. 2004, *Neue Juristische Wochenschrift* 10/2005, pp. 689-682; re. Wandres: "*Die Strafbarkeit des Auschwitz-Leugnens*," Duncker & Humblot, Berlin 2000.

[158] *Rechtsradikale Propaganda im Internet – der Fall Töben*, Logos Verlag, Berlin.

17th Thesis

The protection of the historical truth by penal law harbors the danger to withdraw sections of history from an essential societal discussion.

18th Thesis

In spite of its neutral wording, section 130 III of the German Penal Code concedes a problematic special protection to the Jewish part of the population by way of a 'privilegium odiosum.' There is a danger that, in the eyes of the populace, one group is more protected than the majority, which reinforces the consciousness of alienness toward the protected group. […]

22nd Thesis

The application of the offense of incitement of the masses to defense attorneys showing so-called 'behavior alien to a legal defense' restricts the free advocacy and the right of the defendant to an effectual defense in an unacceptable way. A restriction of behavior without any connection to a legal defense is therefore preferred."

Hence Körber lobbies the complete abrogation of article 130 of the German Penal Code, and he also recognizes that the "special protection" for Jews can backfire on them, which needs to be prevented.

It is by the way striking that neither Wandres nor Körber do even raise the question, let alone address it, whether those paragraphs of article 130 of the German Penal Code, which prohibit only certain opinions about only one single topic and which are therefore special laws, can be constitutional in the first place. This question has been addressed only by a few authors in law journals – and they did of course answer it in the negative.[159]

What is certain is the fact that my writings and those which I have published have no content which, if considered objectively, "incite to hatred," "disparage, insult," etc., and which also cannot be considered to "disturb the peace." That the prosecution uses such terms – against better knowledge – merely demonstrates what they really have in mind: to scandalize, to taboo, and to ostracize me by way of untrue affirmations.

[159] Cf. e.g. Stefan Huster, *Neue Juristische Wochenschrift*, 1995, pp. 487-489.

D. Specific Considerations

I. General Remarks

1. Identification with NS Measures of Persecution

Next I want to address the concrete accusations contained in the indictment.[160] First I will turn to general accusations.

The indictment claims on p. 4 that I identify myself "with the Nazi measures of persecution," which probably means that I approve of them. This claim is an untrue defamation for which no evidence exists. Already some of the passages from writings taken from the web site www.vho.org and as included in the arrest warrant prove the opposite of the indictment's claim:[161]

1. p. 27 under 5. The list, especially the last point as well as the first sentence thereafter:

> *"*[…] *and finally,* [revisionism] *does not deny that all the above mentioned things* [aspects of the persecution of the Jews] *were unjust. None of these crimes of the National Socialist regime are doubted by Holocaust revisionists."*

2. p. 29, last paragraph, sentence 2:

> *"Unjustly imprisoned people were therefore victims of the Third Reich, even if they died 'only' of an epidemic."*

3. p. 30, last paragraph, first two sentences:

> *"Doubtless it is correct that even one victim is one too many (and not just 1,000). And yes, one really must go even farther than that: even those measures of persecution by the Third Reich which did not result in outright deaths were in every respect unacceptable."*

4. p. 31, 1st paragraph, lines 7f.:

> *"While not wishing to deny the victims the tragedy of their individual fates in any way* […]*"*

5. p. 32, first two sentences:

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[160] The indictment (German) can be found on the Internet at: www.germarrudolf.com/persecute/docs/Rudolf_Anklageschrift.pdf.

[161] Page numbers refer to the indictment; the original texts: *Von Ketzern wird behauptet: 'den holocaust hat es nie gegeben',* www.vho.org/Intro/D/index.html (Engl.: *Heretics Claim: 'the Holocaust Never* Happened', www.vho.org/Intro/GB/index.html); *Die Holocaust-Kontroverse*, www.vho.org/Intro/D/Flugblatt.html (Engl.: *The Holocaust Controversy*, www.vho.org/Intro/GB/Flyer.html).

> *"Everyone who has been treated unjustly is entitled to reparations, and every victim of crime deserves respect commensurate with human dignity. Revisionism has no desire to deny suffered injustice, to withhold respect, or to deprive restitution to anyone."*

6. p. 40, 2nd paragraph, 1st sentence as well as the last two sentences:

> *"Revisionists agree with establishment historians that the German National Socialist State singled out the Jewish people for special and cruel treatment.* […] *Consequently, Jews were stripped of their rights, forced to live in ghettos, conscripted for forced labor, deprived of their property, deported, and otherwise mistreated. Many tragically perished."*

In the introduction to the 1994 book *Grundlagen zur Zeitgeschichte*, which I have edited, I have clearly named as such the National-Socialist injustice not denied by revisionists. The first book published by me in 1998, *KL Majdanek* by Jürgen Graf and Carlo Mattogno, ended with a section clearly naming and denouncing the tragic injustice which the inmates of Majdanek had endured and to which many had succumbed.[162] With the same quote I closed my chapter three of the so far last book on the subject published by me, *Lectures on the Holocaust*, in which I have expressly recognized as injustice the persecutorial fate suffered not only by the Jews on many other pages as well. These are only some examples which can be augmented. There are no other statements of mine to the contrary.

The prosecution is obliged by law to investigate and list exonerating evidence as well, which they have apparently not done here. I will return to this point in detail in the section about my *Lectures*.

2. Exoneration of National-Socialism

Regarding the claim put into writing in the indictment (p. 4) that the media published and disseminated by me until recently are carried "by the tendency to exonerate National Socialism from the stigma of the

[162] Jürgen Graf, Carlo Mattogno, *Konzentrationslager Majdanek: Eine historische und technische Studie*, 2nd ed., Castle Hill Publishers, Hastings 2004, p. 255. (www.vho.org/dl/DEU/klm.pdf); Engl.: *Concentration Camp Majdanek. A Historical and Technical Study*, 3rd ed., The Barnes Review, Washington, DC, 2012, p. 245 (www.holocausthandbooks.com/dl/05-ccm.pdf).

Judeocide," I recommend reading the quote taken from my expert report[163] and set in italics on pp. 34f. of the indictment:

> *"To everyone who has ever suspected that revisionists are motivated by a desire to whitewash National Socialism, or restore the acceptability of rightwing political systems, or assist in a breakthrough of Nationalism, I would like to say the following:*
>
> *While researching, our highest goal must at all times be to discover how historical events actually occurred (as the 19th century German historian Leopold Ranke maintained). Historians should not place research in the service of making criminal accusations against, for example, Genghis Khan and the Mongol hordes, nor to whitewash any of their wrong-doings. Anybody insisting that research be barred from exonerating Genghis Khan of criminal accusations would be the object of derision and ridicule and would be subject to the suspicion that he was, in fact, acting out of political motives. If this were not so, why would anyone insist that our historical view of Genghis Khan forever be defined solely by Khan's victims and enemies?*
>
> *The same reasoning applies to Hitler and the Third Reich. Both revisionists and their adversaries are entitled to their political views. The accusation, however, that revisionists do what they are doing merely in order to exonerate National Socialism and that such an effort is reprehensible or even criminal, is a boomerang: because this accusation implies that it is deemed unacceptable to exonerate National Socialism historically (and by so doing, always also partially morally). But by declaring this as unacceptable, one admits openly not to be interested in the quest for the truth, but in incriminating National Socialism historically and morally. And the motivation behind this can only be political. Hence, those accusing revisionists of misusing their research for political ends have themselves been proven guilty of exactly this offense. It is therefore not necessarily the revisionists who are guided by political motives, but with absolute certainty all those who accuse the revisionists of attempting to somehow historically exonerate a long since rotten personage, a long since perished political system from an era which has ended a long time ago.*

[163] Germar Rudolf, *Das Rudolf-Gutachten*, 2nd ed. Castle Hill Publishers, Hastings 2001 (www.vho.org/dl/DEU/rga2.pdf); Engl.: *The Rudolf Report*, *op. cit.* (note 47), pp. 36f.

In brief: our research must never be concerned with the possible 'moral' spin-off effects of our findings in relation to politicians or regimes of the past, but solely with the facts. Anyone arguing differently is unscientific and should not arrogate to pass judgment upon others."

My revisionist activities are actually not carried by the intention to remove a stigma from a political system which I find unsympathetic due to its disregard for human rights, but rather

a) because I believe that I am right.
b) Because I cannot accept the injustice done or about to be committed in the name of the Holocaust ideology, just as I cannot accept other injustices. Among these injustices are also the oppression and persecution of dissidents in today's Germany.
c) Because this research and publishing activity is exciting, interesting, and satisfying.
d) Because it is the moral duty of each citizen to defend the rights to freedom of speech and freedom of science exactly there where those in power want to suppress it most intensively. My contribution to this was so far to offer all those a podium with my publishing outlet who had no other venue of publication at their disposal.

In brief: The question whether the research published by me changes the moral assessment of the National Socialist system is utterly irrelevant, because such an extra-scientific, political-moral motivation MUST not have any influence on the course and final results of research! This accusation therefore backfires on those who make it, because *they* are the ones who try to foist non-scientific decision criteria upon science. Yet this is impermissible, and more still, if this force comes from the government, it is even unconstitutional!

In addition to this I may mention that I cannot have in interest in rendering National Socialism socially acceptable not the least because under such a regime I would express my opinion just as openly and I would resist against the injustices committed by it, which is why I would probably be one of the first to end up in one of its concentration camps. Why should I therefore have an interest in exonerating such a regime?

3. Passion

The indictment opines on p. 4 that the writings disseminated by me have the tendency "to have an increased and intense effect upon the senses and passions of the reader." This expression is extremely imprecise. It is not even clear whether this is an indictable accusation, a factual statement, or maybe even a praise. Authors and publishers who fail to arouse the passion of their reader for their texts have failed their profession. And of course this arousal happens via the senses.

The subject of the writings offered by me until recently is by their very nature fraught with emotions. Because views contradicting the predominant opinion frequently have a passionate and intense effect upon the reader even if they have been expressed drily and in a factual way, which is true for most of the writings offered by me. Objectively seen, most of them are so dry and factual that they must be called boring. If the reader reacts to them passionately anyway, then this is due to the reader or due to his conditioning in a society which has declared this topic a taboo and hence has irrationalized it. Since the arrest warrant neither quotes examples nor defines what "increased," "intense," and "passion" means in this context and how and due to which criteria a penal assessment is performed, I can only reject such an expression as unconscionable. I may emphasize, though, that none of my writings are inciting to any kind of passion about the Jews as a collective, neither positively nor negatively.

II. Promotion Brochure

The promotion brochure *Heretics claim: "the Holocaust never happened"* as well as the flyer *The Holocaust Controversy*, as quoted in excerpts by the indictment, basically contain compressed summaries of the content of my book *Lectures on the Holocaust*, which is why I won't deal with those quotes in more detail here. Merely the topic "restitutions" is dealt with in the *Lectures* only marginally and even then only tangentially in a different context. I may therefore address this topic here.

1. False Quote

On p. 6 of the indictment the quote beginning with "Since the end of the war …" needs to read: "Germany has paid […] more than 100,000,000,000 deutschmarks," which is to say: 100 billion, not one billion deutschmarks.

2. Omission of Exonerating Passages

This quote is introduced by the following:

> *"Everyone who has been treated unjustly is entitled to reparations, and every victim of crime deserves respect commensurate with human dignity. Revisionism has no desire to deny suffered injustice, to withhold respect, or to deprive restitution to anyone."*

The prosecution has omitted this decisive, exonerating passage, thus a skewed impression is inevitable.

In the subsequent quote:

> *"But why are you as a tax payer and consumer paying billions after billions of reparations? Why are you demanded to show atonement, penitence, humility, and to make sacrifices? Are you really wondering why taxes keep rising in Germany and why unemployment is rampant? … You, dear reader, get to pay for the (alleged) guilt of your parents, grandparents, great and great-great grandparents!"*

A decisive passage has been replaced by omission ellipses and thus withheld. It reads:

> *"Perhaps you remember the following, in its roots Christian principle which is valid today in all states under the rule of law: There must be no kin liability, and guilt is not heritable. – This is being ignored today."*

Since the topics reparations and collective liability are rather explosive in nature, I prefer to rely on a foreign scholar in this case in order to give you an understanding of the issue. Prof. Dr. Gerard Radnitzky grew up in the U.S. originally, yet he immigrated to Germany in order to pursue his vocation as a university professor. In the magazine *eigentümlich frei* (peculiarly free), which is published by radical libertarians, which is to say by individuals who advocate a liberal interpretation

of human and civil rights, *i.e.*, of freedom, Prof. Dr. Radnitzky wrote the following in the May issues of 2003:[164]

> *"When I immigrated to the Federal Republic of Germany, I had come from the USA, I had passed my academic education in Sweden, and I thought I had come into a normal western country. Exotic people have cults of honor or of shame. In the FR Germany there is the cult of inherited guilt: Guilt is not related to individuals, but to a collective, to the German people, it is inherited: racism! A curiosity which turned out to be the continuation of the war with other means. One would assume that claims of collective guilt would be prosecutable as a violation of the human dignity of the individual. Yet the opposite is the true: In Germany one could potentially be punished, if one were to oppose the attribution of collective guilt deducted from a 'singularity,' because this is said to imply a 'relativization,' which is allegedly directed against 'human dignity.' One needs to use terms from psychotherapy and religious sociology in order to describe this phenomenon. This constant insisting on actions of the generation of their fathers and grandfathers – independent of their own actions or omissions – is nothing else but a form of racism: Due to 'his' past 'the German' is morally inferior.*
>
> […]
>
> *This strategy has a rational purpose: If one succeeds to generate and maintain a feeling of guilt among the masses, then they will be docile, ready to do penitence. And they will be susceptible to blackmail, also financially. Cui bono? Lobby groups profiting from this are easily identified. Even politicians and the powerful in the media have a vested interest in this mass hysteria, not the least because it offers them an opportunity to pose as moral role models and to eliminate opponents as immoral. In brief, there is a rational reason to join in the game for all decision makers involved."*
>
> I think this deserves to be read again.

Hence, according to Prof. Radnitzky it isn't I who is violating the human dignity of others by criticizing the prevailing state of affairs, but it is you, Mr. Prosecutor, as a representative of the state who is trampling all over the human dignity of all Germans by forcefully enforcing collective guilt, liability, shame, responsibility – or what other term one

[164] Prof. Dr. Gerard Radnitzky, "Der Schuldkult der Deutschen ist rassistisch," *eigentümlich frei*, May 2003, pp. 34-39.

might ever find for this. The shoe is on the other foot! And by the way: you can spare your efforts, Mr. Prosecutor, because Prof. Radnitzky has died recently.

We are currently in the seventh decade after the end of World War II. I myself am a member of the generation of grandchildren. This means that my generation and I are made liable for something which members of the generation of my grandparents are claimed to have committed. The right of us grandchildren to critically examine the history of our own people and to speak out freely about it is curtailed. My oldest daughter is currently twelve years old. In only six years she will be of age. Then she, too, will be burdened with the full load of collective guilt, and she will not be conceded unrestricted civil rights. My daughter is part of the generation of great grandchildren! How long do you intend to continue this perversion of legal norms? Another 100 years? Or even 1,000 years?

Which is really unique about this topic is the fact that seven decades after a lost war an entire people is still held under the victor's mental thumb in such a way. That has never been seen during the entire history of mankind!

One could of course argue that my statements in this section of the promotion brochure are contradictory, because on one hand I write at the beginning that I would not want to withhold reparation from anybody who has suffered injustice, yet on the other hand I write later that it is unjust for us to still have to pay today, especially in view of new financial demands. Because somebody has to pay after all, if a third party is to obtain something. But this is actually only an apparent contradiction, because in the first part where I am critical I deal with new financial demands escalating around the year 2000, which had been claimed by certain lobby groups by way of most dubitable methods, quite in contrast to justified claims by individuals. But I made no statements at all about the question of whether these new claims are justified or not, because this is of secondary importance in the context of the brochure. What really is to be thought of these most recent methods to exact "restitution" from many European countries has even been stated by several Jewish personalities during those years with very drastic

words, which I do not want to read out aloud here, but which I want to leave for your exclusive perusal, as I do not wish to provoke anyone.[165]

As these much more radical statements did not lead to any measures of prosecution in Germany, my statements must not lead to a prosecution either – provided there is equality before the law in this country. Later on we will introduce excerpts from various books in which these and other similar statements can be found.[166]

III. *Lectures on the Holocaust*

In the indictment the prosecution requested to have my book *Lectures on the Holocaust* seized and destroyed. In my view it is important for the court to understand what that means, in case you decide here to seize my book indeed. A while ago I gave you a photocopy containing a newspaper article published in the Austrian weekly *Zur Zeit*.[167] This article reports on how an academic anthology published in commemoration of the German historian Prof. Dr. Hellmut Diwald was seized by means of a court order, because it contains a contribution by Prof. Hepp sporting a footnote in Latin in which Prof. Hepp declares to doubt the veracity of the story about gas chambers for the extermination of Jews in extermination camps of the Third Reich. This footnote in Latin was allegedly inflammatory. It is a mystery to me, though, how a few sentences in a footnote in the Latin language can incite anybody nowadays, as hardly anybody understands that language. Fact is that the book was seized for that very reason and that the confiscated copies were subsequently destroyed in a waste incinerator under police supervision. Police supervision was probably considered necessary to ensure that none of the garbage men would read or maybe even sell the book instead of burning it.

The contribution by Prof. Hepp which was considered offensive incidentally is the same as the one I have quoted earlier regarding Auschwitz as Germany's Great Taboo. Hence, even the Federal Repub-

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[165] "Fraud" (Norman Finkelstein, *stern*, 1 Feb. 2001); "blackmail" (Norman Finkelstein, *Die Welt*, 6 Feb. 2001; Raul Hilberg, *Die Weltwoche*, Zurich, 11 Feb. 1999; Raul Hilberg, *Israel Nachrichten,* 31 Jan. 1999); "scam," (Norman Finkelstein*, Beyond Chutzpah*, Verso, New York 2008, p. 61).

[166] Cf. the excerpts in Appendix 1, starting on p. 220.

[167] *Zur Zeit* (Vienna), no. 9, 27 Feb. 1998; cf. the excerpts in Appendix 6, p. 338.

lic of Germany conducts book burnings in keeping with a sad German tradition. During the Third Reich this was performed publically by Berlin students on that infamous evening at the Opernplatz in Berlin, at which Josef Goebbels was present and gave a speech.

Today this is done in secrecy in order that the public doesn't notice anything.

Heinrich Heine once wrote:[168]

> *"This was a prelude only. Where they burn books, so too will they in the end burn human beings."*

Hence, before you decide to continue on this disastrous path of the Federal German society by adding one more step, you should at least know what you are delivering to the flames. My lawyer will therefore now file a motion to have my book read during these proceedings.

(The court decides subsequently that the book will be read by the judges in privacy. Three weeks pass before the next scheduled court day. By then all judges and one lay judge have read the book, whereas the second lay judge has read only the first four lectures, yet she states that she will read the last one as well.)

1. General Accusations

The prosecution's claim is wrong that I would "deny the genocide organized by the state" (p. 13, similar p. 17, point 2.c). The book expressly confirms that the measures of persecution of National Socialism against the Jews meet the definition of article 6, paragraph 1, of the International Penal Code, which means that it was genocide even from my revisionist point of view.[169]

The prosecution's claim that I have given myself "a decidedly scientific appearance already by the title of the work" (p. 29) is absolutely irrelevant, because the matter at hand is not whether I am scientific in nature, but whether the book in question is. This statement proves the profound lack of comprehension of the prosecution who apparently thinks that the scientific nature of a work can be determined by the opinions and motives of its author. But that is not so.[170]

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[168] In his 1821 play *Almansor*.
[169] *Lectures*, *op. cit.* (not. 55) p. 520, see further down in chapter D.III.3.
[170] See ch. B.III.4, starting at p. 89.

Since only such historians who have proven by a doctoral dissertation that they are capable of conducting scientific research in historiography are able to comment competently on the issue of whether my book satisfies the criteria of scholarship prevalent in historiography, yet the prosecution cannot claim to have such competence – or rather: so far they have not produced such evidence, but maybe they will still try it – the court must concede according to the legal principle *in dubio pro reo* (benefit of the doubt) that my book is scientific in nature unless proven otherwise.

Apparently the prosecution opines that arguments which "cannot be refuted easily" and hence sow "doubts" (p. 29) are for these reasons particularly reprehensible, all the more so because I do not argue clumsily and blusteringly yet "cunningly and subtly." With reference to my remarks in chapter B.I. (pp. 51f.), I point out that it is exactly the ability to doubt which sets humans apart from animals and which is therefore the foundation of our special dignity. Doubt is the beginning of all rational science. Penalizing the sowing of doubt, though, is the beginning of the end of all human dignity and of all sciences. It is moreover a decisive characteristic of scientific works that they do not argue clumsily and blusteringly, but skillfully (= cunningly) and by way of differentiating (= subtly). By using decidedly negative adjectives to describe these scientific characteristics of my book, the prosecution tries to make even these features look reprehensible.

I may furthermore point out that the indictment contains an internal contradiction. At the beginning it claims generally and without proof that my writings "affect the senses and the passions of the reader in an enhanced and intense way" (p. 4). Yet here, by way of a specific example, it says that I would argue "cunningly and subtly." Both cannot be true at once, because the one excludes the other.

2. Quotes

Retroactive Preliminary Remark

On 10 August 2007, barely five months after the end of my trial, the District Court Mannheim issued a search warrant for my Mannheim prison cell in search of documents proving that I was about to publish the present defense speech. Hence, on 25 September 2007 I was visited by several officials from the Mannheim police who confiscated all my trial documents.

The reason given was, among other things, that, with my plans to publish my defense speech, I was about to once more disseminate those illegal statements of my book *Lectures on the Holocaust* for which I had been indicted during the previous penal case. The accusation was furthermore that, in the context of aspects of the Holocaust which in Germany are prescribed as true by penal law, I would be inciting the masses by using adjectives like "alleged," "purported," and "claimed."[171]

If verbatim protocols existed for trials in Germany, my defense speech would have been recorded in the protocol. Since my penal proceedings were public, such a document would automatically have been a public document, the dissemination of which would have been possible for everyone.

Yet unfortunately there are no verbatim protocols in Germany. For this reason I had prepared a protocol of my own of my defense speech, based on the typescript of my speech, my notes, and my memory.

This private protocol inevitably had to also include those passages of my statements in which I had responded specifically to the accusations of the prosecution. This is, after all, the meaning and purpose of a defense. Since the indictment consist to no small degree of quotations from my writings, it was also inevitable to address those quotes.

It so happened that, already while writing this protocol, I was dissatisfied with the sheer endless discussion of quotations ripped out of their context. Whereas my defense speech consists of a systematically constructed chain or arguments otherwise, it decays in this subchapter into disjointed, individual aspects which the reader would find difficult to follow, as he doesn't have the book in question in front of him; but even if he had it at hand, this persistent quoting seems to be superfluous. He then would be better of to read the book itself.

These considerations already indicate that the prosecution's claim is absurd that I intended to spread the theses of my prohibited book anew under the cover of publishing my defense speech.

The entire matter is absurd also because what I have written down in my protocol I had propounded orally with almost the same words during the public(!) trial. The same prosecutor, who had listened attentively to my words during the trial without objecting, initiated a new penal

[171] Cf. the illustration in Appendix 9, pp. 363f.

investigation five months later due to the same words, although now in writing.

This penal investigation was stayed in April 2008 as a result of my defense lawyer's negotiating skills, though.[172]

Hence, as a precautional measure I have severely expurgated the subsequent chapters by merely addressing two exemplary quotations instanced by the prosecution. I have moreover rewritten the original statements in such a way that they do no longer contain any quotations from my prohibited book, but only descriptions of the content. Furthermore those passages in particular have been deleted which met with obvious disapproval of the prosecution and/or of the court.

He who wants to read the exact quotes is free to read the indictment[160] and to compare it with my book.

* * *

The prosecution's quotations from the book *Lectures on the Holocaust* on pages 13–16 of the indictment are either incomplete, selective, or have been ripped out of their context. By so doing the meaning of some of these quotes has been distorted. Other quotes obviously do not meet any criteria required to render them prosecutable. In contrast to this, such quotes which would refute the prosecution's accusations have been totally omitted. Hence and in summary, the prosecution is guilty of having committed distorting falsification. The following has to be remarked about the individual quotations as listed in the indictment: *(Lectures = Lectures on the Holocaust)*

p. 13 Indictment, p. 17 *Lectures*:

On page 15 to 17 of the *Lectures* an article in the German newspaper *Frankfurter Allgemeinen Zeitung* (*FAZ*) is discussed which reports about a total of 26 million people who perished in the camps of the Third Reich as well as about shoes as traces of the crime. It is self-evident and in need of no further proof that the death toll of 26 million hawked around by the *FAZ* is excessively inflated. Furthermore the question of whether or not shoes as such are evidence for crimes is critically discussed on those pages. This claim is corrected by an official Polish-communist source which established as early as 1969 that the shoes found in the Majdanek camp did not belong to the victims of the

[172] Acc. to article 154, paragraph 1, German Penal Law (the expected punishment "does not carry weight" in comparison to the valid conviction); Staatsanwaltschaft Mannheim, ref. 503 Js 22710/07, of 15 April 2008.

camp, as is frequently claimed – like in the criticized *FAZ* article – but from a cobbler's shop, which had employed inmates as forced laborers. From this I concluded (*Lectures* p. 17) that during the heated atmosphere of the final moments of World War II a conclusion had been drawn prematurely which later turned out to be false. I also pointed out that not everything which the media report, which one can read in books, or what museums want to sell us as the truth need always be the absolute truth.

This platitude ought not to be surprising news for anyone, really, but when applying it to the Holocaust as well, the public prosecution gets involved rapidly.

In this context I may swiftly call attention to a book by the *FAZ* journalist Udo Ulfkotte with the title *The Way Journalists Lie*.[173] The book addresses lies, distortions, and exaggerations by the media in general with a host of examples. On p. 65 we read:

> *"False reports play into the hands of revisionists, for instance when newspapers print falsehoods and revisionists subsequently seize upon this. One example for this is the title report of the* [Swiss newspaper] *Berner Tagewacht of 24 August 1945. '13 million murdered in Dachau' it said there, and: '26 million murdered in German concentration camps.' This news release from Reuters led to a paradox situation: Holocaust deniers use this obviously false report in order to cast doubt on the historically secured truth of mass gassings."*

Ulfkotte does not substantiate his claim that we revisionists would deny mass gassings by using this false report about 26 million dead persons in concentration camps. This is simply not true.

Already in the first German edition of my *Lectures* of 1993 under the title *Vorlesungen über Zeitgeschichte* (Lectures on Contemporary History) I had started the first lecture just as I did in the new edition, because I had introduced my lectures held in 1992 with a discussion of this false 26 million figure, which was also hawked around by the *FAZ*. Yet this false report about 26 million victims did not serve to doubt mass murders, but merely to make the reader aware that not everything the media tell us needs be true. As such I use this report in the same way as Ulfkotte, who has dedicated an entire book to "media lies." Being a journalist of the *FAZ* himself, Ulfkotte repeatedly praises his own

[173] Udo Ulfkotte, *So lügen Journalisten*, Goldmann, Munich 2001.

newspaper to the skies between the lines or even expressly. His book teems with pride about the "Corporate Identity" of his employer. He must have missed, though, that precisely his beloved *FAZ* has uncritically reproduced "this obviously false report," that is to say the 26 million lie.

p. 13 indictment, p. 19 *Lectures*:

This quotation deals with the origin of the figure of six million Jewish victims. This quote by the prosecution is distorted in a particularly malicious way by omitting the pivotal first half of the sentence without apparent reason except for the intention to deceive, for this half sentence clarifies that the subsequent statement is based on nothing else but the findings of the International Military Tribunal in Nuremberg (IMT) as recorded in its protocol. Besides, this also follows from the sources quoted in the book, which the prosecution has omitted as well. Although it is common practice to omit footnotes when quoting text, in order to understand my statement about the six million figure it would have been absolutely essential to know that it is based on sources, and not just any sources. In the respective footnote I quote ten locations in the IMT protocol which mention or deal with the six million figure. By omitting the fact that my statement refers to the Nuremberg IMT and is proved by its protocol, the prosecution obfuscates that I am not the origin of this statement but the IMT is, the quoting of which cannot possibly by a prosecutable act.

All further remarks about the quotations in the indictment unfortunately have to be omitted here for legal reasons.

3. Withheld Statements

In contravention to her legal obligations the prosecution has deliberately withheld all statements in my book which would exonerate me from the accusations. This includes numerous locations where I recognized the persecutorial fate of the victims of the Third Reich, ascertain and condemn the illegal and barbaric nature of these measures, and categorize the persecution of the Jews as genocide, as already mentioned:…

[Most of the subsequently listed exonerating locations from my book as quoted in my defense speech as well as their discussion must unfortunately also be omitted here for legal reasons. Merely the page num-

bers of the location mentioned by me, yet omitted here, shall be listed: pp. 18, 30f., 196, 222, 265, 310, 327f., 341, 521, 524. What I do want to adduce here, though, is a quote from page 520 where I write about the definition of genocide according to the German Penal Code:]

> *"L*[istener]*: Is not one of revisionist's prerequisites for academic success the acceptance of the persecution of victims of the Third Reich?*
>
> *R*[udolf]*: Absolutely. I have adopted the view that the persecution measures of the National Socialists against the Jews, according to today's constitutional legal understanding in Germany, can be called genocide even if no physical extermination of Jews occurred but 'only' deprivation of civil rights, deportation, and subsequent damage to property, body, and soul.*[1366] *According to today's international law, which entered the German Criminal Code under Article 220a* [174] *genocide is defined as:*
>
> *"(1) Anyone who intends totally or partially to destroy a national, racial, religious, or ethnic group,*
>
> *1. Kills members of the group,*
> *2. Causes members of the group to suffer serious physical or mental damage, as defined in Article 226 (serious bodily injury),*
> *3. Creates situations for the group that causes total or partial physical destruction,*
> *4. Adopts measures that prevent a group from procreating,*
> *5. Forcefully takes children from the group and places them in another group, will be punished by life in prison.*
>
> *(2) In less serious cases, Section 1, no. 2-5, the incarceration is not less than five years."*
>
> *R: Thus in order to commit genocide you do not need to have committed mass murder…* [the remainder of the quote had to be censored] *... of many of the tragedies in human history."*

It really is trivial, but I may point out anyway that, according to the definition of the Federal German laws, homicidal gas chambers are not required to commit genocide. If it were different, no genocide would ever have happened in the history of mankind – if we for once ignore the case dealt with here – because for none of the other mega-crimes labeled as genocide homicidal gas chambers are claimed to have been

[174] Now replaced by art. 6 of the *Völkerstrafgesetzbuch* VStGB (international penal code).

deployed. Hence, if the prosecution claims that the denial of the existence of gas chambers equals the denial of genocide, then it is the prosecution which denies all genocides in the history of mankind, as none of them had any gas chambers.

But Federal German law does exactly *not* outlaw the denial of homicidal gas chambers and of systematic mass murder, but the denial of genocide in general. And this in its legal, binding definition I have never denied.

Now, one could insinuate that I make such statements as quoted above only for tactical reasons in order to avoid prosecution. But does anyone here have the impression that I tell you what you want to hear in order to gain advantages? In fact, the primary addressee of this passage is not the German justice system but the reader of the book, which is to say adherents of revisionism and potential, frequently emotionally aroused converts.

My personal experience has shown that it is important for the reader not to lose a sense of proportion. He who discovers that a colossal untruth has been foisted upon him may react wrathfully. And in order to preempt a subsequent overreaction it is necessary to bring to the reader's mind that the undisputed measures of persecution of National Socialism against the Jews still fulfill the definition of genocide according to today's definition, even if that definition was shaped only after the war. This passage therefore serves to exhort the reader to remain realistic.

I may illustrate with two examples the fact that my refusal to speak what others want to hear is indeed a principle of mine:

In the years 1997/98 I was supported with 1,000 deutschmarks by a gentleman in regular intervals. In 1998 he complained that I had said something negative about National Socialism in my German journal *Vierteljahreshefte für freie Geschichtsforschung*. He demanded of me not to repeat it or else he would stop supporting me. I answered to this that I would be willing to publish a contribution by him proving with verifiable evidence where I was wrong. Yet I could be threatened or censored neither by the German state nor by my readers and supporters. Said gentleman subsequently ceased his support and terminated all contact.

The second example is about my introduction to the book *Grundlagen zur Zeitgeschichte*, which I wrote only after I had received all the contributions of my co-authors. As already mentioned, this introduction

contained a similar passage about the definition of genocide as the one quoted here from the *Lectures*. Since I feared that some of the contributing authors would not agree with the text of my introduction, I did not tell them beforehand about its content. After all, it had already been sufficiently difficult to keep all the authors on board of this project, since occasional arguments had erupted during the preparational phase and some authors had threatened to retract their contribution.

When the co-authors finally received the finished book, I indeed received an angry letter from Johannes Peter Ney in which he accused me of making unnecessary concessions to the other side by admitting that even from a revisionist point of view the National Socialist persecution of the Jews amounted to genocide. Hence Herr Ney forbade me to ever again publish any contribution by him. This is also the reason why the contribution by Herr Ney about the question of the authenticity of the Wannsee Protocol is not included in the English edition of *Grundlagen*.[175]

For both gentlemen mentioned here the motto "Wrong or Right, my Country" was supreme, as they had pointed out to me. They demanded expressly that I ought to subordinate truth to political considerations, and that simply won't wash with me.

I finally may address a pseudo-accusation which cannot be found in the indictment but which can be found in Judge Meinerzhagen's ruling about the arrest warrant. According to this I am allegedly not interested in discovering the truth, but only in helping my views to a breakthrough.

As a matter of fact, both usually go hand in hand, because only he who is convinced to have found the truth has the motivation and conviction to make it prevail – or at least wanting it to prevail – against something else which he considers to be wrong. And besides, wishing for a breakthrough of one's own views is absolutely legitimate, deeply human, and even necessary in the scientific process, because one needs a motivation to defend one's theses against criticism, not to mention that one needs much stronger motivations in order to stay true to one's views in the face of personal attacks and even societal persecution and government prosecution. A scientist who caves in at the slightest resistance isn't any good.

[175] An English translation is posted online, though, see note 125.

[Two more quotes from my book and their discussion had to be deleted here for legal reasons. Merely the last quote mentioned shall be reproduced here:]

p. 527:

> *"Be aware that we are dependent upon our human rights and therefore never fall into the temptation to deny our opponents their human rights."*

And it goes without saying that that which is true for opponents is also true for all other people, I may add. Hence, how can anyone claim that I would advocate denying the Jews their civil rights or that I would merely suggest such a thing, if at the end of my book I call for the exact opposite?

4. Summary

The book *Lectures on the Holocaust* is a work of tertiary literature, which means that it is based primarily on secondary, research literature (books, articles) and only secondarily on primary sources.

In order to permit the reader direct access to the sources without a diversion via the secondary literature, I have frequently given in the footnotes those sources which are quoted in the literature I have consulted. This is common practice for reviews summarizing research and even inevitable due to the constrictions of space.

In order to assess the book it is necessary to digest all of its 540 pages, and not just a few quotes ripped out of their context and thus entirely distorted in their meaning, which moreover have been selected in such a recklessly biased manner that they have to shed an extremely unfavorable light on the book. The withholding of all those passages refuting this impression, arrived at by dirty tricks, prove the malice of the indictment.

Doing justice to the book also means to fully recognize the secondary literature used, whose extent is hard to quantify. During the past years the revisionist works among them have upstaged established historical research both quantitatively and qualitatively. During the autobiographic part of my presentation I introduced various books published by me, for which there is no match on the side of the established historians.[176] There simply isn't anything anymore that could refute the revi-

[176] Cf. the English language series *Holocaust Handbooks* www.Holocausthandbooks.com.

sionist material. If this material itself is legitimate, then so is promotion material for it, for instance the promotional brochures quoted in the indictment.

IV. Additional Judicial Observations

In no. 5 of volume 52 (May 2002) of the German journal *Osteuropa* an article entitled "The Number of Victims of Auschwitz. New Insights Based on Archival Discoveries"[177] was published which was authored by the Managing Editor Fritjof Meyer of the German news magazine *Der Spiegel* (pp. 631–641). In it Meyer stated that the total victim number of the Auschwitz camp claimed at war's end was "a product of war propaganda," but even the number of 1.5 million spread by the Auschwitz Museum today is too high by a factor of three. Meyer considers eyewitness testimonies regarding mass gassing partly implausible, and he claims against the official "truth" which is considered "self-evident" that, of the six homicidal gas chamber buildings which allegedly existed in Auschwitz-Birkenau, only two had actually served as sites of mass executions.

Although criminal complaints were filed and thus police investigations initiated against Meyer and the editors of this magazine for "Holocaust denial," these investigations were eventually shelved.[178] The Public Prosecution of Bochum determined in its ruling to stop the proceedings "that, on the background of the social adequacy clause of article 86, Paragraph III, German Penal Code, as invoked by article 130, paragraph V, German Penal Code, a scientific debate about causes, scope, and consequences of the National Socialist genocide committed against the Jewish people must remain permissible," a fact which also applies to my book *Lectures on the Holocaust*, whose scientific depth and scope is much larger than the superficial and methodically questionable work by Herr Meyer, which for instance lacks any systematic source criticism.[179] Meyer's mere claim that certain statements are implausible,

[177] "Die Zahl der Opfer von Auschwitz. Neue Erkenntnisse durch neue Archivfunde"

[178] Staatsanwaltschaft Bochum, ref. 33 Js 145/03 of 6 May 2003; Staatsanwaltschaft Stuttgart, ref. 4 Js 75185/92, of 28 May 2003, confirmed by General-Staatsanwaltschaft Stuttgart, ref. 25 Zs 1110/03, of 16 July 2003.

[179] Cf. the following critiques: Germar Rudolf, "Cautious Mainstream Revisionism," *The Revisionist* 1(1) (2003), pp. 23-30; Carlo Mattogno, "Auschwitz: Fritjof Meyer's New Revisions," *ibid.*, pp. 30-37; Carlo Mattogno, "On the Piper-Meyer-Controversy: Soviet Propaganda vs. Pseudo-

yet others are plausible, without giving comprehensible reasons, is simply shady.

Next the Public Prosecution of Bochum states that, within the framework of article 130 German Penal Code, "the criterion of 'trivialization'" requires

> *"that it derives from the overall consideration of the pertinent statement that the nature and extent of the genocidal acts perpetrated by the National Socialist regime against the Jewish people are subject to a different historical assessment, for instance by representing them as 'police measures' or as 'inevitable acts of war' (cf. Tröndle/Fischer, comments on German Penal Code, 50th ed., article 130, no. 24). This cannot be ascertained regarding the essay 'The Number of Victims of Auschwitz.'"*

But this cannot be ascertained for any of the writing I have authored or published either.

The Public Prosecution of Bochum finally asserted that Meyer had stated himself "at the end of the text that his result does not relativize the barbarity, yet verifies it." In the quotes from my book *Lectures* referred to in chapter D.III.3. above, which the Public Prosecution of Mannheim has ignored, I have stated the following, which I have condensed here:

a) The persecutorial fate of the Jews and its illegal nature have to be and are recognized.
b) This persecution was bad and barbaric.
c) Already such measures of persecution not leading to death were unacceptable, and each victim is one too many.
d) We owe compassion and respect to the victims.
e) National Socialism is under any circumstances at least partially guilty for the fate of those incarcerated innocently, even if those in custody died due to "acts of God."[180]
f) The mere deportation into camps with horrific hygienic and organizational conditions resulting in the death of tens of thousands

Revisionism," *The Revisionist* 2 (2), (2004), pp. 131-139; Gottfried Zarnow, "Kritik an Fritjof Meyer durch einen Universitätslehrer," *Vierteljahreshefte für freie Geschichtsforschung* 8 (4) (2004) pp. 443f.

[180] Using the term "partially guilty" in my defense speech didn't go down well with the public prosecutor, because this allegedly constitutes trivialization. This was one of the reasons for the confiscation of my defense speech; see Appendix 9, p. 363. According to this one has to hold National Socialism 100% responsible for everything, if one does not want to be liable for prosecution in Germany.

amounts to a manslaughter by criminal negligence on a massive scale.

g) The National Socialist persecution of the Jews meets the legal definition of genocide even without mass murder.

Item g) refutes the claim that my book *Lectures* denies the genocide and the other items a) to f) refute the claim that my book approves or downplays the National Socialist persecution of the Jews, because nowhere is it depicted by me as a "police measure" or an "inevitable act of war" or anything similar, quite to the contrary.

The Public Prosecution of Stuttgart also denied that Meyer's essay meets the legal definition of trivialization, which according to the Public Prosecution of Stuttgart is given,

> *"if it results from the pertinent statements that the genocidal acts committed by National Socialists during the Third Reich are to be downplayed, palliated, or that their true severity is disguised (cf. GBHSt 46, 40)."*

This is said to not apply to Meyer, because he finishes his essay with the claim that it "does not relativize the barbarity, yet verifies it."

Whether a dissenting essay on the Holocaust as authored by Meyer "relativizes or verifies the barbarity," does obviously not depend on

- how many victims are claimed, as Meyer reduces the victim count for Auschwitz drastically and is thus closer to the figure of revisionists than to that of established historians (established: 1.5 million; Meyer: 0.5 million.; revisionists: 0.15 million).
- Whether, and if so then how many, homicidal gas chambers are denied, as Meyer denies the existence of four homicidal gas chamber buildings of the total of six claimed by established historians for Birkenau, so that Meyer here too is closer to the revisionists than to established historians. (Revisionists contest all six buildings claimed to have been used as such).
- Whether and to what extent witness testimonies are considered implausible and thus have to be rejected, as Meyer declares as implausible all witness statements about the four alleged homicidal gas chamber buildings contested by him and moreover also the statements by former camp commander Rudolf Höß, who was forced by torture to confess. With this critical – although hardly scientifically substantiated – attitude toward witness testimonies, Meyer is once again closer to the revisionists than to the established historians, who

show an almost complete lack of source criticism regarding this kind of source.

But then, what exactly makes the difference between relativization and verification of the barbarity? It surely cannot depend on whether one simply claims it? Although it is true that Meyer has severely unsettled established historiography with his essay, this in itself does obviously not amount to relativization of the barbarity. But then neither does the revisionist version of history as described in my book *Lectures* relativize the barbarity. Although this version unsettles established historiography a bit more, at the end it also verifies the severe, barbaric injustice perpetrated by National Socialism against the Jews.

Quod licet Jovi Meyer, licet bovi Rudolf.
(What is permitted to the God Meyer, is also permitted to the ox Rudolf)

V. Decisions of the Federal Assessment Agency for Media Endangering the Youth

I may now discuss several writings which the prosecution has mentioned in the indictment by quoting several advertisement texts from the website www.vho.org, yet without indicating what is offensive about these writings. In the files I have found the respective indexing rulings by the German Federal Assessment Agency for Media Endangering the Youth (BPjM) explaining why these writings have to be censored. I thus will subsequently discuss some of the issues raised by these censor decisions. But I will restrict this to such writings which I have myself either authored, edited, or published, because I do not feel competent enough to also defend the writings of third persons, if I am not originally responsible for their publication. I am of course aware that I am nonetheless legally responsible for the fact that they have been offered on my former website.

If the Federal Assessment Agency gives as a reason for its indexing that a writing violates article 130 of the German Penal Code, I will ignore this here, because, as mentioned before, I consider this article of the Penal Code to be unconstitutional, which is why I consider such a ruling of the BPjM to be null and void from the start.

1. Concentration Camp Stutthof

a) By way of introduction I may state the following about this book: The study authored by Carlo Mattogno and Jürgen Graf about the concentration camp Stutthof is the first monograph ever written about that camp.[181] As such it is without competition, even unique. It is based on primary sources (contemporary documents) which the authors have found and photocopied while visiting several eastern European archives, foremost that of the Stutthof museum. Hence the book follows the primacy of the archive, as it exists among historians. It moreover includes as secondary sources mainly Polish studies of the communist era, since almost no other studies exist about this relatively small camp. Western literature, on the other hand, is mentioned only in passing, because it frequently has only the nature of tertiary sources, as for instance the synoptic works by Hilberg[182] or Kogon/Langbein/Rückerl,[80] and because it is mostly based on mere anecdotal material, that is to say witness statements, hence obviously never made systematic recourse to documents of eastern archives. Stutthof is furthermore mentioned only marginally in these books.

b) I will now discuss some of the charges made by the BPjM:[183]
In their indexing decision they claim that the book would make "unfounded assertions," which itself is an unfounded assertion by the BPjM. After all, Mattogno and Graf have substantiated their statements with documents and publications. The BPjM's statement is correct, though, that the authors take "reference almost exclusively (mostly to Polish documents)," which according to them proves that the book's claims are unfounded. But it is exactly this referring to primary sources stored in Polish archives, *i.e.* to documents of the German camp administration during World War II, as well as to Polish secondary literature which conforms exactly to the definition of scientific works! Next the BPjM alleges that the book "rarely contains sources backing a claim," although they had just determined

[181] Jürgen Graf, Carlo Mattogno, *Das Konzentrationslager Stutthof und seine Funktion in der nationalsozialistischen Judenpolitik*, 2nd ed., Castle Hill Publishers, Hastings 2004 (www.vho.org/dl/DEU/kls.pdf); Engl. ed.: *Concentration Camp Stutthof and its Function in National Socialist Jewish Policy*, Theses & Dissertations Press, Chicago 2003 (www.vho.org/GB/Books/ccs).

[182] Raul Hilberg, *The Destruction of European Jews*, Quadrangle Books, Chicago 1961; Holmes & Meier, New York 1985; Yale University Press, New Haven/London 2003.

[183] Decision no. 5960, 9 March 2001; published in the German federal government's journal announcing regulations and rulings *Bundes-Anzeiger* (BAnz) 64, 31 March 2001.

that the authors refer to Polish documents. Apparently there is some confusion within the BPjM about the terms "source," "evidence," and "reference." These are terms not defined by the BPjM, yet they pit them against one another, although they all basically mean the same thing. Apart from this the question arises, how the BPjM wants to know whether or not the German documents and Polish articles quoted by Graf and Mattogno prove what they claim? Have the authors of this indexing decision traveled to the archives mentioned by Graf and Mattogno and have they studied the content of these documents? That is hardly the case, or at least they don't claim this.

The accusation by the BPjM that Mattogno and Graf have "included […] Hilberg and Kogon […] only once as a reference" but have not quoted them as a "serious historical source" reveals the incompetence of the censors, because neither Hilberg nor Kogon are primary sources with regard to Stutthof or even serious secondary sources, as I have expounded before. Primary sources are serious sources, and these are located in Polish archives.

c) In summary one has to conclude that the authors of the BPjM's indexing decision do not have the faintest clue about the methods of the historical science in general, about the body of source material in the present case in particular, about source criticism as a method, and not even about basic terms like "source," "evidence," or "reference."

2. Concentration Camp Majdanek

What I have said about the previous book basically also applies to the book *Concentration Camp Majdanek* authored by Mattogno and Graf.[162] This book is unique in its style as well, because prior to its publication basically only two other books about the Majdanek camp had appeared in western literature, written by two journalists reporting about federal German court proceedings surrounding events of this camp.[184] But these books cannot be taken seriously as historical literature. For some reasons this book has not been included in the indictment by the prosecution, although the Federal Assessment Agency had in-

[184] Heiner Lichtenstein, *Majdanek. Reportage eines Prozesses*, Europäische Verlagsanstalt, Frankfurt on Main 1979; Ingrid Müller-Münch, *Frauen von Majdanek*, Rohwolt, Reinbek 1982.

dexed it in the same way.[185] The almost mechanical, repetitive character of the pseudo-arguments contained in the indexing decision gives the impression that the indexing happens with a cookie-cutter approach by a bovine administrator mentality.

3. Giant with Feet of Clay

a) By way of introduction the following has to be stated about this book by Jürgen Graf:[186] Graf's book is a critique of Raul Hilberg's classic work *The Destruction of European Jews*.[182] As explained in the section about the nature of science, criticizing other works is not only legitimate, but downright desirable. Hilberg himself repeatedly stated that revisionist criticism can be seen as something from which one can learn,[187] although he seems to have exempted himself from this, as he never bothered to answer the critiques aimed at him in the new editions of his books.
   If we take the title of Hilberg's book as an assignment, then we would have to conclude that he has missed his topic, because 90% of his book does not deal with the destruction of European Jews, but with their legal disfranchising and persecution, *i.e.* with measures not leading to their physical destruction. For this reason 90% of Hilberg's book is irrelevant for a revisionist critique in a more narrow sense, because the issues dealt with in it are more or less undisputed.
   When it comes to concrete claims of extermination, the remaining 10% of Hilberg's book is based almost exclusively on witness accounts, *i.e.* on the hypotheses of lay persons. Hilberg quotes only a few documents and does not conduct any source criticism. Hence, he does not have a primacy of the archive.
   Hilberg's book is therefore unscientific with respect to this chapter, and it moreover essentially misses the self-chosen topic. In every course of study with normal assessment criteria Hilberg would have flunked his exam with this work.
b) In their indexing decision the BPjM writes that Graf's footnotes "refer to the usual sources of Holocaust denial," which is given as an

[185] Decision no. 5715, BAnz 20, 29 Jan. 2000.
[186] Decision no. 5959, 12 March 2001, BAnz 64, 31 March 2001 (www.vho.org/D/Riese); Engl. ed.: *The Giant with Feet of Clay*, Theses & Dissertations Press, Capshaw, AL, 2001 (www.vho.org/GB/Books/Giant).
[187] See in Appendix 2 the motion to introduce evidence no. 18, p. 244.

"example of lack of seriousness." However, the reference to secondary literature of source criticism actually proves the seriousness of Graf's critique, because this corrects a flaw of Hilberg's work. One cannot blame the revisionists for the fact that only revisionist sources publish source criticism deserving that name, rendering it impossible to quote works of established source criticism.

The BPjM, by the way, uses the German term "Leugnung" in its decision, meaning denying against better knowledge, which implies that the author is a liar. This is a personal attack on the revisionist author proving a bias.

The BPjM's claim that "Graf declares as obsolete the major part of Hilberg's investigations" is simply wrong. Graf does not declare the investigations as obsolete, but their critique, as these investigations are basically undisputed and moreover miss the topic of physical destruction.

Just as incorrect is the BPjM's allegation that Graf tries "to disqualify Hilberg's insights by simply contesting them and making counterclaims." Graf's contesting is not simple, yet based on reasons and arguments. In contrast to this, Hilberg's claims of a systematic destruction of Jews is based on simple, unproven claims – by alleged witnesses – which Hilberg completely fails to scrutinize.

c) In summary one has to conclude that the authors of this indexing decision evidently do not have the faintest clue about the methods of historiography, about the body of source material, and about source criticism.

4. Quarterly Journal for Free Historical Research

The German revisionist periodical *Vierteljahreshefte für freie Geschichtsforschung* is not even mentioned in the indictment, although two indexing decisions are included in the investigation files regarding the issues 1 and 2 of 1997.[188] Because two statements in these decisions shed a revealing light on the BPjM, I may address them here briefly anyway. Regarding issue no. 1/1997 of my journal, one of the reasons given for indexing it is my accusation leveled against the federal German government agencies that censorship exists in Germany, which

[188] Decision no. 5264, 5265, 6 Feb. 1998, BAnz 41, 28 Feb. 1998; cf. www.vho.org/VffG; Engl. similar: *The Revisionist* (www.vho.org/tr).

allegedly amounts to "defamation of the Federal Republic of Germany." Hence, the Federal German Government asks the Federal German censorship agency to censor my journal, because in it I have the cheek to claim that censorship exists in this country. All one can recommend to those involved in this censorship case is to undergo a psychiatric examination.

On the other hand the BPjM alleges in their indexing decision that the articles in my journal do not contain an "exhaustive treatment" of the respective topics. But that is true for every journal article for principle reasons, which can always focus only on some aspects of a topic due to their shortness. This cannot be any different due to space constrictions. That is, for instance, also the case for the previously mentioned journal article by Fritjof Meyer, who can give and has given the lack of space as an excuse for touching upon many things only in passing. However, in his case this affected central claims of his line of argument, which he should have substantiated at least by referring to other works, something he did not do, though.

5. The Rudolf Report

a) The indexing decision of the BPjM[189] against my expert report[49] contains first of all a series of bald lies:
   i. The BPjM claims that I try "to prove that not a single person was killed in Auschwitz" and that I would claim that "not even the killing of a single person had occurred." That is evidently untrue, as my expert report merely deals with the question whether the mass killings with poison gas in so-called homicidal gas chambers can have occurred as described by witnesses. My assignment as an expert witness did not go beyond this, and I therefore did not argue beyond that issue in this work. It does not deal with what else has happened in that camp.
   ii. The BPjM moreover goes as far as to claim that by quoting an article from the *Jerusalem Post* I intend to "substantiate […] the harmlessness of a presence in the concentration camp and the alleged philanthropy of the National Socialist regime." This is an evidently malevolent distortion of the facts. As results from the quotation contained in my report itself, it stems from an Ausch-

[189] Decision no. 6182, 12 Feb. 2002, BAnz 41, 28 Feb. 2002.

witz survivor, a fact concealed by the BPjM. The contents of this quotation would have to be held against that survivor, but not against me. And besides, this article also contains the commonly bandied about horrible aspects of Auschwitz, even if it does not address them in detail.

b) The authors of this indexing decision reveal a blatant ineptitude to recognize science as such, as they claim that my expert report is characterized by the "frequent use of statistics," by "numerous statistics." As a matter of fact, my expert report does not contain a single statistic, but instead chemical formulas, mathematical equations, data tables, physical charts, results of chemical analyses, evaluations of chemical-toxicological experiments etc. Hence, the authors of the decision obviously do not even know the basic scientific terms taught in school.

c) The indexing decision furthermore contains crude nonsense:
   i. The BPjM states for instance: "The denial of the atrocities contradicts in a flagrant way the opinion of the majority of the German population." As explained before, science is not a democratic event, but rather a total dictatorship of verifiable evidence. It is absolutely irrelevant what the crowds consider to be correct. Or are decisions about the censorship of scientific publications arrived at by referendum nowadays?
   ii. The BPjM states moreover: "Yet already the premise of the work – the assumption that the Holocaust did not take place – is faulty." The following has to be said about this:
      1. The term "Holocaust" is completely undefined. In fact, the actual topic of my work is merely the investigation of alleged mass exterminations in homicidal gas chambers at Auschwitz. The over-arching complex of the alleged extermination of the Jews during World War II is not being dealt with in my expert report.
      2. The result of an investigation cannot be determined from the start, or else the investigation itself would be superfluous. Any hypothesis is legitimate as an initial assumption, though, as I have explained before. Whether I assume at the outset of my investigation that homicidal gas chambers existed or that the opposite is true is of equal legitimacy and therefore irrelevant. If arguing judicially, though, one would have to follow the motto *in dubio pro reo* and thus initially assume that the mur-

der weapon and the crime did not exist until proven otherwise. Insofar my starting point was both absolutely legitimate and correct.

3. Following the motto *de omnibus dubitandum est* – everything has to be doubted – the initial doubt about the existence of what is claimed precisely proves my scientific, that is critical attitude. If I want to maintain these doubts, then I have to undergird them with arguments, and that is exactly what I do in my expert report.
4. The BPjM is not a government institute for the determination of what is correct, false, or faulty.
5. Even in case my expert report should prove faulty, this still does not prove that it is unscientific.

d) Conclusion: The authors of this indexing decision are obviously scientific illiterates.

6. Auschwitz: Plain Facts

I have edited this book[85] which is a collection of contributions critically discussing the book *The Crematories of Auschwitz: The Technique of Mass Murder* by the French pharmacist Jean Claude Pressac.[84] Since Pressac's book had been praised internationally as a refutation of revisionist arguments, it is not only legitimate to subject the book to revisionist criticism, but if regarded under the aspect of the nature of science, this is even a must. The BPjM, however, never seems to have even heard anything about criticism being the essence of science, because as a cheap, sweeping argument in order to get rid of the arguments published in that book the BPjM states laconically:[190] "The main concern of the authors is actually […] to deny." The following has to be said about this:

a) The motivations of an author are irrelevant, as only his arguments count.
b) The BPjM cannot possibly know an author's motivations.
c) Attempts at refutation are not only legitimate, but they are actually desirable and necessary in the scientific process in order to test theses as to their reliability.

[190] Decision no. 4898, 8 April 1999, BAnz 81, 30 April 1999.

7. The Hoax of the Twentieth Century

Although I have never published a German edition of this book, I nevertheless want to address it, as I published an updated new edition of the original English version of it in 2003.[191] Since the original indexing decision of 1979 against this book had expired 25 years later, the BPjM renewed its indexing decision by simply taking recourse to the old decision and by adding a sweeping und unfounded accusation:[192] "Media of that nature […] serve exclusively to depict proven facts as incorrect." I may assert the following about that:

a) No government is permitted to prescribe truth as "proven facts."
b) Any fact believed to be "proven" can and should be exposed to attempts at refutation.

The old indexing decision of 1979 even included an extended expert report, which had been procured from the state attorney Adalbert Rückerl. Today they do not make such a fuss anymore, but evidently ban without taking any recourse to expertise.

Why a state attorney can pose as an expert on historical books evades me. In any case, in his expert report Rückerl merely feigned to have seriously analyzed Butz' book, because he does not address any of Butz' arguments. He merely juxtaposes them with his own arguments, although they are of a completely different nature and are therefore incapable of affecting Butz' way of arguing. Rückerl furthermore shows with his attempt at refutation that it is indeed necessary to deal with the contents of Butz' book. But an expert report shouldn't even deal with this, as the issue is merely a formal one about whether or not the analyzed writing is scientific in nature.

Finally the BPjM has posited well-nigh absurd criteria for the scientific nature of a book in its old indexing decision:

They demanded, for instance, that a work on the extermination of the Jews has to "deal with […] the pseudo-scientific racial mania" of National Socialism. But that criterion is not even met by every work of the establishment. It is also incomprehensible why moral and ideological questions have to be dealt with in a work of history. One could even assume the opposite position, namely that ideological and moral ques-

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[191] Arthur R. Butz, *The Hoax of the Twentieth Century: The Case Against the Presumed Extermination of European Jewry*, 3rd ed., Theses & Dissertations Press, Chicago 2003, www.holocausthandbooks.com/dl/07-thottc.pdf.

[192] Decision no. 6639, 13 April 2004, BAnz 82, 30 April 2004; referring back to decision no. 2765, 17 May 1979, BAnz 95, 22 May 1979.

tions do not belong in scientific treatises of history. In any case, this criterion of the BPjM cannot be generalized and is therefore impermissible.

The BPjM demands moreover that a book on the extermination of the Jews must "present and critically assess all known facts, laws, regulations and court verdicts." This absolutist demand is impossible to meet already due to the sheer volume of these items. To my knowledge there are by now more than 1,000 court verdicts about alleged National Socialist violent crimes. If each of these verdicts had only 20 pages, how many pages would be required in order to present and critically assess all of the verdicts? And yet nothing would have been gained by this, because court verdicts are basically nothing else than opinions of lay persons based on information from hearsay. After all, judges – viewed from the perspective of a historian – are nothing but historical lay persons, and their verdicts are merely based on the statements of third parties, which almost never could be verified by documents or material evidence. Hence the verdicts of penal courts are pretty much useless for a historical researcher. It would be different if one could gain direct access to the investigation files or if verbatim records would have been prepared during German penal trials which could be consulted. Rückerl, as the longtime director of the German Center for the investigation of NS crimes in Ludwigsburg, had access to almost all of these files, but that material is inaccessible to historians.[193]

Fact is that the BPjM's demand cannot be met either in theory or in practice.

If one were to meet these arbitrary, maximalist requirements of the BPjM for a scientific work on the extermination of the Jews, these demands would probably be swiftly supplemented with new, similarly arbitrary and nonsensical demands. This approach is pure despotism!

8. Conclusion

According to the German Law for the Protection of the Youth, the advisory body of the BPjM which renders indexing decisions is staffed with representatives of various societal groups, among them some from

[193] The archive has recently been made accessible for historical research, although revisionists would risk arrest rather than enlightenment.

religious groups, the publishing industry, the movie industry, and similar groups.

A representative of science is not among them.

Beneath some of the indexing decisions mentioned here is the signature of a responsible individual who has a PhD degree attached to her name.[194] A PhD title is bestowed usually to those who have managed to prove that they are capable of working scientifically. But in the present case this title apparently does not even prove the capability to know what science is to begin with.

It therefore has to be declared:

- The BPjM is intellectually understaffed.
- When censoring dissident literature, the BPjM acts like an Orwellian Ministry of Truth within the Federal Republic of Germany without having any legal legitimation or legitimacy. I agree therefore once more with Nicolaus Copernicus when it comes to the indexing decisions of the BPjM:

  "If perchance there should be foolish speakers who, together with those ignorant of all science, will take it upon themselves to decide concerning these things, and should dare to assail this my work, they are of no importance to me, to such an extent do I despise their judgment as rash."

[194] "Dr. Bettina Brockhorst," under the decisions against the books *Riese*, *Auschwitz: Nackte Fakten*, and *KL Stutthof*.

E. Resistance

I. Fundamentals

Now I turn to a very delicate topic which I have already mentioned briefly several times. Since here as well I do not want to give the impression that I have tailored something to suit me, I may once more refer in detail to the statements of various prominent personalities.

I start with the behavioral scientist and Nobel Prize winner Konrad Lorenz who wrote:[195]

> *"Aldous Huxley has stated precisely that the freedom of the individual human being stands in an inverse ratio to the size of the nation-state of which he is a subject citizen.* […]
>
> *The autonomous human being who stands on his rights to individuality and on his human rights is not the kind of citizen that is liked in large nation-states and, it should be noted, is not liked either by those doing the governing or by a majority of his fellow citizens being governed.*[196] *The public opinion formed by this majority prescribes very exactly what 'one' does or does not do; whoever behaves differently is, at the very least, suspect, or is regarded as not normal."*

Lorenz' student, the longtime director of the Max Planck Institute for Behavioral Physiology Irenäus Eibl-Eibesfeld, continued along the same line as follows:[197]

> *"This behavior* [of ostracizing the outsider] *forces the outsider to adapt as far as he can. In that sense aggression directed against the outsider has the function of maintaining* [group] *norms, and this may have been adaptive in small groups during the Stone Age. But this does not apply today. Our society downright profits from outsiders, which are often particularly gifted pillars of culture."*

In the leftist German weekly *Die Zeit*, which is certainly not suspected of right-wing extremism, Jens Jessen wrote the following on 21 March 2002 about the alarmingly escalating societal persecution in

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[195] Konrad Lorenz, *The Waning of Humaneness*, *op. cit.* (note 62), p. 188.

[196] The German original states "…is not liked in large nation-states neither by authorities nor by public opinion. It [public opinion] prescribes very exactly…" *Der Abbau des Menschlichen*, *ibid.*, p. 222.

[197] Irenäus Eibl-Eibesfeld, *op. cit.* (note. 63), p. 105.

Germany in the process of the increasingly fanatic enforcement of "political correctness":

> *"He who nowadays expresses a really controversial position will instantly hear a clamor of outrage or will even be suspected of having breached a taboo in a dangerous way. The liberal public tends to no longer allow any other than the liberal opinion* [or what it considers to be liberal, GR]. *A list of thoughts could be drawn up, the expression of which is almost prohibited.* [Only almost? GR …] *Liberalism has prevailed, but this victory consists in having lost its tolerance. A persecuting liberalism has evolved that puts all contemplation under the suspicion of radicalism which is searching for alternatives to the persisting conditions.* […] *Victorious liberalism has assumed the mentality of a State Protection Force which sees enemies of the constitution everywhere.* […] *Nowadays one is faster classified as a fascist than one can blink with an eye."*

Mathias Kepplinger, who has thoroughly investigated the media's methods to ostracize dissidents, wrote in a study with the title *The Art of Scandalization and the Illusion of Truth*:[198]

> *"What are the reasons for the intolerant reactions of these people who consider themselves to be tolerant? One reason is the firm conviction that dissidents not only have the wrong opinion, but that they reject reality, which itself is a result of the successful establishing of a generally binding point of view.* […] *The claim of validity is documented in an exemplary way by scandalizing persons and organizations violating the norms. The aim of the scandalization is public condemnation.* […] *Hence nonconformists have to be eliminated.* […]
>
> *The condemnation of nonconformists caters to the majority's feeling of superiority, and it serves to subjugate those who have been scandalized.* […] *In this sense all scandals have totalitarian traits: They aim at enforcing conformity by all, because public deviation of a few would challenge the claim to power of the scandalizers and their adherents. The big scandals can therefore also be viewed as democratic versions of show trials."*

And if public scandalization is not enough to suppress dissent, then the State resorts to trials, as can be seen in my case.

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[198] *Die Kunst der Skandalierung und die Illusion der Wahrheit*, Olzog, Munich 2001, pp. 84f., 88f.

The information scientist Prof. Dr. Karl Steinbuch, who had to experience the collapse of discussion culture at German universities in the early 1970s when left-wing radical students saw to it by means of so-called "sit-ins" that inconvenient professors could no longer teach, wrote about that in wise foresight:[199]

> *"One does not admit that democracy consists of letting the other talk as well, and that discussing starts with listening. This depressing style of public discourse will finally lead to de-democratization."*

Several decades in advance, the Spanish sociologist José Ortega y Gasset, whom I have also quoted before, characterized absolutely accurately that, which has been happening ever since in Germany, by writing:[200]

> *"'to have done with discussions,'* […] *means that there is a renunciation of the common life based on culture,* […] *and a return to the common life of barbarism."*

That you are not trying to dissuade me from my opinion with arguments, but instead by refusing any discussion and by striving to throw me into prison, is exactly this relapse into barbarity. Because, as Karl Steinbuch has said it:[201]

> *"*[… the] *prerequisite of any credible and enforceable behavioral norm in our time* [is] *its justification by means of comprehensible necessities* […]*."*

Threats of violence, however, are not justifications by means of comprehensible necessities. He who refuses a discussion and uses violence instead has stopped justifying. He then can no longer expect to be understood.

Alexander and Margarete Mitscherlich have become famous with their book *The Inability to Mourn*, which was a milestone of the Federal German process of coming to terms with the German past. But the premise with which both authors have written their book seems to have been overlooked, which is why I may call it to mind here from their introduction:[202]

> *"Is the German people's striving for wealth truly accompanied by a newborn love for liberty? Is their ability to tolerate and respect*

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[199] Karl Steinbuch, *Kurskorrektur*, Seewald, Stuttgart 1973, p. 98.
[200] José Ortega y Gasset, *op. cit.* (note 61), p. 135; Engl. ed. (note 61), p. 56.
[201] Karl Steinbuch, *op. cit.* (note 199), p. 60.
[202] Alexander and Margarete Mitscherlich, *The Inability to Mourn*, Grove Press, New York 1975, p. xxiv.

divergent opinions – including those they abhor – actually increasing or diminishing? Has freedom of thought truly become an irreducible demand made upon German society by its citizens? […]

But when freedom of thought is not continually subjected to critical challenge, it runs the danger of dying out."

Karl R. Popper, whom I have already quoted copiously, has argued along the same line in his classic work *The Open Society and Its Enemies*:[203]

"those who are not prepared to fight for their freedom will lose it."

II. The State as the Target of Resistance

But what if the State is the target of resistance, because it unjustly curtails freedom? I have been dragged into court by the Police Department for State Protection. Hence the state believes that it has to protect itself from me, because I am allegedly somehow threatening it. I am considered to be an enemy of the state. But I do not want to be this, and I do not think that I am one. I have indicated several times during my biographic deliberations that I was gladly prepared as an adolescent and as a young man to get involved for this state, for this society, and to serve it. My enthusiasm for this state waned only when I had to recognize how this state persecutes well-meaning citizens only because they have different views on aspects of history. I have commented several times about this tragedy of governmental misconduct, like for instance in the appendix to the book *Grundlagen zur Zeitgeschichte*, from where I may quote:[204]

"Anyone who tries to make the legitimacy of the Federal Republic of Germany's existence hinge on the truth or falsehood of historiography about a detail of contemporary history (and almost all the major media and many politicians have been doing this lately) suffers from a profound misconception of the foundations of this our republic, which is not based on the Holocaust but on the acceptance of its citizens and on inalienable human and national rights. At the same time, such a person commits two unpardonable sins. First, he gives the actual enemies of this republic an easy means for destroy-

[203] Karl Popper, *The Open…*, *op. cit.* (note 70), vol. 2, p. 287.
[204] Ernst Gauss, *op. cit.* (note 125), p. 406f.

ing our nation. Second, it is both irresponsible and ridiculous to make the weal and woe of a nation dependent on a 'detail of history.' What is such a state to do when it turns out that the revisionists really are right? Is it supposed to dissolve itself? Or is it supposed to ban the study of history and to jail all historians? It is easy to see how far from the straight and narrow such erroneous views lead: someone who pretends to wish to protect this republic through the ruthless defense of the standard Holocaust tales will, in the crunch, find himself forced to undermine the actual pillars of this state, which are freedom of expression, freedom of research, teaching and science, and an independent justice system under the rule of law. He thus becomes not the protector of a free and democratic fundamental order, but its greatest threat. […]

The misconception about the foundations of the free and democratic basic order of the Federal Republic of Germany also gives rise to another danger for this order. This danger lies in the circumstance that the advocates of this misconception also declare as enemies of the state such people who wish no evil on this state or its citizens, or who are even prepared to serve and benefit it. These people are demonized merely for the reason that they hold different opinions about certain aspects of contemporary history. Consequently, imaginary enemies are created. By means of inciting against them, loyal citizens of the state are practically forced into the role of enemy. In other words, the process creates the very enemy it pretends to fight. This self-generated enemy is then used to justify the escalating restrictions on the fundamental rights guaranteed by the German constitution, as described. With the increasing scientific success of revisionism, this forcing of basically well-meaning citizens into an unwanted enemy role must lead to social polarization which is anything but beneficial to the internal peace of the Federal Republic of Germany.

To protect the status and reputation of our state, therefore, it is high time to strive for objective scientific dialogue, and to assign to the Holocaust the role it deserves, namely as merely one stone in the mosaic of history."

By thinking that it has to protect itself from peaceful citizens, the state has lost sight of its most important right to exist, as Karl Popper has correctly emphasized:[205]

> *"But I demand that the fundamental purpose of the state should not be lost sight of; I mean, the protection of that freedom which does not harm other citizens."*

How shockingly easy it is to bring people to commit atrocities, if only they believe in the authority of those giving them orders, was demonstrated by the sociologist Stanley Milgram in the mid-1960s by way of an experiment. In it, students were asked by a professor to give a test person painful electric shocks as punishments for errors made. Needless to say that the test person was only an actor and that his reactions to the feigned electric shocks were only pretended, but the students did not know that. Only 37.5 % of the test students refused to obey the order to inflict harmful electric shocks to the "test person."[206] Milgram commented this shockingly subservient behavior as follows:[207]

> *"If it was possible in this study for an anonymous experimenter to order an adult to force a fifty year old man into a yoke and to give him painful electro shocks despite his protests, then one can only wonder what a government – which has far more authority and a higher prestige – may be able to order its subjects."*

Today this experiment is a classic, and one does not have to search long to find the answer to the question what a government servant is prepared to do, if an order comes from higher up. Just look around here: how many government servants are obeying when asked to lock up obviously innocent, peaceful dissidents? So far the rate of disobedience is at 0%.

Let me now quote from the classic text *par excellence* in which disobedience against an unjust state has been expressed, namely from the essay "Civil Disobedience" by the U.S. American Henry David Thoreau. This essay was written in the mid-1850s in view of the war of aggression of the United States against Mexico aiming at conquering Texas as well as in protest against slavery. I quote:[208]

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[205] Karl Popper, *The Open…*, *op. cit.* (note 70), vol. 1, p. 110.

[206] Stanley Milgram, "Behavioral study of obedience," *Journal of abnormal and social psychology,* Lancaster, PA, vol. 67 (1963) pp. 371-378.; see http://en.wikipedia.org/wiki/Milgram_experiment (the German version has a link to the complete article: www.de.wikipedia.org/wiki/Milgramexperiment).

[207] *Ibid.*, p. 460, quoted acc. to Irenäus Eibl-Eibesfeld, *op. cit.* (note 63), p. 103, retranslated.

[208] Henry David Thoreau, *Walden and Other Writings*, Bantam, Toronto 1981, pp. 92, 94.

"Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels? […]

A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. […]

Under a government which imprisons any unjustly, the true place for a just man is also in prison."

In those days Thoreau had been locked up in a prison for one day, because he had refused to pay the church tax, as he had left the church, which in those years was simply not tolerated. He took this incident as an occasion to pen down some deeper thoughts about the incarceration of peaceful dissidents:[209]

"[…] *they* [the government representatives] *thought that my chief desire was to stand at the other side of that* [prison] *stone wall. I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hindrance, and they were really all that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have a spite, will abuse his dog. I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons, and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it. Thus the State never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical*

[209] *Ibid.*, p. 97.

strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I. […] *I do not hear of men being forced to live this way or that by masses of men.* […] *If a plant cannot live according to its nature, it dies; and so a man."*

This essay by Thoreau was example and inspiration for the probably most famous personality worldwide who during his entire life has preached and practices peaceful civil disobedience against unjust governments, namely Mahatma Gandhi, from whose writings I subsequently want to quote several pivotal passages:[210]

"So long as the superstition that men should obey unjust laws exists, so long will their slavery exist."

"Democracy is not a state in which people act like sheep. Under democracy individual liberty of opinion and action is jealously guarded."[211]

"In other words, the true democrat is he who with purely non-violent means defends his liberty and therefore his country's and ultimately that of the whole of mankind."[212]

"I wish I could persuade everybody that civil disobedience is the inherent right of a citizen. He dare not give it up without ceasing to be a man. […] *But to put down civil disobedience is to attempt to imprison conscience.* […] *Civil disobedience, therefore, becomes a sacred duty when the State has become lawless, or which is the same thing, corrupt.* […] *It is a birthright that cannot be surrendered without surrender of one's self-respect."*[213]

"I am convinced more than ever that an individual or a nation has the right, even the duty to resort to [civil disobedience]*, if its existence is at stake."*[214]

In his PhD dissertation about Gandhi's principle of non-violent resistance, for which Gandhi minted the Hindu term "satyagraha," Mi-

[210] Shriman Narayan (ed.)*, The Selected Works of Mahatma Gandhi*, vol. 4, Navajivan Publishing House, Ahmedabad 1969, p. 174.

[211] *Young India*, 2 March 1922; Ministry of Information and Broadcasting, Government of India (ed.), *The Collected Works of Mahatma Gandhi (Electronic Book)*, Publications Division Government of India, New Delhi 1999, 98 volumes (www.gandhiserve.org/cwmg/cwmg.html), subsequently *CWMG*, here vol. 26, p. 246.

[212] *Harijan,* 15 April 1939*, CWMG*, vol. 75, p. 249.

[213] *Young India*, 5 Jan. 1922; *CWMG*, vol. 25, pp. 391f.

[214] *Young India*, 14 Feb. 1922; quoted acc. to Fritz Kraus (ed.), *Vom Geist des Mahatma*, Holle, Baden-Baden 1957, p. 102; I was unable to locate this quote in *CWMG*, though.

chael Blume arrived at the following conclusion after having thoroughly studied the literature pertaining to resistance:[215]

> *"All authors used for this study agree that satyagraha serves an important function in a democracy as well. Satyagraha as a birthright of each human being cannot be relinquished to any political system."*

III. Resistance in the FR Germany

So far three events in the history of the Federal Republic of Germany have lead to a public discussion about the citizen's right to resist its government as it is laid down in article 20, paragraph 4, of the German Basic Law.

The first event was the fear triggered by the Cuba missile crisis in 1962 that a nuclear war could ensue, resulting in the annihilation of human civilization. The famous German-American Psychologist Erich Fromm wrote the following on this background:[216]

> *"Man has continued to evolve by acts of disobedience. Not only was his spiritual development possible only because there were men who dared to say no to the powers that be in the name of their conscience or their faith, but also his intellectual development was dependent on the capacity for being disobedient – disobedient to authorities who tried to muzzle new thoughts and to the authorities of long-established opinions which declared a change to be nonsense."*
>
> *"All martyrs of religious faiths, of freedom and of science have had to disobey those who wanted to muzzle them in order to obey their own conscience, the laws of humanity and of reason. If a man can only obey and not disobey, he is a slave;"* (p. 3)
>
> *"Indeed, freedom and the capacity for disobedience are inseparable; hence any social, political, and religious system which proclaims freedom, yet stamps out disobedience, cannot speak the truth."* (p. 6)

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[215] Michael Blume, *Satyagraha. Wahrheit und Gewaltfreiheit, Yoga und Widerstand bei Gandhi*, Dissertation, Hinder + Deelmann, Gladenbach 1987, p. 299.

[216] Erich Fromm, *On Disobedience, and Other Essays*, Routledge & Kegan, London 1984, p. 2.

> *"At this point in history the capacity to doubt, to criticize and to disobey may be all that stands between a future for mankind and the end of civilization."* (p. 8)

Just five years later the discussion about the right to civil disobedience resurged as a consequence of the student movement and the protest against the Vietnam war. On occasion of this profound protest, Fromm made the following interesting observation:[217]

> *"As long as people worship idols they will always find an attack on these idols to be a threat to their own vital interest. There is probably no threat that has produced more hostility and destructiveness in the history of Man than the threat to idols; the fact is that people always deceive themselves when they believe their own gods to be the only true ones.*[218] *But this deception in no way alters the fact that a threat to the idols is one of the mainsprings of the mobilization of human aggression.* […] *A person can easily be persuaded that his vital interests are threatened even though they are not. He can be brainwashed – as the expression is when speaking of an opponent – or 'educated' as one says when referring to oneself."*

This fits nicely into our topic. It is indeed not difficult to figure out due to which idol I am exposed to governmental aggression here and now.

The next and so far last discussion about civil disobedience ensued in the years 1982/83 on occasion of NATO's decision to deploy modernized nuclear weapons in West Germany as well as in the wake of the protest of the environmental movement against the peaceful use of nuclear energy and various large industrial construction projects like for instance the planned western runways of the Frankfurt airport.[219] In view of these at times escalating mass protests, the German Social Democratic Party (SPD), which had been freshly relegated into the opposition, conducted a discussion function within the framework of their "Culture Forum of Social Democracy." In it a series of experts dealt with the question when and under which circumstances a right to civil disobedience exists. In justification of civil disobedience the renowned

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[217] *Ibid.*, p. 141f.

[218] The German text adds here "…, and the gods of the others to be the true idols." *Über den Ungehorsam*, dtv, Munich 1985, p. 144.

[219] In extension of the Frankfurt airport originally two additional runways had been planned, but due to the massive and extremely violent protests only one was constructed at the time. The second additional runway is being built as I write these lines (2010) – with hardly any protest, as the environmental movement seems to have petered out.

Frankfurt Philosopher Prof. Dr. Jürgen Habermas stated in his contribution to the forums, among other things:[220]

> *"*[…] *the protest has to be directed against well-defined cases of severe injustice; the possibilities of promising legal redress have to be exhausted; and the activities of disobedience must not take on a scale impeding the functioning of the constitutional order."*

Habermas clarified that private convictions may not be considered as absolute, that is to say they may not be the highest guideline of such a protest, "but that existing constitutional principles must be claimed," and by so doing he referred to Henry Thoreau, whom I have just quoted, and to Martin Luther King.[221]

Finally Habermas stated about governmental suppression of civil disobedience:[222]

> *"But that state under the rule of law which prosecutes civil disobedience like a common crime gets onto the slippery slope towards an authoritarian legalism."*

Another contributor to this SPD forum was Ralf Dreier, who at that time taught general theory of law at Göttingen University. With reference to a decision of the German Federal Constitutional High Court (*Bundesverfassungsgericht*) about the prohibition of the Communist Party of Germany, Dreier states that there is a "right to resist against an evident regime of injustice," as it is laid down in article 20, paragraph 4, of the German Basic Law, as well as a "right to resist against individual or presumed unconstitutional acts," although the Constitutional High Court did not elaborate any further on this aspect.[223]

Dreier moreover quotes the opinion of the former judge at the German Constitutional High Court W. Geiger, who, in a contribution to a book entitled *Conscience, Ideology, Resistance, Nonconformism*,[224] had affirmed the right to resist unconstitutional acts of government agencies, if legal redress against it has either been impossible or unsuccessful. This position is a minority opinion, however.[225]

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[220] Jürgen Habermas, "Ziviler Ungehorsam, Testfall für den demokratischen Rechtsstaat," in: Peter Glotz (ed.), *Ziviler Ungehorsam im Rechtsstaat*, Suhrkamp, Frankfurt on Main 1983, p. 34; reference to John Rawls, *Theorie der Gerechtigkeit*, Frankfurt am Main 1975, p. 401; Engl.: *A Theory of Justice*, Harvard University Press, Cambridge 1971/2005.

[221] Habermas, *ibid.*, p. 44.

[222] *Ibid.*, p. 51.

[223] Ralf Dreier, "Widerstandsrecht und ziviler Ungehorsam im Rechtsstaat," in: P. Glotz, *ibid.*, p. 57; BVerfG 5, 85 (376f.).

[224] Willi Geiger, *Gewissen, Ideologie, Widerstand, Nonkonformismus*, Munich 1963, pp. 705-712.

[225] Peter Glotz, *op. cit.* (note 220), p. 58.

In summary Dreier posits about the right to disobedience:[226]

> *"An act is constitutionally justified a) if it falls within the realm of protection of a civil right and b) if it remains within the bounds of that civil right.* […]
>
> *It goes without saying that obedience is due to the parliamentary legislator, provided that he abides by the constitution."*

Helmut Simon, at that time a judge at the German Constitutional High Court, stated in another contribution to this discussion:[227]

> *"On the other hand, that is withdrawn from majority decisions which the constitution protects in its civil rights and other basic principles as something that is beyond voting, which is in the interest of all citizens and especially of minorities."*

I think that this is exactly what we are dealing with in our case, because research results, *i.e.* freedom of science and research, must not be prescribed or restricted by majority decisions.

During the same SPD forum Wolfgang Huber, at that time professor for social ethics and evangelical theology at Würzburg University, asserted the following in his contribution "The Limits of the State and the Duty to Obey" with regards to experiences during the Third Reich:[228]

> *"Nonetheless the memory was retained that there are limits to governmental power, the transgression of which triggers the duty to disobey.* […] *the great work by Thomas Aquinas contains this insight: 'An individual needs to follow human authorities only so far as it is required by the order of justice.'"*

Huber quotes Martin Luther in this context as follows:[229]

> *"It is not revolt or disobedience, if I do not obey those things to which the emperor is not entitled."*

Huber affirms that the citizen is encumbered with a double obligation, that is on one hand the duty to obey the state under the rule of law,[230]

> *"but on the other hand the obligation to independently scrutinize the law and if need be the resistance against measures which cannot be considered general laws."*

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[226] *Ibid.*, pp. 64, 72f.
[227] Helmut Simon, "Fragen der Verfassungspolitik," in: Peter Glotz, *op. cit.* (note 220), p. 101.
[228] "Die Grenzen des Staates und die Pflicht zum Ungehorsam," *ibid.*, p. 109, reference: Thomas Aquinas, *Summa Theologica*, II/IIq, a6, ad 3.
[229] *Ibid.*, p. 110; reference: Weimar edition, vol. 32, p. 184.
[230] *Ibid.*, p. 111, with reference to Kant's Categorical Imperative.

Huber refers expressly to Kant's Categorical Imperative, which I have quoted as well during my statements here. And I think that there can be no doubt that this case of a duty to resist is given here and now, because article 130 of the German Penal Code is not a general law, but unequivocally a special law designed to suppress only certain views about merely one single topic.

Below I have compiled a table containing some criteria which permit us to assess, whether an act of civil disobedience or resistance can invoke the so-called "grand right to resist" as defined in article 20, paragraph 4, of the German Basic Law, or whether it is merely a case of the so-called "small right to resist," which is directed against decisions or measures of parliament or of the executive branch which do not consist of direct violations of constitutionally protected civil and human rights. Experts almost unanimously reject this small right to resist as illegitimate. This table compares the case of protests or acts of resistance by the peace and environmental movement of the 1980s (column "Peace") with my case as a representative of dissident historical views.

Criterion	**Peace**[231]	**G. Rudolf**
Government violation of valid constitutional principles	No	Yes
Protesters set private views as absolute	Yes	No
Right to articulate dissent	Yes	No
Violation of general laws while protesting	Yes	No
General acceptance of laws violated in protest	Yes	No
Acceptation of these laws by protesters	Yes	No

Needless to say that the first and most important criterion is that a valid constitutional principle must have been violated by the authorities, against which the protest is directed. Since neither the question of military armament nor of energy production or the construction of major projects have constitutional scale, this criterion is not given for the peace and environmental movement. It is entirely different with revisionism, for which the fundamental human right of freedom of speech and freedom of science and research, as laid down in article 5, paragraphs 1 and 3, of the German Basic Law, have been abolished by a special law, which moreover, due to its special nature, violates the constitutional principle of general laws.

[231] See apart from P. Glotz, *op. cit.* (note 220), also Jürgen Tatz (ed.), *Gewaltfreier Widerstand gegen Massenvernichtungsmittel*, Dreisam, Freiburg 1984.

The next criterion demands that the resistance does not set as absolute private opinions. But that is exactly what the peace movement and the movement opposed to nuclear energy have done. Their private view was that the deployment of additional nuclear weapons would lead to a nuclear war in Europe and thus via the annihilation of mankind inevitably also to the removal of the liberal democratic order in Germany. The argumentation regarding nuclear energy was similar, in that it was insinuated that over longer periods of time it would have a similar effect as a nuclear war due to radioactive contamination.

Both considerations have proved to be wrong or even disastrous. After all, one can argue from today's point of view that NATO's additional armament efforts contributed decisively to beat the USSR in this arms race, and thus to end the Cold War, *i.e.*, the threat of a nuclear holocaust. And it is similar with abandoning the further expansion of nuclear energy as a result of the anti-nuclear protest, because as a result of this the whole world has massively increased the use of fossil energy carriers – with terrible consequences. In China alone some 5,000 men die every year in coal mines. Worldwide the death toll of coal mining may be as high as 10,000, and this does not even include fatalities due to acute ailments of the respiratory system resulting from coal smog in the conurbations of developing and emerging countries. Hence, in order to keep up with the annual death toll of fossil fuels, we could afford at least one Chernobyl every second year, the nuclear reactor accident of which has resulted in a total of some 20,000 human fatalities according to current pessimistic estimations. That is far from being the end of the bad news. According to the most recent research results of paleontologist and geologists, which were published in the October 2006 issue of the U.S.-American science magazine *Scientific American*, one is now on the scent of the reasons why mass extinction events have repeatedly occurred during earth's history.[232] There is general agreement that the impact of a meteorite in the Caribbean is responsible for the extinction of the dinosaurs some 65 million years ago. Yet for the other five similar mass extinction events no such cosmic collisions could be determined. More recent research suggests, however, that these episodes of mass extinction of species were the results of massive tectonic activities. The volcanism connected with these released huge amounts of carbon dioxide, which in turn kicked off an intense greenhouse effect. The

[232] Peter D. Ward, "Impact from the Deep," *Scientific American*, 10/2006, pp. 42-49.

world's oceans heated by this could eventually dissolve only small amounts of oxygen, which turned the oceans anaerobic, resulting in a major part of marine life requiring oxygen to die off. Poisonous hydrogen sulfide produced by anaerobic bacteria was subsequently released into the atmosphere, where it suffocated step by step a major part of life on land. The researchers claim that they can deduce all this from the various geological and fossil records. These researchers have determined a threshold value of carbon dioxide in the atmosphere of some 0.1%, from which onward the biosphere keels over in a sense, resulting in a mass extinction of species. If humanity keeps releasing carbon dioxide at the same pace as now, then we will reach that threshold value in some 150 to 200 years.

Hence, it is possible that the stagnation of the expansion of nuclear energy caused by the anti-nuclear movement, followed by a massive expansion of the use of fossil fuels producing carbon dioxide, results in us essentially annihilating life on earth as we know it within a few centuries – us humans included. Then we may thank the anti-nuclear movement for this.

But even that is merely a, albeit scientifically founded, personal opinion. It might as well turn out to be false. This shows why one should not set personal opinions absolute. And this is also the reason why I justify my civil disobedience not by trying to prove that – to put it bluntly – the Holocaust propaganda may have dangerous effects against which I have to resist, like for instance the oppressive politics in the near and middle east or the cultural and demographic dissolution or self-destruction of the German people and also of other European peoples. These are separate issues not belonging into the discussion about resistance, because what the nature of the link is between these issues and the prevailing views on history, is a mere private view, which may also turn out to be wrong.

The third criterion – the right to articulate dissent – is revealing, as it exhibits the sharpest contrast between the two compared groups. After all, the peace movement and the anti-nuclear movement have never in the least been impeded by the state in expressing their opinions about all sorts of issues. Not only did the authorities not intervene against the expression of their opinions, but a sizeable part of the leftist and liberal mass media increasingly opened their venues to these views. It is entirely different with revisionism, because here all the power at the disposal of government, media, and society is used to prevent expressing our

views. Not even an argumentation exclusively centered around the theory of science or around civil rights meets any response anywhere.

The fourth criterion – violation of general laws while protesting – is also indicative, because the peace and anti-nuclear movements were not content to express their opinions without impediment, no, they resorted to deliberate violations of the law like trespassing and breaching public peace as well as coercion in order to gain even more attention. This is quite in contrast to the revisionists: the only law we break is a special law prohibiting us to speak our mind. If we revisionists acted like the peace and anti-nuclear movements, we would for instance organize mass demonstrations at Holocaust commemoration events, and we would also try to disrupt or prevent these events even by means of violence. We would sabotage museums with sit-in blockades and would damaged or even destroy memorials violently. But nothing like this has ever happened, and none of it has ever been demanded or even endorsed by revisionists.

The fifth criterion – general acceptance of laws violated in protest – is undisputed regarding the peace and anti-nuclear movements, as the laws about trespassing, breaching public peace, and coercion are of course generally accepted as legitimate and necessary penal provisions. The case is tricky regarding revisionism, because on the one hand article 130 of the German Penal Code is assumed to be legitimate and necessary – at least by a majority of published opinion. On the other hand, however, the principle of general laws, which supersedes and contradicts this article 130, is of course considered to be important or even much more important. In the case of article 130 one simply claims that an exception to the rule is necessary,[233] the convoluted argumentative justification of which I will address later.

The question whether or not the resisters themselves accept the laws they violate serves as the last criterion. This is doubtlessly true for the

[233] In this way recently again by the German Constitutional High Court on 4 Nov. 2009 (1 BvR 2150/08); cf. www.bundesverfassungsgericht.de/pressemitteilungen/bvg09-129.html: "In general, restrictions to the freedom of opinion are permissible only on the basis of general laws according to art. 5, para. 2, alternative 1, Basic Law. A law restricting opinions is an inadmissible special law, if it is not formulated in a sufficiently open way and is directed right from the start only against certain convictions, attitudes, or ideologies. […] Although the regulation of art. 130, para. 4, German Penal Code is not a general law […] even as a non-general law it is still compatible with art. 5, para. 1 and 2, Basic Law, as an exception. In view of the injustice and the terror caused by the National Socialist regime, an exception to the prohibition of special laws […] is immanent."
Or put differently: Exceptional laws are prohibited, except in exceptional cases.

peace and anti-nuclear movements, as their protest is not directed against the violated penal laws which punish trespassing, breaching public peace, and coercion. This is quite in contrast to revisionism: Here the resistance is solely directed against the violated and rejected law, because it is not accepted due to its violation of human and civil rights.

Hence, in case of the peace and anti-nuclear movements we are dealing with an example of applying the "small right to resist," which is generally considered illegitimate or illegal, at least within a democracy under the rule of law. In case of revisionism or in my case, the disobedience or resistance is directed against an unconstitutional law, and this simply by ignoring and deliberately violating this and exclusively this law. This is an entirely different dimension of disobedience than that of the peace and anti-nuclear movements, as it is exactly directly against a law which – to paraphrase High Court judge Helmut Simon – abolishes that which is beyond voting, namely freedom of opinion and of science and research. This is also a protest against the stealthy erosion of the liberal and lawful character of the Federal Republic of Germany, which has been in progress for decades. It is an example of the "grand right to resist," as laid down in article 20, paragraph 4, of the German Basic Law, which I invoke here with my full consciousness:

> *"All Germans have the right to resist against everyone who endeavors to remove this order, if no other remedy is possible."*

By so doing I am well aware that the Federal Republic of Germany has not yet transmogrified into an "evident regime of injustice," because in most societal areas the state under the rule of law functions appropriately. But as stated repeatedly and reinforced with quotations from competent authors, it is the citizen's – *i.e.* my – duty to fight the beginnings, as this is always more promising and also possible with less sacrifices as compared to a situation where the state later on has mutated into a totalitarian system of injustice.

IV. Remedy

Already the German Basic law touches upon the fact that a right to resist exists only if no other remedy is possible. Mahatma Gandhi argued similarly:[234]

> *"Before a transition to civil disobedience is permissible, all parliamentary means to remove the injustice must have been exhausted."*

Hence I want to explain now that "other remedies" are indeed no longer possible, and this not only with regard to parliamentary means, as Gandhi has demanded, but also with judicial, human rights, public, scholarly, or media means.

1. Parliamentary Remedy

Acts of the German parliament are unfortunately the primary reason for the violation of civil rights, because the unconstitutional laws passed by the *Bundestag* have been enacted specifically in order to penalize historical dissent and even more explicitly in order to suppress a disliked political opposition.[235]

Petitions to the *Bundestag* are being fobbed off with cheap commonplace phrases, as for instance in the case of a complaint against the illegal interpretation of the principle of "self-evidence" (article 244 of the German Penal Law) by the German judiciary.[236] The answer of the petition committee basically stated that the judiciary, when interpreting the Penal Law verbally, must not apply the principle of "self-evidence" as they do. But that doesn't change the fact that they do it anyway, and they do this with the full and expressed backing of this parliament.

When objecting that article 130 German Penal Code is nowadays used to illegally restrict freedom of science, the German Member of Parliament Horst Eylmann merely stated in a typical manner that the "necessary scholarly pursuit of historical Holocaust research" would be defended by the German Federal Constitutional High Court, if need

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[234] Quoted acc. to M. Blume, *op. cit.* (note 215), p. 260; allegedly from *Young India*, 9 June 1920, but I did not find it in *CWMG* online.

[235] The two tightenings of Germany's censorship laws (art. 130) in 1994 and 2005, designed to suppress revisionism, were both triggered by controversial public statements on Third Reich history by party officials of the heavily ostracized German right-wing radical party NPD, who the German political establishment has been trying to ban for decades, so far without success.

[236] See about this the 5th lecture of my *Lectures*, *op. cit.* (note 55).

be.[237] It is the small words which have a big effect, here Eylmann's word "necessary," because what is considered necessary will be decided by the Constitutional High Court – axiomatically to the detriment of revisionist defendants. This way the whole issue turns into a farce.

How little leeway even Members of Parliament have to distance themselves from the prevailing views has been sufficiently demonstrated by the case of Martin Hohmann. In a private lecture he had rejected both the charge that the Jews are a people of perpetrators, just because they have been involved over-proportionately in the massacres of the Soviet revolutionaries. In the same way Hohmann had rejected the charge that the Germans are a people of perpetrators, just because Germans have been involved overproportionately in the persecution of Jews during World War II. Just to bring the term "people of perpetrators" in connection with the Jews – although it was a repudiating one – was enough to finish off Hohmann's parliamentary career and to throw him out of his political party, the CDU.[238] Now imagine what would happen to a Member of Parliament, if he demanded publicly that we revisionists should be allowed to express our opinions freely. How long would he sit in the parliament?

The only German parties signaling that they would oppose such laws contravening civil rights are the right-wing radical parties NPD and DVU. You can figure out for yourself what the chances are that any of their law initiatives will ever get the support of the parliament's majority, since this censorship law has been created exactly with the aim at preventing such majorities.

Apart from that I may raise doubts whether the NPD, provided it had the opportunity, would really reinstate freedom or if they would merely rescind the laws inexpedient to them and replace it with others permitting them in turn to prosecute groups inconvenient to them. At any rate, an article in the NPD's party periodical in spring 2005 made me skeptical, which discussed the "Ideology of human rights" in a derogatory way.

Hence parliament cannot be expected to provide any remedy.

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[237] German news magazine *Focus*, 38/1994, p. 76.
[238] See http://en.wikipedia.org/wiki/Martin_Hohmann.

2. Legal Remedy

The normative decisions of the German Federal Supreme Court as well as the continual refusal of the German Federal Constitutional High Court to even accept appeals on constitutional grounds are the secondary reason for the unconstitutional conditions in Germany. The absolutist extension of the principle of self-evidence effectively amounting to a prohibition to even introduce evidence goes back to decisions of the German Supreme Court, as does the most recent demand to convict defense lawyers for filing motions to introduce pertinent evidence. The German Supreme Court has moreover extended the jurisdiction of the federal German judiciary to the entire Internet in the wake of the case of the revisionist Dr. Fredrick Töben. It has forced German courts to always negatively judge the character of historical dissidents with the case against the Günter Deckert, who had been prosecuted for his revisionist statements. And finally it has refused to legally protect judges whose independence had been levered out by means of public pressure and threats of prosecution, just because they adjudged positive personality traits and sincere motives to a revisionist (Deckert, same case), as in the case of the Mannheim judges Orlet, Müller, and Folkerts.

And in the face of all this misfortune it turned out that the European Court of Human Rights has simply rubber-stamped all cases of government persecution of historical dissidents brought to its attention.

Hence no remedy is possible on the judicial level either.[239]

3. Remedy by Civil Rights Organizations

To what extent human rights organization could remedy the situation in the first place is anyone's guess. The largest organizations, in any case, like for instance the leftist Amnesty International, have so far categorically refused to recognize revisionists as political persecutees. Less left-leaning organizations, like e.g. the "International Society for Human Rights" (www.ishr.org), are themselves afraid of societal persecution, should they publicly lobby for our rights, as I have explained before. I hope it is clear what kind of damning indictment this is for the federal German society.

[239] In 2009 the German Constitutional High Court decided that it, too, endorses this admittedly(!) illegal practice of prosecuting peaceful dissidents with special laws, see note 233.

Although I have been recognized as a political persecutee by an Italian human rights organization, nobody seems to know this organization, which is why this doesn't bother anyone. The dogs bark, but the caravan passes unmoved.

The only organization within Germany which has so far tried to lobby for the human rights of revisionists, namely the "Association for the Rehabilitation of those Persecuted for Contesting the Holocaust,"[240] swiftly came into the crosshairs of governmental persecution due to exactly these activities, and as far as I know criminal investigations are conducted against all board members.[241]

Hence no remedy can be expected from this side either.

4. Remedy by Public Protest

Meanwhile public demonstrations demanding freedom of speech for revisionists have also become impossible, as the attempt to organize such a rally here in Mannheim in April 2006 has shown. It was prohibited by the state with the reason that prohibited opinions could be articulated during this demonstration.[135]

Well, you know, if it weren't so deeply saddening, one really would have to write a satire about this.

5. Remedy by Scholars

Another potentially effective remedy would be, if a considerable number of established historians stated publicly that the revisionists have to be taken seriously and that they, as a matter of course, have to enjoy freedom of science and research as well. But there are unfortunately sheer insurmountable obstacles which I want to expound now.

A while ago I gave you a copy of the Austrian philosopher Prof. Dr. Ernst Topitsch. The background of this letter is that Prof. Topitsch, as the author of a relatively well-known book on the German-Soviet

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[240] Verein zur Rehabilitierung der wegen Bestreitens des Holocaust Verfolgten (VRBHV)

[241] In the meantime this association has been prohibited by the German Minister for the Interior and does therefore no exist; cf. press release of *Bundesministerium des Innern*, 7 May 2008, www.bmi.bund.de/cln_104/SharedDocs/Pressemitteilungen/DE/2008/05/bm_verbietet_rechtsextr_Org.html; cf. the German daily *Die Welt*, 7 May 2008; www.welt.de/themen/VRBHV.

war,[242] had written a preface to the English edition of the book *Stalins Vernichtungskrieg 1941–1945* by Freiburg (Germany) historian Dr. Joachim Hoffmann.[243] This English edition had been prepared in the years 2000/2001 by the Theses & Dissertations Press publishing company in the USA, which occurred formally with Dr. Robert Countess at the helm, although I myself took on the most important tasks for implementing this project. In his original preface Prof. Topitsch had described ardently how freedom of science and research are being restricted in an unacceptable manner in Germany for historians dealing with World War II due to the ever escalating measures of governmental persecution. This preface would have complemented Dr. Hoffmann's dramatic description in his own introduction to the English edition, as to how he managed to escape from prosecution for his book only because the judge on whose table his file had ended happened to have been a good friend of his. But Dr. Hoffmann was told in no uncertain terms that any change of content of his book would reopen the case and that in such a case no guarantees could be given anymore. Hence while translating the book we had to adhere slavishly to the German original, even if certain issues had turned out to be in need of corrections.

But Prof. Topitsch's passionate freedom speech as a preface to this edition came to nothing, because he retracted it and replaced it with a brief, nondescript, lamblike preface. He wrote the letter mentioned in justification of his retraction of the original preface. In it he refers to the suicide of a professor, which had warned him to be cautious. I may deliberate somewhat more in order to explain the background.

In the mid-1990s the Austrian Prof. Dr. Werner Pfeifenberger, who at that time taught political science at a German university, published an article in an anthology edited in Austria by the Austrian right-wing party FPÖ. In this contribution Pfeifenberger compared the ideologies of nationalism and internationalism, while letting his sympathies for nationalism shine through. In this article he also used, among other things, several quotations which he had taken somewhat infelicitously out of context. As a result of this paper, Pfeifenberger was initially removed from his teaching position, but he managed to litigate himself back into his old position for the moment. After this, however, a second wave of persecution against him began, as a result of which he was first involun-

[242] Ernst Topitsch, *Stalins Krieg*, Busse-Seewald, Stuttgart 1985; Engl.: *Stalin's War*, Fourth Estate, London 1987.
[243] *Stalin's War of Extermination 1941-1945*, Theses & Dissertations Press, Capshaw, AL, 2001.

tarily relegated to a different university, then banned to teach, and finally suspended of all of his duties. When the Austrian judiciary opened criminal investigations against him for his article with German administrative assistance due to alleged National Socialist re-engagement, Prof. Pfeifenberger saw not only his career and his reputation ruined, but he also faced a long-term imprisonment. Hence he committed suicide shortly thereafter.[244] This case of a conservative professor driven into suicide due to societal and governmental persecution ran like a shock wave through conservative circles in Germany and Austria and drove the message home to many academics exactly how dangerous even academic expressions of opinions had become in the meantime. As a result Prof. Topitsch had become frightened that he might also become a victim of this new inquisition due to his preface. Hence he preferred to withdraw his fierce criticism of the state of affairs.

The reactions I receive when asking historians to publicly take a stand for the preservation or restoration of freedom of science during this trial demonstrate that this fear of governmental persecution is not a single case. One example for the typical reaction is the letter of refusal sent by Prof. Dr. Franz W. Seidler, who had taught contemporary history with focus on the Third Reich in Munich prior to his retirement. He declined, but not by saying that he does not want to, but because, as he put it, he is a "coward." In other words: he is afraid of the German judiciary.

Instead of presenting an entire list of refusals with similar justifications, I may restrict myself to only one, namely the one by Prof. Dr. Werner Maser. Prof. Maser is considered to be one of the worldwide most recognized experts on the history of the Third Reich. Since spring 2005 I have been in contact with Prof. Maser due to his most recent book *Forgery, Fiction, and Truth about Hitler and Stalin*.[245] During several phone calls Prof. Maser took the opportunity to complain clamorously about the conditions in the Federal Republic of Germany, which would almost compare to those in the former communist "German Democratic Republic," because as a historian one could only tell lies and half-truths nowadays, if one did not want to go to prison. He also wished me good luck with my attempt to obtain political asylum in the

[244] Rudi Zornig, "Zum Gedenken an Werner Pfeifenberger," *Vierteljahreshefte für freie Geschichtsforschung* 4(2) (2000), pp. 127-130.

[245] Werner Maser, *Fälschung, Dichtung und Wahrheit über Hitler und Stalin*, Olzog, Munich 2004. Maser died in 2007 shortly after my trial had ended.

U.S. Yet no sooner had I been deported to Germany and incarcerated than Prof. Maser didn't know me anymore.

The word "professor" derives from the Latin language and refers to a person who professes – his opinion, but above all also the academic principles. But little can be sensed is this regard from German historians of modern history. David Irving once said that German historians are either liars or cowards – or both. Unfortunately I have to agree with Mr. Irving for the most part, although there are also exceptions, which I hope to be able to explain later.[246]

Hence so far no remedy could be expected from scholars either. Even though it would be so easy, if only they all stuck together and stood up publicly all at once. In fact millions of people think: "I alone cannot change anything anyway." Those millions only need to be aware that they are not alone. Then this pandemonium here would pretty soon be over.

6. Remedy by the Media

The media should see it as one of their most important tasks to be the guardians of free speech, and not only for their own opinion. But regarding revisionism the opposite is the case. In that case they even shout "Hang them higher!" and thus they bite the very hand that feeds them. Exemplary for this is the Rhine-Neckar edition of the German tabloid *Bild*, which headlined on the day my trial commenced: "Rabble lawyer defends neo-Nazi."[247]

There is a reason why I carry this article with me today, because I received it from a co-inmate. On the morning after this first trial day I got to feel the effect of this media agitation. While I sat at my work-bench doing my work, I was accosted by a German-Russian co-inmate with a threatening voice, asking me whether I am a Nazi. After I had simply denied it, he retorted why then the *Bild* newspaper would claim the opposite. Upon my remark that the *Bild* newspaper is lying, he snarled at me in an ever more aggressive voice why the *Bild* should lie. "Because they hate me," I answered. His reaction to this was to threaten

[246] Cf. the expert report by Dr. Olaf Rose in Appendix 3.1., p. 258.
[247] Rhein-Neckar edition of the German tabloid *Bild*, "Pöbel-Anwältin verteidigt Neonazi," 13 Nov. 2006, p. 6.

me ambiguously that we would make it out with me "outside," which was probably a threat that he intended to beat me up.

Well, I have never gotten involved in a fistfight in my entire adult life, probably for the simple reason that nobody seems to have dared to attack an athletic man of 6'5." If I was accosted by someone in the past, then this happened always while I sat or squatted. In these cases it always proved enough to just stand up in order to swiftly resolve the situation peacefully. And so it was in this case, for I am with distance the tallest inmate in this prison. When I got up during morning break, the German-Russian had apparently forgotten that he had wanted to have it out with me.

Yet the media do not just lie by themselves, but they are also slavishly at service when it comes to uncritically spreading the lies of others, especially when it is about historical dissidents. For this your press release may serve as an example, Mr. Prosecutor, which you sent to news agencies on 18 April 2006 on occasion of your filing your indictment. This press release was then passed on by the German news agency *dpa* in a slightly edited version to all media outlets, which published them duly.[248] I may direct your attention to the following sentence in your press release:

> *"The 'revisionists' Germar Rudolf and Siegfried Verbeke are accused of have systematically denied and trivialized the genocide committed by National Socialism against the Jews by means of the Internet and of the dissemination of literature, as well as of having incited to hatred against the Jewish population with anti-Semitic agitation."*

As a reaction to this, *dpa* issued these lines, among others:

> *"According to the investigators they also are said to have incited to hatred against Jews with anti-Semitic agitation."*

"With anti-Semitic agitation" – that sounds pretty gory. Well, I have read the indictment several times, but nowhere have I found the words "anti-Semitic" or "anti-Semitism" or anything similar. Maybe you simply forgot to use this term, but it is a fact that it is not in there. The following question arises then, though: How was it that you, right after the indictment's ink had dried, were able to sit down and claim such untruths about the very indictment you yourself had just written, and disseminate them into the world?

[248] E.g. in the German daily *Stuttgarter Zeitung*, 19 April 2006, p. 8.

That government agencies aren't always very meticulous about the truth when it comes to agitate against revisionists can be seen from yet another case, in which your retired former colleague Hans-Heiko Klein plays the main role next to me. In a long article about Klein's career as a revisionist hunter, the Sunday issue *Sonntag Aktuell* of the German daily *Stuttgarter Zeitung* wrote on 1 Jan. 2006:

> *"Germar Rudolf for instance, who thanks to Klein currently sits in Stammheim* [=Stuttgart prison]*, wrote in his Holocaust denying 'Quarterly for free Historical Research'.*[249] *'It borders in fact at a miracle that Heiko Klein is still alive.' Blatant threats which do not deter the intrepid state attorney."*

It is not clear whether this statement stems from the journalist writing the article or from Herr Klein, hence I cannot blame Herr Klein for this. Fact is that my statement in said article has been turn point-blank upside down. In this section of that journal article I had discussed a statement by the then and also current director of the U.S. Institute for Historical Review Mark Weber. In his speech he had stated that the hysteria against the political right rampant at that time in Germany – which was even termed as such by the leftist news magazine *Spiegel*[250] – would impute a dangerousness to the so-called right-wing scene in Germany which was utterly out of touch with reality. If the right-wingers were as dangerous as claimed, they would have long since attacked government persecutors of the right like Hans-Heiko Klein. In my article I paraphrased Weber's statement – hence these weren't even my own words – in order to subsequently explain why I am opposed to violence. This was also one of the reasons why I refused to publish the names and perhaps even the addresses of state attorneys and judges who are persecuting right-wingers and revisionists for their peaceful expressions of opinion – because I had repeatedly been asked by my readers to do this. I wanted to prevent any potential misuse of such lists for violent ends under any circustances. Yet inspite of this, the left-wing extremist denouncer magazine *blick nach rechts* (view to the right) printed an article a few months later, in which the lie was invented that I had called for the assassination of Hans-Heiko Klein, although the exact opposite of this is true. And since this flam paper was obviously considered to be a reliable source of information to the German red-green fed-

[249] Vierteljahrsheften für freie Geschichtsforschung.
[250] German news magazine *Spiegel*, edition of 4 Dec. 2000.

eral government, the same lie about my alleged call for murder appeared also in a special publication directed against revisionism published by the German Federal Office for the Protection of the Constitution.[251] From there this festering lie apparently keeps spreading cheerfully, yet no one seems to bother to read in my paper what I actually wrote.

One cannot expect any remedy either from these kinds of media who so complacently and uncritically spread even the most malicious lies.

* * *

Hence it has to be concluded that no other remedy is any longer possible but resistance. It is self-evident that every government will always contradict such an analysis of its citizens, because that government has yet to be invented which voluntarily relinquishes its power to its citizens and which admits to commit injustice. The more authoritarian a government is the more massive and violent its counter reaction will be to any announcement or act of peaceful, civil resistance. Hence the official self-assessment of a state cannot be a guideline. One thing is for certain, though: A state which wants to offer remedies listens, but does not punish. But it seems evident that in the present case there is no such inclination, is there?

I may round off this topic with a quotation from Karl Popper, who also emphasized that one ought not to wait with one's resistance until the government has deteriorated into an "evident regime of injustice:"[252]

> *"Such an anti-democratic move on the part of the rulers is, of course, a much more serious and dangerous thing than a similar move on the part of the ruled. It would be the task of the* [ruled] *to fight this dangerous move resolutely, to stop it in its inconspicuous beginnings."*

And not just when the liberal democratic order has completely vanished into thin air. Then it may be too late.

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[251] Bundesamt für Verfassungsschutz (ed.), *Rechtsextremistischer Revisionismus. Ein Thema von heute*, Cologne 2002, p. 21.

[252] *The Open…*, vol. 2, *op. cit.* (note 70), p. 163.

V. Violence

About the dicey topic of using violence Popper pointed out:[253]

> *"There is only one further use of violence in political quarrels which I should consider justified. I mean the resistance, once democracy has been attained, to any attack (whether from within or without the state) against the democratic constitution and the use of democratic methods. Any such attack, especially if it comes from the government in power, or if it is tolerated by it, should be resisted by all loyal citizens, even to the use of violence."*

In this point I no longer agree with Karl Popper, because even if resistance is justified, I am still strictly against violence, and this for the following reasons:

1. On principle: violent resistance leads to even more counter-violence by the state and is therefore counterproductive.
2. On morals: One cannot convincingly fight the misuse of governmental power, which itself is violence, with counter-violence.
3. In most cases violence strikes innocent bystanders, as was visible in the case of the peace and ecological movement. Victims of acts of trespassing and coercion were at best some subordinate government employees or even noninvolved third persons, and the largest group of victims of this violence doubtlessly were policemen as the whipping boys of the nation.
4. The use of violence leads to the rejection of those using violence and thus also of their concerns by the populations, hence the exact opposite of what one tries to achieve.
5. When using violence, it is impossible to maintain the principle of proportionality, because what kind of act of violence would, for example, be justified to punish a judge in a lynch justice manner for sending a dissident to prison for several months or years?
6. In a state under the rule of law, the state's monopoly of the use of force is too important a principle to be undermined, because in such a case chaos and anarchy loom as the last consequences.
7. As already mentioned, it is debatable anyway, whether judges and state attorneys imprisoning dissidents are criminally liable, because on the one hand they are under a kind of duress, for they would expose themselves to prosecution for violating the law in case of an

[253] *Ibid.*, p. 151f.

acquittal (for this fear the term Orletitis has been coined). On the other hand judges and prosecutors are so brainwashed by the prevailing paranoid hysteria due to the all-permeating propaganda that they are psychologically incapable of judging objectively. Medical science has coined a term for this mental state as well: "Holocaust Hysteria Syndrome."

8. Finally and ultimately we need reconciliation with ourselves in Germany, a general amnesty, and we need to leave for fresh fields, but most certainly not yet another turn in the vicious circle of violence and counter-violence, persecution and counter-persecution.

As the final point of the section I want to discuss the issue of punishment, that is, of the use of force by the state, which is a kind of violence.

If a judge were to ask me prior to my release: "Herr Rudolf, when we release you now, do you intend to abide by the law in the future?," then I would answer: Yes, sure, because I have done nothing else during the past ten years. During all these years I have always abided by the laws of the countries I lived in. Because all this for which I am now indicted here I have done in England and in the USA, and it has been perfectly legal there. And when I am released, I will go back to my wife and my daughter in the U.S., if God permits. Or I should say if the U.S. government lets me. That is, after all, not the same thing. And it goes without saying that I will then – as I have in the past – abide by U.S. law. Or do you seriously mean that in the U.S. I am also to abide by German laws? And if also by German laws, why not also by Chinese, North Korean, Cuban and Iranian laws? With which justification do you believe you can demand the enforcement of the German legal order all over the world?

As you certainly know better than I do, there are several theories in jurisprudence justifying the punishment of offenders, some of which I may discuss here with regard to my case:

1. Individual deterrence: The attempt to discourage me from future acts of civil disobedience backfires, since I resist exactly because of this unjust persecution of dissidents. Hence more unjust persecution will lead only to more resistance in my case. If my father did not manage to break my will with brutal violence when I was two to three years old, do you really think the state with its methods will be more successful? I am gladly prepared to be convinced by good arguments, but not by violence!

2. General deterrence: To make a deterring example in order that nobody dare rebel against governmental truth dictates will work only as long as the disinformation policy toward the public succeeds, which is increasingly less the case. Publishing the events during this very trial, for instance, will open the eyes of thousands, tens of thousands, maybe even hundreds of thousands. At some point in time this will result in an avalanche effect, as this injustice will drive people onto the barricades as soon as they learn about it.
3. Resocialization: In fact everything done to me is a crass desocialization. One constantly destroys the base of my material existence, my family, and so on. It is not I who is in need of resocialization, but this German society is, which demands the persecution of peaceful dissidents or at least lets it happen with a shrug!
4. Faith in the state under the rule of law and in legal security: Anyone finding out about the conditions and contents of this kind of trial will lose the last bit of faith in this state. And that includes Jews!
5. Revenge and retaliation: This archaic reason for punishment is the only one which you can invoke here. He who runs out of arguments resorts to violence. Hatred and destruction is all this state can do in the face of peaceful dissent.

Postscriptum

Even the former President of the German Federal Constitutional High Court and later President of the Federal Republic of Germany Prof. Dr. Roman Herzog has repeatedly stated that "from time immemorial there has been a right to resist by those violated and a right to emergency relief for all citizens" in case of government encroachments on human dignity and on the human rights.[254] According to Herzog, each single constitutional article of the Basic Law of the Federal Republic of Germany – the statutory civil rights also among them – is,

> *"viewed by daylight,… nothing else but the specific elaboration on a fundamental principle of the constitutional nature of the state,*

[254] Roman Herzog, "Das positive Widerstandsrecht" in: *Festschrift für A. Merkel*, Munich 1970, p. 102; quoted acc. to Klaus Peters, *Widerstandsrecht und humanitäre Intervention*, Osnabrücker Rechtswissenschaftliche Abhandlungen, vol. 61, Carl Heymanns Verlag, Cologne 2005, p. 184 (Dissertation at Univ. Osnabrück 2004/2005).

> *so that assaults on almost any individual article at once touches upon the principles of art. 20 of the Basic Law* [the right to resist]. "[255]

For this reason article 1 of the Basic Law is particularly protected by article 20, paragraph 4, as the right to resist encroachments of the state on human dignity.[256] Roman Herzog is not the only one holding the view that article 20, paragraph 4, is not just a clause protecting the constitution, but rather a fundamental right of each citizen to resist violations of human rights.[257]

This closes the circle of my argumentation, at the beginning of which I demonstrated that the right to doubt, to search for the truth, and to communicate the results of this activity is simply constitutional for being human, hence for human dignity as such.[258]

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[255] R. Herzog, *ibid.*, p. 100; K. Peters, *ibid.*, p. 188.

[256] R. Herzog, in: Theodor Maunz, Günter Dürig, *Grundgesetz Kommentar*, 41st Supplement (Ergänzungslieferung), Munich 2002, Art. 20, para. 4, Rn. 17-19: acc. to K. Peters, *ibid.*

[257] R. Herzog, *ibid.*, Rn. 1 & 4ff.; similar: Friedrich E. Schnapp, in: Ingo von Münch, Philipp Kunig (eds.), *Grundgesetz Kommentar*, 4th/5th ed., Munich 2001, Art. 20, Rn. 59; as well as Josef Isensee, *Das legalisierte Widerstandsrecht*, Bad Homburg 1969, p. 81: quoted acc. to Peters, *ibid.*, p. 189.

[258] Although ordered well before the beginning of my trial, I obtained the dissertation by Peters quoted here, which relies on Roman Herzog as kind of a key witness, only half a year after the end of my trial, delayed mainly due to the extremely lengthy censorship of my judge, which in the months immediately prior to the start of my trial lasted almost two months. This restriction to my ability to mount a defense shall be compensated partially by this addendum. G.R., Mannheim, 29 Aug. 2007.

F. Conclusion

I have repeatedly emphasized here the publishing principles I have as a publisher: None of my publications denies human rights to others, advocates or justifies this. This does not preclude that I have published items with whose contents I did not agree, as long as this overarching principle was kept. In this way I have acted in the sense of Voltaire, who wrote – and I quote from memory:[259]

> *"I detest what you say, but I will defend to the death your right to say it."*

I may demonstrate with an example that this sometimes applied to my activities as well. In the mid 1990s a book by Johannes Peter Ney was published with the title *The Cursed Anti-Semitism*, written under the pseudonym Harold Cecil Robinson.[260] In those days I got into a dispute with Herr Ney about this book, as the essence of its contents, its language style as well as its entire tendency were repulsive to me. But when the book was confiscated,[261] I nevertheless and deliberately posted it as an electronic file on my website, whose objective it is to break the backbone of German censorship.[262] I did this, because, even though I disliked the book, it nonetheless was within the limits of my prime principle. And I therefore decided that, although I detest Ney's opinion, I would nevertheless defend with my life or here in concrete terms with my freedom his right to say it publicly.

Prof. Faurisson once said that he is like a bird whose nature it is to sing. Even if he were locked up in a cage, he would still not stop singing. And that is the way I am as well. It is part of my character, of my personality, yes, it is even in my genes that I cannot keep my mouth shut, that I have to express my opinion, in particular if I think I perceive injustice. Nothing will silence me then. Just as a Negro cannot help being black, I cannot help it that I have to speak my mind. To punish this is as unfair as to punish a Negro for being black.

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[259] Although it seems to have been misattributed, see http://en.wikiquote.org/wiki/Voltaire, according to which these words "were first used by Evelyn Beatrice Hall, writing under the pseudonym of Stephen G Tallentyre in *The Friends of Voltaire* (1906), as a summation of Voltaire's beliefs on freedom of thought and expression."

[260] *Der verdammte Antisemitismus*, Verlag Neue Visionen, Würenlos, Switzerland.

[261] During the trial against the publisher of Ney's book Gerhard Förster in Switzerland.

[262] www.vho.org/D/va.

On occasion of awarding the Peace Prize of the German Book Trade[263] to Mrs. Prof. Dr. Annemarie Schimmel in 1995, the former Federal German President Prof. Dr. Roman Herzog stated the following:[264]

> *"When we enter into a dialog with one another, we bring along some essential, non-negotiable things. Among them are freedom of speech and more than anything else that no one comes to harm on account of his convictions. A long, often bloody and gruesome history has taught us in Europe that these rights must never again be subject to negotiation."*

At that time I probed further and asked the President whether he is willing to take a stand for freedom of speech for revisionist scientists. And here is his response which he sent to me:[265]

> *"Herr President has received your letter of 4 December* [1995, GR]. *He asks you to understand that he will not permit being instrumentalized as intended by you."*

Look at those hypocrites! During celebratory speeches they pay lip service, but when it comes down to the matter, they wimp out!

George Orwell once said fittingly:[266]

> *"If liberty means anything at all, it means the right to tell people what they do not want to hear."*

Freedom means in particular the right to tell the Powers That Be what they least want to hear. For every dictatorship allows expressing those opinions which don't bother the Powers That Be or with which they even agree. Hence that cannot be the yardstick by which to measure a free and open society.

Of course reasons are given why it is allegedly necessary to make exceptions for the topic dealt with here, hence to ignore civil and human rights. About this I want to quote a jurist who has thoroughly analyzed the problems surrounding article 130 of the German Penal Code, namely a former colleague of yours, Herr Schwab,[267] the retired Presiding Judge at the District Court Günther Bertram. He has authored an article with the title "The State under the Rule of Law and the Amended Law on Incitement of the Masses,"[268] which appeared in the German law

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[263] Friedenspreis des Deutschen Buchhandels.
[264] *Frankfurter Allgemeine Zeitung*, 16 Oct. 1995.
[265] See G. Rudolf, *Kardinalfragen*, *op. cit.* (note 47) p. 308.
[266] In the original preface to his novel *Animal Farm*.
[267] The Presiding Judge of the present trial.
[268] "Der Rechtsstaat und seine Volksverhetzungs-Novelle."

journal *Neuen Juristischen Wochenschrift*, issue 21/2005, on the pages 1476–1478. This is one of the expert articles referred to by me which clearly highlight the unconstitutional nature of the law with which I am prosecuted here. Because of its importance I may read it here aloud in its entirety. (For the full text of the article see Appendix 4, p. 303.)

* * *

I would like to remark that I disagree absolutely with Bertram's view that the Shoah justifies the German Auschwitz taboo. But the article states clearly enough that article 130 "push aside constitutional law," which is a mere circumscription of a violation of the constitution. In a similar way as Bertram, the former and also current German minister for the interior Wolfgang Schäuble has tried to justify the Auschwitz taboo, although in contrast to Bertram he also justified its judicial implementation by force. In an exchange with the then president of the Central Council of Jews in Germany Ignatz Bubis, which was published by the *Frankfurter Allgemeine Zeitung*, Schäuble stated:[269]

> *"With respect to the question whether the Auschwitz lie is a criminal act, and with respect to the prohibition of National Socialist symbols I will say only this: in an abstract space we could have wonderful discussions about whether it is nonsense or not, from a legal point of view, to suppress the utterance of opinions. In spite of this, this is the right thing to do, because we are simply not acting in an abstract space but have had concrete historical experiences. I do not think that those legal dispositions will be around for all eternity, but here and now it is right to say, by means of laws that might be called problematic under purely legal considerations: there are limits and barriers in this respect and this is where the fun ends."*

That is obviously a circular reasoning, if not to say: an extremely absurd mental blackout. This pseudo-logic can be put in the following way:[270]

> *"Now everyone is in the know: The prosecution of revisionist historians does not occur for legal reasons, as the laws created for the punishment of those having disliked opinions can be labeled as problematic nonsense. Instead some alleged 'historical experiences' have to serve as an excuse in order that an open debate about exactly these historical experiences can be outlawed. Or put differently:*

[269] *Frankfurter Allgemeinen Zeitung*, 24 April 1996, p. 41.
[270] G. Rudolf, in: *Kardinalfragen*, *op. cit.* (note 47), pp. 196f.

Art. 1: The Party is always right.

Art. 2: If the Party is not right for once, then Art. 1 takes effect automatically."

Apart from that, I declare here that imprisoning dissident historians is not problematic nonsense but a downright crime. You know the German Penal Code better than I do. Somewhere in it something is said about the prosecution of innocent people and about false imprisonment.

We are forced by penal law to believe in something, because this something was allegedly so unique. Hence do we have to believe because that which is alleged has been so unique, so extreme? The world has seen such an outlandish logic before, namely some 1,800 years ago:[271]

> *"*[Due to his] *defense of absurd, illogical, anti-rational church dogmas, Christian apologist Tertullian (200 A.C) was accused of advocating the thesis: 'Credo, quia absurdum est'/'I believe, because it is absurd."*[272] *May this be substituted in the age of enlightenment by a 'Credendum est, quia extremum est'/'One has to believe, because it is extreme'?"*

I, however, demand a likewise extraordinary, uniquely critical and thorough investigation of the unique allegations, which, after all, serve as a justification for such extreme measures like collective guilt, collective responsibility, collective shame and what other kinds of collective terms are being invented. If a mark of Cain is foisted upon me, and my human rights are being restricted in a unique way, I simply demand also a unique investigation of these allegations. That is indeed the least one can expect!

When in spring 1993, due to the publication of my expert report on Auschwitz, emotions ran high at the Max Planck Institute in Stuttgart, Germany (my then employer), the then Managing Director of the Institute Prof. Dr. Arndt Simon stated to me the following in a personal conversation on 3 May 1993:

> *"Every era has its taboos. Even we researchers have to honor the taboos of our era. We Germans must not touch this subject* [of the mass murder of Jews]*, others have to do that. We have to accept that we Germans have fewer rights than other."*

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[271] *Ibid.*, p. 140.

[272] Tertullian in fact wrote: *credibile est, quia ineptum est* (it is credible, because it is fatuous/inexpedient), which isn't much better either; see Timothy Barnes, *Tertullian. A Historical and Literary Study*, Oxford 1971, p. 223.

I can very well understand the Germans' fear of being suspected of wanting to whitewash something. But that doesn't change the fact that by means of such revelations one can clearly recognize the true nature of article 130 of the German Penal Code and the taboo behind it, because they are nothing but spawns of anti-German racism. I, however, will allow nobody to deny me, solely based on my ethnic background, the right to ask critical questions about the history of my nation and to publish research results diverting from the octroyed dogma.

Now I will summarize here the pseudo-logic hiding behind this absurd and criminal nonsense of persecuting dissidents. This logic of those in power in this country really amounts to this:

> *Because in the past minorities have been persecuted, dissidents imprisoned and books burned, one feels obliged to do everything in order to prevent a repetition – even if that entails having to persecute minorities, imprison dissidents and burn books.*

Because that is exactly what is happening today! Absolutely nothing has been learned from the past. The table is merely turned around, and for a change a different group is now being persecuted.

I gladly admit that the dimension of today's persecution is much smaller than that of the past, but the principles behind it are still the same. And if I extrapolate the steadily increasing persecution of dissidents by this state over the past three decades into the future, I really get scared. This has got to stop!

With Immanuel Kant I have referred to a great Prussian, and now permit my referring to a no less famous contemporary of Kant, Frederick the Great. Maybe you are familiar with the story of the miller of Sanssouci. Next to Frederick's new castle Sanssouci was a windmill, whose noise annoyed Frederick. He wanted to buy the mill from the miller, but he rejected the offer. Frederick's next intention to simply expropriate the miller failed, however, due to the decision of the Berlin High Court, whose verdict Frederick accepted.

Now, much about this story might be more myth than truth.[273] It is a fact, though, that Frederick the Great can be considered the father of the Prussian, and thus also the German, state under the rule of law due to his voluntary submission under the law as indicated by this story. Au-

[273] See www.waymarking.com/waymarks/WM299B.

thentic, however, is the following quote of Frederick the Great, which goes into the same direction: [274]

> *"You need to know that the least of peasants, and what is even more, the beggar is just as much a human being as is his majesty, and he has to find justice by that fact that all humans are equal before the law; it may be a prince suing the peasant or vice versa, then the prince will be equal to the peasant before the law: and in such affairs it has to be proceeded purely by justice with no regard to the person. The justice councils in all provinces have to only comply with this. And wherever they do not go straight forward with justice without regard of person or class and put aside natural justness, they shall get in trouble with his royal majesty. A legal council which exercises injustices is more dangerous and worse than a gang of thieves; one can protect oneself against those, but nobody can protect himself against rogues who use the robes of justice to carry out their vicious passions; they are worse than the biggest scoundrels in the world and deserve double punishment."*

And if you look into the German Penal Code, the maximum sentence I face here due to alleged incitement of the masses is five years imprisonment, whereas the maximum punishment for false imprisonment by an official is ten years. Here you have Frederick's double punishment!

For the last personality I want to quote here I go back once more to Socrates, who was also the first I have quoted. Socrates had blisteringly criticized the warfare of the generals of democratic Athens against Sparta and had consequently been indicted for high treason. In his defense speech, before he had to drink the famous cup of hemlock, he stated the following, among other things:[275]

> *"I am the gadfly that God has attached to this city* […]*, and all day long and in all places I am always fastening upon you, arousing and persuading and reproaching you. You would not readily find another like me, and therefore I should advise you to spare me… If you strike at me,* […] *and rashly put me to death, then you will remain asleep for the rest of your lives, unless God in his care sends you another gadfly."*

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[274] Bruno Frank, *Friedrich der Große als Mensch im Spiegel seiner Briefe*, Deutsche Buch-Gemeinschaft, Berlin 1926, p. 99.

[275] *Apologia*, Sec. 30e/31a; quoted acc. to Karl R. Popper, *The Open Society…*, *op. cit.* (note 70), vol. 1, p. 194.

There is an interesting parallel to this in revisionism, because in his book *Why people believe weird things* the U.S. historian and adversary of revisionism Michael Shermer had written in a contribution on revisionism that Prof. Faurisson is a gadfly, since he is extremely annoying with his uncomfortable questions and obtrusive demand for evidence.[276]

Yes, for most people we revisionists are a thorn in their flesh. We are pesky. We are a nuisance. We upset. We do not permit that society remains undisturbed in its complacency and illusion of infallibility. And this is a good thing.

As the last topic of my defense statements I may now make an interesting comparison between the biographic data of a certain personality of the intellectual history of mankind on the one hand, and my humble self on the other.

This personality was born in ’64, as was I. He could not finish his university studies, nor could I. This personality had three children, namely two daughters and one son – exactly as I. He was a scientist and an author, as I am. The main work of this scientist – or at least his most famous work – had more than 500 pages, just as my book for which I am here on trial. This famous scientific book of this personality is written in dialogue style as a dispute between different views – exactly as my book is written in dialogue style.

This is, by the way, the second example of a famous book in dialogue style which made history and to which I had referred earlier. It was banned by the authorities, confiscated and burned, which will also happen to my book, if the prosecution’s will prevails. This famous book was banned because it refuted one of the main dogmas of its era and thus undermined the claim to infallibility of powerful groups, exactly as my book refutes the main dogma of its era and consequently undermined the claim to infallibility of today’s powerful groups.

This famous personality was put on trial for his book, just like I am on trial for my book. Due to this book, this famous personality was found guilty of denying the then prevailing dogma, just as the prosecution is striving to do in my case. The personality of yore was punished with loss of freedom, exactly as the prosecution will probably request in my case.

Who could that personality be?

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[276] Michael Shermer, *Why People Believe Weird Things*, W.H. Freeman & Co., New York 1997, p. 190.

Year of birth	'64	'64
Final university exam	not taken	not taken
Children	2 daughters, 1 son	2 daughters, 1 son
Profession	scientist, author	scientist, author
Volume of main work	more than 500 pages	more than 500 pages
Style of main work	dialogue	dialogue
Fate of main work	banned, confiscated, burned	banned, confiscated, burned
Reason for ban	refutes main dogma of its era, subverts claim to infallibility of powerful groups	refutes main dogma of its era, subverts claim to infallibility of powerful groups
Fate of author	put on trial	put on trial
Verdict	guilty of denying the dogma	guilty of denying the dogma
Punishment	loss of freedom	loss of freedom
Name of author	GALILEO GALILEI * 1564, † 1642	GERMAR RUDOLF * 1964
Title of the book	Dialogue Concerning the Two Chief World Systems, Ptolemaic and Copernican	Lectures on the Holocaust, Controversial Issues Cross Examined
Main adversary	Catholic Church	…
Internet	es.rice.ed/ES/humsoc/Galileo	germarrudolf.com

Well, I do not want to keep you in suspense any longer, which is why my lawyer will now distribute the complete table containing the solution to this riddle.

This personality is Galileo Galilei.

The data were taken from a biography of Galilei, which a cell neighbor of mine in Stuttgart prison lent me in June 2006.[277] While reading this book, the scales fell from my eyes in view of so many parallels.

Before you, Herr Prosecutor, once more come with your profound remark that I am allegedly so full of myself, I may promptly remark that I am well aware that I am in no way comparable to the importance of Galileo Galilei, whose works, after all, belong to the very beginnings of the exact sciences as such. I know very well that in contrast to this I am merely an insignificant cog in the big machinery, a pawn sacrifice in the chess game of the Powers That Be.

Galilei was born in 1564, I in 1964. He could not finish his university studies, because he had to abandon it in order to support his family.

[277] Atle Maess, *Als die Welt still stand*, Springer, Berlin 2006, pp. 7, 12, 144-150, 209.

My PhD course, however, was violently aborted due to governmental persecution. Galilei's book bears the title *Dialogue Concerning the Two Chief World Systems, Ptolemaic and Copernican*, hence is a juxtaposition of the heliocentric and the geocentric world view. Galilei was sentenced to a lifelong house arrest, where he enjoyed many privileges, not at least because the pope of his time was a friend of his. That was certainly more pleasant than what you are threatening me with here, that is: a Spartan cell, cut off from the world. Galilei's main adversary was, as we all know, the Catholic Church. I deliberately leave open who my main adversary is.

This juxtaposition is more than just an interesting game. Because what came to an end with the persecution of Galilei was nothing less than the intellectual predominance of Italy in Europe, which this country had carved out for itself in all areas of culture and science during the renaissance. When the inquisition moved into Italy together with the Spaniards, intellectual freedom in this country was choked little by little. Hence the center of gravity of intellectual life subsequently moved to the Protestant north of Europe, whither the arm of the "Holy Inquisition" could not reach, mainly to Germany and England. These two countries were the intellectually dominating countries for the next three hundred years, until they battered each other's skulls during the two world wars.

Today Germany finds herself in a similar situation as Italy at the time of Galilei. I have quoted here Jens Jessen writing in *Die Zeit* how "political correctness" kills the intellectual life in Germany, and Günther Bertram, who I have copiously quoted earlier, has determined that in the meantime the Auschwitz taboo has generated many "satellite taboos" poisoning the political and intellectual climate. In 1994 I published a contribution in an anthology in which I demonstrated how this über-taboo paralyzes many scientific fields.[278]

Hence, in my view this trial is not so much about me and my books. This trial is a kind of watershed. Here it will be decided whether in Germany it will be possible again in the future to maintain or regain a leading position on the intellectual, cultural and scientific level, or whether Germany will descend to a second-rate or even third-rate coun-

[278] See my contribution "Wissenschaft und ethische Verantwortung" (Science and Ethical Responsibility) in: Andreas Molau (ed.), *Opposition für Deutschland*, Druffel-Verlag, Berg am Starnberger See 1995, pp. 260-288.

try. It is your obligation to decide this. Hence all I can do at the end of my statement is to call out to you:[279]

"Sire, grant us freedom of thought!"

And following Martin Luther I may conclude:

All this I opine; I can do no other. God help me!

I thank you for your attention.

* * *

Instead of an epilogue of mine, an article of the *New York Times* may serve as such, which a co-inmate gave me roughly a month prior to my release from prison.

[279] From Schiller's *Don Carlos*, as I was enlightened.

G. Path of Most Resistance

The New York Times

www.nytimes.com, 26 May 2009 *

Memo From Cairo

Why Freed Dissidents Pick Path of Most Resistance

By MICHAEL SLACKMAN

CAIRO — When political dissidents who challenge authoritarian leaders are locked away in prison, when they are tortured and their families threatened, the goal is to break their resolve, to crush their spirit, to silence them.

So how come so many get right back to it when they are finally freed? What compels them to fight on at the risk of great personal sacrifice?

Last week, Fathi al-Jahmi died† a prisoner of Libya. He was a father, a husband, an older brother, a sharp critic of Col. Muammar el-Qaddafi. In 2004, after 18 months in prison, he was set free. But he was supposed to remain silent, to go home and vanish from public view. His family begged him to comply. He refused.

"He suffered so much, the torture, he really felt he had no choice," said his younger brother, Mohamed Eljahmi, in a telephone interview from his home in the United States.

All across the Middle East, indeed the world, authoritarian governments use the power of punishment to try to intimidate and silence.

The practice may succeed as a deterrent, spreading fear among those who have not yet experienced the chill of a jail cell, the debasement of a strip search, the pain of electric shock.

But for those who have already faced the worst, the threats often have the reverse effect. In Iran, the state once jailed Emad Baghi‡ for his work against the death penalty and in support of prisoners' rights. In

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* Published online at www.nytimes.com/2009/05/27/world/middleeast/27egypt.html on 26 May 2009. A version of this article appeared in print on 27 May 2009, on page A6 of the New York edition under the headline "Once Freed from Prison, Dissidents Often Continue to Resist"; sentences omitted from print version in parentheses.

† www.hrw.org/en/news/2009/05/21/libya-libyan-dissident-long-imprisoned-dead

‡ www.martinennalsaward.org/

Syria, Michel Kilo was locked up[*] after calling on President Bashar al-Assad to build citizenship and rule of law. In Egypt, Saad Eddin Ibrahim was imprisoned[†] because of his work in support of democracy.

As Mr. Jahmi did, they each chose to continue to speak up when they were released.

"If I abandon my cause, then I will let them accomplish their goal," Mr. Kilo said in a telephone interview after being released this month after three years in prison.

("No, I have not been broken," he said, his voice still frail and weak.)

Ayman Nour,[‡] a former presidential candidate and sharp critic of President Hosni Mubarak,[¶] served four years in Egypt's Tora Prison after being convicted of charges widely regarded as politically inspired. But the night of his release in February,[$] he appeared on Egypt's most popular television talk show and resumed his attacks on the government.

Are these dissidents extraordinary? Are they crazy, perhaps, or egomaniacal, as some critics have said? Or are they all too human, fighting to maintain a sense of personal worth that the state has tried to strip away?

There are, of course, many reasons different people in different cultures choose the path of most resistance. But the most compelling, the activists themselves say, particularly in a Middle Eastern culture that honors martyrdom, is that prison becomes a defining and hardening experience, cementing their convictions and removing any temptation to compromise their beliefs.

Curiously, Middle Eastern leaders make the same mistake that they often warn the West about: humiliating their people, many of whom then find personal meaning and dignity in fighting back.

"What's interesting is the role the regimes play in keeping the likes of Kilo or Fathi permanently committed to their conflict with the government," said Sarah Leah Whitson, director of Human Rights Watch's[#] Middle East and North Africa division.

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[*] news.bbc.co.uk/1/hi/world/middle_east/8060073.stm
[†] www.cartercenter.org/peace/human_rights/defenders/defenders/Egypt_saad_eddin_ibrahim.html
[‡] topics.nytimes.com/top/reference/timestopics/people/n/ayman_nour/index.html?inline=nyt-per
[¶] ~/ timestopics/people/m/hosni_mubarak/index.html?inline=nyt-per
[$] nytimes.com/2009/02/19/world/middleeast/19egypt.html?_r=1&scp=1&sq=nour egypt&st=cse
[#] ~/timestopics/organizations/h/human_rights_watch/index.html?inline=nyt-org

Very often, freedom comes with so many limitations, Ms. Whitson said, that the dissidents feel more productive behind bars. Mr. Nour, for example, recently told[*] a visiting class of journalism students from Northeastern University[†] that he wanted to go back to prison, because he had greater impact there than on the outside. He told the students he had not been allowed to practice law, to work in politics, or even to open a bank account.

Speaking from his home in Damascus, Mr. Kilo said: "There is no doubt that when it comes to political power we are weak, but from our intellectual point of view we are not wrong, we are not defeated. I have not been defeated. But can any policeman come and take me and put me in prison right now? Sure he can."

It is (certainly) not just the way of dissidents in the Middle East. The Nobel laureate Daw Aung San Suu Kyi has had her freedom restricted for more than a decade for her opposition to Myanmar's military junta.

In Albania, Fatos Lubonja[‡] was 24 when the police knocked on his door. At the time, Albania was a Stalinist police state. The police found his hidden writings, antigovernment ideas he had not yet even published. Mr. Lubonja was sentenced to five years in prison.

By the time the Communist government fell, Mr. Lubonja had spent a total of 17 years as a prisoner. When the new government set him free in 1991, he had options: to cash in on his life as a dissident of the old government, or to speak up against a new one that he said was itself authoritarian. He said he had no choice.

"It is a matter not only of dignity, it is the sense of your life," he said in a telephone interview from Italy. "It's your choice of life, and if you give up you will lose your sense of your life."

("Tarnishing Egypt's image" was the reason Mr. Ibrahim was sentenced to six years in prison in 2002. He was freed by an appeals court after 10 months. He suffered from nerve damage and had trouble walking. Mr. Ibrahim went right back at it, criticizing Mr. Mubarak. While he was out of Egypt attending a conference two years ago, he was charged again – and warned not to return, or else face prison. He has lived in self-imposed exile since. On Monday a court overturned a two-year sentence he had been given, and there is talk he may now return.

[*] daniprobably.wordpress.com/2009/05/17/ayman-nour-plans-to-return-to-prison-finish-sentence/
[†] ~/timestopics/organizations/n/northeastern_university/index.html?inline=nyt-org
[‡] findarticles.com/p/articles/mi_m2267/is_1_71/ai_n6156699/

"It is almost like, shall we say, like a slide, you get into this feeling of mission and you become obsessed with it," Mr. Ibrahim said in a telephone interview from the United States, just before the verdict was issued.

He recalled a difficult moment a year into his exile, when his two grandsons visited him in Istanbul. "One of them said, 'Grandpa, why don't you stop, apologize to President Mubarak and come back to Egypt?'"

"I had never discussed politics with these children," Mr. Ibrahim said the other day. "I said, 'Apologize to Mubarak?' I said, 'Why apologize?'

"They said, 'We want you back.'

"I said, 'When he apologizes to the Egyptian people, I will apologize back,'" Mr. Ibrahim recalled.

He said he had no choice.)

Mona el-Naggar contributed reporting

Just like we revisionists!

H. Appendices

Appendix 1: Quotes on the Misuse of the NS Persecution of Jews

Quotes about the political and financial instrumentalization of the "Holocaust" by Jewish pressure groups which have not led to prosecution, hence are legal.

I venture to bring a series of quotations from three books criticizing in plain words the exploitation of the NS persecution of the Jews for political of financial purposes.[280]

The first two books are by Jewish-American Professor Norman Finkelstein, who taught political science at the DePaul University in Chicago[281] and is the son of survivors of the concentration camp Majdanek. The third book has been published by the German right-wing FZ publishing company of the president of the right-wing party DVU, Dr. Gerhard Frey. Hence, for the sake of credibility, I restrict my quotes from this book to those taken from referenced sources which are not considered disreputable.

1. Norman G. Finkelstein, *The Holocaust Industry.* *Reflections of the Exploitation of Jewish Suffering*, Verso, London/New York 2000:

> *"The tales of 'Holocaust survivors' – all concentration camp inmates, all heroes of the resistance – were a special source of wry amusement in my home. Long ago John Stuart Mill recognized that truths not subject to continual challenge eventually 'cease to have the effect of truth by being exaggerated into falsehood'."* (p. 7)

> *"Invoking The Holocaust was therefore a ploy to delegitimize all criticism of Jews: such criticism could only spring from pathological hatred."* (p. 37)

> *"Hoaxers, Hucksters and History,"* heading of chapter 2, p. 39)

[280] Supplement to the defense speech of Germar Rudolf, three trial days after the end of the defense speech itself.

[281] After Finkelstein had been denied tenure, he resigned from DePaul University in the fall of 2007, see www.en.wikipedia.org/wiki/Norman_Finkelstein.

"Deploring the 'Holocaust lesson' of eternal Gentile hatred, Boas Evron observes that it 'is really tantamount to a deliberate breeding of paranoia… This mentality… condones in advance any inhuman treatment of non-Jews, for the prevailing mythology is that 'all people collaborated with the Nazis in the destruction of Jewry,' hence everything is permissible to Jews in their relationship to other peoples.'" (p. 51)

"Articulating the key Holocaust dogmas, much of the literature on Hitler's 'final solution' is worthless as scholarship." (p. 55)

"'[…] *How come we have no decent quality control when it comes to evaluating Holocaust material for publication?'"* (quoting Prof. Raul Hilberg, p. 60)

"Given the nonsense churned out daily by the Holocaust industry, the wonder is that there are so <u>few</u> skeptics." (p. 68)

"Both Arno Mayer, in his important study of the Nazi holocaust, and Raul Hilberg cite Holocaust denial publications. 'If these people want to speak, let them,' Hilberg observes. 'It only leads those of us who do research to re-examine what we might have considered as obvious. And that's useful for us.'" (p. 71)

"Because survivors are now revered as secular saints, one doesn't dare question them. Preposterous statements pass without comment." (p. 82)

"The Israeli Prime Minister's office recently put the number of 'living Holocaust survivors' at nearly a million. The main motive behind this inflationary revision is again not hard to find. It is difficult to press massive new claims for reparations if only a handful of Holocaust survivors are still alive." (p. 83)

"In recent years, the Holocaust industry has become an outright extortion racket. […] *I will then turn to the evidence, demonstrating that many of the charges* [against Switzerland…] *were not only based on deceit* […]*."* (p. 89)

"Public opinion has so far not been averse to the blackmailing of Swiss bankers and German industrialists, but it might look less kindly on the blackmailing of starving Polish peasants." (p. 131)

"The Holocaust industry has clearly gone berserk." (p. 139)

"As the 'benchmark of oppression and atrocity' it [the Holocaust] *tends to 'trivializ(e) crimes of lesser magnitude."* (p. 148, quoting Prof. Peter Novick)

"'Do not compare [with the Holocaust]*' is the mantra of moral blackmailers."* (p. 149)

"The challenge today is to restore the Nazi holocaust as a rational subject of inquiry. Only then can we really learn from it." (p. 150)

"It is the Holocaust industry with its massively overinflated numbers of survivors which helps the deniers. It is the tactic of extortion which nourishes anti-Semitism. It isn't me. The Jewish Claims Conference has inflated the numbers of slave laborers in order to get more money from Germany." (p. 179 of [282])

"As Raul Hilberg has stated, in the case of Switzerland it is plain extortion." (p. 180 of [282])

2. Norman G. Finkelstein, ***Beyond Chutzpah.*** *On the Misuse of Anti-Semitism and the Abuse of History*, 2nd edition, Verso, London/New York 2008.

"American-Jewish elites were, in effect and in plain sight, cynically appropriating 'anti-Semitism' […] *as an ideological weapon to defend and facilitate ethnic aggrandizement."* (p. 63)

"[…] *on the one hand, 'politically correct,' utterly cynical public officials and media* [in Germany] *ferret out anti-Semites where a smattering are to be found, resembling nothing so much as the medieval witch hunts;"* (p. 36)

"One day it's the uniqueness and universality of theological absolutism; the next day it's the uniqueness and universality of Marxism-Leninism; now it's the uniqueness and universality of The Holocaust. The one constant is the totalitarian cast of mind, and attendant stigmatizing of dissent as a disease that must be wiped out by the state." (p. 51)

[282] Taken from the German edition of this book: *Die Holocaust-Industrie. Wie das Leiden der Juden ausgebeutet wird*, 4th ed., Piper, Munich 2001; based on an interview with a German journalist as aired by the German radio station WDR on 1 Oct. 2000; not included in the aforementioned English edition of this book.

"And just as the Clinton administration promoted the Holocaust reparations scam to get Jewish money and Jewish votes, so the Bush administration undoubtedly supported the new anti-Semitism scam with the same calculations in mind." (p. 61)

"Everything about Jews is unique: anti-Semitism, the Holocaust, Israel, Jewish nationhood and peoplehood… beyond its repellent chauvinism, this intellectually hollow doctrine of uniqueness serves the useful ideological function of allowing Israel to claim unique moral dispensation: if Jewish suffering was unique, then Israel shouldn't be bound by normal moral standards." (p. 62)

"Indeed, the wonder is that the percentage of Europeans resenting the chauvinistic incantation and political instrumentalization of The Holocaust isn't much greater." (p. 74)

"Under the guise of seeking 'Holocaust reparations,' American Jewish organizations and individuals at all levels of government and in all sectors of American society entered into a conspiracy – this is the correct word – to blackmail Europe." (p. 82)

3. Gerhard Frey (ed.), *Die Erpressung.* *Wie Deutschlands Milliarden über den Jordan gehen*,[283] (The extortion. How Germany's billions go down the drain) FZ-Verlag, Munich 2006

"In the fall of 2004 the Israeli writer Yitzhak Laor, awardee of the literature prize of the Jewish state, raised the issue of the perfidious daylight robbery with the Holocaust. His statements appeared in a German translation on 23 October 2004 in the [German daily] *'tageszeitung.' Laor picked up the hot potato that a kind of indulgence trade flourishes between central Europe and the Middle East, and he wrote: '*[…] *Emotional blackmailers from Israel, who rake in the royalties for the sufferings of our parents and grandparents, affix an official seal on German politicians, from the Greens to the CSU, certifying them as humanists. What a legacy.'"* (pp. 91f.)

"In the essay mentioned,[284] *Prof. Ben-Chanan also addressed the use of Auschwitz for Israeli power politics: 'Lingering over the memory of Auschwitz does not only make us sick, it also renders us*

[283] The Extortion: How Germany's billions go down the drain.
[284] "Sich an Auschwitz erinnern. Gedanken eines Überlebenden" (To remember Auschwitz. Thoughts of a survivor), *Wissenschaft & Frieden*, 3/1995, September 1995.

incapable of being peaceful. We then cannot find political peace either, above all in Israel with people living there with us on the same soil and who have a right to it, just as we have.'" (pp. 93f.)

"The already mentioned Shraga Elam sees it similarly. His Munich lecture 'The Holocaust Industry and the 'Holocaust religion'' of 6 November 2002 […] *was* […] *about the, verbatim, 'political, financial, and cultural misuse of the Nazi judeocide by the State of Israel, the financial exploitation of Jewish suffering under the Nazis,' and on the other hand about the 'aggressive and colonialist politics of the Jewish state'* […]*."* (p. 97)

"On 10 December 1990 [Israeli lawyer] *Felicia Langer declared in an interview with the* [German daily] *'Frankfurter Rundschau'* […]*: 'Politically I have consciously opted for Germany. It is a challenge for me, because I have understood how brutal and shrewd Israel exploits the guilt of the Germans. I mean: The Israeli government uses the guilt feelings of the Germans for a policy against the Palestinians.'"* (p. 98)

"Finkelstein writes: […] *'Jewish groups use their moral power for extortion maneuvers!* […]*' The Holocaust is said to have been 'hijacked by a gang of impostors and frauds.'"* (p. 101)

"In an interview with the magazine 'stern' (1 February 2001) Finkelstein reports about the bitter experiences of his mother, […] *'Today I owe it to her dignity to expose this fraud committed in her name.* […] *The German have paid promptly, the crooks of the Claims Conference never have.* […] *Just look at those greedy lawyers. Like caricatures from the 'Stürmer!''* […] *In an interview with the* [German daily] *Welt on 6 February 2001, he explained in more detail what he considers the 'Holocaust Industry' to be: 'An ideological construction originally serving the interest of the Jewish elites in America has now degenerated to an instrument of enrichment, to the hoax of compensation. During the early nineties organizations like the Jewish Claims Conference discovered the possibility to rip off European governments, and now they run berserk. They blackmail… Certain individuals and organizations have exploited the good will of the Germans for their own nefarious ends.'"* (pp. 101f.)

"In an interview with the [German] *magazine 'Neue Revue' also published in February 2001 under the headline 'Schindluder-Lis-*

te'[285] *Finkelstein turned the heat on even more: 'If there really still are Jewish Nazi victims in need, then it is because the Jewish Claims Conference has embezzled the German payments which had been meant for these people. Money given to the JCC is like flushing it down the toilet... The JCC and the Jewish World Congress misuse the good will of the Germans by extorting money and filling their own coffers. With their mean and unscrupulous extortion tactics, these Jewish organizations have become the most important promoters of anti-Semitism.'"* (pp. 102f.)

"The Berlin branch of the Jewish Internet information service 'haGalilonLine' posted on 9 February 2001: '[…] *Finkelstein spoke of a 'shabby extortion' by the Jewish World Congress and the Jewish Claims Conference during the negotiations about restitutions for NS forced laborers.'"* (p. 103)

"On 13 February 2001, a program of Radio Österreich 1 [Austria] *reported about Finkelstein's appearance in Vienna: '*[…] *Finkelstein recently repeated the main thesis of his book: The only culprit for the spreading of the bog of corruption is a gang of Holocaust hucksters who have 'hijacked' the Holocaust for their political and financial purposes... Finkelstein was hard on Jewish organizations. He accused them of 'fraud' with the numbers of Holocaust survivors in order to obtain a maximum in compensation payments. In connection with Edgar Bronfman, the president of the Jewish World Congress, he spoke about extortion. Bronfman has acted like the Mafia, he said.'"* (pp. 103f.)

"In Great Britain it was the historian Professor William Rubinstein who considered as 'extremely important' Finkelstein's 'courageous attacks on financial extortions by groups like the Jewish World Congress,' and he expressed his hope 'that it will have an effect.' For him as a Jew who has lost relatives in the Holocaust it is 'frankly revolting' how the Holocaust is used 'to extort money,' Rubinstein continued (quoted from: [German magazine] *'stern', No. 6/2001)."* (p. 105)

"In France Dr. Rony Brauman was the most prominent Jew siding with Finkelstein. […] *Already before that Brauman had vehe-*

[285] "List of Misuse," reference to the novel and movie *Schindler's List*.

mently and publicly criticized numerous times the instrumentalization of Auschwitz for instance for Israel's merciless suppression of the Palestinians." (p. 105)

"The Jewish sociologist and publisher Natan Sznaider wrote on 15 July 2002 in the [German daily] *'Frankfurter Rundschau' about Hilberg: 'He considered Finkelstein's analysis of the 'Holocaust Industry' to be correct, and for him the Jewish organizations are worse than Shylock.' In an interview with the 'Frankfurter Rundschau' of 22 January 2001, Hilberg emphasized: '*[…] *Yes, the compensation issue is a matter of extortion, not in a legal sense, but in the way the public perceives it.'*

When in 1999 the Jewish World Congress, the Jewish Claims Conference, and other Zionist dominated pressure groups managed to squeeze 1.25 billion dollars from Swiss banks for their alleged involvement in the Holocaust, Hilberg baldly charged 'that the Jews have used a weapon which can only be called blackmail' (interview in: [Swiss weekly] *'Die Weltwoche', Zurich, 11 February 1999). On 31 January 1999 the 'Israel Nachrichten', a German language Zionist paper from Tel Aviv, reported: 'The lawyers of the class action suit and the representatives of the World Jewish Congress had coaxed the banks in an immoral way with insults and blackmail to pay a settlement amount, Hilberg explained.'"* (p. 106)

I have not cited these quotes here in order to prove anything about the issue of compensation or its misuse. I only want to demonstrate that the passages from my writings quoted by the prosecution in the indictment are much less radical and polemical than what can be found in these books. But neither Prof. Finkelstein nor the other, mostly Jewish personalities quoted by Dr. Frey or the newspapers and magazines which published these statements have been prosecuted for this in Germany, just as little as Dr. Frey. If I am to be sentenced to five years imprisonment for my much less polemical statements, then Prof. Finkelstein, for instance, should be sentenced to fifteen years. But nothing like this happens. And it is also clear why that is so, because Prof. Finkelstein himself has described it thoroughly: Jews use the so-called Holocaust as a protective shield against all sort of criticism and can therefore get away with things that gentiles would never be allowed to.

Appendix 2: Motions to Introduce Evidence and Their Rejection

The first motion of the defense to introduce evidence during the trial against Germar Rudolf was also the last one granted by the court, although only partially. It concerned the introduction of the book *Lectures on the Holocaust* into the trial by reading it out publicly. The court determined, though, that the book will be read in privacy. Hence the book was not read aloud publicly during the proceedings, but each party involved was ordered to read it during their spare time.

All motions subsequently filed by the defense were rejected by the court for various reasons. The prosecution did not file a single motion – except for the one asking the court to sentence the defendant. Some of the motions will be reproduced entirely or partly, followed by the court's – sometimes cumulative – reasons of rejection. Comments are added where appropriate.[286]

Motion of 12 February 2007

Annex 2

In the matter of Germar Rudolf […] I request to introduce into the proceedings the following books listed in the indictment as subjects of the accusation, to be read in privacy:[287]

1. Germar Rudolf, *Das Rudolf Gutachten. Gutachten über die 'Gaskammern' von Auschwitz*, 2nd expanded and revised edition
2. Ernst Gauß, *Grundlagen zur Zeitgeschichte. Ein Handbuch über strittige Fragen des 20. Jahrhunderts*
3. Herbert Verbeke, *Auschwitz: Nackte Fakten*
4. Wilhelm Stäglich, *Der Auschwitz-Mythos. Legende oder Wirklichkeit*
5. Jürgen Graf, Carlo Mattogno, *Das Konzentrationslager Stutthof und seine Funktion in der nationalsozialistischen Judenpolitik*
6. Jürgen Graf, *Riese auf tönernen Füßen. Raul Hilberg und sein Standardwerk über den "Holocaust"*

[286] Addresses of those filing the motions and of persons named as witnesses as well as the reference number of the ongoing trial have been omitted. The numbers of the motions to introduce evidence refer to the annex numbers assigned to them by the court in the minutes of the proceedings.

[287] See notes 47, 125, 85, 141, 181, 186, 191 for the English editions, in this order.

7. Arthur R. Butz, *Der Jahrhundertbetrug*

Herr Rudolf is accused in the indictment to have promoted these books. Before a verdict can be handed down in this matter, it has to be determined whether the respective books have any criminally liable content. For this it is necessary to introduce the books with their complete wording into the proceedings.

Sylvia Stolz, lawyer

Rejection

Annex 3: Ruling (of the 2nd Superior Penal Chamber of the Mannheim District Court):

The motion by lawyer Stolz of 12 July 2007 to introduce into the proceedings the books listed in the annex is rejected, because the content of the books mentioned is not part of the indictment, and it is therefore immaterial whether they meet the criteria of a statutory offense.

Comments

Prior to this a motion by my lawyer to procure those seven books for the defense had already been rejected with the same reason given, and a motion filed by the defendant shortly thereafter in order to determine whether these seven books are scientific in nature or whether they at least serve science suffered the same fate (see below).

Since the prosecution neglected to prove during the trial that the seven books listed by them have any illegal content, the court could not have sentenced the defendant for promoting these books, if strictly following the legal principle of *in dubio pro reo* (benefit of the doubt). And that is exactly what happened: The verdict does not even mention these seven books. Hence these points of the indictment had disappeared, because the prosecution had not paid attention. Which at first looked like the court's total refusal toward the defendant was in fact more likely a broad hint to let the sleeping dogs of the prosecution lie.

Further Motions of 12 February 2007

Annex 4

In the matter of Germar Rudolf I request that the Court may assume as true that writings, as defined by the law, serving research and/or science are not illegal according to the last paragraph of article §130 Ger-

man Penal Code referring back to article 86 III Penal Code ("social adequacy clause").

Germar Rudolf

Annex 5

In the arrest warrant of 29 Jan. 2007 the Chamber, represented by the three professional judges, imputed (?) a "pseudo-scientific style" to the defendant – among other things with regard to the books authored by him.

Contrary to the judges' opinion, the defendant's books are not "pseudo-scientific." They comply with the principles of the nature of science. As evidence for this it is requested that a report by an expert witness in the theory of sciences be obtained.

It is moreover requested to advise [the defense], which sentences, phrases, conclusions, arguments, in brief: which passages of the defendant's works deserve the verdict "pseudo-scientific" in the – erroneous – view of the Chamber.

Ludwig Bock, defense lawyer

Annex 6

1. In the arrest warrant of 29 Jan. 2007 the Chamber speaks about the "Holocaust, which is known to be historically recognized." It is requested to advise [the defense] what the Chamber understands by the "Holocaust, which is known to be historically recognized."
2. In the arrest warrant the Chamber also speaks about a "fate of extermination of the Jews as planned by the NS authorities." It is requested to advise [the defense] what the Chamber means by this. Which NS authority conceived which plan – and when? – according to the Chamber's opinion? Does the Chamber know any documents about this? If yes, which ones? According to the defense's knowledge, historians hold different – contradicting – opinions about this.
3. In the arrest warrant the Chamber also assumes the "existence of gas chambers for mass killings." Since quite diverse opinions exist on this as well, it is requested to advise [the defense], on the base of which knowledge the Chamber is assuming this.
4. Does the Chamber know the essay by Fritjof Meyer in [the journal] "Osteuropa" about the victim number of Auschwitz? If yes: do they share its opinion? If no, it is requested to read this essay during the main proceedings as evidence that the victim number currently men-

tioned is lower than 10% of the number valid in 1990. Does the Chamber consider the essay to be "pseudo-scientific"?

5. The arrest warrant also talks about an "exaggeration of the Jews and the Allied victorious powers." Does the Chamber know that up to 1990 the memorial plaques at Auschwitz commemorated "4 million" who had died and were murdered there and that these plaques were removed with the official justification that this number is vastly exaggerated? It is requested to advise [the defense] about the Chambers opinion on the question, who could have had an interest in maintaining for decades a grandiose exaggeration of the actual victim numbers.

Ludwig Bock, defense lawyer

Annex 7

In the matter of Germar Rudolf I request that the Court may assume as true that writings, as defined by the law, which fulfill the formal criteria of being scientific and which are therefore a part of science itself, automatically serve research and/or science.

I also request that the Court may assume as true that writings, as defined by the law, which fulfill the formal criteria only partly or not at all, can nonetheless – under circumstances yet to be determined – serve research and/or science.

Germar Rudolf

Annex 8

In the matter of Germar Rudolf I request that the Court may hear the expert witness Dr. Ulrich Hoyer, Professor emeritus for Philosophy with special knowledge in the field of theory of science, to prove the following allegation:

A. Human Dignity

I. Two of the most important reasons why the dignity of humans is in most cases rated to be qualitatively superior to that of other beings, are the following two, exclusively human achievements:
   1. The possibility of not having to uncritically take sensory impressions as true at face value, but of being able to doubt them and to scrutinize them critically. The doubt and the curious quest for the truth behind the appearance raise humans above animals.

2. The possibility to objectivize the results of the doubting quest, that is, to make them independent of the respective individual by the spoken or written word, by pictures or by other data types, in order that others can study them independent of the biological presence of this individual.

II. It is therefore a serious assault on the dignity of a human to prohibit him to doubt, to seek the truth, and to announce that which he considers to be true. Such a prohibition to use one's intelligence without guidance from others equals a disenfranchisement which is diametrically opposed to the spirit of enlightenment. By way of such a disenfranchisement, humans are forced down onto the intellectual and moral level of lower life forms.

B. Science

I. The most important essence of science consists of two corner stones:
   1. Free choice of starting hypothesis: At the beginning of any activity which creates knowledge any assumption can be made, any question can be asked.
   2. Undetermined outcome: The answers to research questions can be determined exclusively by verifiable evidence, but not by standards set by scientific, societal, religious, political, judicial or other authorities.

If answers, hence research results, are prescribed, then queries degrade to mere rhetorical questions, and the reasoning process turns into a farce. This is therefore not just an undermining of the essence of science, but in fact the complete abolition of science.

II. Four principles are indispensible in the process of gaining scientific knowledge:
   1. There are no (final) judgments, but rather always only more or less well-tested pre-judgments, *i.e.* preliminary judgments.
   2. The reasons (evidence) for our pre-judgments must be testable as good as possible (empirically falsifiable). It has to be possible to subject them to tests.
   3. One has to both actively and passively test and criticize by:
      a) testing and criticizing the pre-judgments and reasons (evidence) of others;
      b) inviting others to test and criticize one's own pre-judgments and welcoming this testing and critique, which includes a duty to publish;

c) mentioning the tests and critiques of others and test and criticize them likewise, *i.e.* no rash backing down.

The most rigorous attempts at refutation are not only admissible but even necessary, since they are the only possibility to determine the reliability or the degree of trustworthiness of a thesis. If one is forced to proceed from predetermined assumptions which moreover are withdrawn from any attempt at refutation, be it by taboos, prohibitions, or research moratoria, then the process of scientific discovery is most severely impeded.

4. One has to avoid immunizing one's own pre-judgments against attempts at refutation by:
   a) avoiding auxiliary theories to shore up dubious main theses;
   b) selecting data only according to objective criteria (source criticism);
   c) using exact, consistent, and constant definitions of terms;
   d) not attacking persons as a substitute for factual arguments.

   Any attempt to immunize against attempts at refutation is illegitimate.

III. Whether a work is scientific in nature can be perceived by way of the work's features due to formal criteria. The scientific nature of a work cannot be perceived by
   1. the starting assumption chosen (initial hypothesis);
   2. the research results, as long as they have been arrived at by scientific means;
   3. the religious, sexual, political or ideological orientation of the author;
   4. the national or ethnic origin of the author;
   5. the author's motivations or intentions.

IV. It is the scientist's right and duty to make his research results publicly accessible for
   1. the scientific community;
   2. the society at large.

   This duty results from the necessity
   a) to expose the work to critique;
   b) to give account about one's own activities;
   c) to inform the society at large about new insights.

   The right includes the publication
   a) of the scientific work itself;

b) of matter-of-factual, popularizing renderings of selfsame in order to inform lay persons and pupils/students;
c) objective promotion for a) and b) for publication and dissemination.

Formally seen, publications under b) and c) are not necessarily scientific in nature, but they are nevertheless essential for science. If the right to publish is curtailed, then not only does the indispensible communication between scientist and society collapse, but also science itself comes to a standstill. This has moreover drastically detrimental repercussions for the modern society based on the division of labor, which depends on science and the communication with it.

The expert is to be summoned via his private residential address.

Germar Rudolf

Rejection

Ruling of the 2nd Superior Penal Chamber of the Mannheim District Court

1. The defendant's motion of 12 Feb. 2007 directed at considering the law texts as true (annex 4) is rejected, because only factual claims can be considered true.
2. The motion by defense lawyer Bock of 12 Feb. 2007 (annex 5) to procure an expert report as evidence for the fact that the defendant's books are not "pseudo-scientific," but rather conform to principles of scholarship, is rejected, because the Chamber, by its own expertise, has to assess the question of the scholarly nature of the writings following the principles set out by the Federal Constitutional High Court (see for instance BVerfG *NStZ* 1992, 535).

   The motion which is to be understood as a motion to obtain factual indications as to "sentences, phrases, conclusions, arguments, in brief: which passages of the defendant's works deserve the verdict 'pseudo-scientific'" is rejected, because – as already stated in the factual and legal advice of 29 Jan. 2007, under point 1 and acc. to art. 265 German Penal Law – the writings in their entirety, which form the object of the indictment, have to be the basis for the evidentiary assessment and the judgment as to their punishability.
3. Upon the request under no. 1 (annex 6) of the motion of defense lawyer Bock of 12 Feb. 2007 asking to inform what the Chamber understands by the "Holocaust, which is known to be historically

recognized," it is advised that the Chamber considers that the systematic mass murder against Jews, committed primarily in gas chambers of concentration camps during World War II, is self-evident as a historical fast (see BGH NStz 1994, 140; BGHSt 40, 97).
The motions under no. 2 to 5 of the annex are rejected, because the Court has no obligation to give further information beyond that. In addition, it is remarked regarding the motion no. 4 (of annex 6) that the Chamber has taken note of the essay during the defendant's statements. The motion to read it is to be rejected not least because the Chamber already has knowledge of the victim numbers mentioned in it due to the defendant's statements.

4. The defendant's motions of 12 Feb. 2007 (annex 7) that the court may consider as true that writings, as defined by the law, which fulfill the formal criteria of being scientific and which are therefore a part of science itself, automatically serve research and/or science, and that writings, as defined by the law, which fulfill the formal criteria only partly or not at all, can nonetheless – under circumstances yet to be determined – serve research and/or science, is rejected, because only factual claims can be considered true and because judging the scientific nature of a writing is a matter of evidentiary assessment and a question of law.
5. The defendant's motions of 12 Feb. 2007 (annex 8) to summon the expert witness Dr. Hoyer is rejected, because the Chamber can assess the allegations mentioned by its own expertise.
[…]

Comments

Rudolf's motions to consider certain matters of law as true served to draw the court's and the public's attention to the facts stated in them, even though they were inadmissible on formal grounds. Later on they would have been complemented by corresponding motions to assess the question whether the writings contained in the indictment serve research and science, quite independent of whether they themselves are scientific. Due to the abrupt end of the proceedings, though, only some of these motions were filed (see Appendix 7, p. 339).

The article quoted by the Chamber regarding a decision by the German Federal Constitutional High Court does not contain any principles to evaluate the science nature of a work.[288]

Further Motions of 12 February 2007

Annex 11

In the matter of Germar Rudolf I request that the Court may tell the defense, how it defines science and which criteria it uses to assess the scientific nature of a writing, as defined by the law, as well as on which source it relies for this know-how, as it its contested that the Court itself has the expert competence to answer this question in a legally binding way.

Germar Rudolf

Annex 12

In the matter of Germar Rudolf I request to hear the witness Prof. Dr. Werner Maser, expert for contemporary history with special knowledge about the history of the Third Reich, to be summoned via his private address, as evidence for the following allegations:

1. In a longer telephone call with Germar Rudolf the witness stated that the restrictions of freedom of opinion and freedom of science in the Federal Republic of Germany have almost reached the conditions of the former GDR [German Democratic Republic, former communist East Germany] and that, as a historian in Germany, one can no longer tell the unvarnished truth, if one doesn't want to expose oneself to societal persecution and legal prosecution. (Summer 2005)
2. The witness will confirm that it is the permanent threat of historians with societal persecution and legal prosecution which keeps them from taking revisionist publications seriously in public or to even assume revisionist positions, but not subject-specific reservations.
3. The witness will confirm that the unanimity of established historians on many issues of the Third Reich exists only, because dissidents are being persecuted and prosecuted or are threatened with it.

Germar Rudolf

[288] The passage of the verdict dealing with the term "science" has been replaced with omission ellipses in the quoted article, hence the court's reference to it is vacuous.

Annex 13

In the matter of Germar Rudolf I request to hear the expert for contemporary history Dr. Walter Post, expert on the history of the Third Reich, to be summoned via his private address, as an expert witness as evidence for the following facts:

1. In a letter to Dr. Rolf Kosiek of 3 May 2006 Dr. Post wrote among other things:[289] "A much more effective strategy would be, if the defense demonstrated that in the meantime there is no self-evidence anymore. Since the Soviet Union has collapsed and the Eastern Block has broken up, innumerable documents have become accessible whose content is at times in stark contradiction to the hitherto established version of history." The witness will testify to have written this.
2. The witness will confirm that, according to his view as an expert historian of the Third Reich, there can be no talk [of it] that the traditional version about the extermination of the European Jews by the Third Reich is self-evident, but that instead "innumerable documents [are…] in stark contradiction to the hitherto established version of history" of the so-called Holocaust, that is to say the NS extermination of the Jews.
3. The witness will confirm that it is the permanent threat of historians with societal persecution and legal prosecution which keeps them from taking revisionist publications seriously in public or to even assume revisionist positions, but not subject-specific reservations.
4. The witness will confirm that the unanimity of established historians on many issues of the Third Reich exists only, because dissidents are being persecuted and prosecuted or are threatened with it.

Germar Rudolf

Annex 14

In the matter of Germar Rudolf I request to hear the witness Prof. Dr. Ernst Topitsch, to be summoned via his private address, as evidence for the following facts:

1. In the year 2000 the witness wrote a preface for the English language edition of the book by Dr. Joachim Hoffmann, "Stalin's War of Extermination, 1941–1945," which he sent to the English lan-

[289] See the document at the end of this Appendix.

guage publisher, Dr. Robert H. Countess, 28755 Sagewood Circle, Toney, AL 35773.

2. In this preface he described how research of contemporary history is hampered in Austria and Germany in an unacceptable way by societal persecution and legal prosecution, in particular when events of the Third Reich are concerned.
3. After Prof. Dr. Werner Pfeifenberger had committed suicide after years of societal persecution, destruction of his career and his academic reputation, and finally after the initiation of prosecution due to an article in an academic anthology, the witness took fright that he might become a victim of such inquisitorial persecution due to his critical preface.
4. For this reason the witness wrote a letter to Dr. Countess on 9 January 2001, in which he explained why he was withdrawing his preface and was replacing it with a different one, which is basically vapid. In this letter he stated, among other things: "Last year a professor here was driven to suicide with chicaneries due to a scientific essay. One has to consider each word thoroughly, and it is recommendable not to even touch certain theses."
5. The witness will confirm that it is the permanent threat of historians with societal persecution and legal prosecution which keeps them from taking revisionist publications seriously in public or to even assume revisionist positions, but not subject-specific reservations.
6. The witness will confirm that the unanimity of established historians on many issues of the Third Reich exists only, because dissidents are being persecuted and prosecuted or are threatened with it.

Germar Rudolf

Annex 15

In the matter of Germar Rudolf I request to hear the expert for contemporary history Prof. Dr. Franz W. Seidler, expert on the history of the Third Reich, as a witness for the following probative allegations (to be summoned via his private address).

1. In a letter to Dr. Rolf Kosiek on 24 June 2006 the witness wrote:[289] "I have taken very seriously your request to write a scientific expert report for Herr Rudolf Germar. Unfortunately this would render inevitable an appearance as an expert witness in court. One can envision the circumstances. For health reasons the physician has forbidden any kind of excitement. You can imagine that my wife has be-

seeched me to leave the fingers off it, for heaven's sake. Age-related we all turn into cowards." The witness will confirm to have written these passages.
2. The witness will confirm that, in case he testifies on the Holocaust to the best of his knowledge and belief, he fears to be exposed to societal persecution and legal prosecution, which is why he refrains to testify in the first place.
3. The witness will confirm that this fear of persecution is due to the fact that, if testifying to the best of his knowledge and belief, he would have to make statements which run contrary to the prosecution of the defendant [Rudolf].
4. The witness will confirm that it is the permanent threat of historians with societal persecution and legal prosecution which keeps them from taking revisionist publications seriously in public or to even assume revisionist positions, but not subject-specific reservations.
5. The witness will confirm that the unanimity of established historians on many issues of the Third Reich exists only, because dissidents are being persecuted and prosecuted or are threatened with it.

Germar Rudolf

Annex 16

In the matter of Germar Rudolf I request to introduce and read during the main proceedings the expert report by historian Dr. Joachim Hoffmann, to be taken from the case file of the penal trial against Wigbert Grabert, Tübingen County Court, ref. 4 Gs 173/95, as evidence for the following facts:
1. The report was recognized as an expert report by the above mentioned court, and it was introduced into the trial as such.
2. The expert report concluded that the book by Ernst Gauss [=Germar Rudolf], "Grundlagen zur Zeitgeschichte" meets the criteria of scientific works in the field of contemporary history and should therefore enjoy the protection of art. 5, para. 3, German Basic Law.

Germar Rudolf

Annex 17

In the matter of Germar Rudolf I request to hear the expert historian Prof. Dr. h.c. Emil Schlee, to be summoned via his private address, as a witness for the following probative allegations:

1. In a letter to Dr. Rolf Kosiek, Prof. Emil Schlee wrote:[289] "Already decades ago […] I performed an assessment of the works by Herr Rudolf in terms of correct scientific methods, […]. It is beyond dispute that Herr Rudolf meets the formal criteria. To insinuate anything else would be pure malice!" The witness will confirm this statement. (Letter of 27 July 2006)
2. The witness will confirm that the following works meet the criteria of scientific works:[290]
   – Germar Rudolf, *Vorlesungen über den Holocaust*
   – Germar Rudolf, *Das Rudolf Gutachten*
   – Ernst Gauss, *Grundlagen zur Zeitgeschichte*
   – Herbert Verbeke, *Auschwitz: Nackte Fakten*
   – Wilhelm Stäglich, *Der Auschwitz-Mythos*
   – Jürgen Graf, Carlo Mattogno, *Das Konzentrationslager Stutthof...*
   – Jürgen Graf, *Riese auf tönernen Füßen*
   – Arthur R. Butz, *Der Jahrhundertbetrug*
3. The witness will furthermore confirm that these works serve research and science.

Germar Rudolf

Annex 18

In the matter of Germar Rudolf I request to hear the expert witness Prof. Dr. Raul Hilberg, to be summoned via his address, for the following probative allegations:

1. The witness stated the following, as quoted by the U.S. magazine *Vanity Fair* (issue of June 1996) in the article "Hitler's Ghost" by Christopher Hitchens: "If these people [revisionists, G.R.] want to speak, let them. It only leads those of us who do research to re-examine what we might have considered as obvious. And that's useful for us."
2. The witness will confirm that he is considered worldwide to be one of the leading scientists on the so-called Holocaust.
3. The witness will confirm that he considers the publications of the revisionist generally as useful, since they serve research and science by subjecting their results to tough attempts at refutation. This leads to the exposure of weak points in the depictions of the Holocaust and thus to their qualitative improvement. Revisionist publications there-

[290] See notes 55, 47, 125, 85, 141, 181, 186, 191 for the English editions, in this order.

fore represent a kind of quality control for the established literature on the Holocaust.

4. The witness will confirm that the writings for which the defendant is prosecuted serve research and science in particular, because with their broad and thorough critique of established works on the Holocaust they subject the latter to an especially hard test, from which established scientists can only profit.

Germar Rudolf

Annex 19

In the matter of Germar Rudolf I request,

1. to read the statements of the expert witness Prof. Dr. Gerhard Jagschitz, Institute for Contemporary History at the University of Vienna, in a letter to the District Court for Penal Matters, Vienna, of 10 Jan. 1991, ref.: 26 b Vr 14 184/86.

This has basically the following content:

"... Initially it was only intended to summarize the information concerning the more narrowly defined topic from the most important pertinent literature and to prepare the expert report from this. Due to numerous objections in the revisionist literature, which challenges substantial parts of the literature published so far, it was irresponsible to establish an expert report on this.

In the course of researching the literature it moreover turned out that only a relatively small body of scientific literature is juxtaposed by a considerably larger number of anecdotal reports or non-scientific summaries. Numerous contradictions, plagiarisms, omissions and incomplete use of source have been ascertained.

Furthermore substantial doubts about fundamental questions have been reinforced due to acquittals in pertinent trials, caused by the introduction of expert reports during domestic and foreign courts. Hence the mere perpetuation of the respective court verdicts with reference to the legal notoriety of the knowledge about the extermination of Jews with gas in the concentration camp Auschwitz does no longer suffice to base verdicts upon this with a democratic sense of justice.

It thus turned out to be necessary to also carry out the necessary correction [in] *the expert report. ...*

During this work it also turned out that sources from certain archives have not been used completely and that, due to political

events of the past years, holdings can be used for the first time which were hitherto inaccessible to western research. This concerns mainly files of the Reichssicherheitshauptamt in Potsdam, the gigantic Auschwitz holdings (encompassing several tons) in several archives in Moscow…"

Source: *Historische Tatsachen* No. 92, page 12

2. to hear Prof. Dr. Gerhard Jagschitz, Institute for Contemporary History at the University of Vienna, A 1090 Wien, Rotenhausgasse 6, as an expert witness.

   The witness will testify

   1. That he has been charged as an expert witness of the court during the trial at the Vienna District Court for Penal Matters, ref.: 26 b Vr 14 184/86, to compile the foundation of knowledge for the court in order to answer the question, whether the factual statement, considered self-evident, that a large number of individuals, in particular Jews, were killed in the concentration camp Auschwitz in gas chambers by means of the poison gas Zyklon B remains unchallenged according to the current (1991) state of research, or whether scientific research works have become known which to a historian can appear capable of raising justified doubts about this factual statement;
   2. that he, after thoroughly and carefully studying the literature, came to the persuasion that, in the literature on contemporary history, grave objections which are to be taken seriously are raised against the presentation of mass extermination in the concentration camp Auschwitz, which are [generally] taken to be undisputed;
   3. that he has written and sent to the Vienna District Court the letter quoted in excerpts under no. 1 of this evidentiary motion;
   4. that he has written his statements in this letter to the best of his knowledge and belief.

   Sylvia Stolz, defense lawyer

Annex 20

In the matter of Germar Rudolf I request to hear an expert witness for contemporary history.

Based on special knowledge, he will explain convincingly to the court that, in the published World War II memoirs of Winston Churchill, Dwight D. Eisenhower, and Charles De Gaulle, there is no mention

of a mass murder for racist motives committed against Jews in gas chambers with the insecticide "Zyklon B" within the realm of the National Socialist Government. […]

Gathering this evidence is capable by itself – but also in connection with the other facts substantiated with evidence in this trial – of letting the conclusion appear compelling that the secret services and other information sources of the western powers engaged in the war against the German Reich could not gather any information about the enemy's (the German Reich's) extermination activities against Jews. The most probable explanation for this astonishing fact is that crimes of the mentioned kind, alleged by interested parties only after the surrender of the German Wehrmacht, did not take place. This would cut the ground from under the assumption that the genocide allegedly committed against the Jews by the German Reich (called "Holocaust") is self-evident.

Sylvia Stolz, defense lawyer

Annex 21

In the matter of Germar Rudolf I request to hear an expert witness in the field of contemporary history – I suggest Prof. em. Dr. Ernst Nolte.

The expert witness will lead the court to the persuasion – guided by the intellectual preparatory work in the *Lectures on the Holocaust*, which is based on facts –

1. that the *Lectures on the Holocaust – Controversial Issues Cross Examined* by Germar Rudolf, Theses & Dissertations Press, PO Box 257768, IL 60625, USA, ISBN 1-902619-07-2,[291] has to be rated as a scientific history book of high quality, which fully meets the professional standards of research in contemporary history both by its train of thought and by the way it bases the conclusions arrived at on reliable sources;
2. that, from an expert point of view, this writing reveals a methodically ordered quest for objectively true (correct) insights, which are integrated into a context of reasoning;
3. that the author's approach is pertinent and systematic;
4. that the author's implementation of his intentions is based on methodical reflection of the strife for scientific enlightenment;[292]

[291] The German original of this motion refers to the German version of the book: *Vorlesungen über den Holocaust – Strittige Fragen im Kreuzverhör*, Castle Hill Publishers, PO Box 118, Hastings, TN34 3ZQ, UK, ISBN 1-902619-07-2.

[292] That's called legalese, I think…

5. that the book proves the official depiction of the mass killings of Jews summarized under the term "Holocaust" to be inconclusive;
6. that the author of the *Lectures* shows how the official version is full of inconsistencies;
7. that the witness statements upon which the historical Holocaust concept rests have consistently been omitted from critical scrutiny by the proponents of the official version;
8. that official historiography has neglected to elucidate and reflect upon the necessary technical conditions and processes of the claimed mass killings, and to investigate the court testimonies of witnesses as well as the descriptions of experiences by contemporary witnesses with regard to whether and, where applicable, to what extent they are consistent with technical knowledge and insights into natural laws, or else have to be considered as refuted;
9. that the deficiencies of official Holocaust historiography listed here under 6. to 8. prove it to be "unscientific" and "propagandistic";
10. that the objections of "revisionist" historiography against the official "Holocaust" version appear more than plausible and justify serious doubts about the historical concept protected by art. 130, para. 3, German Penal Code;
11. that the claimed planned and systematically implemented mass murder of Jews for racist motives has at no point in time been sufficiently and competently researched by historians following this creed;
12. that instead and right from the start the thesis of the physical extermination of the Jews residing in the area of influence of the German Reich by the National Socialist government has been prescribed to historical research as a dogma and that attempts by historical researchers to oppose this were punished with massive defamations, destruction of the social existence as well as legal prosecutions and were thus almost entirely suppressed;
13. that a freely evolved consensus in the sense of a voluntarily recognized undisputedness of the official historical concept of the Holocaust cannot be ascertained;
14. that with the appearance of "revisionist" writings […] the official Holocaust version is profoundly challenged in all its essentials aspects, so that the question arises whether the "revisionist" arguments can be refuted by more thorough research activities or whether the official concept of history has to be abandoned, so that

there can be no talk of an "undisputedness" of Holocaust historiography. […]

Sylvia Stolz, defense lawyer

Rejection

Ruling of the 2nd Superior Penal Chamber of the Mannheim District Court

1. The defendant's motion for information (annex 11 to the protocol of the main proceedings of 12 Feb. 2007) is rejected, because the Court has no obligation to give information beyond the statement already made under no. 2 of the ruling of 12 Feb. 2007.
2. The motions filed by the defendant on 12 Feb. 2007 to interrogate Prof. Dr. Maser (annex 12), Dr. Post (annex 13), Prof. Dr. Seidler (annex 15) and the motions filed by the defense lawyer Stolz to interrogate an experts for contemporary history (annex 20) and Prof. Dr. Nolte regarding the motion entries 5 to 14 (annex 21) are rejected, because the gathering of this evidence is irrelevant for the [Court's] decision, because even if the named persons would confirm the probative allegations, the Chamber would not question the self-evidence of the Holocaust in the sense of no. 3 of the chamber's ruling of 12 Feb. 2007.
3. The defendant's motion filed on 12 Feb. 2007 to introduce the expert report by Dr. Hoffmann (annex 16) is rejected, because the gathering of this evidence is irrelevant for the decision, as the mentioned book is not part of the indictment.
4. The defendant's motion filed on 12 Feb. 2007 to interrogate Prof. Dr. Schlee (annex 17) is rejected, because, as far as the indicted writings are concerned, the Chamber has its own expertise concerning the assessment of scientific standards – as was already laid out in the ruling of 12 Feb. 2007 under no. 2, 1st paragraph. As for the rest, the claim is irrelevant for the decision, because the mentioned writings are not part of the indictment.
5. The defendant's motion filed on 12 Feb. 2007 to interrogate Prof. Dr. Hilberg (annex 18) is rejected. Regarding no. 1 to 3 of the motion, the gathering of this evidence is irrelevant, because his assessment and his position play no role regarding the question of a potentially illegal activity of the defendant. Regarding no. 4 of the motion, the Chamber has its own expertise concerning the assessment of sci-

entific standards – as was already laid out in the ruling of 12 Feb. 2007 under no. 2, 1st paragraph.

6. The motion filed on 12 Feb. 2007 by the defense lawyer Stolz to read the expert statements of the expert witness Prof. Dr. Jagschitz and his interrogation as an expert witness (annex 19) is rejected, because the requested gathering of evidence is irrelevant for the decision, because even if the probative allegations would be confirmed, the Chamber would not question the self-evidence of the Holocaust in the sense of no. 3 of the chamber's ruling of 12 Feb. 2007.
7. The motion filed on 12 Feb. 2007 by the defense lawyer Stolz to interrogate Prof. Dr. Nolte (annex 21) is rejected regarding no. 1 to 4, because the Chamber has its own expertise concerning the assessment of scientific standards – as was already laid out in the ruling of 12 Feb. 2007 under no. 2, 1st paragraph.

Comments

The motion to summon Prof. Dr. Ernst Topitsch had to be withdrawn, because the witness had died on 26 January 2003.

Point 2 of this ruling of rejection proves that the "self-evidence of the Holocaust," which the federal German judiciary gives as a reason to reject or even prosecute motions to introduce evidence designed to undermine the self-evidence of the Holocaust, exists entirely independently of what established, even worldwide recognized experts on the history of the Third Reich consider to be accurate. Four established historians, three of them retired professors, express doubts, but that does not touch the court. Even if all the historians of the world expressed doubts, the court would probably still not be moved. This proves that the formula of self-evidence has developed an unconstitutional independent existence which can no longer be challenged with legal methods.

When rejecting the motions to hear the witnesses Prof. Schlee and Prof. Hilberg, the Chamber committed a revealing blunder: requested had been regarding Prof. Schlee in addition and regarding Prof. Hilberg exclusively that they ought to determine whether the incriminated works serve research and science. This is not identical to the question whether the works itself are scientific in nature. Whether the works in question serve the historical sciences, however, cannot possibly be decided by a judge who is not an expert in this field. This requires the expertise of a specialist historian. This sweeping rejection by the court

indicates that things weren't considered soberly but rather rejected reflexively in a cookie-cutter approach.

During the main proceedings the defendant spoke out against those points of the motions filed by defense lawyer Sylvia Stolz with which the court was asked to introduce evidence regarding historical questions. He justified this rejection with the fact that these points contradicted his initial declaration that no court of the world has the jurisdiction or competence to decide scientific points at issue.

Dr. Walter Post

3. Mai 2006

Herrn
Dr. Rolf Kosiek

Sehr geehrter Herr Kosiek!

Vielen Dank für Ihr Schreiben vom 18.6.2006, das ich mir längere Zeit durch den Kopf habe gehen lassen.

Meiner Meinung nach steht der bevorstehende Prozeß gegen Herrn Rudolf in Zusammenhang mit den ideologischen und propagandistischen Vorbereitungen für einen Krieg gegen den Iran, und ein auch nur ansatzweise faires Verfahren ist daher noch weniger zu erwarten als in solchen Fällen üblich.

Ich halte es daher für sehr unwahrscheinlich, daß das Gericht sich auf die skizzierte Strategie der Verteidigung einlassen und ein Gutachten über die Wissenschaftlichkeit der Arbeiten von Herrn Rudolf zulassen wird. Die Anklage lautet ja nicht auf unwissenschaftliche Arbeitsweise, sondern auf Leugnung "offenkundiger Tatsachen" und damit "Volksverhetzung". Das Gericht müßte schon sehr naiv sein, um der Argumentation der Verteidigung zu folgen, daß es sich hier um "innerwissenschaftliche Streitfragen" handelt. Angesichts der massiven politischen Interventionen in diese Thematik ist es offenkundig, daß es um sehr viel mehr als um eine innerwissenschaftliche Debatte geht.

Ein Gutachten in der von Ihnen skizzierten Art hat bereits vor einigen Jahren der mittlerweile verstorbene Joachim Hoffmann erstellt. Ein von meiner Person verfaßtes Gutachten kann das Gericht jederzeit aus rein formalen Gründen ablehnen, zum einen wegen meiner allgemein bekannten Kontakte zu rechten Gruppierungen und daher zweifelhafter Objektivität, zum anderen wegen mangelnder wissenschaftlicher Qualifikation. Die Erarbeitung eines solchen Gutachtens wäre also kaum mehr als Zeitverschwendung.

Eine sehr viel effektivere Strategie wäre die, wenn die Verteidigung darlegen würde, daß es mittlerweile keine Offenkundigkeit mehr gibt. Seit dem Zusammenbruch der Sowjetunion und dem Auseinanderfallen des Ostblocks sind zahllose Dokumente zugänglich geworden, deren Inhalt in z. T. krassem Widerspruch zu der bisher gängigen Version der Geschichte steht. Die Aufgabe, dies darzustellen, müßten allerdings die Verteidigung oder der Angeklagte selbst übernehmen, da ein Gutachter, wie gesagt, mit größter Wahrscheinlichkeit abgelehnt werden wird.

Mit dieser Strategie wird man eine Verurteilung auch nicht verhindern können, aber man kann dem Gericht unmißverständlich vor Augen führen, daß es einem politischen und keinem rechtsstaatlichen Prozeß vorsteht.

Mit freundlichen Grüßen

Dr. Walter Post… 3 July 2006

Herr Dr. Rolf Kosiek…

Dear Dr. Kosiek!

Thank you very much for your letter of 18 June 2006, which I have mulled over for quite a while.

In my eyes the upcoming trial against Herr Rudolf has a connection with the ideological and propagandistic preparations of the war against Iran, and hence even a merely rudimentarily fair trial can even less be expected than is common in such cases.

I therefore consider it very unlikely that the court will be inclined to follow the defense's strategy and to permit an expert report about the scientific nature of the works by Herr Rudolf. After all, the indictment is not unscientific working methods, but instead the denial of "self-evident facts" and hence "incitement of the masses." The court really would need to be very naïve in order to follow the defense's argumentation that it is dealing with "inner-scientific points at issue." In view of the massive political interventions into this topic it is self-evident that much more is at stake than an inner-scientific debate.

The meanwhile deceased Joachim Hoffman has written an expert report along the lines sketched out by you several years ago. An expert report authored by me can be rejected by the court at any time for purely formal reasons, on the one hand due to my generally known contacts to right-wing groups and therefore doubtful objectivity, on the other hand due to lack of scientific qualifications. The preparation of such an expert report would therefore be hardly more than a waste of time.

A much more effective strategy would be, if the defense would demonstrate that in the meantime there is no self-evidence anymore. Since the Soviet Union has collapsed and the Eastern Block has broken up, innumerable documents have become accessible whose content is at times in stark contradiction to the hitherto established version of history. Although the defense or the defendant would have to undertake the task to demonstrate this by themselves, since an expert witness, as stated, would be rejected with the highest probability.

With this strategy one could not prevent a conviction either, but one could show the court quite plainly that it conducts a political, not a legal trial.

With my best regards, (signed) your Walter Post

Prof. Dr. Franz W. Seidler

24.6.2006

Herrn
Dr. R. Kosiek

Sehr geehrter Herr Dr. Kosiek,

ich fahre heute für 14 Tage auf Urlaub. Deshalb nur folgende Kurznachricht

Ihre Bitte, ein wissenschaftliches Gutachten für Herrn Rudolf Germar zu erstellen, habe ich sehr ernst genommen.

Leider ist damit ein Auftritt vor Gericht als sachverständiger Zeuge unvermeidlich. Die Umstände kann man sich ausmalen. Der Arzt hat mir aus gesundheitlichen Gründen Aufregungen jeder Art verboten. Dass meine Frau mich gebeten hat, um Gottes willen die Finger davon zu lassen, können Sie verstehen.

Altersbedingt werden wir alle zu Feiglingen.

Mit freundlichen Grüßen

Seidler

Prof. Dr. Franz W. Seidler… www.franzwseidler.de
24 June 2006

Herr Dr. R. Kosiek…

Dear Dr. Kosiek,

I am leaving for a 14 day vacation today. Hence only this brief message.¶ I have taken very seriously your request to write a scientific expert report for Herr Rudolf Germar.¶ Unfortunately this would render inevitable an appearance as an expert witness in court. One can envision the circumstances. For health reasons the physician has forbidden any kind of excitement. You can imagine that my wife has beseeched me to leave the fingers off it, for heaven's sake. ¶ Age-related we all turn into cowards.

With my best regards, Seidler

Professor Dr. phil. h.c. Emil Schlee

Herrn
Dr. Rolf Kosiek

Den 27. Juli 2006

Sehr geehrter Herr Dr. Kosiek!

Nach mehrwöchigem Krankenhausaufenthalt und Behandlung einer wieder entzündeten alten Kriegsverletzung (linker Oberschenkel, ist hatte 8 Verwundungen) komme ich jetzt erst dazu, Ihr Schreiben vom 18.6.2006 zu beantworten. Ich bitte um Verständnis. Arbeitsmäßig falle ich leider sowieso weiterhin aus, da ich liegen und ruhen muß.

Doch nun zur Sache: Eine Bewertung der Arbeiten von Herrn Rudolf im Sinne Ihrer Wissenschaftlichkeit habe ich vor Jahrzehnten fast zeitgleich mit Prof. Hoffbeck bereits vorgenommen, was Herr Rudolf auch in einem seiner Hefte einmal veröffentlicht hat. Von uns kein offizielles Gutachten, da nicht gefordert, sondern eine beratende Unterstützung und Bejahung seiner damals schon begonnenen Arbeiten. Ich habe nicht mehr im Gedächtnis, wann und wo genau es erschien. Es steht außer Frage, daß Herr Rudolf die Formkriterien erfüllt. Anderes unterstellen zu wollen, ist reine Böswilligkeit! Man müßte ohne fragen, wie ein Gericht den Begriff der sogenannten „Offensichtlichkeit" als einen „wissenschaftlich" verwendbaren begründen kann!?

Da ich seit 3 Jahren Herzpatient (mit täglicher Pillennorm) bin und meine Verfügbarkeit für öffentlichen Auftritt bei gegenwärtigem gesundheitszustand und Bewegungshinderung fragwürdig bleibt, bin ich z.Zt. niederlegt nicht der überzeugende und verwendbare Gutachter. Auch dafür bitte ich um Verständnis!

Mir fällt in diesem Zusammenhang spontan der Jurist Prof. Dr. Dr. Dr. h.c. Klaus Löpke (s. beiliegender Hinweis) ein, der in der Lage sein könnte?! Ich bedauere, nicht mehr helfen zu können!

Beiliegend zudem in der Holocaustsache für Sie Material, das ich mir z.T. aus USA besorgte. Die „Handreichung" von mir war für Vortragshörer!

Mit freundlichen Grüßen Ihr E. Schlee

Prof. Dr. phil. h.c. Emil Schlee… the 27th of July 2006

Herr Dr. Rolf Kosiek…

Dear Dr. Kosiek,

After several weeks in the hospital and of treatment of a once more inflamed old war injury (left thigh, I had 8 injuries) I can only now answer your letter of 18 June 2006. I beg for your understanding. Workwise I unfortunately keep being a drop-out for the time being, as I have to lie and take it easy.

But now to the point: Already decades ago and almost simultaneously with Prof. Haverbeck I performed an assessment of the works by Herr Rudolf in terms of correct scientific methods, which Herr Rudolf has also published in one of his journals. By us not an official expert report, as not requested, but a deliberate support and affirmation of his work initiated already at that time. I cannot remember anymore when and where it appeared. It is beyond dispute that Herr Rudolf meets the formal criteria. To insinuate anything else would be pure malice! One ought to ask rather, how a court can justify the term of so-called "self-evidence" as one that can be used scientifically.

Since I have been a heart patient for three years (with daily ???) and my availability for a public appearance remains questionable with the current health condition and hindrance of mobility, I am currently certainly not the convincing and usable expert witness. For this, too, I beg your understanding.

In this context I spontaneously recall the jurist Prof. Dr. Dr. Dr. h.c. Klaus Sojka (see attached reference), who could be approached in the matter?! I regret that I cannot help more!

Attached also material in the Holocaust matter, which I partly procured from the USA. This "handout" from me had been for the audience!

With my best regards, your E. Schlee

Appendix 3: Assessments by Expert Historians

1. Dr. Olaf Rose

The following expert report by historian Dr. Olaf Rose was prepared on request of Germar Rudolf for this trial. Since the 2nd Superior Penal Chamber of the Mannheim District Court dealing with this case had indicated that it will sentence the defendant Rudolf to five years imprisonment, should further motions to introduce evidence be filed in the defense of Rudolf, whereas the instant cessation of any defense activity would lead to a sentence of "only" 2½ years, this expert report was not introduced to exonerate the defendant. Considering the Chamber's attitude of total refusal to accept any motions to introduce evidence, it had to be expected that this specialist expert report would have been rejected as well, because the Chamber claimed to have had sufficient expertise to assess the scientific nature of the analyzed books.

Expert Report

on the fulfillment of formal criteria of scientific works by the writings on the persecution of Jews in the Third Reich authored or edited by Dipl. Chem. Germar Rudolf

The author was asked by the public defense lawyer Ludwig Bock of the defendant Germar Rudolf, tried in front of the 6th [correct: 2nd] Penal Chamber of the Mannheim District Court on suspicion of incitement of the masses, to give his view as an expert witness about the probative claim whether the following writings authored by the defendant meet the formal requirements of proper scientific works in the field of scientific historiography:

1. Ernst Gauss (ed.) (= Germar Rudolf): *Grundlagen zur Zeitgeschichte*, Grabert, Tübingen 1994 (quoted as *Grundlagen*)[125]
2. Germar Rudolf: *Das Rudolf-Gutachten*, Castle Hill Publishers, Hastings^2 2001[49]
3. Germar Rudolf: *Vorlesungen über den Holocaust*, Castle Hill Publishers 2005 (quoted as *Vorlesungen*).[55]

After receiving and preliminarily reviewing the three volumes, I asked to be allowed to limit myself to the evaluation of the first and third book, as I am not able to assess the entire content of the so-called

"Rudolf Report," whose argumentation is inexorably based in central locations on a chemical line of reasoning, thus a line of reasoning of the natural sciences.

By his education Germar Rudolf is a natural scientist. As such he is trained to work strictly oriented along facts and to always develop chains of evidence which can be verified by others. Although for him working hypotheses can in principle be posited, they can claim validity only, if they can be substantiated and proved. This sober, "objectivistic" approach is also his guiding principle in the historiographic publications in front of me. With this kind of historiography he distinguishes himself clearly from historians who develop indirect insights to "true stories" following the rules of probability, whereby in many cases they tend to fill in the gaps of the provable with "possible truth" resulting in a convincing account.[1]

Rudolf became a "historian against his wish"; after he had been unable to finish his PhD studies and had his social existence destroyed as a reaction to his chemical expert report on the Holocaust, he dedicated himself to the historical research and representation of this – not just for him – most serious criminal accusation of the 20th century. In the context of Rudolf's professional education as a natural scientist, the historian faces the question whether the defendant is able to handle the tools and methods typical for the social and historiographic sciences in a way conducive to the problems. After reading his works it seems to me that Rudolf, as a double outsider – as a chemist and as a historiographic "revisionist" – has been aware of the central importance of the fact that the allegations proffered by him can be worth a discussion only, if his line of reasoning is logical, formally correct and verifiable without restriction. Hence he concerned himself very thoroughly with the historical and legal issues as to what defines evidence; he has assessed types of evidence and evidentiary hierarchies (*Vorlesungen*, pp. 195–199) and had his works analyzed several times by experts (*Vorlesungen*, pp. 137–147) plus encouraged examinations prior to printings (*Grundlagen*, pp. 407–410). The latter has to be considered an extremely rare gesture, as I do not know of any other case of such a preemptive offer for a debate.

In the following I want to evaluate the scientific character of the two works mentioned above in purely formal respect without, in terms of the books' content, assuming in any way as my own opinion that which Rudolf has concluded from it. As a talented natural scientist Rudolf had

no trouble to teach himself autodidactically the formal criteria essential for the exploration of contemporary history.[2]

For the chemist Rudolf the term "scientific" means: "A result must be exact, logical, supported by evidence and free of contradictions" (*Vorlesungen*, p. 52). Rudolf applies these criteria to his own historiographic works as well, as far as this is possible. Statements which cannot be backed up unequivocally he marks as such and keeps a distance to them, even if they were capable of supporting his line of reasoning (*Vorlesungen*, p. 54 (Zündel); p. 104, note 168 (Walendy); p. 118 with reference to the entire revisionism). He does not stray from this maxim to support factual allegations with verifiable or comprehensible evidence. Assumptions and probabilities are always marked as such; missing source and the like render an argument incapable of proving anything in his eyes.

Rudolf's works are labeled as "revisionist" by official historiography and federal German politics. Interpreted non-pejoratively but instead as a hallmark for an orientation in historical science which wants to revise established positions with new or differently interpreted facts, the defendant considers himself to be a "revisionist"; as such he first has to describe and assess the viewpoint of the "opposite side," before he tries to refute it with arguments. Rudolf always complies with this minimal requirement of controversial historical research. In this context counter-arguments are presented without abbreviations distorting their meaning, they are discussed, and in every case verified by me properly referenced bibliographically, so that the reader can check whether arguments have been misrepresented or taken out of context (see *Vorlesungen*, pp. 32-49). In his book *Grundlagen* Rudolf even went so far as to not only quote (or let be quoted) his historical "opponents," but he sent a preliminary typescript of this work prior to its printing to a number of German historians (the then president of the Institute for Contemporary History [Munich] Prof. Dr. Hellmuth Auerbach, Prof. Dr. Michael Wolffsohn and others), politicians (German Chancellor Dr. Kohl, the President of the Central Council of Jews Ignaz Bubis) and jurists (General Attorney Kai v. Nehm) with the request to review and assess it, and, where applicable, to submit objections and a legal evaluation (*Grundlagen*, pp. 407–410). Even the feedback can be read there.

Both the book *Grundlagen* and the book *Vorlesungen* are structured systematically and logically. This is true both for the table of contents

as well as for structure of arguments in each single chapter or contribution.

Rudolf is strictly concerned not to make allegations in both reviewed publications which cannot be either proven or refuted. That which is verifiable or repeatable in an experimental setup for claims of the material, technical and natural sciences, is the exact reference to the sources used in the field of historical science; both works have to be called exemplary in this regard. Rudolf's advantage as a natural scientist is moreover that he strives to also translate, as far as possible, to scholarly historical research and present certain features that are prerequisites in his original field of science: freedom of internal contradiction as well as consistency with generally recognized paradigms, which cannot be challenged (here for example technical and logical laws as well as laws of the natural sciences would have to be listed).

To this complex it has to be added that no circular reasonings caught my eye in either work, that is to say that no claims characterized as true have been posited which are propping up each other as evidence.[3]

Downright conspicuous is the excellent command of the source material and the source criticism elucidating all possibilities of text exegesis and interpretation. This source criticism encompasses almost every kind of "oral history," witness statements, accounts, statements of third persons, etc. as well as their comprehensive problematic nature, all types of documents concerning the Holocaust, for instance the files of the International Military Tribunal of the Major War Criminals,[4] here in particular the problematic nature of statements by perpetrators and victims (*Vorlesungen pp.* 407, 455, 458); if subsuming the memories and memoir literature written in the years and decades after war's end, then these are analyzed there as well (pp. 438 ff.). In downright exemplary fashion Rudolf dissects and demonstrates in a comparison of two statistical works, in how many ways demographic data have to be interpreted and scrutinized in order to arrive at the true diagnostic value of the seemingly erratic statistics *(Grundlagen*, pp. 141–168, *Vorlesungen*, pp. 34–43).

At least since the closure of the exhibition "Crimes of the Wehrmacht" even lay persons know the problematic nature of pictorial and photographic evidence as historical documents. Two contributions of the book *Grundlagen* deal with the probative value of pictorial documents. Summarizing a publication published some ten years earlier, Udo Walendy (pp. 219–233) discusses the techniques and motives of

image forgeries based on numerous examples in the context of World War II. In John Clive Ball's article (pp. 235–248) the author investigates the probative value of military reconnaissance air photographs, their technology, the technique of interpreting air photos, as well as the possibilities and limits of air photo archeology. Rudolf summarizes these works once more in his *Vorlesungen* (see pp. 217–227, 309, 319–328, among others). In contrast to the Wehrmacht exhibition, Rudolf reveals a sharpened awareness of the problems regarding the significance of photographic documents.

Another criterion of scientific standards properly applied is the consistent observation of the hierarchy of types of evidence. On the basis of E. Schneider's book *Beweis und Beweiswürdigung* [evidence and its evaluation] (Munich 1987[4]) Rudolf introduces the hierarchy of evidence in the *Vorlesungen* (pp. 197 ff.) from parties [involved in a case] via [neutral] witnesses, documents, visual examination by the investigating persons, up to material evidence [interpreted] by expert witnesses. He subjects his own research and results to the same hierarchy. Rudolf moreover separates clearly discernible factual claims from opinions and valuations. This is already conspicuous in three of his essays (*Grundlagen*, pp. 15–39, pp. 141–168 and pp. 249–279), in which he clearly separates by chapter headings the conclusions from his gathering of evidence.

By and large a sober language style oriented at facts prevails in Rudolf's works. In the introductory essay of his *Grundlagen* "The Controversy about the Extermination of the Jews" (pp. 15–39) Rudolf explains his motives, intentions and hopes. In my opinion it does not read like a self-serving declaration when he states that it is exactly not his intention to foment anti-Semitism or racial hatred or to call for the disturbance of public peace with his research, but instead that he intends to relax and normalize the German-Jewish relationship (pp. 15 f.). Similar insertions can be found passim in the *Vorlesungen*, which are written in a dialog style; he distinctly emphasizes to respect the dignity of the victims. In the writings in front of me Rudolf consistently adheres to a matter-of-factual, unemotional language style; I could not find any insults, denigrations, slanders or malicious exposures to contempt, not even if Rudolf parried preceding attacks on his person or his work. This does not preclude that in a "historians' dispute" like this one critical remarks are made about the courts' admission of evidence or expert witnesses (*Grundlagen*, pp. 17 ff), about the "relocation" of historical controversies from publications and lecture halls to courtrooms (*Grundlagen*, pp.

41, 111 ff.) or about the application of National Socialist laws during federal German trials (*Vorlesungen*, pages 90 ff.).

However, it should also not be concealed that Rudolf attacks several "established" historians and writers in his works. In this context it is somewhat unfortunate that contemporary witnesses like Eugen Kogon or historians like Wolfgang Benz are called "Holocaustists,"[293] a term perhaps only introduced as a substitute for Holocaust proponent, but which nonetheless has a pejorative overtone. Derogative or ironic qualification can also be found, if this group of persons has violated laws of logic or of the natural sciences in their allegations and writings.[5] These occasional polemics, however, are nothing other than replies to the considerably more aggressive attacks aimed at Rudolf and his co-authors by German and foreign historians and writers. Apart from that, polemics in publicly staged historical controversies are not unscientific by themselves,[6] as long as they do not transgress certain limits of verbal abuse.

Rudolf's *Vorlesungen* exhibit a stylistic peculiarity: they are written in dialog style from beginning to end. This may initially disconcert the reader, but this isn't unusual in the field of science.[7] Rudolf himself justifies his approach in the introduction (p. 13) with the fact that these *Vorlesungen* are based on real lectures and that this moreover has the advantage that objections can be stated immediately which are almost always raised in reaction to certain factual claims or conclusions. Such a procedure also offers the opportunity to critically assess time and again one's own judgment by means of interjected arguments of the opposite side.

According to my opinion, Germar Rudolf's publications *Grundlagen zur Zeitgeschichte* and *Vorlesungen über den Holocaust* do not violate any postulates, methods, or foundations of the historical sciences. Occasional objections against certain text passages do not call this overall assessment in question, since almost every scientific work in the field of the social sciences exhibits weaknesses, deficiencies or desiderata, which will bring critics to the scene – this even more so for an issue which can be described as today's most intensely politically, ideologically and legally charged topic.

Bochum, 9 January 2007, *Dr. Olaf Rose*

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[293] Correct: "Holocauster," p. 109, 245, 248, 257, 269, 274, 347, 468, 493 of *Lectures*; p. 491 of *Dissecting*; p. 254, 257, 442, 479, 499 of *Vorlesungen*. The term has nowhere been used in the context of Kogon or Benz, but always only in general.

Notes

1 See about this Dirk van Laak, *Widerstand gegen die Geschichtsgewalt. Zur Kritik an der "Vergangenheitsbewältigung,"* in: Norbert Frei, Dirk van Laak, Michael Stolleis: *Geschichte vor Gericht. Historiker, Richter und die Suche nach Gerechtigkeit*. Munich 2000, pp. 11 ff., here p. 24.
This becomes particularly obvious for the new edition of Hermann Rauschning: *Gespräche mit Hitler. Mit einer Einführung von Marcus Pyka*. Zurich 2005 (first edition: 1940). Although the 100 talks with Hitler contained in it have been freely invented, this new edition has been published with the justification that this is allegedly "a document with indubitable source value inasmuch as it contains interpretations which grew from immediate insights." (p. 15)

2 See Rudolf, *Vorlesungen*, p. 83. Leading scientists of "official" Holocaust historiography are autodidacts as well, like Prof. Raul Hilberg. It goes without saying that the autodidactic acquirement of the essential "tools" of a historian requires considerably more efforts for epochs in the more distant past, like medieval studies or studies of antiquity with their auxiliary sciences.

3 Rudolf addresses this issue in his *Vorlesungen* as well, p. 195.

4 *Der Prozeß gegen die Hauptkriegsverbrecher vor dem Internationalen Militärgerichtshof [IMT] Nürnberg, 14.11.1945 – 1.10.1946*, Bd. 1–42. Nuremberg 1947–49.

5 In my eyes merely the contribution by Herbert Tiedemann (*Grundlagen*, pp. 375–399) goes too far in a number of questions with its attempt to expose even the minutest contradictions in witness statements. For example, he cannot imagine the rape of Jewish women by German soldiers (p. 385), because this was considered "Blutschande" (defilement of blood) and would have violated racial laws, *i.e.* it was therefore forbidden; I have at my disposal unequivocal archival evidence from party proceedings during the war proving such behavior. Furthermore, false spellings of Russian street names as well as careless usage of terms like for instance "site" for canon are not an indication for intentions to forge (pp. 385 f, p. 393), but merely petty-minded cavilings by Tiedemann. By contrast, wrong percentages by Tiedemann (p. 388, paragraph 3, line 1 f.) are of course typos or accidents.

6 In this context compare the so-called Berlin anti-Semitism dispute 1879/80 or the so-called "Historikerstreit" (historians' dispute) 1986/87.

7 Each time when it was imperative to write under a pseudonym or to protect third parties, publication were written in dialog form in the 19th century; see for this: *Militärische Briefe eines Verstorbenen an seine noch lebenden Freunde, historischen, wissenschaftlichen, kritischen und humoristischen Inhalts*, Adorf 1845 (5 vols.).

2. Prof. Dr. Ernst Nolte

Expert Report

on the question of the scientific or unscientific nature of the [book] *Grundlagen zur Zeitgeschichte*

Whoever has to express himself about such an overly sensitive topic as the writings of so-called Holocaust deniers does well to explain his use of terms and to denote his own viewpoint, so that his inevitable prejudgments and prejudices become recognizable and hence tendentially surmountable.

The term "Holocaust" already includes an interpretation; for it is in a certain regard older and in a certain regard younger than the events of the years 1941-1945.[1] For reasons yet to be discussed, "Auschwitz" is,

factually seen, not the most suitable symbol for the much more comprehensive events of the National Socialist attempts of a "final solution of the Jewish question" in Europe. Instead of "Holocaust" or "Auschwitz" I therefore use here the term "final solution" as an acronym. All of the so-called Holocaust deniers are radical revisionists with regard to the "prevailing opinion" of the established or "orthodox" historians, who consider the million-fold mass killings with poison gas in Auschwitz, Treblinka and other extermination camps as a self-evident and hence indisputable fact. I speak {p. 2} abbreviatingly of "revisionists" on the one hand and of "established" or "orthodox" on the other.

I have expressed myself frequently about this topic during the past three decades, although always by way of interpretation, since I have never been an "expert" on questions about the final solution, but merely had and have a passable knowledge of the literature. Such statements are simply inevitable when writing a book with the title *Der Faschismus in seiner Epoche* (1963) [Fascism in its epoch; Engl. title: *Three faces of fascism*, 1965]. In hindsight I have to say that from today's point of view my knowledge was small and was mainly restricted to the volumes of the documentation about the Nuremberg trial against the main war criminals and in addition to the notes by Rudolf Höss and Kurt Gerstein as well as to the books by Reitlinger and Hilberg. I did not encounter any doubts which had to be taken seriously, but this attitude, which may be called "uncritical," was not different to that of the defense lawyers during the Auschwitz trial. Hence there was no discernible cause that I as a historian of ideologies, which I am, could not reach to conclusions like the one that Auschwitz is as certainly intrinsic to the principles of National Socialist race teachings as is the fruit intrinsic to the seed.[2] About the specific events I did not say much more than the following: "And since early 1942 the extermination is being planned on a big scale, but at once compartmentalized and industrialized. The alleged Jewish commissars in Moscow and the alleged Jewish bankers in New York, which are waging the war, are unreachable; hence their alleged biological basis has to be stricken, and in infinite {p. 3} columns of trains the impoverished Jewish proletariat is rolling, and the remainders of European Jewry is rolling into the gigantic workshops of fast and hygienic annihilation." But my thorough analysis of Hitler's "world view" boils down to the fact that this process, kept as such a secret, the final solution with a meaning no longer merely "territorial," nevertheless corresponded to the central intention of National Socialism,[3] and I

even arrived at the theses that a hardly misunderstandable prefiguration of the final solution can be found in the earliest and most important of all "talks with Hitler," namely the writing by Hitler's mentor Dietrich Eckart *Der Bolschewismus von Moses bis Lenin* [Bolshevism from Moses to Lenin], which I had rediscovered.[4] The philosophical sense of this my first book becomes perhaps especially apparent on p. 512, and right there the final solution is once more mentioned: within this philosophical perspective Hitler does no longer appear as a mere epochal figure, but rather as the end of an eon: "But this qualification denotes nothing less than a heroization. Instead, it restores the highest of all honors to the millions of his victims: it highlights that they, who have been exterminated as vermin, did not die as the unfortunate objects of a repulsive crime but as representatives during the most desperate attack ever lead against the human being and the transcendence in it."

Not just due to its terminology were expressions like this not common during the early sixties, and an Israeli historian proffered good reasons, when writing in a study published by the *Historische Zeitschrift* in 1985 {p. 4}, that I was the first German historian who had emphasized the central importance of the "final solution" for an appropriate understanding of National Socialism.[5] Hence the claim could be advocated that I was a co-founder of the "orthodox" and at once of the "intentionalistic" interpretation in 1963, that is to say of the interpretation which considers a decision by Hitler as the principal cause for the final solution.

I want to stress here with emphasis that I never made a volte-face. Even after having taken note of the doubts expressed by the revisionists and after I had to admit to myself that I myself had no adequate answers for some of them, I am still convinced that the statements by Rudolf Höss and even those by Kurt Gerstein are correct in their core. I still maintain that something like that can neither be invented nor forced[6] – maybe one can imagine that Höss and Gerstein were haunted by feverish dreams in their prison cells, but both statements are independent from each other, and the one by Gerstein was confirmed in its main features by his companion, the Marburg Professor Pfannenstiel. Numerous other testimonies by SS men and victims point in the same direction, and even strong contradictions in these statements would not touch the core: it is conceivable that the statements by victims of a severe earthquake in a remote area diverge in details, and yet they would be correct on the whole and would prove the factuality of the event. I therefore

never had {p. 5} an understanding for the talk of the "Auschwitz Lie" in its original and revisionist meaning, which is almost completely anti-Jewish in its tendency; at worst it could be a lie by Höss and other SS officers like Höttl and Wisliceny.

Hence, if I were required to characterize my current position by using the common terms, then I would say: I still call myself an orthodox and an intentionalist. This means in other words: that I have a grave pre-judgment or an obvious prejudice against the revisionists.

My 1963 book is insufficiently characterized, though, if it is understood as a mere articulation of a "theory on fascism." Fascism in its three main manifestations is right from the start defined as a peculiar kind of "anti-Marxism," and this entails that the inner and outer relation with the most important and active emanation of Marxism during the 20th century, namely Soviet and international Communism, may never be lost out of sight, although the French Action française, the Italian Fascism and the German National Socialism are in the foreground of the interest due to the issue at hand. In so far Fascism and subsequently also National Socialism had at once been "relativized," although not in the sense of challenging moral verdicts, but in the sense of setting historical relations. A new situation nevertheless arose only in 1986, a scarce year after the afore-mentioned study of that Israeli historian, namely in the context of the so-called historians' dispute {p. 6}, which found its most emotional intensity due to my thesis expressed in a newspaper article that there is an inextricable connection between "Gulag" and "Auschwitz."[7] In the matter itself this was nothing else but a brief formulation of my interpretation of the 20th century – certainly in a catchphrase style: that two totalitarian cleansing ideologies developed their specific realities of mass extermination each, and that they thus determined the face of the first half of the century, but indirectly also the further course [of history] up to the [19]90s. The characteristic difference between my "historical-genetic" version of the theory on totalitarianism and the "classic" concept by Hannah Arendt and Carl J. Friedrich consisted of the fact that the talk was no longer merely about parallels but about causality and interdependency. That the factuality of the final solution was not put to doubt by this does not require any proof, but the same is true for its singularity, because I did not at all undertake an equalization, but instead distinguished exactly between the "social" extermination of classes by the Bolsheviks and the "biological, in fact

meta-biological extermination" of peoples and races by the National Socialists.

Nevertheless a storm of polemics and personal denigration broke out after the publication of my article, which produced more than 1,000 articles and three dozen books within the first years. That my interpretation had been explained and substantiated much more thoroughly in 1987 in the voluminous book *Der europäische Bürgerkrieg 1917–1945* [The European Civil War 1917-1945] in contrast to my brief article of 1986, did not {p. 7} change the negative verdict of those who, without being aware of it, orient themselves by the apparent unambiguity of the [book] *Faschismus in seiner Epoche*. When I pleaded for a scientific dispute with the revisionists in 1993 in my book *Streitpunkte. Heutige und künftige Kontroversen um den Nationalsozialismus* [Points of Contention. Current and Future Controversies about National Socialism], almost the entire published opinion considered it to be clear that I did not only advocate a "relativization of National Socialist Crimes," but that I had even gotten alarmingly close to the "Holocaust deniers." To me, in turn, it became clear that for the new orthodox it was not primarily about the factuality and singularity of the final solution, but that an "absolute" character should be ascribed to it, which tries to ban even a differentiating comparison.[8] Hence I cannot deny that I also harbor a grave pre-judgment and insofar a strong prejudice against these "anti-Revisionists." For I consider their kind of polemics as unscientific, nay, even as anti-scientific.

{p. 8} Scientific attitudes and scientific methods in the historical sciences can only be characterized in a series of steps.

The first step involves "eliciting." All facts relevant to the corresponding issue have to be brought to light as completely as possible, and with a methodical approach which is conscious of the goal. He who refuses to acknowledge certain matters of fact or even merely pretended or apparent facts, because they are unsympathetic to him or do not "fit into the picture," violates the ethos of this step of science. But here science can very well be the matter of the individual. When Heinrich Schliemann searched for the remnants of Troy, he followed his intuitions and was not integrated into a "school of thought" or a collective. As every scientist, he merely had to rely on the pre-scientific level of oral memory and on unmethodical, sometimes even mythological witness accounts, from which he had to pick his choice.

It is known, though, that Schliemann did indeed find a "treasure of gold," but that he was incorrect in bringing it in direct connection to Homer's Iliad as the "treasure of Priam." His results were included in the second step of science, which may be called that of "critiquing." As much as Schliemann was a trailblazer, he was not alone in the scientific world, but had expert colleagues, co-researchers who were able to introduce other aspects and to point out other facts. On this {p. 9} level science is a back and forth criticism between experts, and in these dialogues "directions" and "schools" develop. Already Schliemann was led by an "image," an imagination, an interpretation, or else his eliciting would have resembled the haphazard collecting of any treasure hunter who has nothing else in mind than sales to tourists. Even scientific schools of thoughts are exposed to the danger of temptation by such images and assumptions: the historian of ideologies primarily pays attention to ideologies, for the social historian societal relations are of prime importance, for the political historian mainly the decisions of those in power are conspicuous. The formation of schools of thought frequently even exacerbates the one-sidedness of perception, but another school confronts this bias, and the next generation of scientists may arrive at a synthesis from that school's biases.

However, a certain amount of self-criticism and willingness for revision should exist in each direction. Wherever this is completely lacking, a direction calling itself scientific may justly be described as a kind of unscientific dogmatism, and the following would serve as a hallmark: an excess of polemics, proffering unproven claims, restriction to quotes from one's own school of thought, and as an extreme case a fanaticism willing to destroy an enemy rather than respond to an adversary. But even science has its own extremes: with regard to popular concepts or contents of belief, science is not rarely {p. 10} iconoclastic, as is demonstrated by the grand example of "Bible criticism," and frequently even that is perceived as an extreme provocation which should be common to all science: distance to the immediate issue, which appears to be callousness in no rare cases. Hence distrust is appropriate, where science is all too prepared to serve matters of the "heart," as has been the case during the discussion about the war guilt after World War I. But an abrupt separation is inadmissible here as well: With regard to such sensitive topics, an entire array of possible interpretations regularly evolves, and even the poles of exclusive blames of culpability can be useful as ideal types. He who claims the sole guilt of Russia could, for

instance, be prompted by the critique of his opponents to admit that for him it is not primarily about the actual war guilt but to prove the concrete orientation of the Tsarist system to conquest and war.

Such a profound self-criticism and self-scrutiny, which can very well be the transition point to a new self-affirmation, would be the third and highest step of science, which may be called the level of "reflection." Exposing one's own "pre-judgments" can clear the way to overcome them, but it can also serve to better justify that which distinguishes scientific "pre-judgments" from popular "prejudices."

Although science happens on different levels, its common hallmark is universality. If not even the "Holy Scriptures" of the religion dominating the western world {p. 11} right into the 20th century could be spared from becoming the object of scientific debate and critique, indeed even from having its "holy" character denied, then it is only consequential that nothing exists which could be subjected to prohibitions of investigation, of scrutiny, and of thought by a scientific debate on all three levels. The "final solution" can be no exception to this. He who posits a prohibition of research and debate would thus violate a fundamental maxim of both the U.S. and the German constitutions. Only inflammatory, libelous and crudely one-sided statements could be prohibited, none of which could be brought in line with the above expressed rules of scientific nature.

But maybe two restricting circumstances are to be considered.

With regard to the Weimar Republic, coarsely one-sided allegations and interpretations do exist and are legitimate. One may claim that this Republic ended not on 30 January 1933, but only in 1934 with the dissolution of the Reichsrats and the merger of the offices of the Reich President and the Reich Chancellor, or even that it survived the Third Reich as a (of course ignored) constitution. But even the most contrasting views agree insofar as the existence of the Weimar Republic is considered self-evident and indisputable. In contrast to this, the existence of the final solution is denied by some of the radical revisionists. In variation of the medieval maxim "*contra principia negantem non est disputatio*" [One cannot argue with someone negating the principles] one could thus state: "*Contra existentiam negantem non est disputatio*" [One cannot argue with someone negating the existence]. The question {p. 12} is, however, whether both sides mean the same thing under "final solution."

With regard to the final solution, even a research ban could be justified, albeit only by way of a thought experiment: Assuming that not Auschwitz but Treblinka were the general symbol of the final solution, because it really had been a pure extermination camp in which millions of individuals had perished without that a single eyewitness had been able to testify about the actual circumstances and without that any traces had been left behind after intensive destruction. In view of such matters of fact, science would most likely have agreed to a research ban, which would have been nothing else but an imperative of elementary reverence.

But precisely this thought experiment cannot be applied to Auschwitz as a specific camp. Auschwitz-Birkenau was not a pure extermination camp either, and it was not located in a hidden spot in an uninhabited area. It was located in the midst of an industrial region, and since it never reached its [intended] last extension, civil laborers had been employed there constantly. Numerous inmates survived, and indeed, some inmates were even released. In one of the earliest accounts about Auschwitz, for instance, the book by Emil de Martini *Vier Millionen Tote klagen an* [Four Million Deads Accuse] (1948), the author expressly states that he was released in 1943. Up to this date over and over again comparable witness accounts have appeared which diverge from one another in no rare cases.[9] For a major part, the buildings of the camp are still extant {p. 13}, among them to a considerable degree also the five crematoria. Hence Auschwitz can and must be a subject of science; a research ban would be unjustifiable. Revisions of scientific results and elucidation are basically legitimate. The only question is whether a revisionism is justified, that is to say a systematic effort of an entire school to draw a divergent overall picture, and whether such revisionism, if it were acceptable in principle, had to set its own limits or could be forced to stay within limits.

While constant revisions are the daily bread in all fields of science, solid "revisionisms" evolve regularly when a particular view about an emotional topic seems to have gained unrestricted dominance. This situation is most likely given when big decisions have been made in politics, especially when a war has ended with the total victory of one side. After the end of the U.S. Civil War, for example, the concept of slave liberation predominated undisputedly in historiography as well, but after a few decades a revisionism came into existence anyway, which demanded to do justice to the ideas and protagonists of the vanquished

southern states and which at times came close to a self-identification with the vanquished. After Germany's defeat in World War I it was a matter of course for the allies that the war guilt had to be attributed to the authoritarian and militaristic system of "Prussia," that "civilization" therefore is the real {p. 14} winner. But already within a few years voices could be heard especially in the U.S. which drew an entirely different picture of the situation in 1914 and which attributed at least a considerable share of the guilt to the Allied powers. It was not difficult to see that the protagonists of this revisionism mainly originated from the faction of American pacifism, which had fought the armament lobby right from the beginning as the culprits of the war. A similar development occurred in the U.S. after World War II, and even a partial identity of the persons involved could be determined, as for the case of Harry Elmer Barnes. But as much as the accusation of "Germanophilia" might have been close at hand, this did not touch the arguments in the slightest, and it wasn't just the revisionists who claimed that Roosevelt and his surroundings had aimed at intervening on England's side. Even in Germany the all too plain theses of the "anti-Fascists" had to provoke objections: it was not an "assault of Nazi Germany on Poland" that marked the beginning of World War II, but the division treaty between Stalin and Hitler at the expense of Poland. In the early 1950s, however, a different revisionism arose in the U.S. as well, namely the revisionism regarding the Cold War, which emphatically questioned that it had been caused by the Soviet Union and which at the end came to conceptions crudely hostile to the [U.S.] state and system, which in practice came close to an identification with the Soviet Union or Soviet-style Marxism. These revisionists had a hard time during the 1950s and during the time of the Vietnam War, but their books have never been banned, since they {p. 15} enjoyed the freedom of speech kept in high regard in the U.S. One could posit the thesis that the existence of revisionisms which are provocative and inimical to the system are a main characteristic of liberal societies. But it is not at all a given fact that general statements like this can also be applied to that revisionism which totally or at least in part "denies Auschwitz."

In contrast to this it cannot be questioned whether established science has revised its Auschwitz image – both regarding the actual camp as well as the symbol for the "final solution" – and that a need for a revision has been recognized.

Peter Longerich writes in a commenting remark to the text collection *Die Ermordung der europäischen Juden* [The Murder of the European Jews] that the Judeocide "was not decided, as is often claimed," during the Wannsee conference; the conference rather served to coordinate measures which had already been decided.[10] Yehuda Bauer had been advocating this view already for a long time. But as is well known, up to this day the opposite thesis is general knowledge of the "published opinion" in Germany.

Interestingly, the same author does not include in his text collection one of the best known and most influential witnesses of mass gassing in Belzec, namely the statements by Kurt Gerstein. One may assume that he considered the veritably exorbitant {p. 16} figures of this witness as counterproductive and tacitly undertook a revision.

In his anthology *Antisemitismus in Deutschland* [Anti-Semitism in Germany] Wolfgang Benz firmly insists that, "with the exception of soap, which has long since been revealed as a legend," all possible monstrosities are proven realities, but most recently, in a widely disseminated appeal by a noted movie director on occasion of 8 May 1995, it was still claimed as undisputable what is a "legend" even to Wolfgang Benz, namely the production of soap from Jewish human fat.[11] Here as well a part of "published opinion" deviates far from the result of established science.

Several years ago, however, a news item was published in all newspapers that the official memorial plaques at Auschwitz had been changed, because the figure of four million victims given on them could no longer be maintained and had to be reduced to one and a half million. But long before that a highly renowned researcher like Raul Hilberg had said with strong emphasis during a congress in Stuttgart in 1984: "2.5 million Jews were not gassed in Auschwitz. That is an impossibility. I estimate the number of victims at Auschwitz at roughly one million Jews."[12]

During the same event Wolfgang Scheffler pointed out that Zyklon B was, "which is often overlooked," a widely used and simple disinfestation agent;[13] hence, so one has to conclude, the many photographs of {p. 17} cans with the label "*Vorsicht Gift!*" (Caution Poison!) are not at all evidence for the killing of humans.

Eberhard Jäckel ascertained that there are numerous indications that Göring, Himmler, Goebbels and many other had qualms when the killings were initiated[14] – if that is correct, how then could the almost popu-

lar thesis be sustained about the voluntary and deliberate assistance of major parts of the ruling classes, even of the German people?

Yehuda Bauer drew attention to the fact that "Ukrainian forces were heavily involved" during the pogroms in Lemberg in early July 1941,[15] and he thus indirectly raises the question about the European, especially the east European anti-Semitism as a prerequisite for the realization of the "final solution." Yet he does not mention the precedents either, namely the mass murders of the retreating NKVD in Lemberg, which were given a massive and possibly grossly exaggerated publicity in Germany.

Another one of Hilberg's considerations points at the fact that in SS documents hearsay is astonishingly important: "For instance we hear only from a man like Eichmann, who has heard from Heydrich, who had heard from Himmler what Hitler had said. Needless to say that this is not the best source for the writers of history."[16] But if the "Fama" [rumor], the inaccuracy of knowledge, was so important even for the higher echelons of the perpetrators, how could it not have been of central importance also for the victims, and it is indeed known from the accounts of intellectual witnesses such as Benedikt {p. 18} Kautskys that the camps as a whole were breeding grounds for rumors. Nothing is more comprehensible and easier to explain than this, but for the public it is apparently still not self-evident that science is obligated to separate "rumors" from "reality" as clearly as possible. Once more it needs to be ascertained that the established science's critique of numerous earlier allegations about the methods of mass murder – blowing in steam, or pumping out air, or killing on gigantic electric plates or in train carts full of unslaked lime – occurred not explicitly but by tacit omission, no different than in the case of Gerstein's statements.

An explicit and thorough critique of the "rare and unreliable" eyewitness statements about the gas chambers, so Arno Mayer,[17] was done by Jean-Claude Pressac in his monumental, hardly obtainable book with the misleading title *Technique and Operation of the Gas Chambers*. Although he does not dispute the essential correctness of the accounts by men such as Paul Bendel and Miklos Nyiszli, he nevertheless concludes that all the numbers given by these witnesses have to be divided by four.[18] In his most recent work *Die Krematorien von Auschwitz* [The Crematories of Auschwitz] he also comments on the total number of victims in Auschwitz, and in the German edition he arrives at the allegation, although in a not quite transparent way, that the total number of

unregistered Jews who died in the gas chambers amounts to 470,000 to 550,000, to which have to be added the death cases of registered Jewish and non-Jewish {p. 19} inmates as well as some 35,000 Soviet prisoners of war, gypsies and others, resulting in a total of 631,000 to 711,000.[19] From this it can be concluded that the division by four can basically by applied to the total number as well, and Pressac could hardly contradict if someone claimed that the total victim number is closer to one and a half than to six million. So far no one has yet contested that Pressac belongs to the "established literature"; frequently even a leading role is assigned to him.

It is thus beyond doubt that the established science has performed substantial revisions to hitherto widespread findings and opinions which had also been accepted by historians.

A "revisionism" therefore would have to move in a profoundly different dimension; it would not have to criticize and scrutinize single facts, be they ever so important, but instead it would have to come to the allegation that the mass murder in gas chambers are an "etiological [causative] legend," no different than the reports about mass killings with electricity, hot steam, or unslaked lime. In conjunction with this it is not necessary to accuse someone of "lying" or deliberately creating a myth; nothing would in principle be more understandable than that the most diverging attempts at explanation would evolve when confronted with such a tremendous and terrifying event, the traceless disappearance of so many individuals after a "selection."

{p. 20} The specific question is whether the contributions by various authors united in the anthology *Grundlagen zur Zeitgeschichte* can all be classified as such a revisionism and whether one is permitted to assign to these contributions, which then would have to be called "treatises," a scientific nature.

First of all it has to be emphasized once more that "scientific nature" does not equate "correctness," but merely the striving for correctness, which can be recognized by simple formal criteria: the argumentative way of explaining, the verifiable reference to other and opposing analyses and results, and the absence of coarse and all too emotional polemics.

These criteria are almost consistently fulfilled insofar as numerous footnotes can be found in most contributions, which by no means refer primarily to works by other revisionists and which, by drawing on literature of the 19th century about problems of disinfection and poisoning,

even have a distinctly scholarly character as can hardly anywhere else be found in the established literature. Hence even the severe opponents have to grant the book at least a "pseudo-scientific nature," but it is questionable whether it is possible to separate by reliable indicators "pseudo" from "real" in the scientific realm at large.

The next criterion would be all too coarse polemics, and it is conspicuous that terms like "hate scenario," "atrocity lies," "witch hunt," "unlimited ignorance" {p. 21}, "Holocaust propagandists" and similar ones are not rare. When considering, however, with which expressions anti-revisionist authors such as Deborah Lipstadt or Wolfgang Benz use to describe their opponents ("hordes," "immoral equivalences," "abstruse trains of thought," "liars" etc.), then these polemical expressions will not be seen from the outset as evidence that the formal criteria for a scientific nature are not met.

I consider it necessary, however, not to remain at a general characterization of the book at large but to contemplate the individual contributions under the guiding question whether they can be classified in the range of revisions which can be found among established literature or whether they have to be subsumed into a different category, that of explicit revisionism. Hence I start with those contributions for which an affiliation with the domain of revisions can be ascertained most easily, and I will then proceed to those which have to be called "revisionist" in the more narrow sense.

The contribution by Manfred Köhler on the "The Value of Testimony and Confessions Concerning the Holocaust" engages in deliberations which can be found in a more general form in scientific discussions about the tendency of witness accounts to be erroneous, like for instance the book by Jan Vansina on *Oral Tradition as History*,[20] and the compilation of "absurd" (or better said: questionable) witness statements about the "alleged NS genocide" (in its specific events) cannot be deemed illegitimate.

{p. 22} The case study presented by Claus Jordan about Gottfried Weise, who was sentenced to lifetime imprisonment, does not really belong into the realm of science, since it concerns only individual events, but the investigation proves such an extent of efforts to assist what the author considers to be a wrongfully sentenced defendant that one cannot but wish that a similar amount of work about detailled, but symptomatic problems could also be found more frequently in the established literature. According to my knowledge, this literature basical-

ly does not discuss Höss' account about the coercion of his confession by torture, which is accessible to anyone in Broszat's edition (Wolfgang Benz merely knows to report about the "revisionist objection" that Höss has made his confession after having been tortured).[21] But already during the Auschwitz trial the defendant Breitwieser was acquitted after it had turned out during an inspection of the locations in Auschwitz that the testimony of the main witness of the prosecution is wrong.[22]

Johannes Peter Ney's study about the Wannsee protocol is in a different way a counterpoint to the most conspicuous weak point of established literature, namely the basic, although by no means complete absence of document criticism. Counterpoints of this kind are desirable in science, even if the content is entirely wrong. Only experts can have the final say, and only the unanimous opinion {p. 23} of several and independent experts could be considered as proof.

Ingrid Weckert's contribution on the "gas vans" basically consists of document criticism as well. It furthermore contains an extraordinarily far-reaching allegation about the statements of a clerk at the Yad Vashem Institute which should be easily verifiable.

It can probably be understood that an irresistible temptation exists to graphically demonstrate, by way of image forgeries, such events which have been kept secret and have hardly ever been photographed. A non-expert cannot decide whether Udo Walendy's observations are correct or misleading, but it cannot be denied that investigations of this kind are legitimate. It is a different question, though, what kind of conclusions may be drawn from individual proofs.

John Clive Ball's study about "air photo evidence" has a much bigger import. Once again only experts can decide about the interpretation of Allied air photos which were only released in the late 1970s, and Ball's thesis that the shadows of introduction shafts recognizable on the roof of crematory II originate from a forgerer is withdrawn from the judgment of a non-expert at any rate.

The most detailed and most scholarly contribution is the one by Carlo Mattogno and Franco Deana on the "The Crematoria Ovens of Auschwitz and Birkenau." It is at once the one which one is inclined to certify most emphatically as being "heartless," {p. 24} because it performs capacity calculations which must appear most irreverent toward the victims. But if one claims, like the witness Filip Müller did already during the Auschwitz trial, that on no rare occasion 25,000 humans were gassed in Birkenau during one day and that the corpses were sub-

sequently cremated without leaving traces, then one must accept the consequence that it is being investigated whether such an egregious process was technically possible. To my knowledge there exists in the established literature no parallel to the amount of work put into this study; according to my judgment, an objection that could perhaps be raised against this extraordinary reduction of the actual victim number is the fact that under exceptional circumstance it is exactly the primitive which can be more efficient than the modern and that which is taken for granted in nowadays' crematories – similar to the Soviet battle tank T 34, which has been superior in its primitivity to the German tanks for some time.

The contribution by Friedrich Paul Berg on the diesel gas chambers challenges the prevailing view less than the study by Mattogno and Deana, and at the end the author tendentially retracts his main thesis. This essay nevertheless has to also be added to those challenges which force the established position to turn its attention more to that which so far has been considered unproblematic.

The statements by Arnulf Neumaier on the "Treblinka Holocaust" have an anti-Semitic tone to them, for instance when he talks about the continuity of "oaths of vengeance and instinctive hatred of the Old Testament." However, references to national {p. 25} or religious traditions are not impermissible in and of themselves, and with a different point of reference they can frequently be found in the established literature as well. It has to be considered as unseemly and a violation of scientific maxims, though, when Neumaier illustrates his (presumably justified) polemics against the notion of the combustibility of corpses without fuel with a reproduction of the story of "little Pauline" from [the German fairy tale book] *Struwwelpeter*. Yet his objections against the possibility of many hundreds of thousands of corpses disappearing tracelessly cannot be withheld from a discussion. The reference to the extraordinary achievements of which prehistoric research is capable when detecting prehistoric fire places with the help of the natural sciences' methods, can just as little be shrugged off with the wave of a hand.

The essay by Herbert Tiedemann about Babi Yar is a denial which at first glance was downright unfathomable to me. As far as I know, not even Robert Faurisson has denied the correctness of the reports by the Einsatzgruppen; hence the suspiciousness against documentary evidence has been brought to an extreme here. The juxtaposition of contemporary reports and witness statements is no compelling proof despite

the blatant contradictions, but nevertheless an approach which should not be spared in future presentations. Like in Neumaier's essay one finds questionable, although not prohibitable references to the tradition of the Old Testament (Psalm 137/9), which raises the suspicion that for the author this is not just about Babi Yar. But as a critique of accounts on a {p. 26} single event, this contribution by all means still belongs into the range of such "revisions" which can also be found in the established literature.

The contribution by Werner Rademacher on the "Case of Walter Lüftl" is closest to being a mixed composition. To the extent that it refers to the topic itself, it states undeniable facts which in the meantime have also been confirmed by courts: that a fire expert may claim that flames shooting out of crematory chimneys as attested to by many witnesses cannot exist as a result of the laws of the natural sciences, that they therefore must be fantasies. But vis-à-vis this expert, namely the former president of the association of Austrian civil engineers Walter Lüftl himself, not only experts may comment on conclusions which cannot be deduced from the question of detail about the reality or irreality of flames.

This leaves us with the two most well-known authors: Germar Rudolf and Robert Faurisson. Several years ago and in the context of a trial against a publisher indicted for revisionist propaganda, Germar Rudolf, a PhD student of chemistry and employee at a Max Planck Institute, presented an expert report on cyanide traces in the gas chambers of Auschwitz which followed the trail of the so-called Leuchter Report but was obviously much more detailed and exact. Excerpts of this expert report were published, apparently without the author's consent, in a periodical justly qualified as propagandistic, resulting in a criminal investigation against Rudolf. Meanwhile he has extended his expert report, made it more precise, and has sent it to numerous addressees, so that his {p. 27} name, together with Leuchter's, has frequently been classified among the "Auschwitz deniers" in public. This qualification was justified insofar as Rudolf, just like Leuchter, has too quickly deduced a too far-reaching conclusion from verifiable and, taken as such, exact results. It is of course legitimate to conduct comparative studies of cyanide residues in walls of disinfestation chambers on the one hand and on the other hand of rooms which have been identified as homicidal gas chambers and which have originally been planned as morgue basements.[23]

The main result was no surprise in that the difference between the blue stained walls of the disinfestation chambers and the absence of such traces in the "morgue basements" or "gas chambers" has been know and perceptible to the senses for a long time. Hence Leuchter and Rudolf cast old news into a scientific form, and the explanation of the difference is intelligible even to the lay person: Zyklon B as a disinfestation agent has to be applied for a long time in order to combat vermin, whereas it is lethal for humans already at much lower doses. The path chosen by Leuchter and Rudolf was scientifically valuable nonetheless, because the opportunity of an objective verification of subjective witness account arose from it. The prerequisite for this would be, though, that the amount of cyanide residues could be calculated which would have to be present, if statements such as those by Filip Müller are correct. The difficulties impeding such a calculation are easily perceptible; one could not claim it to be impossible, though, if considering the before mentioned astounding proofs {p. 28} of prehistoric research. However, as far as I know, this step has not been taken yet, and Leuchter as well as Rudolf can only be credited for having paved the way to natural scientific pursuits of Auschwitz research yet to be undertaken.

But it is exactly [the book] *Grundlagen zur Zeitgeschichte* which proves that Rudolf has commented not merely single aspects as an expert, but that he is led by a general conception which he tries to articulate not just as an individual but in collaboration with others. For the editor "Ernst Gauss" is identical with Germar Rudolf, and thus a substantial part of the book has been authored by him alone.

The first individual contribution signed with his name can be considered to be a mere, and as such entirely legitimate, review of the anthology *Dimension des Völkermords* [Dimension of Genocide] edited by Wolfgang Benz, who in fact proceeds from the premise worthy of critique that one could be able to determine the number of victims of the National Socialist measures of extermination by comparing the number of Jews in statistics before and after the Second World War. But since Rudolf identifies himself almost without reservation with the results of Walter Sanning, which are methodically at least as questionable, this discussion basically amounts to a "denial of the Holocaust."

The result of the essay "The 'gas chambers' of Auschwitz and Majdanek" quite unequivocally points into the same direction. The kernel of this denial, however, is a factual assertion {p. 29} which can be verified. It is the hypothesis also supported by John Clive Ball and which

was originally proffered by Robert Faurisson that there were no introduction shafts in the concrete ceilings of the "gas chambers"[24] of crematories II and III at Birkenau and that the present holes have been added later on, as could easily be discerned from photographs. If this allegation were true, grave consequences would doubtlessly result. And thus, despite its markedly restrained and almost non-polemical tones, Rudolf's introduction, which strives to underline an internal connection between the individual contributions, reveals as well that he is convinced of the non-existence of the "alleged" National Socialist attempts of a final solution of the Jewish question.

The worldwide best-known protagonist of this persuasion, Robert Faurisson, also has his say, and he expresses himself with all clarity, even with obvious polemics against "today's Jews," who set themselves up in their Holocaust museums "as accusers of the whole world" (p. 9) and who he had already accused in earlier publications of having put into the world and propagated as a "historical lie" the talk about the final solution in the interest of Israel.

It seems impossible to also grant Faurisson's and Rudolf's contributions a scientific character, which is due to the other studies, provided they are considered as studies of details and provided one excludes the questions of the authors' "views" behind their papers as being irrelevant for science.

{p. 30} But the following shouldn't be disregarded. In the number 2272 of the magazine *Express* (Paris) of 26 Jan. 1995 appeared a long article by Eric Conan about Auschwitz and in particular about the current condition of the facilities. Nothing is less on the author's mind than challenging the genocide, and one could even call his opinion about the topic "Jewish revisionism." Because Conan reproaches the communist museum administration of the years up to 1990 in an extraordinarily heavy way, for he says that they were guided by the intention to reduce the fraction of Jewish victims in favor of the Poles and especially the communists among them. They moreover are said to have striven to achieve a false vividness and thus have made so many changes to the gas chamber of crematorium I in the main camp, which is shown to the tourists, that one cannot but come to the conclusion, "*Tout y est faux*." [Everything there is false][25] It is claimed that Faurisson thus had an opportunity to exploit these "forgeries."

Yet it is nothing but a matter of fairness to recall how Faurisson's own doubts about the "gas chambers" evolved according to his own

account, which he has repeatedly explained since 1977 and which he has expanded to a total negation. For he gained a very similar impression during his first visit to Auschwitz as Conan expresses it today: the impression that "something is wrong" and that the museum administration is guilty of forgery. This first impression, which initially only led to doubts, he advanced to a kind of inflexible dogmatism later on. But one would have to concede that there are indeed quite a number {p. 31} of unresolved questions with regard to Auschwitz (both as the specific camp as well as the symbol) and that the attempt has to be made to resolve them in a scientific way. And hence a rule should be applicable to him, which could be called, with a grain of salt, a law of the formation of scientific schools of thought: precisely the pioneers of a new and much opposed point of view tend to intellectually ossify and to develop a peculiar kind of dogmatism. They then form a pole or an extreme within their own school, which itself is a pole or an extreme within the scientific field at large. But they keep their place within the scientific spectrum.

In the case of Faurisson, however, the clarity of this allocation is compromised by the fact that he is obviously motivated by extra-scientific motives, *e.g.* by his aversion against the – in his view – existing and unjustified instrumentalization of the final solution by the Zionists in favor of the State of Israel and just as much by his intention to come to the defense of the German people against unjustified accusations and claims. But one has to merely read the book by Deborah Lipstadt in order to recognize that at least some representatives of the orthodox point of view are not primarily guided by the will to determine or defend the truth about a historical event, but that they predominantly want to defend the legitimacy of the State of Israel and Germany's moral obligation "to admit all who seek refuge in her borders."[26] But when the question of the legitimacy of Israel's existence {p. 32} is raised, then this has to be decided by other criteria, and the admission or non-admission of all those seeking refuge in Germany is a question of current German politics and of general principles which are also independent of the final solution. The entanglement of scientific and political motives is inevitable for a topic as sensitive as the final solution, and neither Faurisson nor Lipstadt or Benz can be blamed for this. I therefore plead to also grant the contributions by Rudolf and Faurisson in the [book] *Grundlagen zur Zeitgeschichte* the attribute "scientific."

{p. 33} Precisely this concession permits the established school to score a decisive victory over revisionism. Two fundamental allegations are made in the [book] *Grundlagen zur Zeitgeschichte*, which will keep having an effect beneath the level of published opinion and which will perchance assume threatening dimensions, if they are covered up by prohibition and punishment instead of verifying them and to submit the result to the audience. The first thesis, originally from Faurisson and here taken over by Rudolf and Ball, is that no holes for introduction shafts existed, and the second is Ingrid Weckert's account about a statement that she claims an Israeli clerk of the Yad Vashem Institute made to her in July 1985: we have known already for a long time that no extermination camp Treblinka ever existed …, the real problem about Treblinka are the witness statements (pp. 210 f.).[27] Both claims can easily be verified. If they can be refuted (which I deem very likely), then the revisionists will be deeply discredited and will be silent at least for awhile.

In the end I underscore once more that a scientific opinion can turn out to be entirely incorrect, although it is likely as a rule that at least parts or moments will be accepted into the synthesis of the next generation. I also do not want to give rise to doubts that in my view the methodical approach of the revisionists is grossly one-sided and insofar inadmissible: by devaluating the witness accounts to an extreme extent {p. 34} and by criticizing documents excessively, they undermine the essential foundation of the historic science, which frequently has only two or three witness statements or documents at its disposal and which therefore has to accept their consistency as proof. And by not taking the ideology of Hitler and National Socialism seriously, indeed by believing to merely hear war-related "patter on either side,"[28] the revisionists obstruct their own view on this century, which was shaped by ideological conflicts, and just like their opponents they do not perceive the basic fact of the first part of this period: that up to 1945 two systems confronted each other which characterized each other mutually as "criminal"[29] and which claimed for themselves to "cleanse" and "heal" the world. A historian of ideologies cannot be a revisionist in the sense of Faurisson and Rudolf.

But I can perhaps pick up and carry on a warning by Wolfgang Scheffler, who stated during the aforementioned symposium that he cautions "against exaggerations of the number of those murdered in Auschwitz-Birkenau."[30] I warn against an overestimation of the gas

chamber question. If the final solution is basically equated with mass extermination in gas chambers, then each noteworthy reduction of the number of those killed that way, which has commenced already a long time ago and which will possibly continue, will also assign a lower rank to the final solution. And does it not signify a new and different kind of selection, if the gas chamber victims count as victims of first degree, whereas those who died of epidemics and of {p. 35} starvation are hardly ever mentioned? Was the camp Salaspils, for example, less awful just because it had no gas chambers? The obsession with gas chambers diverts the eye from the essential and plainly undeniable.

There exists a little known and hardly ever cited monumental work responsibly published by an institution of impeccable repute, which in my judgment is much more impressive than all those statements by eyewitnesses which evoke memories of Dante's Inferno. It is the two volume *Gedenkbuch* [memorial book] edited by the Bundesarchiv about the *Opfer der Verfolgung der Juden unter der nationalsozialistischen Gewaltherrschaft in Deutschland 1933-1945* [Victims of the Persecution of Jews under National Socialist Tyranny in Germany 1933-1945]. On more than 1,700 pages in landscape format, each page has some 75 names of deportees, and with each name are listed the residence, the date of birth and the location from where the last news came. The penultimate column contains information of the respective fate. It does not say "gassed" for some and "perished of typhus" or "starved to death" or "died of old age" for others. In most cases it merely reads "missing" or "declared dead," and under the name of the last whereabouts very often "Auschwitz" appears, but also "Sobibor," "Riga" and "Theresienstadt." Over and over again entire extended families are listed, and almost every older German is well familiar with names such as Abel, Abendroth or Markus, which are frequently enough linked to specific memories about individuals. In light of these lists and knowing that these roughly 130,000 individuals comprise almost the total number of Jews that had remained in Germany at the outbreak of the war, {p. 36} every contemporary person has to realize that on 30 January 1939 Hitler was not joking when he threatened the Jews with extermination in case of the outbreak of a war. He has to feel shame about the fact that he failed to pay attention to this phrase, and the recollection has to torment him that he watched the deportation of the co-residents of his town without indignation, because National Socialist propaganda had reported that the Germans in England and the Japanese in the U.S. had been put into camps,

but it suppressed the obvious, namely that the heads of the respective governments had predicted the extermination of neither the Germans in England nor the Japanese citizens in the U.S. and that none of them had to wear humiliating tags. And today he has to accept that already with this memorial book the factuality of this genocide of a unique kind is proved beyond doubt and that this misdeed cannot be restricted to the German Jews, although other aspects have to come into play then as well. He will not lose the feeling of shame and agony, because he has not become guilty by any action, and he will also not reject them due to the knowledge that similar deportations and mass killings have occurred earlier in other large European countries. Quite to the contrary, the feeling of dejection will rather increase when he realizes that these more indigent and more forsaken among the German Jews were accused by the National Socialists of being "enemies" because they were claimed to be the "creators of Bolshevism" and on top of it at once representatives of "capitalism." Only one thing will he deny himself, as strong as the temptation must be: to accuse the nation {p. 37} as such, to which he belongs, because he knows that the same kind of accusation was once directed against the Jews and that it drew its strength from the general human urge to identify "the evil" and to find "culprits."

One should not ask the revisionists: "Are you, as we are, convinced of the existence of homicidal gas chambers?" One should rather ask them: "In the light of the *Gedenkbuch*, in view of that which is self-evident and undeniable, do you feel a similar consternation, a comparable despondence as it can be expected from every human being and especially from every German?" If they answer this question in a credible way, then one may say: "Continue your research and present them in the form of arguments. We will contradict your arguments with arguments, but we will not see enemies in you, but opponents instead." If the answer is "No," then it would be too much of an honor to persecute them as enemies; one should turn away from them and not talk about them any longer.

Notes

1 Shlomo Aronson, "Die dreifache Falle. Hitlers Judenpolitik, die Alliierten und die Juden," in: *Vierteljahrshefte für Zeitgeschichte*, 32nd vol., 1984, pp. 29-65, p. 60.
2 Ernst Nolte, *Der Faschismus in seiner Epoche. Action française, Italienischer Faschismus. Nationalsozialismus*, Munich 1963[1], 1995[9], p. 438.
3 *Ibidem*, pp. 437, 483.
4 *Ibidem*, p. 407.

[5] Otto D. Kulka, "Die deusche Geschichtsschreibung über den Nationalsozialismus und die 'Endlösung.' Tendenzen und Entwicklungen 1924-1984," in: *Historische Zeitschrift*, vol. 240 (1985), pp. 599-640, esp. pp. 617ff.

[6] Inflated numbers can be coerced, as it was indeed the case with Höss. (*Kommandant in Auschwitz. Autobiographische Aufzeichnungen des Rudolf Höss*. Ed. by Martin Broszat, Munich (dtv) 1963, pp. 149, 167.) Already from this results the necessity of scientific revisions with regard to the widespread opinion about Auschwitz. In the book *Streitpunkten* (Berlin-Frankfurt 1993) I stated: "Such an assertion cannot be invented, but it can all too easily be exaggerated" (p. 310).

[7] Cf. *"Historikerstreit." Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung*, Munich 1987. My article "Vergangenheit, die nicht vergehen will" ("A past that refuses to pass," *Frankfurter Allgemeine Zeitung* of June 6, 1986) can be found on pp. 39-47.

[8] I give only a single example from the most recent past for the lacking disposition of this school to reproduce trains of thought without gross distortions or to grant their opponents sincere motives: In my interview with the [newsmagazine] *Spiegel* of 3 October 1994 (no. 40, pp. 83-103) I stated that the fact that the adjective "humane" was used both by other National Socialists as well as primarily by Hitler with regard to the "punishment" of the Jews convinces me more than anything else of the reality of the gas chambers. The subsequent question typical of the *Spiegel* was whether I really considered it more humane to be gassed in a Nazi concentration camp rather than starved to death. I rejected this objection and stated that this is evidently a perversion of the term "humane." That did not prevent one of the authors of the anthology *Antisemitismus in Deutschland* edited by Wolfgang Benz to carry this underhanded insinuation further still by claiming that I had described the gas chambers as a "humane killing method." (Daniel Gerson, "Der Jude als Bolschewist. Die Wiederbelebung eines Stereotyps," in: *Antisemitismus in Deutschland. Zur Aktualität eines Vorurteils*, Munich (dtv) 1995, pp. 157-180, p. 176).

[9] It is a curious fact that a compilation of important witness accounts has been prepared only by the revisionist side: Jürgen Graf, *Auschwitz. Tätergeständnisse und Augenzeugen des Holocaust*, Würenlos (Switzerland) 1994. The same author has also written with utter conviction and moral indignation the popular presentation: *Der Holocaust-Schwindel. Vom Werden und Vergehen des Jahrhundertbetrugs*, Basel 1993. If one takes the *Deutsche Manifest* as a comparison, which was anonymously published on 8 May 1995, then it becomes apparent that different levels have to be distinguished within revisionism as well: the inflamatory, the populist and a third, which presumably has to be called "scientific."

[10] Peter Longerich (ed.), *Die Ermordung der europäischen Juden. Eine umfassende Dokumentation des Holocaust 1941-1945*, Munich-Zurich 1989, p. 69.

[11] Wolfgang Benz, *Antisemitismus in Deutschland* (see note 8), p. 135; Artur Brauner *et al.*, "Wider das Vergessen, denn wie sollte man vergessen," in: *Frankfurter Allgemeine Zeitung*, May 6, 1995.

[12] Eberhard Jäckel, Jürgen Rohwer, *Der Mord an den Juden im Zweiten Weltkrieg. Entschlußbildung und Verwirklichung*, Stuttgart 1985, p. 12.

[13] *Ibidem*, p. 147.

[14] *Ibidem*, p. 190.

[15] *Ibidem*, p. 170.

[16] *Ibidem*, p. 187.

[17] This sentence by this reputable U.S.-Jewish historian, which by now has been quoted frequently by revisionists, stems from his book *Der Krieg als Kreuzzug. Das Deutsche Reich, Hitlers Wehrmacht und die "Endlösung,"* Reinbek 1989, p. 362, which is unique within the entire scientific literature about the final solution due to its lack of source references. See my review in the *Jahrbuch Extremismus & Demokratie*, 2nd vol. 1990, pp. 335-339.

[18] New York 1989, p. 475.

[19] Jean-Claude Pressac, *Die Krematorien von Auschwitz. Die Technik des Massenmordes*, Munich-Zurich 1994, p. 202. In the original French edition of 1993, p. 148, slightly higher figures were given (630,000 and 775,000, respectively).

[20] London-Nairobi, 1985.

[21] Cf. Benz (note 8), p. 130.

[22] Bernd Naumann, *Auschwitz, Berichte über die Strafsache gegen Mulka und andere vor dem Schwurgericht Frankfurt*, Bonn 1965, pp. 511, 530f.

[23] The fact that there were doubtlessly disinfestation rooms in Auschwitz and other camps for the extermination of vermin with Zyklon B, which were also called "gas chambers," and that according to the established opinion, challeneged by the revisionists, though, likewise "gas chambers" were in use for the mass killingof humans, is in itself a problematic issue which calls for a clarification. It should furthermore not be overlooked that the earliest reports about mass killings by gassings stem from World War One and were published by the same newspaper – the *Daily Telegraph* – which was probably also the first one to bring a corresponding news item in 1942. (Walter Laqueur, *Was niemand wissen wollte. Die Unterdrückung der Nachrichten über Hitlers "Endlösung,"* Frankfurt 1981, p. 17). Hence it may by no means be considered right from the start as proof of a mendacious disposition, if the "gas chamber thesis" is seen as war propaganda. This thesis, retained and maintained by the revisionists, could rather be seen as a natural point of departure, which was abandoned only under the impression of the abundance of accounts.

[24] Since I am paraphrasing Rudolf's and Faurisson's opinions, I have to put "gas chambers" between quotation marks, as I did earlier.

[25] "Auschwitz. La memoire du mal," p. 44.

[26] Deborah E. Lipstadt, *Betrifft: Leugnen des Holocaust*, Zurich 1994, p. 260.

[27] The Demjanjuk trial in Jerusalem might illustrate the second part of this statement, but a relation to the first and much more serious part cannot be established from this.

[28] Thus J. Graf, *Der Holocaust-Schwindel* (note 9), p. 66.

[29] It is characteristic for the deep trenches between the individual disciplines of even the historical science that no one has apparently noticed, how closely adjacent, indeed almost identical the early victim numbers are (1,750,000) of the "Red terror" in Soviet Russia on the one hand and the corresponding numbers in the so-called WRB-Report about Auschwitz of November 1944 on the other hand (S.P. Melgunow, *Der rote Terror in Rußland 1918-1923*, Berlin 1924, p. 168). It goes without saying that one cannot conclude from this that the inmates Vrba and Wetzler, who had escaped from Auschwitz, were familiar with the book by Melgunow or the article it is base upon by an author of the name Sarolea, published in November 1923 in the *Scotsman*. This is an objective equivalent which cannot be eliminated by the term "relativation."

[30] Jäckel-Rohwer (note 12), p. 177.

Addendum 2006

Much has happened since I wrote this expert report more than ten years ago, and one could think that the expert report has lost its value which it might have had back then. Herr Germar Rudolf has been sentenced to a prison term without probation – according to my knowledge primarily due to the [book] *Grundlagen zur Zeitgeschichte*[294] – but he avoided serving this sentence by fleeing or "emigration" to England and then to the U.S. There he unfolded a very broad "revisionist" activity, primarily as the editor of the [journal] *Vierteljahreshefte für freie Geschichtsforschung* [Quarterly for Free Historical Research]. His application to grant him asylum in the U.S. was denied, and he was extradited[295] to Germany, where he probably has to expect a new trial in addition to serving his older punishment. I agreed to my expert report of 1995 being used in this trial, because I have the impression that the intellectual and legal situation has essentially not changed, because the

[294] Correct: due to the *Rudolf Report*; GR.

[295] Correct: deported; GR.

Vierteljahreshefte can be considered as a continuation of the [book] *Grundlagen zur Zeitgeschichte*. The circle of authors has increased considerably, but a core remains recognizable, first of all of course Rudolf himself.

I have not been able to concern myself even remotely as much with the journal as back then with the book. I have only read several essays in it – mainly those by the Italian author Carlo Mattogno – which already at first sight testify of extraordinarily extended studies in archives of the former eastern bloc, not least in Moscow, which have hitherto been difficult to access: These articles fulfill all formal criteria of being scientific in nature. However, I have also seen quite a few very polemical articles mainly directed against "established" scientific historiography and several caricatures, which attest to bad taste, but which, *mutatis mutandis* [with the necessary adjustments], have become surprisingly topical during the past weeks due to the controversy about the Mohammed cartoons in a Danish newspaper.

I therefore think that my expert report is not "outdated," but I want to take a brief look at the development of the reasoning about the National Socialist attempt at a "final solution of the Jewish question" by means of comprehensive measures of extermination.

First it has to be ascertained that the "reduction of the victim number of Auschwitz" by "established" historians has continued without any legal sanctions ensuing from this: After the "official" reduction by Franziscek Piper from four million to 1.1 million and a corresponding change of the memorial plaques in the early 1990s {p. 2} Jean-Claude Pressac reduced the number to 630,000, and in his 2002 article in the journal *Osteuropa* Fritjof Meyer expressly separated the "gas victims" from the "victims by epidemics" and arrived at a number of 360,000. Insofar the doubts which the revisionists had articulated right from the start have turned out to have been justified, although Meyer's results can certainly not be deemed final and unimpeachable. No reasonable person could still doubt, though, that all figures mentioned immediately after the end of the war were uncertain to a high degree and in need of correction – be it downward or upward, for the figures of Soviet war losses were more and more considered to be too low. In my view it was a misfortune that the terms final solution or Holocaust have been linked so closely to the actual Auschwitz camp in Upper Silesia and to the "(homicidal) gas chambers," because the final solution was in reality a much more encompassing process, which could not to be exhausted by

the listing of the other extermination camps either, and which was in fact described only by a number of historical researches into details such as the books by Sandkühler and Gerlach[1] – although there was no dearth of knowledge about the basic facts and notions following the disclosure of the reports by the SS Generals Stahlecker and Katzmann during the Nuremberg trials.

Even if one could speak, with a grain of salt, about a "victory of the revisionists," a recently discovered SS document pointed in a different direction, which rated the capacity of the five crematories in the Auschwitz main camp and in Birkenau at a total of almost 5,000 incinerations per day. Even if one did not simply reject the revisionist objections of document criticism,[2] a basic fact which was visible right from the start would still remain, if one accepts the division by four as suggested by Pressac: even on the background of the expectably many victims of epidemics, there was no need for the four huge crematories in Birkenau in order to cremate the "natural" corpses. This basic "anti-revisionist" fact corresponds to the extraordinary extension of memorials and commemoration events surrounding the "final solution" after the Turnaround [German reunification in 1990] and also the tightening of the article 130 German Penal Code on "inciting the masses," which raises the question, though, whether this tightening and the entire article are reconcilable with the Basic Law's guarantees of freedom.

{p. 3} I will now briefly contemplate three fairly well-known books of the "established line" which have appeared during the past decade and which emphasize how little the question of the "final solution" can be exhausted by references to legally definable details.

Most controversial but all in all positively received by the German public was the book by Daniel Goldhagen about *Hitlers willige Vollstrecker* (Hitler's Willing Executioners). There one can read: it is almost always claimed that the killing of millions of Jews would have been impossible without the "gas chambers" due to their capacity, "which has been exaggerated, though."[3] In the framework of Goldhagen's overall concept, which pronounces "the Germans" and their "eliminatory anti-Semitism" guilty instead of "the National Socialists" or "the SS" or even "Hitler," this is a natural claim, as the perception of an extermination in gas chambers allows the number of "perpetrators" to appear small and to underscore the role of the Jewish forced helpers. Yet within the common notion strongly focused on the "gas chambers," this allegation no doubt amounts to a "downplaying of the Holocaust"

in the sense of article 130 German Penal Code. Nothing is known about the initiation of an investigation against the author, though, and if the assumption should turn out to be correct that this omission happened because the "downplaying" did not happen with the purpose of exonerating the Germans but quite to the opposite, then one would have to grant the revisionists another victory, although this one would not be easily discernible.

Peter Novick's 2001 book *Nach dem Holocaust. Der Umgang mit dem Massenmord* [Engl.: *The Holocaust in American Life*] also found a widespread response. A major part of it is an example of "Jewish self-criticism" primarily linked to the behavior of American Jews. For Novick says that they are "the most affluent, educated, influential and in every regard most successful group within the American society" having to endure no discrimination or disadvantages. But the identity, indeed the very existence of this group, so Novick continues, is threatened in an extreme [way] by its low birth rate and numerous mixed marriages with non-Jewish Americans, which is why this group turns the big mass murder in Europe into a tool of self-preservation – only from that perspective can "the furious insistence on the singularity of the Holocaust" be understood, so Novick. Hence they are as a general rule not willing to adopt the maxims of science, because: "To understand something historically means to be aware of the complexity, to have a sufficient distance, to see it from several perspectives, to accept the ambiguity (even the moral {p. 4} ambiguity) of the motives and behavioral attitudes of the protagonists." And Novick even reminds us that the Jewish organizations in the U.S. have not always fought for the singularity of the Holocaust, but that they were instead primarily busy fighting the equation "Jew = communist" right up to the middle of the early 1960s, yet that this task was difficult for comprehensible reasons. Hence, he who wants to talk about the "final solution" with arguments has to include contexts of multifarious kinds according to Novick, and he must not base himself on terms such as "singularity" and "incomparability" right from the start.[4] But it goes without saying that this does not mean that the revisionists are right, who reject the applicability of these terms.

Even Yehuda Bauer, probably the most reputable Holocaust researcher in the world, knows better than to isolate the "final solution" from the outset and to remove it from all specific historical contexts. He uses the term "redemptive anti-Semitism" coined by Saul Friedländer, yet does not restrict it to "animosity toward Jews" but instead extends it

to the term "redemptive ideology" and writes: "I do not know of a single such redemptive ideology which does not have murderous traits – from the Christianity of the crusades to the current Jewish, Islamic or Hinduistic fundamentalism." He also wants "to put the communist atrocities at the very top of the list," and he also could have talked about the "extermination of the Kulaks" when he mentioned the "Nazi plan" "to starve roughly 30 million inhabitants of the conquered Soviet Union to death in order to make food available to Germany." But all this primarily enables him to state with strong emphasis: plans like this have aimed at a genocide, "but that is not the same as the Shoah." In contrast to this the Shoah was "a very special genocide – total, global, purely ideological." But apparently Bauer nonetheless does not accept the interpretation of the "Shoah" by the Orthodox [Jews], who consider the term "singularity of the Holocaust" as an insulting denigration of the multi-millennia lasting sufferings of the Jewish people and who even consider the Shoah as a just punishment for the severe sins of modern Jews, especially the assimilation into "the peoples."[5]

Definitions given by modern, frequently atheistic Jews are of a different nature, such as: "Only a devil could conceive such a thing, a technocratic devil at the culmination of a science gone insane"… "the infernal process of the perfect crime," "Philosophically seen this was the absolute evil."[6] Statements such as the one claiming that Hitler has attacked God himself {p. 5} when he attacked "God's people" have a theological character, and essentially also the complaint that the Holocaust is not yet over for the Jewish people, because the process of assimilation, as the monster which it is, has the evil goal to create a world free of Jews (Novick, pp. 244, 259). That such complaints constitute a "downplaying of the Holocaust" in German eyes, although that is exactly what they do not want to be, does not need to be highlighted.

I may once more point to my own definition of 1963, also because Yehuda Bauer expressly refers to my "famous book" (*Der Faschismus in seiner Epoche*): "Not criminal humans committed criminal acts in Hitler's extermination of the Jews, but instead principles raged themselves to death in an unparalleled misdeed"… This characterization "restores the highest of all honors to the millions of his [Hitler's] victims: it highlights that they, who have been exterminated as vermin, did not die as the unfortunate objects of a repulsive crime but as representatives during the most desperate attack ever led against the human being and the transcendence in it."[7] Hence, just like Bauer's and Wiesel's, my def-

inition also belongs to philosophical, although not theological characterizations, and it is older than most of the others. But it would never have occurred to me to even consider the thought that those should be punished who do not accept this characterization or criticize it. It, too, belongs into the realm of thoughts and concepts which can be discussed freely and of which there must be several, or else society would be led back to a religious or pseudo-religious and dogmatic rudiment.

I am therefore even skeptical about the term "denying the Holocaust." It in fact disparages those thusly criticized from the outset, because it imputes to him the complete knowledge of what the critic considers to be "true" and hence denies him good faith. The term "Holocaust" already implies an interpretation which must not be imposed by force and punishment. According to my judgment only the insulting and denigrating intention can be punishable. A procedure can be harshly criticized, though, which is common to almost all anti-revisionists and to many revisionists, namely that they isolate the final solution from the huge ideological conflict of this era and see it most as a result of an ethnic or even "racial" struggle between two people, of which the one is all good and the other all evil.

I summarize and explain my assessment in maximal brevity: After the terror and blood sacrifices of the Second World War, the news about the existence {p. 6} of "extermination camps in the east" caused unprecedented horror particularly in Germany, because nothing even remotely comparable had so far existed in German history and because the attestations of an unlimited fanaticism on Hitler's part lent credence to these reports. Exactly this horror was the morally appreciable yet scientifically unacceptable basis for extreme figures and alleged procedures (such as blowing steam into sealed chambers or mass killings on gigantic electric plates). "Revisions" were therefore ineluctable and have also been made by the "established" science as indicated above. An international revisionism as a concentrate or an instrumentalization of revisions had to arise with little less necessity than it had arisen after the First World War in opposition to the Allied thesis of an exclusive German guilt. However, having arisen from this horror, it could not necessarily be expected that it would ever dispute the reason for this horror, and this has to be criticized sharply insofar as extended and specific anti-Jewish measures of extermination are negated and as long as this is not merely about resisting certain interpretation of the final solution, also against the interpretation as a "Holocaust." Within the realm

of these interpretations criticism can and ought to be exercised, but a criticism of a different kind which is aware of the "constructive" nature of all interpretations and which strives to gain additional insights for its own conception.

Not the historian but merely the jurist is competent to decide the question which statement has a denigrating or even insulting character. But the historian knows that not a few disparagements, even insults can be found in the literature uniformly recognized as scientific, and he has to plead for a careful approach in any case. But first of all he will wish that the Court will become aware about the very complicated and historically diverse conditionality of an object like "revisionism" before it hands down a verdict.

Ernst Nolte, Berlin, 5 Feb. 2006

Notes

1 Thomas Sandkühler, *"Endlösung" in Galizien. Der Judenmord in Ostpolen und die Rettungsinitiativen von Berthold Beitz*, Bonn 1996; Christian Gerlach, *Kalkulierte Morde. Die deutsche wirtschafts- und Vernichtungspolitik in Weißrussland 1941 bis 1944*, Hamburg 1999.

2 Manfred Gerner, "'Schlüsseldokument!' ist Fälschung," in: *Vierteljahreshefte für freie Geschichtsforschung*, 2nd vol., issue no. 3 (September 1998), pp. 166-174.

3 Daniel Jonah Goldhagen, *Hitlers willige Vollstrecker. Ganz gewöhnliche Deutsche und der Holocaust*, Berlin 1996, p. 23.

4 Peter Novick, *Nach dem Holocaust. Der Umgang mir dem Massenmord*, Stuttgart/Munich 2001, pp. 21f., 14, 127.

5 Yehuda Bauer, *Die dunkle Seite der Geschichte. Die Shoah in historischer Sicht. Interpretationen und Re-Interpretationen*, Frankfurt upon Main 2001, pp. 69, 83, 321, 244f.

6 Tomasz Gabis, "Die Holocaust-Religion," in: *Vierteljahreshefte für freie Geschichtsforschung*, 3rd vol., issue no. 4 (December 1999), pp. 410-417. When citing according to the revisionist journal, I thus indicate that I consider the quotes reliable.

7 Ernst Nolte, *Der Faschismus in seiner Epoche. Die Action francaise – Der italienische Faschismus – Der Nationalsozialismus*, (first) Munich 1963, pp. 484, 512.

3. Critique of Prof. Dr. Ernst Nolte's Assessment

Analysis of the "Expert report on the question of the scientific or unscientific nature" of the book *Grundlagen zur Zeitgeschichte* by Prof. em. Dr. Ernst Nolte (undated, 1996) including the "Addendum 2006" of 5 Feb. 2006.

A. Introduction

The following analysis of the above mentioned expert report addresses the following questions:

1. Has the expert adhered to the limits of his assignment for an expert report, that is to say, has he dealt exclusively with the question of the (un)scientific nature of the assessed book, or has he transgressed this limit and dealt with other issues as well, and if so, to which degree?
2. Has the expert with his considerations – be they within or without the limits of his assignment – moved within the area of his competence as a historian or has he transgressed this area, and if so, to which degree?
3. Has the expert conducted his assignment in a professional manner, which is to say, has he examined the book to be analyzed for the most important criteria of scientific nature, and has he himself done this in a scientific way?

As the most important criteria the following will be considered:

1. The principle of the free choice of an initial hypothesis is recognized ("de omnibus dubitandum est").
2. It is conceded that the outcome is undetermined, which is to say that expectations of third parties are rejected and that no dogmatism is advocated.
3. Factual allegations are substantiated with verifiable or comprehensible evidence.
4. Counter-arguments are discussed and, if published, identified in a verifiable manner.
5. A matter-of-factual language style prevails; in particular no rights of third persons are violated, and this is not advocated or approved of.
6. Data and evidence are selected by objective criteria (source criticism).

7. Freedom of contradictions exists internally as well as to generally recognized paradigms which are not being challenged (such as laws of logic or the natural sciences, technical possibilities etc.).
8. Circular reasonings are absent.
9. No allegations can be found which evade a refutation or verification (no logical immunization).
10. The evidentiary hierarchy is observed (material evidence > documentary evidence > witness evidence).
11. Opinions and interpretations are discernibly separated from factual allegations.
12. A systematic structure prevails.

B. Analysis

1. Adherence to the assignment

Only the pages 20-29 (as well as the last sentence on p. 32) address the book *Grundlagen zur Zeitgeschichte*. Pages 1-19 and 30-37 mostly deal with the topic of the analyzed book – although without reference to the book itself. This is not within the scope of the expert report assignment.

To be sure, it is laudable when the expert states initially that he wants to explain his use of terms and his own pre-judgments and prejudices (p. 1). But he specifically neglects to do this, as his expert report does not contain a treatise on his pre-judgments and prejudices on the question about scientific nature or science as such, but merely about the issue of the so-called "final solution of the Jewish question." It is utterly irrelevant that the expert may be biased regarding this topic, as he was not asked to express himself about this question.

The expert's alleged explanation of his use of terms is insufficient as well. This results from his statements that it is questionable whether it is possible "to separate by reliable indicators" a work of "pseudo-science" from a genuinely scientific work (p. 20). But it is exactly within the scope of the expert's assignment to perform this separation. By declaring himself incapable of giving a comprehensible definition of the term "pseudo-science," he undermines his own competence. A systematic explanation or definition of the term science and of its criteria cannot be found in his report. Of the first 19 pages of the expert report, only the pages 8-11 contain topically relevant statements: several criteria of what

constitutes scientific nature, which are, however, mixed with (irrelevant) historical examples.

Hence as a whole roughly two thirds of the expert report consist of content not covered by the assignment. The expert has therefore essentially missed the topic. (The Addendum of 5 Feb. 2006 does not address the book at all which was to be assessed.)

2. Adherence to the limits of the expert's competence

Although a scientist can and may express himself about all subjects when not testifying as an expert witness in court, an expert report as such ought to move within the scope of that for which the expert witness is actually an expert. For as an assistant of the investigating Court his opinion is ultimately relevant only where it clearly and demonstrably supersedes the expertise of the court.

The expert witness is a historian, although by his own account not an expert on issues of the "final solution" (p. 2). He is thus an expert regarding the criteria of the nature of science in historiography, but not necessarily regarding the evaluation of expert works on questions of the final solution. Under no circumstances is he an expert regarding toxicological, chemical, technical, demographic or moral issues.

Following the motto *in dubio pro reo*, statements by the expert witness about historical issues of the final solution running contrary to his assignment shall not be dealt with in detail.

That toxicological properties of Zyklon B are intelligible "even to the lay person," as the expert witness writes (p. 27), does not prove the correctness of this statement, yet it does prove that the expert witness as "a lay person" is not an expert in toxicology and should therefore abstain from addressing this issue in his expert report.

A similar conclusion applies to the expert witness's statement that expected chemical-analytical values can be calculated (p. 27), but have not been calculated by Rudolf (p. 28). For this question the expert witness is not competent either – and he furthermore errs, as Rudolf has indeed tried to calculate expected chemical-analytical values. That the expert witness has not noticed this merely underscores his lack of expertise as well as the necessity for expert witnesses not to leave their area of competence.

The same is true for technical issues which the expert witness addresses in contravention to his assignment and without expertise, so for instance on p. 24, where he states regarding the cremation of corpses

that "the primitive" could under circumstances be "more efficient than the modern," while giving as an example the allegedly primitive, yet superior Soviet battle tank T34. It may be doubted that the expert witness is in a position to define the terms "primitive" and "efficient" in a technical sense, let alone substantiate his claim, even if he wanted to. The excusable and understandable incompetence of the expert witness on technical questions is also apparent from his Addendum of 5 Feb. 2006, where he mentions an allegedly newly discovered document on the claimed capacity of the crematoria in Auschwitz (Addendum, p. 2). But the capacity of crematories does specifically not result from documents – and also not from arbitrary factors of French pharmacists, as the expert witness suggests (Pressac's "division by four," *ibid.*) – but from technical and thermodynamic calculations or experiments. This passage proves furthermore the expert witness's lack of expertise about matters of content, because he obviously does not know the possibly most important source critical work on the issue of the authenticity of the document in question about the capacity of the crematoria in Auschwitz.[296] The document in question has moreover not been "recently discovered" but has been known since the 1950s.[297] The expert witness seems to be just as unaware that, contrary to his claim (Addendum, p. 2), the cremation capacity then planned for Auschwitz was by no means higher than that of other camps in the "Reich proper," if correlating it to the planned camp strength or to the mortality rate.[298]

Regarding the question whether the demographic investigations of third persons (Benz, Sanning)[299] set out from "premises worthy of critique" or reach "methodically […] questionable results" (p. 28), it is not evident either why the expert witness should be more competent than the investigating Court.

On pages 36f. the expert witness far exceeds his area of competence when demanding that everyone has to feel "shame," "agony," "dejection" and "despondence" while reading certain documents or books. It

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[296] See Carlo Mattogno, "'Schlüsseldokument' – eine alternative Interpretation," *Vierteljahreshefte für freie Geschichtsforschung*, 4(1) (2000), pp. 51-56.

[297] See Komitee der antifaschistischen Widerstandskämpfer der DDR (ed.), *SS im Einsatz*, Kongress-Verlag, Berlin 1957, p. 269.

[298] See Carlo Mattogno's response to John C. Zimmerman: "An Accountant Poses as Cremation Expert," in C. Mattogno, G. Rudolf, *Auschwitz-Lies*, Theses & Dissertations Press, Chicago 2005, pp. 87-194; this contribution appeared for the first time on the Internet in 2000; see www.vho.org/GB/c/CM/Risposta-new-eng.html.

[299] Wolfgang Benz (ed.), *Dimension des Völkermords*, Oldenbourg, Munich 1991. Walter N. Sanning, *Die Auflösung des osteuropäischen Judentums*, Grabert, Tübingen 1983.

is already questionable whether any person has the right to expect certain emotions from others while reading historical material. It has to be ascertained under any circumstance, however, that such emotional questions, which the expert witness wants to be understood as a moral litmus test, have no place at all in an expert report about the question of the nature of science.

The expert witness's transgressions of competence into non-historical fields are quantitatively limited, but they underscore the expert witness's tendency to confuse the issue of the nature of science with matters of content.

3. Professionalism of the Assessment

3.1. Freedom of initial hypothesis

In an earlier publication the expert witness has recognized the "fundamental importance of the maxim '*de omnibus dubitandum est*'" (everything must be doubted) and has rejected demands for prohibitions as "an assault against the principle of freedom of science.[300] The expert witness repeats these assertions in his expert report tendentially (p. 11), yet brings at once "two possible restricting circumstances" (*ibid.*). The expert witness argues that it could be questionable whether the radical challenge of a thesis could be legitimate. ("[…] one could thus state: '*Contra existentiam negantem non est disputatio*' – one cannot argue with someone negating the existence), p. 11; "whether […] a systematic effort […] to draw a divergent overall picture […] were acceptable in principle, had to set its own limits, or could be forced to stay within limits." p. 13; "But it is not at all a given fact that general statements like this [of tolerance toward radical revisionisms] can also be applied to that revisionism which totally or at least in parts 'denies Auschwitz'," p. 15.)

Later the expert witness poses the question whether the contributions in the book at issue "can all be classified as such a [radical] revisionism" (p. 20, similar p. 21). On p. 29 the expert witness writes that it "seems impossible to also grant Faurisson's and Rudolf's contributions a scientific character," yet later decides contrary to that appearance, that is to say for the scientific nature of these contributions as well (p. 32). Whereas the expert witness proffers formal objections regarding Faurisson's contributions (political rhetoric and "obvious polemics," p. 29,

[300] Ernst Nolte, *Streitpunkte*, Ullstein, Frankfurt/Berlin 1993, p. 308.

similar p. 31), he has fundamental objections against Rudolf's contributions, since one of his contributions "basically amounts to a 'denial of the Holocaust'" (p. 28) or because Rudolf "is convinced of the non-existence of the […] final solution of the Jewish question" (p. 29). By so doing the expert witness insinuates – always in the conditional – that certain initial hypotheses could possibly be impermissible after all. He is explicit on p. 12, where he posits that science ought to "agree to a research ban" for reasons of "elementary reverence," if no verifiable evidence at all exists for an allegation. Of course this approach turns the most important basic principle of science upside down that something can be considered as correct only, if it has been proved by verifiable evidence. Raising the expert witness's statements to a general principle would lead to this: the less an allegation can be proved, the more indubitable it is and the less it may be scrutinized. Here the expert witness reveals an evidently anti-scientific attitude, even one that is hostile to science, which may lie at the roots of his confusion to potentially declare certain initial assumptions or starting hypotheses as inadmissible.

The expert witness has not examined whether the book at issue contains statements contrary to the principle of a free starting hypothesis. This is not a trivial issue at all, since a considerable part of the literature about this topic contains in one way or another exactly such anti-scientific demands for taboos and bans, as if it were a matter of course.

3.2. Undetermined outcome

Here it is primarily important whether the authors of the book at issue permit their results to be prescribed by third persons or with reference to tradition, paradigms, authorities, dogmas, taboos, societal or legal expectations and so forth. Of secondary importance is the question whether the authors themselves make dogmatic declarations without reference to third parties, for instance by declaring certain views *ex cathedra* as unshakably true, infallible, irrefutable etc. and/or by condemning doubts as impossible or blasphemous. The expert witness has not examined this question. Although he accuses one of the authors of "inflexible dogmatism" (Faurisson, p. 30), he does not do so with reference to any specific statements in the book at issue.

3.3. Substantiation of factual allegations

The expert witness characterizes "proffering unproven claims" as a hallmark of "unscientific dogmatism" (p. 9) and in contrast to this the

"verifiable reference to other […] results" as a "formal criterion" of the nature of science (p. 20). He conceded that the work at issue meets this criterion globally (*ibid.*). The expert witness does not seem to have verified at least randomly the supporting references for factual allegations adduced in the book, or at least he doesn't mention this.

The expert witness, on the other hand, makes factual allegations about the book at issue or its topic, which he does not substantiate or which run contrary to the facts:

On p. 4 he writes that the accounts by the SS men Rudolf Höß and Kurt Gerstein arose "independent from each other" similar to "statements by victims of a severe earthquake." However, the statements by Höß and Gerstein were made under duress (imprisonment, threats, abuse, torture) in front of authorities who had already coordinated the propaganda activities during wartime.[301] This coordination even assumed an official character after the war in the shape of several Allied commissions in the framework of the preparations for the various postwar trials. The expert witness's view that similar accounts could "neither be invented nor forced" (p. 4) is therefore both totally unfounded and based upon the evidently wrong premise of the "independence" of these statements. The alleged parallel, probably meant as a proof, between accounts made under duress in front of cross-communicating authorities and such accounts made spontaneously by witnesses of natural disasters, raises doubts about the seriousness of the expert witness's argumentation.

It is conspicuous that precisely when the expert witness leaves his area of competence, he tends to simply float factual allegations without verifiable evidence, even though the opposite would be required exactly in such cases in order to maintain a solid footing. So for example his claim that the technical primitive could be more efficient than the modern (p. 24), that the "explanation of the difference" of results of chemical analyses "is intelligible even to the lay person" (p. 27; this intelligibility does not result from Rudolf's contribution!) and that Sanning and Benz would "proceed from the premise worthy of critique" or would arrive at "methodically […] questionable results" with their demographic investigations (p. 28), while the expert witness even omits to explain which premises are worthy of critique for which reason or which meth-

[301] For this see Werner Maser, *op. cit.* (note 245), pp. 339-343; Edward Rozek, *Allied Wartime Diplomacy*, Wiley, New York 1958, pp. 209f.

ods are questionable for what reason. Although the book at issue proffers reasons for a critique of Benz, it does not give reasons for a critique of Sanning. Hence at least those need to be mentioned and explained.

On pages 33f. the expert witness claims in a sweeping way that the revisionists are "devaluating the witness accounts to an extreme extent and [are] criticizing documents excessively." In its comprehensiveness this allegation is not substantiated. Among the many source-critical contributions in the book at issue, the expert witness considers only the one by Herbert Tiedemann to be a document criticism "brought to an extreme" (p. 25). Furthermore it would have to be expected that the expert witness defines first, from which point onward a source criticism is to be classified as "excessive," but he fails to do this.

3.4. Discussion and identification of counter-arguments

The expert witness touches this point only tangentially by granting that the work at issue "by no means refer[s] primarily to works by other revisionists" (p. 20). The expert witness does not deal with the question whether counter-arguments are mentioned and discussed, which is a deplorable deficiency.

3.5. Matter-of-factual language style

The expert witness criticizes certain polemical terms (pp. 20f., 24f.), which he does not consider to be so far-reaching that as a result of this "the formal criteria for a scientific nature are not met" (p. 21). As a reason for this tolerance toward occasional polemics he refers on the one hand to a "*tu quoque*" (you also, pp. 21-25) and on the other hand to the fact that, due to the "entanglement of scientific and political motives," a certain amount of polemics and political rhetorics is "inevitable" on all sides of this controversy and that therefore nobody should "be blamed for this" (p. 32).

One would have wished for an assessment of existing polemics based upon objective criteria, though. Just because an opponent rails or threatens does not justify at all to rail or threaten back. Clear limits exist here, which the expert witness even touches on p. 9, where he classifies a fanaticism as unscientific which wants "to destroy an enemy." The limits of tolerable polemics which can be generally agreed upon are there where the civil rights of third persons are violated, be it by insults, slander, defamation, advocating, or approval of, violent or despotic acts.

If for instance the opponent of revisionists and editor of the German newsmagazine *Spiegel* Fritjof Meyer states about the revisionists that one has to "beat the Fascists wherever one meets them,"[302] then not even an attempt at justification with reference to the principle "*tu quoque*" would save a similar revisionist call for violence against established historians from being considered as illegitimate and grossly unscientific. The expert witness does not show that such violations of the civil rights or third persons occur in the book at issue. He merely considers the reproduction of an illustration from the German fairy tale of "Burning Little Pauline" to be "unseemly and a violation of scientific maxims" (p. 25) without explaining, though, why that is so, because a reproduction of a well-known, 150-year old illustration does not *per se* violate anyone's civil rights. Quite to the contrary, because the illustration serves to explain why so many witnesses have declared, contrary to the facts, that human bodies burn by themselves and that blood is a good fuel. Entire generations of Europeans have been socialized at child's age by reading fairy tales such as the one of "Burning Little Pauline," as a result of which it cannot be rejected out of hand that this story is the basis of these wrong witness accounts. This example demonstrates, to which degree the expert witness is incapable of rationally evaluating an issue due to his own socialization toward showing "reverence" (p. 12) for certain historical allegations.

The expert witness's remark that in a different context he has seen "several caricatures, which attest to bad taste" (Addendum, p. 1, regarding the journal *Vierteljahreshefte für freie Geschichtsforschung*) point in a similar direction. As is well known, there is no accounting for taste; but taste is in any case no criterion of the nature of science.

The expert witness labels references by the author Arnulf Neumaier to passages of the Old Testament as "anti-Semitic" (p. 24). In its popular meaning, this adjective denotes individuals who reject Jews as a matter of principle for ethnic or racial reasons. As a subcategory of the charge of racism, the charge of anti-Semitism nowadays has an extremely socially ostracizing effect and is indeed at times destructive to one's existence. If unjustified, this accusation can be regarded as an illegitimate assault on the civil rights of others.

From Neumaier's remarks – as criticized by the expert witness – a negative appreciation of certain aspects of the Old Testament may result

[302] Open Letter of 12 Feb. 2004, see G. Rudolf, *Lectures*, *op. cit.* (note 55), p. 167.

and thus of the Jewish religion. But that does not permit the reader to conclude that Neumaier harbors a general racial or racist aversion toward Jews. Since Neumaier expresses a similar unappreciation of the basis of the Christian religion (first page of his contribution) by making fun of the Christians' belief in resurrection, Neumaier's polemics more likely point to an atheistic attitude rather than to anti-Semitism. In any case, the expert witness's accusations ought to be better substantiated in order to avoid the suspicion that they are polemical in nature.

The expert witness's use of the terms "denier" and "denial" in the context of Holocaust revisionism can be criticized in a similar way (pp. 1, 15, 25, 27f.). The German word "*Leugnen*" signifies a denial against better knowledge, hence is a subcategory of lying. To call a person a "*Leugner*" [lying denier] is therefore a moral judgment and hence potentially libelous, just like calling someone a "liar." As long as there is not at least circumstantial evidence proving that a person negates something against his own knowledge, it is a violation of his civil rights to call him a "*Leugner*." It has to be mentioned as well, though, that the expert witness clarifies in footnote 23 (p. 41) that the revisionist allegation of the gas chamber thesis as war propaganda can "by no means be considered right from the start as proof of a mendacious disposition," and in his Addendum of 5 Feb. 2006 he puts things right:

"I am therefore even skeptical about the term 'denying the Holocaust.' It in fact disparages those thusly criticized from the outset, because it imputes to him the complete knowledge of what the critic considers to be 'true' and hence denies him good faith." (Addendum, p. 5)

3.6. Source criticism

The expert witness praises the source criticism conducted by the various contributing authors of the book at issue (Köhler, Jordan, Ney, Weckert, Walendy, Ball, Neumaier, pp. 21-23, 25) which are a "counterpoint to the most conspicuous weak point of established literature" (p. 22). Merely the source criticism by H. Tiedemann on the topic of "Babi Yar" appears to be a critique brought "to an extreme" in the expert witness's eye, yet he nonetheless does not deny its legitimacy ("an approach which should not be spared," p. 25).

Later on the expert witness explains that he considers the revisionists' critical approach to sources as "grossly one-sided and insofar inadmissible," (p. 33) because by criticizing documents and witness statements "excessively," the revisionists "undermine the essential

foundation of the historic science, which frequently has only two or three witness statements or documents at its disposal and which therefore has to accept their consistency as proof" (p. 34). The expert witness unfortunately omits to give objective, comprehensible criteria in order to determine, up to which intensity source criticism is admissible in his view and from which point onward it has to be rejected as excessive. He also does not substantiate his sweeping claim. Even a back reference to the contribution by Tiedemann, which the expert witness has criticized, would not have helped here, because Tiedemann demonstrates precisely – as the expert witness states himself – that the sources given by him hardly show any consistency but instead "blatant contradictions," so the expert witness himself (p. 25).

The questions which the expert witness would have had to assess is not to which degree revisionists reject sources, but instead whether and to what extent they give comprehensible, justifiable objective reasons for this and whether they stick to these reasons. The expert witness has failed to do this completely. In this respect his assessments are nothing else but unfounded statements of opinion.

3.7. Criteria of scientific nature not examined

The aspects of the nature of science as listed in A.3. under list entries 7-12 have not even been mentioned by the expert witness, let alone any indication that he assessed the book at issue in this regard. It is not evident why that is so, but a conclusion by analogy offers itself. According to revisionist perception, almost the entire established literature on the Holocaust stands out by being replete with internal inconsistencies and contradictions to logical laws and to that which is scientifically and technically possible. Furthermore the evidentiary hierarchy is usually turned upside down by witness accounts determining how to interpret documents and by almost completely ignoring material evidence. These points of criticism are the objective basis of revisionist source criticism, a fact which the expert witness omits entirely. The established literature moreover persistently contains allegations which evade an evaluation for logical reasons, a fact also eliciting harsh revisionist criticism. The expert witness himself commits this disastrous unscientific mistake by positing that a crime for which no evidence exists has to be assumed as true for reasons of reverence, *i.e.*, piety (p. 12). Yet to postulate a thesis whose properties, namely the lack of any evidence, render its verifica-

tion logically impossibly, is grossly unscientific, as it is thusly immunized against any attempt at refutation.

It therefore can, indeed it has to be concluded that the following is the reason why the expert witness has not investigated these essential aspects of the nature of science (or maybe he is not even aware of them?): because he himself is part of this established unscientific attitude.

Finally one would have wished that the expert witness had given his expert report a systematic structure – this, too, is a hallmark of science! – for instance by initially explaining in a substantiated way, which criteria of the nature of science he considers relevant, in order to then use them as a yardstick to assess the individual contributions of the book at issue.

C. Conclusions

The expert witness

- has essentially missed the topic of his assignment for an expert report, because some $^2/_3$ of his expert report do not address the topic of his assignment;
- has transgressed the area of competence as an expert by commenting on topics for which he is not an expert according to his own statements or which even originate from utterly foreign disciplines;
- has not performed his assignment professionally by omitting essential aspects of his assignment for an expert report – various criteria of the nature of science – and by repeatedly and at times in a massive way violating scientific principles himself.

Hence both the expert report and the expert witness have to be rejected as utterly unsuitable pieces of evidence.

Germar Rudolf, Heidelberg, 24 February 2007

Postscriptum

The above verdict is harsh. It may even be unfair, for Prof. Dr. Ernst Nolte did not write his expert assessment of "my" book for the isolated use of a few judges looking for an expert opinion on the nature of science and how my book fits into it. Prof. Nolte was well aware that his expert report would eventually end up in the public domain, and that

this would be the real litmus test for his assessment: how would the public at large and his opponents in academia and in the media react to his courageous – or reckless? – defense of one of the most vilified Holocaust deniers? Hence Nolte's expert report is primarily an attempt at self-justification written in a way to pre-emptively fend off the attacks he expects to come from his opponents and enemies. And as such it may well be regarded as a masterpiece.

Appendix 4: Unconstitutional Historical Dictate

Günter Bertram:

The State under the Rule of Law and its Amendment of the Law on Inciting the Masses [*]

The Bundestag [German parliament] has tightened article 130 German Penal Code, which punishes "inciting of the masses" in accelerated proceedings in order to account for the current needs. Already in 1994 during the revision of this [penal] article it has remained unclear and controversial, which legally recognized interest the legislature wanted to protect within which limits against what kind of assault; the current amendment increases the doubts. Article 130 German Penal Code contains anomalous exceptional penal law and is thus and insofar in contradiction with constitutional law and freedom of expression. The legislators have to finally make up their minds and change direction here and – more than 60 years after the end of the "Third Reich" – have to leave a far advanced German *Sonderweg* in order to return to normal standards of the liberal state under the rule of law.

I. Introduction

An association test about the keyword "inciting the masses" would presumably conjure up a confusing plethora of *names* onto the paper; and the test would *substantially* reveal the widespread opinion that a number or precarious topics are better left unmentioned in public or that one may talk about them only like a TV host under threat of being ostracized. That this judgment is too superficial and that the article is better than its reputation does not change the fact that several of its elements encourage the custom of using it as a bludgeon during political disputes.

II. The Amendment

Article 130 German Penal Code obtained another (fourth) paragraph with the Act of 24 March 2005,[1] which reads:

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[*] Günter Bertram, *Neue Juristische Wochenschrift* 2005, issue 21, pp. 1476-1478. In reaction to Poscher, *NJW* 2005, p. 1316. – The autor's last position was Presiding Judge at the Hamburg District Court.

§ 130. (4) With imprisonment or with a fine will be punished those who publicly or during a gathering disturb public peace in a way injurious to the dignity of the victims by approving, glorifying or justifying the National Socialist violent and despotic rule…

This amendment became effective on 2 March 2005.

III. Background

The conversion of the old [anti-Communist] article against inciting to class struggle into a – concise and yet pretty clear – penal norm against inciting the masses with the act of 4 Aug. 1960[2] was a reaction to shocking realities of the time.[3] Decades later a plain misunderstanding of the so-called first Deckert verdict by the German Federal Supreme Court of spring 1994[4] resulted in the public and the legislature assuming that Auschwitz denial could not be punished, although that was untrue. Because already quite some time before that – *nota bene*: shortly before 8 May 1985 on the 40th anniversary of the German surrender – article 194 German Penal Code had been changed to the effect that the denial of such NS crimes could be prosecuted *ex officio* as libel.[5] The Federal Supreme Court had reversed the Deckert verdict of the lower court only because the ruling judges had only ascertained libel, but not the more severe offense of disparaging agitation (so-called qualified Auschwitz lie according to article 130, paragraph 1 Penal Code). Yet the ebullient domestic and foreign indignation could no longer be allayed by any explanation but at best only by a determined, although factually superfluous act of commitment by the legislature.[6] Hence a new paragraph 3 was promptly added to article 130 Penal Code already in October 1994.[7] From then on a *simple* denial, approval and downplaying was punishable for two reasons: as libel with up to one year imprisonment and as inciting the masses with up to five years imprisonment. With an interesting restriction: social adequacy restricts the offense in the sense that frowned-upon statements remain permitted, as long as they serve the enlightenment of the citizens or *similar purposes*.[8]

Well over ten years later [German] politics – parties, parliament and government, the German public at large – saw themselves confronted by the puzzling question *how* to emerge unscathed from the 60th anniversary of the war's end on 8 May 2005. Considering the appalling boorish behavior by the [German right-wing party] NPD in the Saxon parliament and the depressing prospect of having to experience on TV

on that critical date how columns of cussing neo-Nazis ganged up in front of the Holocaust memorial in Berlin and marched through the Brandenburg Gate, it seemed clear that something had to happen to halt such activities. But what? A change of the right of assembly promised relief, although it was to be shored up with penal measures – by a renewed tightening of article 130 Penal Code. Although hate sermons, Holocaust denial as well as any use of Nazi symbols or slogans[9] had long since been prohibited, by now it was known that the "Neos" were not only stupid and dull, but also clever and cunning and knew how to glibly slip through legal gaps; hence those had to be plugged. On 11 Feb. 2005, the German Secretary of Justice introduced a bill and announced that the state had so far been reluctant to restrict freedom of speech and assembly due to their high priority, but it now had to close gaps – also as a signal to young people – among other things by a new paragraph to article 130 Penal Code, according to which punishment will be meted out against him "who publicly or during a gathering disturbs public peace in a way injurious to the dignity of the victims by approving, glorifying or justifying the National Socialist violent and despotic rule."[10] *Glorification* is also given if unjust conditions of the National Socialist rule appear *in a context of positive evaluation* or when *emphasis would be put on positive values*, and prosecutable approval can also occur *under reservation* or *by implication*. Did that jeopardize the core of several civil rights? Hasty debates about that ensued within the government coalition, but already a month later the bill passed – in a slightly amended form – the final parliamentary debate.[12]

IV. Alien Element in a Liberal State under the Rule of Law?

1. § 130 III German Penal Code

One can already find grave doubts in the literature about the question whether any legally justifiable good in need of protection can be found in paragraph 3 of article 130 Penal Code (which had remained unchanged this time).

Is it the honor of the victims, public peace, the basic consensus of all democrats, a decent political climate, concerns of foreign policy, or historical truth? Penal law is certainly inept to take care of the latter – but all the other hypotheses can be challenged as well with compelling reasons.[13] And what does *approving* mean, foremost also *denying*[14] and *downplaying – objectively* and subjectively? Does this law aim only at

the evil, or also at the stupid and the ones who recklessly or naively parrot others? What about offenders who act out of persuasion? A *partial denial* fulfills the offense of *downplaying*, decided the Federal Supreme Court on 22 Dec. 2004,[15] if the perpetrator conceals the *true weight* of the historical facts, calculates downward the number of victims as opposed to the historically recognized extent of the mass murder, or questions not only marginal issues of the order of magnitude considered historically established – that is to say, due to knowledge considered verified up to now… That makes sense only at first sight, because nothing else can be true here as elsewhere in science: The limits of knowledge are never fixed, not even for the number of victims of Auschwitz,[16] which has been officially reduced in the course of time from some four million to one million and which may have been higher, but perhaps also lower than that.[17] Who can set a mandatory *margin* in this field, who can set the limits of what is *established*? The offense defined by article 130, paragraph III, Penal Code raises such questions and many more, which cannot be discussed here, though.

Although the encompassing problem whether the offense of inciting the masses can prevail over the constitutionally guaranteed freedom of opinion also touches upon its paragraphs 1 ad 2, it is probably still solvable there with an interpretation which does not impinge on freedom of speech in case of doubt.[18] Yet paragraph 3 is hit by this problem with full vehemence: Freedom of opinion has the high value assigned to it by the Federal Constitutional High Court in the Lüth verdict of 15 Jan. 1958[19] – with downright imploring words![20] – today not less than back then.

The Constitutional High Court has so far not taken an opportunity to evaluate the constitutionality of article 130, para. III, Penal Code:[21] remarkable, if considering the concerns which have been raised and are imposing themselves.[†]

2. The Amendment of Paragraph 4

It is pointless to evaluate whether this paragraph could be salvaged as constitutional even when interpreting its wording extremely restrictively. After all, the Secretary of Justice herself has put the legislature's intention on record with her interpretive guidelines as quoted above and

[†] On 4 Nov. 2009 the German Federal Constitutional High Court has approved Art. 130, para. IV, German Penal Code as constitutional, see note 233; G.R.

as can be found elsewhere, which would legitimize almost any trip into the blue. It would be just as ineffective to strive again for a definition of a conventional good in need of legal protection. It's all over parliamentary town that it was the panic-stricken fear of pictures and reports – especially those of 8 May 2005, in Berlin ("appalling, unbearable, harmful, disgraceful, nasty…!") – and a worldwide outrage which caused this blitz action. Can the legislature control the flow of images in a mass society? – This is obviously impossible! Can harmful, unbearable opinions be outlawed for legal reasons? The Federal Constitutional High Court recently denied this[22] with great determination with reference to article 5, paragraph I, sentence 1 of the German Basic Law (freedom of opinion): Even he who contests *Hitler's* guilt for the outbreak of World War II in publications is protected by the constitution.[23] *That* is the powerful old pathos of the Lüth verdict, not the sallow, politically correct manner of speaking of the *zeitgeist* which lacks any understanding for the adventure of a liberal open – and thus also risky – political order.[24]

V. Prospect

The German Auschwitz taboo is deeply justified and legitimated by the Shoah.[25] Art. 130, para. III, Penal Code, however, belongs to the *questionable* consequences taken here; and its transfer to "satellite taboos" *(Isensee)* poisons the political and intellectual climate: [this concerns] almost any other topic, which is brought into connection with the National Socialist time in order to gain superiority in a public dialog. The new paragraph 4 constitutes such a doubtful new expansion as well, whose basic deficiency could hardly be remedied even in case of a restrictive interpretation. *Brugger* characterized art. 130, para. III, Penal Code as a German law for special cases (*Sonderfall-Gesetz*),[26] whose exorbitantly unique cause alone could permit in this case to push aside constitutional law. If one agrees to that, one has to consider at the same time that at least today, more than 60 years after the end of the National Socialist rule, a time has come to cautiously leave this *Sonderweg*, this special path. Only this but not an – almost unlimited! – new extension of the norm can seriously be open to debate. The attempt, however – quite to the contrary – to even obligate other European or extra-European countries to assume the special perceptions developed by us [Germans] and to, for instance, outlaw the swastika in the entire world,[27] appears eerie…

Will the legislature find the strength to change course? Or will it sooner or later and quite to the contrary patch up article 130 German Penal Code by adding yet another level to it according to the current needs of the day, as it is already a tradition and promises the applause of at least the leading media? Then only the German Federal Constitutional High Court would be the last hope.

Notes

1 "Gesetz zur Änderung des Versammlungsgesetzes und des Strafgesetzbuchs," *Bundesgesetzblatt*. I 2005, 969. Art. 1 of the law mandates the tightening of art. 15 of the Law of Assembly (re. Holocaust memorials and others), art. 2 the change of art. 130 Penal Code.

2 "He who in a way capable of disturbing public peace attacks the human dignity of others by
1. inciting to hatred against parts of the population,
2. calls for violence or acts of despotism against them or
3. insults them, maliciously exposes them to disdain or slanders them, will be punished with imprisonment not under three months."

3 Namely the Hamburg case Nieland (cf. about this *BGH*, *Neue Juristische Wochenschrift* (NJW) 1959, 1593), about vandalism and graffiti, although a part of these cases are likely to have been controlled provocations (lit. reference in *Bertram*, NJW 1999, 3544).

4 BGHSt 40, 97 = NJW 1994, 1421: The indicted NPD functionary had acted in a noticeably approving way as an interpreter of a presentation by the U.S. Holocaust denier *Fred Leuchter* during a public convention.

5 The VI. Senate of Civil Law of the *BGH* had decided on 30 Nov. 1978 (BGHSt 75, 160 = NJW 1980, 45) that the denial of the National Socialist murders of the Jews inheres a slander of the German Jews – a thesis which was subsequently unanimously followed by the jurisdiction.

6 More about this *Bertram*, NJW 1994, 2002.

7 Law on Combating Crimes of 28 Oct. 1994; at that opportunity paragraph 2 was inserted as well, which outlaws inciting the masses by way of writings and other means.

8 This results from the reference given in art. 130, para. VI, to art. 86, para. III, Penal Code. On the arbitrariness of the positive and negative attributions mandated by this see *Bertram*, NJW 2002, 111.

9 Cf. arts. 86 1 no. 4, 86a Penal Code.

10 Cf. *Zypries*: "Strafrecht im Kampf gegen Rechtsextremismus verschärfen," Federal Ministry of Justice, BMJ-Newsletter, of 11 Feb. 2005.

11 With its interpretive guidelines, the press release of the Federal Ministry of Justice of 11 March 2005 matches the one of 11 Feb. 2005, like two peas in a pod – despite minor text changes in the draft itself.

12 *Poscher*, NJW 2005, 1316, considers this an "actionistic looking, major effort by the legislator."

13 Cf. *e.g. Wandres*, Die Strafbarkeit des Auschwitz-Leugnens, 2000, pp. 269f, 276–303, 304ff. a. passim: currently probably the most thorough examination of the topic; *Beisel*, NJW 1995, 997 (1200f); *Huster*, NJW 1996, 487; *Junge*, Das Schutzgut des § 130 StGB, 2000, pp. 102ff. (124, 153f.); *Jahn*, Strafrechtliche Mittel gegen Rechtsextremismus, 1998, pp. 166ff. (204–208); *Brugger*, AöR 2003, 372 (on art. 130 III Penal Code, esp. pp. 402–409); *Lackner*, StGB, 21nd ed. (1995), esp. art. 130 Rdnr. 8; *Tröndle/Fischer*, StGB, 52nd ed. (2004), esp. art. 130 Rdnrn 23–25; *Lenkner*, in: *Schönke/Schröder*, StGB, 26th ed. (2001), art. 130 Rdnrn. la, 16–21; earlier already *Köhler*, NJW 1985, 2389. On the question of the punishablility of the denial of acts of genocide due to concerns of foreign politics cf. *Brugger*, AöR 2003, 372 (fn. 22 with further ref.); on "protection of the climate" as an (allegedly legitimate) good deserving legal protection cf. *Bubnoff*, in: LK, 11th ed. (1996), art. 130 Rdnr. 43 with further ref.; doubtful also *Poscher*, NJW 2005, 1316 (1317), under IV with fn. 15.

14 *Wandres* (*op. cit*, fn. 13), pp. 71–79, sketches the history of denial, which had its origin abroad *(Rassinier, Faurisson, Christophersen* and others) and was then picked up domestically. "Auschwitz" as such is not only the name for the historical extermination camp but beyond that

also *the* symbolic term for the National Socialist genocide (against the Jews, at times also beyond that). Of course this renders possible a two-folded lying, denying and doubting.

15 *BGH*, NJW 2005, 689.

16 Cf. *Beisel*, NJW 1995, 997 (1000, fn. 39); thoroughly *Wandres* (*op. cit.*, fn. 13), pp. 43–46.

17 In the journal Osteuropa 5/2002, 631, the Spiegel editor *Fritjof Meyer* arrives at half a million victims for *this* extermination camp: "Therewith the dimension of the collapse of civilization finally moves into an area of the imaginable and thus becomes for the first time a convincing warning sign for the descendants."

18 Insofar the idea behind the article addresses agitation for pogroms (art. 130 II No. 1 Penal Code) and crass polemics (art. 130 II No. 2 Penal Code), which in our country is *naturally* considered punishable. He who holds the free, unimpeded, even crass-political speech in such high regard as the USA arrives at different results, though (on this instructively and rich in material *Brugger*, in: Jb. d. öffentl. Rechts des Gegenwart, vol. 52 (2004), pp. 513ff.; *ibid.*, AöR 2003, 372 (on Holocaust lies 396ff.); *ibid.*, in: VVDStRL 63 (2004), pp. 101ff. (inciting the masses 133ff.).

19 BVerfGE 7, 198 = NJW 1958, 257.

20 "… the most immediate expression of the human personality in society… For a liberal democratic political system it is absolutely essential, because only it allows the continuous intellectual contest, the battle of opinions, which is its vital principle… It is in a certain sense the foundation of liberty as such" (BVerfGE 7, 198 = NJW 1958, 257 [258 1.Sp.] – Lüth). On this *Grimm*, NJW 1995, 1697.

21 In April 1994 (BVerfGE 90, 241 = NJW 1994, 1779) the *First Senate* did precisely *not* decide about art. 130 III StGB, although their press release from back then suggested the opposite assumption; maybe it was even meant to do this; on this *Bertram*, NJW 1994, 2002 (2003).

22 BVerfGE 90, 1 = NJW 1994, 178 1.

23 That the Office for the Protection of the Constitution at times executes completely different perceptions is a different matter; on this *e.g*. *Bertram*, NJW 2004, 344.

24 Which is frequently expressed. On this instructively *LeggewielMeier* (ed.): Verbot der NPD oder Mit Rechtsradikalen leben?, 2002, passim.

25 Cf. *Isensee*, Tabu im freiheitlichen Staat, 2003, pp. 73ff.

26 Cf. *Brugger*, AöR 2003, 372 (403 with further ref.).

27 Cf. *Frankfurter Allgemeine Zeitung* of 25 Feb. 2005: "Kein Verbot extremistischer Symbole – Europäische Justizminister können sich nicht einigen;" as well as "Hammer, Sichel, Hakenkreuz: Balten gegen kommunistische Symbole;" *Frankfurter Allgemeine Zeitung* of 28 Feb. 2005: "Mit Haken – Das europaweite Verbot der Swastika ist gescheitert."

Appendix 5: Intercession by Professors*

Affidavit

I, the undersigned, Dr. Constantine Zaverdinos, am an Honorary Senior Lecturer in the recently formed School of Mathematics, Statistics and Information Technology at the University of Natal, Pietermaritzburg, Private Bag X01, South Africa, 3209. I was appointed Lecturer in 1970 and in 1981 was promoted to Senior Lecturer in the Department of Mathematics until my retirement last year. I have published mathematical articles in international journals. My interests include classical Greek (in 1989 I obtained a first-class Honours degree) as well as modern history, especially the Second World War. My political convictions tend to be liberal and civil libertarian, entailing strong views on freedom of expression. I was pleased to see our country undergo fundamental changes at the start of the last decade, and have a profound admiration for ex-president Nelson Mandela.

This affidavit is written on behalf of Germar Scheerer (born Rudolf) whom I regard as a victim of a show trial. Modern Germany is fully democratic except when it concerns open discussion of its recent past. In December 1994 a much-strengthened law against "Holocaust denial" was passed - described by the United States Human Rights/Helsinki group as "too tough" (the South African *Citizen*, 6.4.1995). Under the new law even casting doubt on the official version of this tragic period can lead to a prison sentence of up to 5 years. The earlier law, though not as harsh, was repressive enough, as we will see. There is no doubt whatever that a great injustice was done to Europe's Jews between 1933 and 1945, but it does not follow that everything claimed at Nuremberg must be true by governmental decree.

My first contact with Germar Scheerer was a letter written in 1992 to him at the Max Planck Institute for Solid State Physics at Stuttgart, where he was employed at the time. I inquired about an expert report (hereafter, the *Gutachten*) which he had composed for the defense of the former Major-General O.E. Remer who was accused under §130 and §131 (among other sections) of the German Criminal Code of "mass incitement" and "inciting hatred" because he had frequently disputed whether Jewish people had been gassed to death at Auschwitz. Scheerer's report was disallowed at the trial since in Germany legal precedent has it that the Holocaust is "obvious" or "notorious" and so cannot be disputed, even in part. Remer was subsequently convicted and sentenced to 22 months imprisonment.

On June 23, 1995 Germar Scheerer was himself convicted and sentenced to 14 months imprisonment without the possibility of payroll in the Stuttgart Regional Court under the same sections the Criminal Code. (Landgericht Stuttgart, Az. 17 KLs 83/94). Although he was tried under the older law and while his *Gutachten* does not dispute the Holocaust as such, I will try to demonstrate that the essence of Scheerer's "crime" was precisely that he cast doubt on whether the homicidal gas chambers at Auschwitz could *technically* have functioned as is generally accepted. Still worse, the Court completely ignored the arguments of the *Gutachten*.
My information is based on a close reading of the 240-page *Urteil* (Judgement).

Because the *Gutachten* was disallowed in Remer's case, the former Major-General added politically spiced comments like "with the help of an unbelievably satanic distortion of history our nation has been made defenseless and subject to blackmail" and distributed this version to leading figures in German society, including all professors of inorganic chemistry. Although there is no mention of Jews in Remer's preface, the Court held that they were the target of a hate

* Germar Rudolf's name appears in the documents as Germar Scheerer, his married name between 1994-2002 from his first marriage, now dissolved.

campaign which Scheerer was part of, and this was in fact the main charge against him. The Court accepted that Scheerer had only written the *Gutachten* proper but found that this in itself constituted "aggravating circumstances". Further aggravating circumstances were that the accused continued his revisionist work, for example on the collection of essays in the book *Grundlagen zur Zeitgeschichte* (Grabert Verlag,1994) "in spite of and while the trial was proceeding", so that a suspended sentence was out of the question (*Urteil*, pp. 238ff).

Since Remer's preface does not blame Jewish groups for the "satanical distortion of history", but rather German politicians and the media, it appears that the main charge against Scheerer was paper-thin from the start. In my view, the "aggravating circumstances" were in fact the principal reason for his conviction.

Scheerer's original report, *Das Rudolf Gutachten: Gutachten über die Bildung und Nachweisbarkeit von Cyanidverbindungen in den 'Gaskammern' von Auschwitz* ("The Rudolf Report: Expert Report on the Formation and Detectability of Cyanide Compounds in the 'Gas Chambers' of Auschwitz") contains no political or subjective statements whatever and is written in the typically dry and objective style of a scientific article. It has 67 footnotes and refers to 220 authorities on chemistry, history and other topics, almost all of them coming from standard literature.

In his submission dated 16 November 1995 to have the judgement set aside and for a review of the trial, defense attorney Ludwig Bock strongly emphasized that no attempt whatsoever had been made by the court to study the actual content of the *Gutachten*, let alone have it evaluated by experts. On the contrary, in order to denigrate its worth, it is always referred to in quotes as "Gutachten", is repeatedly called "allegedly scientific" (*angeblich wissentschaftlich*), and although the Court did not point out a single factual error, it took it for granted that each of its arguments was a "show argument" (*Scheinargument*). Other allegations about Scheerer's work, like exhibiting a "maximum appearance of scholarship" (p. 26), are also derisive.

The closest the *Urteil* comes to admitting that Scheerer approaches the subject scientifically is on p. 23, where it states that the *Gutachten*, "which forms the basis of all his publication activities is written in an essentially scientific style (*im wesentlichen in wissenschaftlichem Stil gehalten*). It concerns itself with a chemical detail (the problem of hydrocyanic acid) and refrains from coming to general political conclusions". The Court however made it abundantly clear that this *Stil* was the result of a "strategy" to give the "impression of unbiased science", and that "following a common 'revisionist' strategy, the real purpose was to focus on a central point and then draw general conclusions" (p. 23f). The accusation that Scheerer applied such a "strategy" is repeated frequently in the *Urteil*. In handing down sentence, the court gave special weight to the conclusions of the *Gutachten*, characterizing Scheerer's "strategy" as "particularly refined and concealed", and therefore "very difficult for the victims [i.e. survivors] to defend themselves against" (p. 237f).

According to the verdict of the German Federal Constitutional High Court (GFHC) of January 11, 1994 (ref. 1 BvR 434/87), considerations of form and content, among others, decide whether a work is to be judged scientific, but the meaning of words such as "central point" in the *Urteil* is left undefined, no doubt to avoid any discussion of the ***content*** and ***argument*** of the *Gutachten*. According to the GFHC a main criterion for judging a work to be *unscientific* is if it

systematically ignores evidence opposing its thesis. This most certainly cannot be claimed of Scheerer's work, but the Court failed to acknowledge this.

The court also failed to say why the central problem addressed by the *Gutachten*, namely whether traces of cyanide compounds should still be detectable in the gas chambers - had they been used for mass-murder - was a "difficult to explain ... chemical detail" (pp. 15, 23) except to claim that the accused employed the "strategy of objectivity".

Elsewhere, the claim is made that, "judging by the way he treats facts [presumably in the added foreword, although the Court accepted that Scheerer had not written it], the Court does not need to test whether parts of the work have a scientific character or not". (p. 236). Therefore, a 119 page carefully argued work is judged on the basis of a page or two not written by Germar Scheerer and actually rejected by him! In fact, Scheerer brought legal action against Remer to stop distribution of the pirated *Gutachten*, which the court arbitrarily dismissed as "concealment" (*Vertuschung*, pp. 118-125).

Another real aim of the accused, the Court stated, was "to force a public debate on the issue". (*Urteil*, pp. 11-12, and pp. 228-229). In which countries is it a crime to "force a debate"?

Why did the Court not accede to attorney Bock's submission for a review of the trial? After all, there was a precedent. On 30 September 1981, an official expert, W. Scheffler, submitted a report stating that W. Stäglich's controversial book *Der Auschwitz Mythos* had only the "appearance of objectivity", and was "unscientific". In Scheerer's case the Court's characterization of the *Gutachten* as "allegedly objective" etc. was left in the air.

The Court claimed that Germar Scheerer is especially close to Nazi "racial ideology" and that he is an anti-Semite, allegations repeated by the British press, especially the *Sunday Telegraph*. This in my view is totally without foundation, since the only evidence adduced by the Court was to be found in Remer's additions and is contradicted by all Scheerer's writings as well as witnesses for the defense, including his friend Horst Lummert, who is Jewish. The Court simply ignored their statements and likewise regarded as insignificant the fact that the accused had given a public lecture praising the German-Jewish patriot Eduard von Simson, the first president of the Reichstag. In an introductory chapter of *Grundlagen zur Zeitgeschichte* Scheerer expresses the hope that an open discussion of the Holocaust issue might lead to a re-establishment of the fruitful German-Jewish "symbiosis", as he calls it. "In any case it is my wish, that both peoples may again find each other in a partnership of mutual respect and resume an epoch which brought so many benefits to the world, to Jewry and to the German people. It is also my wish that a chapter of history which has been full of mutual contempt, mistrust and fear can be finally closed. I long for the end of a period which, like none other before it, has brought so much unhappiness to the world, to Jews and Germans." The court arbitrarily dismissed this sincere appeal for reconciliation as an "attempt to make an impression" (*Urteil*, p. 26f.) Without justification the court regarded as insincere even statements Scheerer made in private letters, such as the one to his godmother in which he rejected David Irving's "propaganda methods" and wrote of Remer, "I do not wish to be associated with his totally obnoxious views." (*Urteil*, pp. 171-172).

Scheerer subsequently lost his position at the Max Planck Institute and was also prevented from submitting his PhD thesis (via a 1939 Hitler law!) because he was deemed "unworthy" of such a

title. (Incidentally, I was quite impressed with the sophisticated mathematical content of his thesis).

In my view justice was not even remotely served at the trial of Germar Scheerer which can only be described as a show trial, since the crimes of which he was convicted have little or no basis. No attempt was made to judge the *Gutachten* on its scientific merits because German law equates questioning of the standard version of the Holocaust, whether scientifically based or not, with racial prejudice.

Should Germar Scheerer return to the country of his birth he would have to face further charges as well as a 14-month prison term, precisely because of scientific research the quality of which was not even considered.

C. Zaverdinos

I hereby certify that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was sworn to and signed before me at PIETERMARITZBURG on this the 8 day of NOVEMBER 2000 and that the terms and regulations as contained in Government Gazette No. 3619 of 21st July 1972 have been duly complied with.

VERYLL ANN DOVE
FACULTY MANAGER
UNIVERSITY OF NATAL
PIETERMARITZBURG
EX OFFICIO COMMISSIONER OF OATHS

COMMISSIONER OF OATHS

Arthur R. Butz

18 November 2000

To Whom It May Concern:

I am writing this at the request of Mr. Germar Scheerer, a young German citizen who has requested my supporting testimony in his application for political asylum in the USA. I am a US citizen, born 10 November 1933 in New York City. My Social Security number is 115-26-6241 and my passport number is 154668602, expiring 17 July 2006. My phone is 847-869-2716 and my e-mail address is artbutz@aol.com .

I am presently Associate Professor of Electrical and Computer Engineering at Northwestern University, Evanston, Illinois. I received the Ph.D. in Control Sciences from the University of Minnesota in 1965.

I am also author of a controversial work of "Holocaust revisionism", which is outside the purview of my role as a faculty member at Northwestern University. However the University has continually affirmed my right to have undertaken this historical investigation, to have published my conclusions, to have continued there as a faculty member, and to have posted my views on the Internet using the University's server. This is a normal situation for the USA.

On his side, Mr. Scheerer has been active in essentially the same area of historical research in Europe. In 1994 he published (as editor under the pseudonym Ernst Gauss) a collection of papers on the subject entitled *Grundlagen zur Zeitgeschichte* (Foundations of Contemporary History, Grabert Verlag, Tübingen, 1994). This work has recently been published in English translation (*Dissecting the Holocaust*, Theses & Dissertations Press, Capshaw, Alabama, 2000). He is the editor of the 1997 instituted German language journal *Vierteljahreshefte für freie Geschichtsforschung* (Quarterly for Free Historical Research) which, for reasons that will become clear, has been published in England. I subscribe to this journal and consider it excellent. It has published articles by me in German translation, and it has also published articles by others that have been critical of some of my conclusions, as is normal and indeed expected for a cutting edge scholarly journal.

I have also corresponded with Scheerer over the past few years and I personally met and spoke at length with him last May in California.

Mr. Scheerer's position is not as happy as mine because, as is well known, the civil rights record of his native country, Germany, is abysmal by American standards. The working of that fact in his case occasions his application for political asylum. It is important to understand that Scheerer has not been persecuted for his political views or activities. Rather, he has been persecuted and prosecuted for conducting scientific investigations which have been viewed or labeled, by his politically motivated tormentors, as objectionable political activity. Specifically, in the context of contemporary German politics he and Holocaust revisionists generally are labeled

Scheerer - 2 - 18 November 2000

"right wing extremist" and perhaps "neo-Nazi", though neither class of views is evident in such writings. I believe that situation qualifies him for political asylum in the USA.

In 1993, when Scheerer was a chemist at the Max Planck Institute in Stuttgart, he published a chemical analysis of the structures alleged to have served as Nazi gas chambers at the Auschwitz concentration camp. For this he was fired. In 1995 he was convicted of "Volksverhetzung" (sedition) in publishing these findings and sentenced to 14 months in prison. The University of Stuttgart rejected approval of his Ph.D. thesis in 1996. Subsequently proceedings were initiated against him for other writings, for example the *Grundlagen* book. However these later proceedings reached no conclusions because Scheerer fled Germany rather than serve the 14 month prison term and since then he has been living most of the time in England.

The German laws under which Scheerer has been persecuted and prosecuted could not possibly be laws in the USA and few Americans are conscious of this situation. However I have been indirectly touched by it. For example Udo Walendy, the German translator-distributor of my book, is presently in prison there for related activities. I am also afraid to travel to Germany as it is a virtual certainty that I would be arrested for material I have posted on the Internet during the past few years. The recent (1999) case of Fredrick Töben, an Australian citizen arrested while travelling in Germany, demonstrates this danger beyond peradventure.

Although I confess I do not know the US law on political asylum, if I apply common sense interpretations I find it difficult to imagine a case where political asylum seems more justified. Scheerer is the victim of politically motivated persecution, which has employed laws that could not be laws in the USA, to attempt to punish and discourage scientific investigation.

Scheerer has been most remarkable for his tremendous energy. He is resourceful and it is difficult to imagine his becoming a drain on US society. Starting from almost nothing in England, he founded a successful quarterly journal. I believe he will be even more successful here if given the chance. His English is almost perfect.

It is not often that we in the USA see cases of politically motivated intellectual repression and persecution as clear as Scheerer's. He is the sort of person whom the USA can expect to enhance its economy and culture. I hope he is granted political asylum.

Sincerely,

Arthur R. Butz

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UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

Nov, 19, 2000

Affidavit for Germar Rudolf Scheerer

I have been teaching German language and literature at a German College Preparation School ("Gymnasium") and as Professor at Ohio State University and the University at Albany, NY. Since 1994, I am Emeritus. One of my scholarly interests always has been on the reception of literature, on the philosophical and political trends which influenced the discussion. In Albany, I have organized, and published the proceedings of, five international conferences on this topic during the nineties. In my subsequent scholarly research and publications as well as in studying newspapers and weeklies from the US and Germany I have been following the current development all the more closely as my interest has expanded to the history and especially the historiography of World War II.

In the FR of Germany, much of what has been written on WWII itself, its prelude since Versailles and its aftermath, has been subjected to censureship, supression and confiscation if it disagreed with the "politically correct" official version. Publishers were heavily fined, authors imprisoned. You can read many these works only abroad, especially in the US. It is being said that the present Federal Republic has more political prisoners than the East German Democratic Republic ever had at one time.

These things are kept from public knowledge. But the picture is not clear cut by any means. Gouvernment officials and the media appear to be in considerable confusion. Several of those "rebellious" or "revisionist" books, amont them Russian bestsellers, have been allowed to appear, especially on the war between Germany and the UdSSR. Others like those by the "infamous" British author David Irving, the acknowledged authority on WWII from the Nazi side, only recently have

been stopped, but still come and go in the stores. However, the writer himself is strictly banned from the country which threatens to prosecute him.

For such measures, as for the law against Holocaust deniers and the earlier one against radicals, the FR has been criticised sharply in the US even by people who, like I myself, find fault with the respective opinions. One example for many: Former Senator Bradleyþs German born wife, Ernestine Schlant, in *The Language of Silence. West German Literature and the Holocaust*, Routledge 1999, sees those measures in the ominous tradition of the Nazi dictatorship and the preceding authoritarian regimes. So do I and do many others. ..

During the late summer 2000, another witch hunt has broken loose, this time against so-called extremists on the right. Although foreigners and among them Jews have been assaulted in Germany much less than in other Western countries, and although those cases are not proven to be motivated by Nazi ideology, the present left gouvernment and their opinion makers tend to characterize everybody to their right as extremist, close to Neo-Nazism and inclined to act with violence -- as if there never had been "left" violence and as if the right trend were not to a high degree a natural reaction to the dominating Left. Again, strong efforts are under way to outlaw "right" groups and to authorize prosecution by the jurisdiction. Free speech and expression of opinion clearly have no save haven in the FR of Germany.

As for Mr. Germar Rudolf Scheerer, I respect him as one of the rare species of independent thinkers, motivated highly by the enthnic cleansing of over 15 million Germans from Eastern countries after WWII; as a man of scientific, scholarly principles, of intellectual honesty; an able publisher and writer; an upright Idealist; in short, an example of whom we need many more in a Democracy. In my opinion, by prosecuting him, Germany is doing herself and her people and to Democracy a great disservice.

Wolfgang Wittkowski
Prof. emer. of German
1370 Rosehill Blvd.
Schenectady, NY 12309

Prof. em. Dr. Ernst Nolte

16. November 2017

To whom it may concern.

My name is Dr. Ernst Nolte. I am a retired professor for recent history at the Free University (Freie Universität) of Berlin. I have published a series of books about the history of the 20th century, among them „Der Faschismus in seiner Epoche" 1963 (English under the title „Three Faces of Fascism" 1965 in London and 1966 in New York) and „Der europäische Bürgerkrieg 1917-1945" 1987 (The European Civil War 1917-1945). I am not a specialist for the „Holocaust" but sufficiently informed to categorize myself as a so-called intentionalist within the „exterminationist" direction. I am not related to Mr. Germar Rudolf - Scheerer and do not know him personally. I even had some reason to bear a grudge against him, because several years ago he published a brochure under a pseudonym which had a title that could easily be misunderstood and which heavily criticized my position (Manfred Köhler :"Professor Nolte : Auch Holocaust Lügen haben kurze Beine" (...: Even Holocaust lies have short legs). I do nevertheless desire to answer the question he asked me, since in my view it is a matter of great importance, i.e. the question whether there is any political persecution in contemporary Germany.

In principle it should be possible to decide this question from an American point of view by replacing it with a more concrete question : In the USA, does there exist an equivalent to the updated section 130 of the German Criminal Code, threatening those with a punishment of up to five years imprisonment who publicly or in writings „approve, deny or trivialize.....an act of § 220 para 1 (genocide) committed under the rule of National Socialism"? I consider this law to be extraordinarily questionable, because it is a special law which does not address genocide in general, but only a particular one (the „Holocaust"). Additionally, it uses terms which cannot be defined unequivocally. For instance : is somebody „trivializing" the NS genocide who puts „Auschwitz" in relation to the „GULag"? Is somebody „denying" Auschwitz who considers certain witness accounts regarding the „gas chambers" to be untrustworthy?

Prof. em. Dr. Ernst Nolte

It should be remembered that during the seventies and part of the eighties, the so-called „radical decree" was in force in Germany, which barred those candidates from public service who had been active in a communist or leftwing radical way. It is well known that in these years , the Federal Republic of Germany was engaged in a hard confrontation with the communist regime of the German Democratic Republic. Nevertheless, this decree was massively, and finally successfully, attacked by a large part of the intellectual public. It was considered as self-evident that this decree encompassed „political persecution". If this decree, which barred the access to certain professional positions, was „political persecution", then, in my opinion, a law threatening with an unusually harsh punishment of up to five years anybody who expresses publicly certain judgments or opinions, fulfills this prerequisite all the more. And as far as I am informed, the number of resulting criminal cases and prison terms, going into the thousands, is by far higher than the number of those persons who, in the past, were excluded from public service as a result of the "radical decree".

It has to be conceded that this law supposedly exempts „scholarly research" from prosecution and thus is not to restrict the principle of „freedom of science". However, „truth" is no criterion of being scholarly. If incorrect or half-correct statements as well as insufficient arguments would not be permissible, no scholarly life would exist any longer. Therefore, the criterion must be the obedience to certain methodic maxims, e.g. like the citation and emotionless discussion of opposing opinions.

Mr. Rudolf-Scheerer has edited a book which was published in Germany several years ago under the title „Grundlagen zur Zeitgeschichte" (Foundations for Contemporary History) and which just appeared in the USA under the title „Dissecting the Holocaust". In Germany, this book was burned and confiscated, even though it fulfilled the formal criteria of being scholarly. If, as a consequence of the constitutional law, such a prohibition would not be possible at all in the USA, then this German prohibition would not only indicate a political, but additionally an anti-scientific prosecution.

Prof. em. Dr. Ernst Nolte

This question can be answered in the USA alone. As hard as this assessment is for me, I feel compelled to articulate the following sentence as my personal opinion : Political persecution does exist in Germany indeed, and even serious violations against the principle of freedom of science. In my view, Mr. Rudolf-Scheerer's application for political asylum seems to be well founded.

Political persecution in the Federal Republic of Germany

German certified chemist Germar Rudolf Scheerer has applied for asylum in U.S.A., pleading political persecution in his native country. He has asked me, in my capacity as a university Law Professor (emeritus), to furnish a brief report of the abominable treatment dissenting people are currently subjected to in today's Germany.

Introducing myself, it may suffice here to state that I was born in 1929, and that the whole of my professional life has been devoted to law studies. I graduated in 1960 from Lund University's faculty of law, was appointed Assistant Professor in the same year (from 1965 as a full-time researcher), and held the university's professorial chair in tax law during the period 1974-93.

After my retirement I have spent most of my time trying to arrive at an overall picture of 20th-century history. In doing this, my attention has increasingly been concentrated on World-War-II revisionism, not least that section of this field that is commonly called Holocaust revisionism. Revisionism in itself (that is, a critical reappraisal of earlier research) is of course a quite normal feature in historical research (as indeed it should be in any true research), and may indeed be said to form a basic prerequisite of any significant advances in historical scholarship, especially in the study of traumatic armed conflicts like the two world wars during the former half of the 20th century. For political reasons, however, this process has been drastically delayed or obstructed as far as WW2 is concerned, which accounts for the appalling persecution, in many Western countries, of WW2 revisionists during the latter half of the century.

Having now for a considerable number of years critically followed the English- and German-language scholarly literature of Holocaust revisionism, not least the two leading journals in the field, viz., *The Journal of Historical Review* and *Vierteljahreshefte für freie Geschichtsforschung*, I can only honestly certify that the revisionists do seem to have a case, and that they most certainly deserve to be taken seriously and to be admitted into the current scholarly debate from which they have so far been excluded (an exclusion, in my opinion, that is a disgrace to the universities and to the scholarly establishment).

However, as far as the mere question of the freedom of speech is concerned, a true conception of truth and reality is not a prime concern (quite apart from the problem of finding any acceptable authority capable of deciding for us what truth and reality actually are in each particular instance!). Far more to the point is the question of the dissenters being in good faith or not. Indeed, this may be said to be the only relevant question. Frequently also such qualities as accuracy and objectivity, and a desire to arrive at the truth quite independently of any political, ideological, and religious bias, are postulated in this context. Again I am unable to find any significant failure whatever on the part of current revisionistic scholarship as far as all these qualities are concerned.

The legal persecution of Holocaust revisionists, especially in Germany, Austria, France, Switzerland, and Poland, has already precipitated a most considerable literature in the human-rights field. In the last three decades an alarmingly large number of brave scholars and scientists have been convicted of heresy and sentenced either to pay ruinous fines and damages or to serve long prison terms. In order to escape such punishments many of these unhappy persons have fled abroad, and the present Germar Rudolf Scheerer is one of these.

True, the German constitution does have a freedom-of-speech paragraph (no. 5), which is however efficiently restricted by the penal law's paragraph 130, according to which it is punishable to deny or palliate (*verleugnen oder verharmlosen*) genocide committed by the Nazis. Maximum prison sentences for this kind of offence are five years (in Austria ten years). Any effort in court to prove the defendant's point is routinely rejected as irrelevant, with reference to a high-court precedent establishing once and for all that the gas-chamber genocide is an obvious

fact (*offenkundige Tatsache*) beyond any possible need of proof or further discussion. It may be added here that even the defence counsel are openly threatened with prosecution in case they dare to question this ridiculous postulate!

Furthermore, the German courts themselves are not allowed that degree of independence they should of course be entitled to. Judge Orlet in Mannheim was thus summarily dismissed from service after having given revisionist Günter Deckert merely a suspended sentence, and his assistant judges were forced to report themselves sick. After that, German judges tend to display an irresponsible docility in extensively interpreting the hazy legislation according to the prevailing political climate. On 6 May 1997, revisionist author and publisher Udo Walendy was even convicted (by a Herford court) to a prison sentence for something that he had *not* written, Judge Helmut Knöner having found that Walendy had not knowingly published lies but rather had broken the law by publishing "one-sided" history that did not give sufficient attention to alternative interpretations!

The inescapable sad fact is that Germany has more and more receded from the basic principles of a Western democratic state governed by law. Citizens are arbitrarily arrested and prosecuted because of their factual or alleged political, scholarly, or scientific opinions. A not inconsiderable number of Germans have gone into exile in order to escape punishment. Censorship holds the nation in a firm grip. There is a terrifyingly long German "index" list of confiscated and prohibited literature. Since the press is unable and apparently also unwilling to perform its normal and basic duties in a democratic society, there is no way of creating a public opinion against the ongoing violation of justice. In those few cases that are brought to public attention, the public does not even bother to react, the victims having been demonized by the current propaganda as "Nazis" or "hate-mongers" (which of course they are not).

It is therefore imperative that those few courageous scholars and writers who really stand up against all this repression and persecution are given proper help when they turn to the outside world in order to seek aid in their commendable fight for freedom, truth, and genuinely democratic values. Young Germar Rudolf Scheerer is one of these, and one of the most accomplished. He has now turned to the United States, with their famous

First Amendment law, in order to be able to continue his peaceful life of research, scholarship and publishing on urgent historical matters without being harrassed by censorship and intolerant governments. Having for more than ten years carefully studied his many writings and publications I can testify to his being not only a reliable and balanced scientist and scholar, with a real zeal for truth, but also a man of honour and integrity, with a character that will truly make him a pride of the great nation to which he has now confidently applied for protection.

Simrishamn, Sweden, 21 November 2000

Professor Dr. Göran Englund

", the undersigned Notary Public in and for the District of Simrishamn, Kingdom of Sweden, do hereby certify that Professor Dr. Göran Englund personally appeared before me and d[illegible] this document.

Simrishamn, November 27, 2000

Katarina Åkesson

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Hans-Karsten M e i e r
Professor Dr.-Ing.

22.11.2000

Betreff : Politische Verfolgung freier Meinungsäußerung in der Bundesrepublik Deutschland .

Ich bin 1925 in Norddeutschland geboren und habe als Jugendlicher Nazi-Diktatur wie Krieg erleben müssen . Aus diesen Erfahrungen heraus hat sich bei mir eine ausgeprägte Sensibilität für Einschränkungen der Meinungsfreiheit herausgebildet . Seither ist es meine feste Überzeugung , daß freiheitliche Demokratie ohne Freiheit der Meinungsäußerung undenkbar ist .Im Grundgesetz der Bundesrepublik Deutschland hat deshalb für mich Artikel 5 ganz besondere Bedeutung . Dort heißt es :

Jeder hat das Recht , seine Meinung in Wort , Schrift und Bild frei zu äußern und zu verbreiten ..... Eine Zensur findet nicht statt .

und weiter :

Kunst und Wissenschaft , Forschung und Lehre sind frei ... !

Während meiner Berufstätigkeit als Wissenschaftler , Hochschullehrer und Industriemanager gaben mir unzählige Auslandsaufenthalte , vor allem in England und den USA , Gelegenheit , meine Überzeugungen aus eigener Anschauung zu festigen . Erst meine Pensionierung im Jahre 1990 jedoch erlaubte es mir zeitlich wieder , mein Interesse der innenpolitischen Situation in Deutschland zuzuwenden .

Zu meinem großen Erstaunen mußte ich dabei feststellen , daß Forschung und Diskussion um zeitgeschichtliche Vorgänge im Nazi-Deutschland mit dem sog. Historikerstreit ihr Ende gefunden hatten . Anstelle wissenschaftlicher Bemühungen , mit dem Ziel aus frei geaußerten richtigen oder auch falschen Beiträgen schließlich ein möglichst zutreffendes Geschichtsbild zu gewinnen, war politisch-korrektes Meinungsdiktat getreten . Äußerungen sog. Revisionisten , zunächst nur öffentlich moralisch gebrandmarkt , wurden jetzt als Volksverhetzung etc. unter Strafandrohung gestellt und zunehmend aggressiv verfolgt .

Zu einem ersten Höhepunkt dieser Verfolgung gaben die Untersuchungen des US-Amerikaners Fred Leuchter Anlaß . Noch 1990 hatte das Bundesjustizministerium dem Verlag auf Anfrage bestätigte , daß es sich um ein wissenschaftliches Manuskript handele und eine Strafverfolgung nicht beabsichtigt sei . Bereits 1992 wurde jedoch der Studienrat Deckert , der bei einem Vortrag Leuchters als Dolmetscher fungiert hatte , zu einer mehrmonatigen Haftstrafe verurteilt . Sein Verteitiger , der Rechtsanwalt Bock , sah sich wegen eines Antrages , den er in Wahrnehmung seiner Verteidigungsaufgabe im Deckert-Prozess gestellt hatte , zu einer Geldstrafe verurteilt und der in erster Instanz gegen Deckert lediglich auf eine Bewährungsstrafe erkennende Richter befand sich wenig später nach massiver politischer Intervention im vorzeitigen Ruhestand . Auch Leuchter wurde festgenommen und unter Anklage gestellt.

Hellhörig geworden , habe ich von nachfolgenden Prozessen diejenigen gegen den Diplom-Chemiker Germar Rudolf , den Historiker Dipl.Pol. Udo Walendy und schließlich gegen den australischen Bürger Dr.Fredrick Toben mit besonderer Aufmerksamkeit verfolgt . In jedem dieser Prozesse verfuhr die Justiz nach dem gleichen Muster . Angeklagt und abgeurteilt wurden Aussagen , die nach Meinung der Gerichte Verbrechen der Nazis in Frage stellten . Ausdrücklich wurde es abgelehnt , diese Aussagen zu diskutieren

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oder gar auf ihre Richtigkeit hin zu überprüfen . Für die Verurteilung zu vielmonatigen Haftstrafen genügte , daß diese Aussagen , obwohl sachlich vorgetragen und wissenschaftlich begründet , im Widerspruch zu einer unbestimmten , jedoch als politisch korrekt diktierten Geschichtsschreibung standen . Im Falle Dr.Toben ließen sich Staatsanwalt und Richter auch nicht dadurch beirren , daß der Angeklagte als australischer Staatsbürger seine Aussagen von Australien aus ins Internet gestellt hatte , die vorgeblichen Delikte dort jedoch keine strafrechtliche Relevanz haben . In Australien gewährte Freiheiten wurden in Deutschland verweigert .

In all diesen Fällen geht mit der strafrechtlichen Verfolgung eine flächendeckende Medienkampagne einher . Die Betroffenen werden "rechtsextremer Gesinnung" verdächtigt und damit moralisch gebrandmarkt . Öffentlichkeit und Politik fordern drastische Strafen. In den Medien wird von den Prozessen nur über das Urteil , bezüglich der bestraften Äußerungen jedoch garnichts berichtet . Verleger , Autoren , Übersetzer und sogar Schriftsetzer , die von dieser Linie abzuweichen wagen , sehen sich ebenfalls öffentlich "rechter Gesinnung" verdächtigt , verbal und handgreiflich bedroht , an Autos , Hauswänden und Zäunen als "Nazis" tituliert . Ihre Büros und Redaktionen sind Ziele nächtlicher Verwüstungen . Auch Banken und Sparkassen bleiben nicht untätig , sondern kündigen derart "Geouteten" mit fadenscheinigen Begründungen Geschäftsbeziehungen und Konten .

Daß es sich nicht um Einzelfälle handelt , erhellt aus der Tatsache , daß in der Bundesrepublik von 1994 bis 1997 insgesamt 17207 Strafverfahren wegen sogenannter Propagandadelikte geführt worden sind . Die Liste der indizierten Bücher und Schriften ist zwar lang, aber nicht öffentlich . Mißliebiges Schrifttum wird tonnenweise eingezogen und vernichtet . Aus den Medien ist darüber nur sehr wenig zu erfahren .

Fazit :

Nach einem Jahrzehnt erhöhter Aufmerksamkeit bezüglich zeithistorischer Fragen und der damit verbundenen politischen Probleme sehe ich die im Grundgesetz der Bundesrepublik verankerten Grundrechte auf freie Meinungsbildung und -äußerung sowie die Unabhängigkeit der Justiz entgegen allen spitzfindigen juristischen Begründungen in Deutschland als schwerwiegend eingeschränkt . Zuwiderhandelnde werden politisch verfolgt. Wie unerbittlich dies betrieben wird , ist erst kürzlich wieder aus dem Schicksal des Univ.Prof.Dr. Werner Pfeiffenberger deutlich geworden , der sich , wegen freimütiger Äußerungen zum gegenwärtigen Gesinnungsterror unversehens in die Schußlinie von Medien und Justiz geraten , der weiteren Verfolgung im Mai diesen Jahres durch den Freitod entzog .

Dem britischen EU-Kommissar Sir Leon Brittan wird der Ausspruch zugeschrieben :
"Wenn wir ein Gesetz haben , das den Menschen verbietet , Dinge zu sagen , selbst wenn sie offenkundig falsch sind , dann helfe uns Gott "

In Deutschland gibt es solche Gesetze und Bürger werden ohne jeglichen Überprüfung ihrer Aussagen auf Richtigkeit unnachgiebig abgeurteilt . Mit den Grundsätzen freiheitliche Demokratie ist derartiges nicht zu vereinbaren . Man kann nur hoffen , daß sich aus diesem Dilemma noch ein erträglicher Ausweg finden läßt .

Königsbronn , den 22. 11.2000

Professor Dr.Ing, H-K. Meier

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Hans-Karsten Meier
Prof. Dr. Engineer… 22 Nov. 2000

Re: Political Persecution of Free Expression of Opinion in the Federal Republic of Germany

I was born in 1925 in Northern Germany and had to experience both Nazi dictatorship and war as an adolescent. Due to these experiences I have developed a distinct sensibility for restrictions to freedom of opinion. It has ever since been my conviction that a liberal democracy is impossible without freedom of expression. For this reason Article 5 of the Basic Law of the Federal Republic of Germany has a special meaning for me. It says there:

> *Everyone has the right to freely express and disseminate his opinion in word, writing and pictures… There is no censorship.*

And furthermore:

> *Art and science, research and teachings are free…!*

During my professional activity as a scientist, university teacher and industrial manager, innumerable visits abroad, primarily in England and the U.S., gave me the opportunity to consolidate my views from my own experiences. It was only when I retired in 1990, though, that I had enough time to turn my interest to the domestic political situation in Germany.

To my amazement I had to find out that research and discussion of events of contemporary history during Nazi Germany had found an end with the so-called historians' dispute. Instead of scholarly efforts with the aim to eventually gain a conception of history as accurate as possible from freely expressed contributions, be they correct or also wrong, a politically correct dictatorship of opinion had arisen. Expressions of so-called revisionists, initially merely stigmatized in public, were now threatened with prosecution as incitement of the masses etc. and were ever more aggressively persecuted.

A first culmination of this persecution was caused by the investigations of the U.S.-American Fred Leuchter. In 1990 the [German] Secretary of Justice had still confirmed to the inquiring publisher that this was a scientific manuscript and that therefore no prosecution was intended. Yet already in 1992 the teacher Deckert, who had served as an

interpreter during a presentation by Leuchter, was sentenced to many months imprisonment. His defense lawyer, the lawyer Bock, had to face a fine for a motion which he had filed during the Deckert trial while exercising his duty as a defense lawyer, and the judge of the first instance of the case, who had sentenced Deckert only to a prison term on probation, was retired shortly afterwards after massive political interventions. Leuchter was arrested and indicted as well.

After this had made me sensitive, I followed among the subsequent trials with particular attention those against the certified chemist Germar Rudolf, the historian Udo Walendy, and finally against the Australian citizen Dr. Fredrick Toben. In each of those trials the judiciary followed the same pattern. Such statements were indicted and punished which in the eyes of the court questioned crimes by the Nazis. It was expressly rejected to discuss these statements or even to evaluate their veracity. For a verdict of many months imprisonment it sufficed that these statements, although presented in a matter-of-factual way and scientifically substantiated, contradicted an undefined version of history which is nonetheless dictated as politically correct. In the case of Dr. Toben neither the prosecutor nor the judge were led astray by the fact that the defendant as an Australian citizen had posted his statements on the Internet from within Australia, where those acts are not subject to prosecution. Liberties granted in Australia were denied in Germany.

In all these cases the prosecution is accompanied by an all-encompassing media campaign. The objects of that campaign are suspected of harboring "right-wing extremist views" and are stigmatized morally. Politicians and the public demand drastic punishments. The media only report about the verdict but nothing at all about the punished statements. Publishers, authors, translators and even typesetters who dare to deviate from the [official] line are confronted with being publicly suspected of having "right-wing views," with being verbally and physically threatened, and with being labeled as "Nazis" on cars, houses and fences. Their offices and editorial departments are targets for nocturnal vandalism. Not even banks remain passive, but cancel their business relationships and the accounts of those thusly "ousted" under specious pretexts.

That these are not isolated cases results from the fact that between 1994 and 1997 some 17,208 penal proceedings were conducted against so-called "propaganda offenses." The list of banned books and magazines is long but not public. Undesirable literature is confiscated and

destroyed by the ton. Only little can be learned about that from the media.

Conclusion:

After a decade of increased attention regarding issues of contemporary history and the political problems linked to this, I view as seriously restricted in Germany the fundamental rights of freedom to form and express an opinion as well as the independence of the judiciary, as they are statutory by the Basic Law of the Federal Republic of Germany, despite all hair-splitting legal justifications. Offenders are politically persecuted. How mercilessly this is perpetrated has just recently become clear once more due to the fate of University Professor Dr. Werner Pfeiffenberger, who all of a sudden had gotten into the crosshairs of media and judiciary for a candid statement about the current terror against certain views and who committed suicide in May of last year to escape further persecution.

The following quotation is assigned to the British European Commissioner Sir Leon Brittan:

> *"If we have laws prohibiting people to say things, even if they are evidently wrong, then may God help us."*

In Germany such laws exist, and citizens are sentenced relentlessly without any verification of the veracity of their statements. One can only hope that an acceptable way out can be found from this dilemma.

Königsbronn, 22 Nov. 2000 (passport and U.S. visa data)

(signed) Professor Dr. Ing. H-K. Meier

Dr. Hans Friedrich Gorki
em. Universitätsprofessor

20. November 2000

Erklärung
über die Verhinderung freier historischer Forschung in Deutschland.

1. Zu meiner Person:

Geboren am 16. 12. 1922. Studium der Geographie, der Geschichte und der Deutschen Philologie. Lehrer an einem Gymnasium. Seit 1970 ordentlicher Professor für Geographie und ihre Didaktik an der Pädagogischen Hochschule Ruhr, seit 1980 an der Universität Dortmund. Emeritiert 1988. Spezielle Arbeitsgebiete: Stadtgeographie und thematische Kartographie. Privates Interessengebiet: Zeitgeschichte mit Schwerpunkt auf dem Nationalsozialismus und seinen Auswirkungen. Die Beschäftigung mit diesem Interessengebiet ermöglicht mir die folgenden Feststellungen.

2. Zur Sache:

In der Bundesrepublik Deutschland (BRD) entspricht die offiziell vertretene Darstellung der Zeit des sog. Dritten Reiches immer noch jener extrem einseitigen Meinung, die unmittelbar nach dem Ende des 2. Weltkriegs allgemein vorherrschte. Bemühungen, die darauf gerichtet sind, durch Detailuntersuchungen zu differenzierten, der Wirklichkeit besser entsprechenden Einsichten über Zustände und Vorgänge zwischen 1933 und 1945 zu gelangen, sind als revisionistisch unerwünscht. Wer mit dieser Zielsetzung forscht, gerät in die Gefahr, teils leichtfertig, teils böswillig als "unbelehrbar" bezeichnet oder einfach als "Nazi" verleumdet und aus der Gesellschaft ausgegrenzt zu werden, wenn er zu Ergebnissen kommt, die mit der herrschenden Meinung nicht übereinstimmen. Bereits dieser Zustand zeigt eine deutliche Tendenz zu politischer Verfolgung.

Zweifellos jedoch gibt es in der BRD wirksame politische Verfolgung als offizielle Reaktion auf revisionistische Untersuchungen, die den Problemkreis der nationalsozialistischen Judenverfolgung gelten. Zwar kennt kein ernstzunehmender Mensch auf den Gedanken, diese schändliche Seite des "Dritten Reiches" in ihrer Tatsächlichkeit zu bestreiten, aber das damalige, insgesamt schreckliche Geschehen ist in seiner als alleingültig angesehenen Darstellung durchaus nicht in allen Einzelheiten überzeugend.

Irrgemäß

Demgemäß muß es darauf ankommen, auch hier durch spezielle Untersuchungen eine in sich differenzierte und mithin wirklichkeitsgerechtere Kenntnis der Ereignisse zu erreichen. Dabei wäre es - wie in allen anderen Bereichen wissenschaftlichen Arbeitens - der Abwägung von Argumenten und Gegenargumenten in voraussetzungslosem wissenschaftlichen Disput zu überlassen, welche Thesen und Auffassungen sich aufgrund ihres sachlichen Gewichtes letzten Endes durchsetzen.

Dieser normale Prozeß wissenschaftlicher Aufhellung ungeklärter Sachverhalte und strittiger Meinungen wird in der BRD mit strafrechtlichen Mitteln unterbunden, und zwar wegen angeblicher "Verunglimpfung des Andenkens Verstorbener" oder wegen "Volksverhetzung" mit Geld- und mit Haftstrafen gegen revisionistische Wissenschaftler und ihre Verleger, wobei inkriminierte Veröffentlichungen beschlagnahmt und vernichtet werden.

Außer der Gesamtzahl der Opfer, die Hitlers Gewaltherrschaft verursacht hat, ist besonders die Existenz der Gaskammern in den sog. Vernichtungslagern ein zentraler Streitpunkt. Angesichts des verworrenen Befundes, der sich aus den verschiedenen, nicht selten unglaubwürdigen Zeugenaussagen über die Modalitäten der Vergasungsaktionen ergibt, erscheint ein neuartiger Ansatz der Forschung als aussichtsreich, sichere Feststellungen treffen zu können: naturwissenschaftliche Untersuchungen des Mord-Werkzeugs Gaskammer. Dabei handelt es sich, vereinfacht ausgedrückt, um den Nachweis von dauerhaften Verbindungen der Blausäure (Cyaniden), die in nennenswerter Konzentration in Mauerwerk von Räumen vorhanden sind, deren Inneres oftmals der Blausäure enthaltenden Zyklon B ausgesetzt worden ist, also jenem zur Bekämpfung von Schädlingen bestimmten Mittel, das gemäß der herrschenden Meinung für die Morde in den Gaskammern verwendet wurde.

Angeregt durch Arbeiten F. Leuchters, eines amerikanischen Fachmanns für Hinrichtungskammern, hat der Diplomchemiker Germar Rudolf eine derartige Untersuchung im Lagerkomplex Auschwitz-Birkenau durchgeführt. Dabei hat sich ergeben, daß die Cyanidkonzentration in den Wänden eines Raumes von ausreichendem Erhaltungszustand, der als häufigst benutzte Gaskammer gilt, minimal war, während die Konzentrationswerte in ehemaligen Entlausungsräumen - entsprechend deren tatsächlicher Begasung mit Cyklon B - um drei Zehnerpotenzen höher lagen. Damit hätte unter wissenschaftlichen, rein sachgebundenen Gesichtspunkten die bisherige Gaskammerthese ernsthaft in Frage gestellt und der Weg frei sein müssen zu weiteren Untersuchungen dieser Art.

Aber

Aber in der BRD wurde Herr Rudolf in Zusammenhang mit einem auf seine Untersuchungen gestützten Gutachten, das gegen seinen Willen als Raubkopie mit sachfremder Kommentierung in die Öffentlichkeit gebracht worden war, zu einer Gefängnisstrafe von 14 Monaten verurteilt. Dieser Akt politischer Verfolgung hat ihn zur Flucht aus der BRD veranlaßt.

Dr. Hans Friedrich Gorki 20 November 2000
University Professor, emeritus…

Affidavit

about the obstruction of free historical research in Germany.

1. About my person:

Born on 16 Dec. 1922. Study of geography, history and German philology. Teacher at a Grammar school. Since 1970 tenured professor for geography and its didactics at the Ruhr Pedagogical College, since 1980 at the Dortmund University. Retired 1988. Special areas of activity: city geography and thematic cartography. Private interests: contemporary history with focus on National Socialism and its effects. The occupation with this topic enables me to make the following statement.

2. About the matter:

In the Federal Republic of Germany (FRG), the officially promoted depiction of the time of the so-called Third Reich still corresponds to the extremely one-sided view which prevailed immediately after the end of World War II. Efforts aimed at differentiating with detailed studies and at gaining insights which better describe the conditions and events between 1933 and 1945 are unwelcome as revisionist. Whoever investigates with that aim runs the risk to be labeled as "unteachable" or to be simply defamed as a "Nazi," partly due to ignorance and partly due to malice, and to be socially ostracized, if he arrives at results which do not conform to the prevailing opinion. Already this situation clearly shows a tendency for political persecution.

However, there can be no doubt that effective political persecution exists in the FRG as an official reaction to revisionist investigations addressing the topic of the National Socialist persecution of the Jews. Although it does not cross the mind of any serious person to deny the nefarious aspects of the "Third Reich" in its factuality, the depiction of these past, altogether terrible events, which is considered exclusively valid, is nevertheless not convincing in all its details. Hence it must matter here as well to come to a differentiated and thus more realistic knowledge of the events by means of specialized studies. In this process it would have to be left to the evaluation of arguments and counter-arguments in an unpredetermined scientific dispute to establish which theses and views prevail at the end due to their factual weight – as it is the case in all other areas of scientific work.

This normal procedure of scientific clarification of unclear issues and disputed opinions is prevented in the FRG by means of the penal law, namely as alleged "disparagement of the dead" or as "inciting the masses" with fines and imprisonments against revisionist scientists and their publishers, whereby the respective publications are seized and destroyed.

Apart from the total number of victims caused by Hitler's tyranny, it is in particular the existence of gas chambers in the so-called extermination camps which is a central point of contention. Considering the convoluted findings resulting from the various, frequently implausible witness statements about the modalities of the gassing opperations, a neutral approach of research seems promising in order to come to safe conclusions: investigations of the murder weapon gas chamber by the exact sciences. Expressed in a simplified way, this is about the detection of durable compounds of hydrogen cyanide (cyanides), which are present in sizeable concentrations in the walls of rooms whose interiors have frequently been exposed to Zyklon B – which contains hydrogen cyanide – that is to say: to the agent designed to fight vermin which according to the prevailing view was used for homicide in the gas chambers.

Inspired by F. Leuchter's work, an American expert for execution chambers, the certified chemist Germar Rudolf has conducted such investigations in the camp complex Auschwitz-Birkenau. From this it resulted that the cyanide concentrations were minimal in the walls of a room, which is in a sufficiently well preserved condition and which is considered to be the most frequently used gas chamber, whereas the concentration values in former delousing rooms – in accordance with their exposure to Zyklon B – were three orders of magnitude higher. As a result of this, if considering the scientific and factual aspects, the traditional gas chamber thesis should have been seriously questioned and the path should have been free for further research of that kind.

But in the FRG Germar Rudolf was sentenced to 14 months imprisonment in connection with an expert report based on his research, which had been made public against his wish as a pirate copy with irrelevant comments. This act of political persecution prompted him to flee from the FRG.

(signed) H. F. Gorki

Appendix 6: Book Burning

Meinungsfreiheit: Helmut Diwald Gedenkbuch auf dem Index

Bücher auf den Scheiterhaufen

Wegen einer in lateinischer Sprache abgefaßten Fußnote darf ein Buch nicht mehr verkauft werden.

VON HELMUT MÜLLER

Bereits seit Dezember vorigen Jahres ermittelt die Kriminalpolizei Tübingen im Auftrag der Staatsanwaltschaft gegen den Osnabrücker Soziologen Prof. Robert Hepp, der im Verdacht steht die „Auschwitzlüge" verbreitet zu haben. Konkret geht es um einen Beitrag des Wissenschafters in dem von Rolf-Josef Eibicht 1995 herausgegebenen und im Tübinger Hohenrain-Verlag erschienenen Gedenkbuch „Hellmut Diwald – Sein Vermächtnis für Deutschland". Der Historiker Hellmut Diwald ist bekanntlich in den 70er Jahren wegen seines Eintretens für die historische Wahrheit im freiesten deutschen Staat der Geschichte in Ungnade gefallen.

In dem nun auf den Index gesetzten Buch findet sich eine Passage in lateinischer Sprache, in der sich Prof. Hepp ausschließlich an seine Wissenschafter-Kollegen wendet und sich dem Thema der Offenkundigkeit, in Kenntnis der Sachlage, zweifelnd nähert. Doch das eher moderate „Ich verneine..." wurde vom amtlich bestellten Dolmetsch übertrieben mit „Ich leugne..." übersetzt. Auch sonst ist man behördlicherseits in dieser Causa nicht besonders sorgfältig vorgegangen: Prof. Hepp wurde auch gleich unterstellt, er sei für die Verbreitung des Buches verantwortlich. In diesem sind übrigens mehrere wegen ihres Fachwissens anerkannte Universitätsprofessoren, Lektoren, Schriftsteller und sogar ein Weihbischof mit Beiträgen vertreten. Mittlerweile wurde die Restauflage beschlagnahmt.

In einem Gespräch mit *Zur Zeit* spricht der Herausgeber des Buches von einer „Entfesselung der Justiz gegen Andersdenkende" und daß man heute schon so weit sei, die Wahrheit nur mehr in Latein sagen zu können. Dieses Vorgehen, noch dazu anläßlich des 1848er Gedenkens, sei jedenfalls ein „politisch krimineller Akt", so Rolf-Josef Eibicht.

Die Vorgangsweise der Justiz hat in der Bundesrepublik Deutschland nicht nur unter den Autoren des Buches Befremden hervorgerufen. Bundesweit wird mittlerweile Solidarität mit Prof. Hepp bekundet und gehofft, daß es nicht zu der vorgesehenen Verbrennung des Buches kommen möge. Vor 65 Jahren geschah solches noch öffentlich, heute wird dies klammheimlich in einer Müllverbrennungsanlage erledigt.

Zur Zeit (Vienna), no. 9, 27 Feb. 1998

Freedom of Opinion:
Helmut Diwald Memorial Book on the Index

Books onto the Pyre

A book may no longer be sold
because of a footnote written in Latin.

BY HELMUT MÜLLER

Already since December of last year and on request of the Public Prosecution, the Tübingen Police Department for Criminal Investigations has been investigating against the Osnabrück social scientist Prof. Robert Hepp, who is suspected of having disseminated the "Auschwitz

Lie." This is specifically about a contribution by the scientist in the memorial book "Hellmut Diwald – His Legacy for Germany," which was edited by Rolf-Joseph Eibicht and published in 1995 by the Tübingen Hohenrain publishing company. As is well-known, the historian Hellmut Diwald had fallen into disgrace in the 1970s in the freest German state of history because he had championed historical truth.

The book which was recently put onto the index contains a passage in the Latin language, in which Prof. Hepp addresses exclusively his science colleagues and in which he approaches with doubts the topic of self-evidence in knowledge of the circumstances. But the rather moderate "I negate…" was translated in an exaggerating way by the officially appointed translator as "I deny…" Also in other regards the authorities did not deal with the matter very carefully: it was at once imputed to Prof. Hepp that he was responsible for the distribution of the book. In this book numerous university professors, editors, writers, and even an auxiliary bishop are indeed also represented, who are recognized for their expertise. Meanwhile the remainder of the printrun has been confiscated.

In an interview with *Zur Zeit*, the editor of the book spoke about an "unleashing of the judiciary against dissidents" and that we are at a stage today where one can state the truth only in Latin. This procedure, on top of that on occasion of the commemoration of the 1848ers [the first, short-lived German democracy], is in any case a "politically criminal act," so Rolf-Josef Eibicht.

In the Federal Republic of Germany, the judiciary's approach has not only alienated the authors of this book. Meanwhile solidarity with Prof. Hepp is expressed countrywide, and it is hoped that the envisioned incineration of the book will not happen. 65 years ago such things happened publicly, yet today this is accomplished surreptitiously in a waste incineration plant.

Appendix 7: The Verdict

I. General Considerations

The notions of the public at large is often very naïve as to how a verdict and in particular the measure of punishment is arrived at during a penal trial. Law and justice, so the widespread view, ought to be decisive, but even in "normal," apolitical cases reality is considerably more complex.

Frequently the so-called procedural economy plays an essential role, that is to say the inclination of overburdened prosecutors and judges to get rid of a case as fast as possible. This results in them being often willing to make a "deal" with the defendant in complicated cases, whereby the prosecution drops parts of the indictment and/or the court promises a more lenient punishment, if the defendant confesses to the reduced charges and foregoes an effective defense. On the one hand, this way quite a few rogues get away "too cheaply," just like, on the other hand, quite a few partly or completely innocent defendants insisting on their defense, hence facing a situation of all or nothing, are threatened with a higher punishment than confessing rogues. It is therefore at times advantageous even for innocent defendants, in particular in case of an ambivalent evidentiary situation, to wrongly plead guilty and to receive a more lenient punishment rather than to get a full "broadside," viz. to forego the discount for confessing, rueful sinners.

This practice of plea bargaining, which is foiling, even mocking law and justice, has even been reprimanded by the German Federal Supreme Court, as far as I know. But because it happens behind the scenes and since all parties involved in a trial conspire with one another, hardly anybody complains about this custom, so that possible decisions of higher courts have no effect whatsoever on the widespread occurrence of plea bargaining.

Another frequently overlooked factor decisively influencing verdict and punishment is the human factor. Even if two absolutely identical deeds committed by perpetrators with the same personality and biographical background are dealt with by a court, the verdicts and measures of punishment can still be widely disparate, for instance because the case of the one defendant is dealt with by a kindhearted judge

by pure chance, who has just happily fallen in love, whereas the other case ends up in front of a merciless judge who is just going through a phase of dramatic bad mood, for example because his wife has run away, somebody has totaled his car, or because he has lost his money and papers by a case of pickpocketing. In such a case the one defendant may get away on probation, whereas the other might have to serve five years.

Hence law and justice are only two of the important factors leading to a penal verdict. And in political cases, as the one dealt with here, they do not even play a dominant role, because if law and justice mattered, such trials should not take place to begin with.

II. Prelude

I made these remarks in advance, because a quite similar constellation existed at the time when my trial unfolded at the Mannheim District Court. A year prior to my trial, that is in November 2005, the trial against another revisionist – Ernst Zündel – had commenced at the same court, although in front of different judges. Yet due to a totally different defense strategy, this trial dragged on for an extremely long time and only came to an end more than one year later, almost simultaneously with the end of my own trial. Even though there are substantial differences between Ernst Zündel's deeds and also his personality on the one hand and mine on the other, this would normally not have a major impact during political cases. Hence, if it had been merely about (il)legality and (in)justice, one had to expect a similar punishment in both cases. But it all turned out quite differently.

If one is present in a certain prison for one and a half years, one inevitably learns about the reputation of certain judges, in particular that of the infamous and feared "Judge Merciless." At the Mannheim District Court foremost one name is connected with this: Dr. Meinerzhagen of the 6th Superior Penal Chamber, who has the reputation of having a predilection for aiming at the highest possible punishment. Fate had it that Ernst Zündel's case ended up on his desk, whereas mine ended up at the 2nd Superior Penal Chamber, whose Presiding Judge Schwab probably has to be classified within the group of fair judges.

Ernst Zündel moreover opted for an extreme case of confrontational defense by permitting his lawyers to do anything which had to relentlessly provoke on end the already merciless judge. Not only all those

motions were filed which aimed at the introduction of evidence on historical issues but which are prohibited in federal German court rooms, but in addition to this Zündel's lawyers also denied the legitimacy of the trial as such, even of the court, of the federal German judiciary, and the existence of the Federal Republic of Germany as a whole, and to top it off, all this they garnished at times with hefty rhetoric. It was therefore inexorable that Ernst Zündel would receive the whole "broadside," since the bargain he had been offered – a ridiculous discount of six months in exchange for the "voluntary" surrender of Ernst Zündel's wife to the federal German authorities – was absolutely unacceptable.

I must admit that I, too, was initially tempted to conduct a confrontational defense of Ernst Zündel's style, more for reasons of defiance and anger than for rational motives. But the Zündel trial's echo in the media and the judges' reaction to it cured me swiftly and thoroughly of that temptation. Yet at the time when my trial started I still had those three defense lawyers who had also defended, or were defending, Ernst Zündel and who therefore had gained an accordingly bad reputation among the judges at the Mannheim District Court. That could have been a disadvantage, but it could also have been turned into an advantage.

Another lesson I was taught in numerous conversations with coinmates is that it is sometimes better to agree to a deal rather than to defiantly risk everything, which is to say, to claim innocence and gamble for an acquittal. But for bargaining one needs a lawyer who is held in high regard by the court, and there was none amongst my three lawyers. Hence good advice was hard to come by.

The situation was exacerbated four months before the trial started by the fact that the wife of lawyer Ludwig Bock, who had been assigned to my case by the court, had developed brain cancer, so that this lawyer was almost totally unavailable right up to the middle of my trial. Hence a new, prestigious lawyer had to be found.

III. The Deal

In this situation a supporter of mine had the "crazy" idea two months prior to the beginning of the trial to ask the famous German defense lawyer Rolf Bossi whether he would take my case. Against all expectations he agreed, although he could become active only after I was almost finished with my defense speech during the trial, because the correspondence with Bossi's law firm had dragged on for four months due

to the unnecessarily long censorship of my judge (at times it took a letter almost two months to get to me!). In this situation the advantage for me was, though, that Bossi couldn't interfere anymore with my speech, and for Bossi that he did not have to expose himself too much publicly. Bossi's law firm had indeed indicated that they would not get involved in the trial itself anymore but would take care only of the appeal for a reversal of the impending verdict and of the complaint to the Constitutional High Court.

When I explained to a younger colleague of Bossi's law firm during his visit in prison end of January 2007 that I had basically no effective defense at all and that I was urgently looking for someone to explore with the Chamber whether there is leeway for a deal, he agreed to intercede on my behalf in that sense behind the scenes when the right moment had arrived. It would have arrived at a moment, when the Chamber had become aware that it had the choice between either an acceptable deal or a long drawn-out confrontational defense as in the parallel case against Ernst Zündel. I should therefore see to it during a few trial days that my lawyer starts such a confrontational strategy, whereupon the Bossi law firm would offer behind the scenes the instant cessation of any further defense activity, provided that an accordingly low punishment were offered. Under no circumstances was I prepared to make any other concession, hence no renunciation, no treason against comrades, no intervention for the removal of websites or the cessation of revisionists undertakings and so on.[303]

After two days of filing motions to introduce evidence by my lawyer Sylvia Stolz and by me on 12 & 13 February 2007, lawyer Pauls from the Bossi law firm approached the 2nd Superior Penal Chamber and the prosecution and surprisingly met no resistance at all. The only condition stipulated by judges and prosecution to give me a "mere" 2½ years instead of the originally planned five years of imprisonment was that I fire those defense lawyers who had apparently caused fear and terror at the entire Mannheim District Court, and that I cease all defense activities. 2½ years was less than what I had hoped for in my wildest dreams and what even the most optimistic augurs had predicted, and the condition to fire lawyers who didn't do me any good anyway could be met easily and light-heartedly. The only thing I regretted was the fact that I

[303] For the events leading up to this deal see also the public declarations by the defense lawyers Maximilian Pauls and Ludwig Bock in Appendix 8, from p. 356 on.

could no longer introduce the expert report by the historian Dr. Rose,[304] which had been prepared specifically for this trial, as well as that by Prof. Dr. Ernst Nolte[305] – including my critique of it.[306]

Even if Zündel's radical confrontational defense strategy was good for nothing else, at least it enabled me to use his lawyers as a deterrent in order to negotiate a much lower punishment for myself.

Thank you, Ernst!

IV. The Pleas

The pleas held of 5 March 2007 were therefore only a formal matter without any factual relevance. It was all the more surprising, then, that Public Prosecutor Andreas Grossmann, apart from his pseudo-judicial platitudes of anti-revisionist exorcism, had to admit after all that I am probably really neither a National Socialist nor an anti-Semite. Hearing this from the mouth of a government Nazi hunter is probably the maximum of what can be expected. When it was about justifying the relatively "mild" punishment of 2½ years of imprisonment for the revisionist top devil as demanded by the prosecution, the prosecutor's elaborations sounded more like a defense lawyer's plea, so that my defense lawyer Pauls got into an awkward situation while pleading without wanting to simply repeat the prosecutor's words. What Herr Pauls stated without preparation had been discussed with me only partly in rough outlines, which is why I reject any responsibility for it.

V. The Oral Verdict

In contrast to the written verdict, the reasons for the verdict given orally quoted a little less from my book but in turn tried to be more specific about the reasons, which is why I will now address them in detail.

At the beginning of the pronouncement of the verdict on 15 Feb. 2007, the Presiding Judge stated succinctly that he could not see why article 130 Penal Code should be unconstitutional. He apparently considered it unnecessary to address the arguments I had proffered. Next Judge Schwab focused on the definition of science as given by the German Federal Constitutional High Court in 1994, which I had criticized. He accused me of having omitted a passage which explained that

[304] See Appendix 3.1., p. 258.
[305] See Appendix 3.2., p. 264.
[306] See Appendix 3.3., p. 293.

science may not be defined in an arbitrary way as to fit one's own purposes.

This passage of the verdict by the Constitutional High Court which I had omitted merely underscores my critique that major parts of it are hot air. That science and the nature of science – just like every term – may not be defined arbitrarily is obvious to such a degree that there is no need to justify the omission of such trivialities.

Although Judge Schwab did not accuse me explicitly of having custom-tailored my own convenient definition of the nature of science, his subsequent statements amounted to exactly this. Considering my thorough and comprehensive elaborations on the definition of science and its nature during my address to the court, which precisely did *not* originate from me but mainly from the best-known and most recognized expert on the theory of science, Karl R. Popper, it ought to be permitted to ask whether the Presiding Judge had listened during my presentation in the first place. I had also thoroughly lectured on the inadmissibility of arbitrary definitions of terms during my presentation. But that, too, must have slipped the judge's attention.

After that Judge Schwab expressed his liking for the definition by the Constitutional High Court that science is "everything which by form and content has to be considered a serious attempt to determine the truth." What followed was a prime example of what I had cautioned as the possibility to arbitrarily interpret the imprecise term "serious" in my presentation. How does Judge Schwab determine whether someone is serious about searching the truth? Very easy: He who makes jokes, ironic, cynical, or sarcastic remarks is not serious and can therefore not claim to have a serious intention to determine the truth.

As the first example for my alleged lack of seriousness the judge quoted a passage from pp. 28f. of my book *Lectures* (Verdict p. 35):[307]

> *"R: I hope that you are developing a feel for the underlying design of the Anglo-Saxon and Zionist war and atrocity propaganda – 1900, 1916, 1920, 1926, 1936, 1942, 1991…*
>
> *In 1991, as we all know, these things were again nothing but inventions, as were the later assertions before America's second war against Iraq in 2003, to the effect that Iraq had weapons of mass destruction or would have them soon, even though this time the gas*

[307] See the Verdict, online: www.germarrudolf.com/persecute/docs/Rudolf_Urteil.pdf; Engl: www.germarrudolf.com/persecute/docs/MannheimVerdict2007_E.pdf.

chambers and/or Zyklon B as 'weapons of mass destruction' were not mentioned. But, as Israel's well-known newspaper Ha'aretz proudly proclaimed:

'The war in Iraq was conceived by 25 neoconservative intellectuals, most of them Jewish, who are pushing President Bush to change the course of history.'

R: We all know, after all, that the Jews in Israel merit preventive protection against any kind of annihilation with weapons of mass destruction, regardless of whether this threat is real or imagined…

L: Now that sounds a bit too cynical. Don't you think that Jews merit protection from annihilation?

R: The cynicism refers only to cases where such a threat was pure invention. Any ethnic or religious group is entitled to protection from the threat of annihilation, Jews are no exception."

As the second example the Presiding Judge mentioned the following passage on p. 74 of my book (Verdict p. 40):

"L: If the prisoners succeeded in delaying the completion of a facility for a period of three years, doesn't this prove that Dachau was a holiday camp, where the prisoners could dawdle around at will, without punishment?

R: Careful! You are making yourself criminally liable with such speculations!"

Judge Schwab then referred to my address, during which I had admitted that this hypothetical interjection of a listener was obviously ironic in nature, which allegedly proves the unseriousness of my intentions. As a third example the judge quoted a passage on pp. 224f. of the book (Verdict p. 48):

"L: I have another question regarding trench incinerations. If the area around the Birkenau camp is as swampy as you said, is it even possible to dig a trench several meters deep, without hitting ground water?

R: That is the main argument against incineration trenches. Two expert studies, made independently of each other, did in fact demonstrate that the ground water level in and around Birkenau was just a foot or two below ground level between 1941 and 1944. Any deep trenches would have quickly filled with water.

L: And so how does one burn corpses under water?

R: Maybe with SS black magic.

L: That's not funny! Not only are you denying mass murder, you are making jokes as well.

R: Well, do you have a better explanation?

This sarcastic sentence allegedly proves my lack of seriousness as well. According to Judge Schwab, these three examples are not the only locations in which rhetorical techniques occur in my book and which served the chamber as evidence for my lack of seriousness.

Let us assume in favor of the Chamber that it is indeed a lack of scientific attitude if one uses rhetorical techniques like irony, cynicism and sarcasm or even in the form of simple jokes, hence that humor is a criminal offence in Germany. Who has laughed there!?!☹

All the other criteria of the nature of science which I have discussed in my presentation have simply been ignored by the Chamber. In the collective of the various criteria, the question of whether a work contains rhetorical style elements worthy of criticism can at best play a secondary role of, say, 10%. And even if my book had completely failed these 10%, I would not have failed completely with my book, because in the end my book contains only some rebuked passages in 550 pages. So let's say I had met the point of freedom from illegitimate rhetorical only by 50%. Then my book would still be 95% scientific. (Since no criticism was made regarding the other criteria, I am rightfully entitled to 100% for each of them – *in dubio pro reo*.)

If Judge Schwab bases his decision on the verdict of the Constitutional High Court, he should have kept reading it. Because it also says there that a scientific nature is only then no longer given, if a work "systematically" fails to meet the required criteria. But for my book this is precisely not the case, neither regarding the criticized rhetorical techniques nor most certainly for other, much more important criteria. After all, this is not a joke book.

However, already the claim is absolutely unfounded that certain rhetorical techniques prove the lack of seriousness of the author. One can even argue the other way around: the more polemical and sarcastic someone argues, the more seriously he probably means it. That some readers might not take polemics seriously is a different matter altogether. One must not confound the author's concern with the effect on the reader.

In the end it depends on why a certain rhetorical technique is being used. If it is used for didactic reasons in order to elucidate an argumentative or scientific point of view, it is definitely legitimate. One definite-

ly argues in an illegitimately unscientific way only then when using rhetorical techniques in order to attack not arguments but rather individuals, as I have expounded in my presentation.

But in each of my book's passages adduced by the Chamber the respective rhetorical technique was used precisely *not* in order to attack individuals but rather to expose scientific or logical facts in a drastic way. Whether these rhetorical insertions were sensitive and hence convincing is a totally different question which has nothing to do with the assessment of the scientific nature but only with the persuasiveness of the linguistic style as a function of the kind of reading audience.

To let the questions of scientific nature depend only upon whether and to what extent one chooses which rhetorical techniques in order to expound one's views is purely arbitrary, indeed it is a dictatorship of linguistic style and thus has to be rejected categorically.

In order to refute Judge Schwab's allegation that jokes, irony, sarcasm, and other rhetorical techniques are *per se* incompatible with science, I may quote several examples.

There is first of all the column "Anti Gravity" by Steve Mirsky appearing in every issue of the largest semi-popular scientific magazine *Scientific American*, which does nothing else but poke fun at more or less scientific topics with irony and sarcasm.[308]

Since rhetorical techniques like irony or sarcasm are used virtually only when it is about human relationships, they are accordingly rare in the exact sciences and in technology. Hence the largest scientific journal *Science* only rarely comes up with exhilarating expressions, but they do exist after all, as results from a cursory glance at the 2007 issues. In February 2007, for example, a letter to the editor appeared mocking the abbreviation "*et al*." (*et alii* = and colleagues).[309] And a review article on the exploration of the evolutionary origins of sexual germ cells, advanced by the developmental biologist Cassandra Extavour (University of Cambridge), ended with a quote from geneticist Adam Wilkins, editor of the journal *Bioessays*:[310]

> "[…] *Extavour's investigations* […] *will draw others to probe the evolution of germ cells and reproductive systems. The topic, Wilkins laughs, 'will become, I can't resist saying, sexier to study.'"*

[308] For this see the collection of the respective column in Steve Mirsky's book, *Anti Gravity,* The Lyons Press, Mai 2007.
[309] Richard McDonald, "Who is et al.?," *Science* 315, 16 Feb. 2007, p. 940.
[310] John Travis, "A Close Look at Urbisexuality," *Science*, 316, 20 April 2007, pp. 390f.

The editorial article of the *Science* edition of 3 August 2007 even consisted of a satire authored by a cat and typed by a cockroach (!) – or so the chief editor claimed.[311] With lots of humor and sarcasm and with reference to an article on the genetic pedigree of house cats,[312] an imaginary cat made fun of the false allegation spread the by the mass media that cats have become domesticated animals depending on humans, just like dogs.

Irony, cynicism, sarcasm and black humor are encountered frequently, though, when turning to scholarly works of the social sciences. They are the more frequent the more controversial the topic is and the more distant the contesting views are from one another.

As my first key witness for this I may once more bring in Prof. Dr. Norman Finkelstein, from whose book on the misuse of anti-Semitism I now want to quote four passages.[313]

Finkelstein castigates the paranoid obsession of the writer Phyllis Chesler, who makes a mountain out of every molehill in her book *The New Anti-Semitism*[314] and who senses an anti-Semite around every corner. On p. 39 Finkelstein concludes:

> "[…] *one begins to wonder whether Chesler's magnum opus, Women and Madness, was autobiographical."*

This polemical, sarcastic attack borders on being an attack against the person.

Because the prominent U.S.-Jew Wieseltier considered the histrionics about the alleged new anti-Semitism as exaggerated and doubted that a second final solution was immediately impending, he was attacked by other Jewish socialites as "an anti-Semitism minimizer." Finkelstein commented about this on p. 40:

> *"But one truly begins to worry about* [the editor of *Commentary* Gabriel] *Schoenfeld's mental poise when he questions the bona fides of Leon Wieseltier, the fanatically 'pro'-Islraeli literary editor of the fanatically 'pro'-Israeli New Republic."*

In view of this "Stop the Nazi!" clamor of many Jewish lobbyists Finkelstein expounded on p. 58:

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311 Donald Kennedy, "Domestic? Forget it," *Science*, 317, 3 Aug. 2007, p. 571.
312 Carlos A. Driscoll, Marilyn Menotti-Raymond, Alfred L. Roca et al., "The Near Eastern Origin of Cat Domestication," *Science*, 317, 27 July 2007, pp. 519-523.
313 See Appendix 1, p. 225.
314 Jossey-Bass, San Francisco 2003.

> *"It merits notice that these selfsame guardians of Holocaust memory normally blanch at <u>any</u> comparison with Nazis. 'Do not compare' we're always told – except if comparison is being made with Israel's ideological enemies or those critical of its policy, which currently means most of the world."*

Finkelstein gets into top shape when, at the suggestion of the U.N. General Secretary, he ponders about the invention of possible escalations of punishment for "deniers of the uniqueness" of the Holocaust: imprisonment, death penalty, ??? But read for yourself on page 63:

> *"*[U.N. Secretary-General Kofi] *Annan called on 'everyone to actively and uncompromisingly refute those who sought to deny the fact of the Holocaust or its uniqueness.' But what should be done to those denying its uniqueness – imprisonment? the death penalty? an hour's confinement with Wiesel?"*

Whoever laughs about this has demonstrated that he belongs in prison for aiding the incitement of the masses!

But I am not done yet. At the end of these polemical-humorous interludes I may be permitted to let a person have the word who really needs to know what science actually is: The former Charles Simonyi Professor for the public understanding of Science at Oxford University, the developmental biologist Prof. Dr. Richard Dawkins.[315]

Since Christian fundamentalists in the U.S. have been increasingly successful for decades in restricting freedom of speech in general and the freedom of research and teaching in particular when it comes to the theory of evolution, Dawkins increasingly saw himself forced into a role where he thought he had to defend against religious fanatics these fundamental human rights forming the foundation of modern societies. (Note the parallels to revisionism, which tries in a similar way to defend human rights against Holocaust-religious fanatics.)

In 2006 Dawkins published his book *The God Delusion*.[316] The book teems with irony and sarcasm, so that I would have to cite long stretches of it, if I wanted to mention all those passages in which these or other rhetorical techniques are used. Not everyone might be able to laugh about Dawkins' humor, but the less religiously narrow-minded one is, the more pleasant and enlightening one will find this read. (Another parallel!)

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[315] Dawkins is retired since October 2008, see *Science*, 322, 7 Nov. 2008, p. 833.
[316] Houghton Mifflin, Boston/New York 2006; dt.: *Der Gotteswahn*, Ullstein, Berlin 2008.

I will restrict myself to three passages in Dawkins' book. First there is his mockery about absurd religious dogmas by comparing them with the religious cult worshipping the "Flying Spaghetti Monster" as a god (p. 53). Shortly thereafter Dawkins quotes a definition of the word "to pray" by a certain Ambrose Bierce (p. 60):

> *"to ask that the laws of the universe be annulled in behalf of a single petitioner, confessedly unworthy."*

Prof. Dawkins reaches the pinnacle of sarcasm when discussing various alleged proofs for the existence of God by Thomas Aquinas. His fourth "proof" for the existence of God Dawkins quotes as follows on pp. 78f.:

> *"The Argument from Degree. We notice that things in the world differ. There are degrees of, say, goodness or perfection. But we judge these degrees only by comparison with a maximum. Humans can be both good and bad, so the maximum goodness cannot rest in us. Therefore there must be some other maximum to set the standard for perfection, and we call that maximum God."*

Dawkins comments on this thesis of Aquinas as follows:

> *"That's an argument? You might as well say, people vary in smelliness but we can make the comparison only by reference to a perfect maximum of conceivable smelliness. Therefore there must exist a pre-eminently peerless stinker, and we call him God. Or substitute any dimension of comparison you like, and derive an equivalent fatuous conclusion."*

Judge Schwab's claim that humor or polemics and science are mutually exclusive is therefore evidently wrong. Hence it is actually the court which has custom-tailored a definition of science for its own convenience permitting it to arrive at a certain, predetermined result, something which judge Schwab had falsely accused me of doing between the lines and which, according to his own statements, the German Federal Constitutional High Court had rejected as inadmissible.

Last but not least(?) Judge Schwab criticized in his verbal reasoning the following passage of my book on p. 435 (Verdict p. 53):

> *"R: The following collection of Holocaust absurdities is being constantly expanded as part of our contest to seek out and catalog such absurdities. You can join in the contest and win a prize if you find additional absurdities in official documents, literature, or media reports. The results of this contest appear regularly in the periodicals* Vierteljahreshefte für freie Geschichtsforschung *and* The Revi-

sionist. *Some of these assertions have now been rejected by established historians, while others continue to be spread as before. All these assertions consist of similar absurdities and perversions, so everyone has to adopt his own criteria and reasons for what to believe and what to reject. I will offer no more commentary on this. Simply enjoy what we have been forced to unquestioningly accept as 'common knowledge' since the end of the war:"*

Judge Schwab complained that nothing in this text passage would indicate that there is any kind of quality control for the statements to be sent in, so that any sender could claim whatever he wanted. Hence this would not be a serious attempt at determining the truth. But what Judge Schwab obviously missed is the fact that this reference to a contest held elsewhere could and wanted to be exactly only this: a reference. A serious attempt at determining the truth would have meant for Judge Schwab that he follows this reference and verifies at the given source whether – and if so, then which – measures of quality control are implemented there preventing or filtering out arbitrary submissions. Such measures existed there indeed.

Hence this point of Judge Schwab's argumentation proves merely that his verdict cannot be considered a serious attempt at determining the truth, that it is therefore merely a pseudo-judicial verdict.

In order to prevent that anyone within the prosecution had the funny idea due to pressure from higher up to file an appeal against this plea bargain, which would have led to a new trial and thus with high probability to a painfully higher prison term, we waived our right to an appeal in agreement and together with Public Prosecutor Grossmann right after the pronouncement of the verdict, whereby the verdict became effective immediately.

VI. The Written Verdict

"The defendant Germar Rudolf is sentenced to a cumulative sentence of two years and six months incarceration for two counts of inciting the masses in conjunction with libel and disparagement of the memory of the dead.

The seizure of business turnover from sales of illegal items in the amount of 21,600 Euros is ordered.

The book by Germar Rudolf, 'Lectures on the Holocaust: Controversial Issues Cross Examined' is hereby seized and destroyed.

The defendant shall pay the cost of the trial." (Verdict p. 2)

Following the diction of the oral verdict, the written verdict claims that my book has to be denied to be of scientific nature "because it is interspersed with numerous polemical, partly also cynical passages and remarks" and because in it I had "exposed to ridicule the suffering of the victims of the Holocaust" (Verdict p. 23, similar p. 65).

The latter claim is obvious nonsense. I have not exposed the suffering of the victims to ridicule – just compare the passages quoted or listed in chapter D.III.3 of my presentation which prove the opposite –, but at times merely absurd, evidently or demonstrably untrue allegations of third persons about alleged historical events, which moreover expose themselves to ridicule due to their content. No addition of mine is needed there.

Pages 23–63 of the verdict contain 27 (at times very long) quotes from my book which are appended to each other without any comment – as if they spoke for themselves. Maybe they do indeed, although in the eyes of the unbiased reader potentially not in the way the judges intended. Polemics, though, have to be sought with the magnifying glass now and then.

The Chamber's claim that my book is "characterized by the will to propagate the theories of Holocaust revisionism rather than to search the truth" proves an astounding incapacity for logical thinking (Verdict p. 23). Where is there a conflict or even a contradiction? I have the will to spread (= propagare) those theses which I consider true and which are generally subsumed under the term "Holocaust revisionism." If the Chamber thinks that revisionism and truth are by definition irreconcilable, then it is the Chamber which is having a dogmatic, unscientific concept of truth, not me.

Later on the verdict claims in a similar manner that my book contains

> *"obviously inconclusive argumentations* […]*, of which the intelligent defendant must be aware and which therefore suggest the conclusion that his chief concern was merely to propagate revisionist theories* […]*"* (Verdict p. 65)

I may state in advance that the court cannot possibly know of what I was aware when writing the book. Furthermore I have never claimed, in contrast to these German judges, to know the truth in historical matters with absolute certainty and to be infallible. Hence, should I have made mistakes in spite of my intelligence – a question which to answer rests

on inter-scientific discourse, but not on a penal court – what follows from this regarding the scientific nature of my book? He who makes mistakes is unscientific? Since all scientists make mistakes, scientists do not really exist?

The "obviously inconclusive argumentations" claimed by the court are not at all obvious, by the way. This accusation was directed against my elaborations in my book on Jewish fund raising campaigns with holocaust claims during and after World War One![317] The question whether or not six million Jews were really threatened by a holocaust in the years 1917–1927, as was claimed by Jewish pressure groups during those years, is too complex to be presented as "obvious." If the Chamber did not consider my brief elaborations about this convincing, then it would have behooved them well as alleged serious seekers of the truth to verify by means of the sources given by me whether or not my conclusions are supported by them.

Finally, the Chamber's allegation on the same page that I had not scrutinized the possible exaggeration of the number of Holocaust survivors given by Jewish lobby groups is downright false, as results even from the quote in the verdict itself, taken from my book on p. 44:

> *"But I do not wish to give any definite figure for the survivors, because the statistical basis for any computation is too small and would yield results with too wide a margin of error for any meaningful conclusions to be drawn from them."* (Verdict p. 38)

Even in this case it would have behooved the serious truth seekers of this Penal Chamber to verify whether or not and to what extent my statements are supported by the sources cited. Of course such a task would be beyond the competence and the possible efforts of a penal court. It was therefore inevitable that this court transgressed its authority and competence by meddling with the content of scientific points at issue, and it thus had to come to a pseudo-judicial verdict.

On this a last time Prof. Karl Popper:[115]

> *"I mean the fashion of not taking arguments seriously, and at their face value, at least tentatively, but of seeing in them nothing but a way in which deeper irrational motives and tendencies express themselves. It is* […] *the attitude of looking at once for the unconscious motives and determinants in the social habitat of the thinker,*

[317] Based mainly on Don Heddesheimer's research as published in his book *The First Holocaust. Jewish Fund Raising Campaigns With Holocaust Claims During & After World War One*, reprint The Barnes Review, Washington, DC, 2011.

instead of first examining the validity of the argument itself. […] *But if no attempt is made to take serious arguments seriously, then I belief that we are justified in making the charge of irrationalism;"*

And paraphrasing Wolfgang Pauli:[318]

"This verdict isn't even wrong!"

[318] Rudolf E. Peierls in his homage to "Wolfgang Ernst Pauli, 1900-1958," *Biographical memoirs of fellows of the Royal Society*, Vol. 5, Royal Society 1960, pp. 175-192: "… a friend showed him the paper of a young physicist which he suspected was not of great value but on which he wanted Pauli's views. Pauli remarked sadly 'That's not right. It's not even wrong.'"

Appendix 8: Declarations by Defense Lawyers

Bossi & Ziegert

Rechtsanwälte

Rolf Bossi
Prof. Dr. Ulrich Ziegert*
Markus Schwarz**
Maximilian Pauls
Andreas M. Kimmelmann

* Dipl.-Psychologe, Fachanwalt für Strafrecht
** Fachanwalt für Familienrecht

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VERTEIDIGERPOST
Herrn
Germar **Rudolf**
JVA Heidelberg
Oberer Fauler Pelz 1

69117 Heidelberg

17/07
Akten-Nr. bitte stets angeben

Sekretariat: Sonja Schmidt-Banis
☎ (089) 55 18 06 - 32

27.04.2007
MP/uf/rudolf

Sehr geehrter Herr Rudolf,

gerne komme ich Ihrem Wunsch nach und erläutere Ihnen nachfolgend noch einmal das Zustandekommen der damaligen Absprache mit Gericht und Staatsanwaltschaft hinsichtlich der erfolgten einvernehmlichen Beendigung Ihres Strafverfahrens:

Zunächst ist festzuhalten, dass die Hauptursache für die Gesprächsbereitschaft des Gerichts und der Staatsanwaltschaft in dem vorausgegangenen Strafverfahren gegen Ernst Zündel vor einer anderen Strafkammer des Landgerichts Mannheim zu sehen ist. Wie allgemein bekannt, fand insbesondere durch die Rechtsanwältin, Frau Sylvia Stolz, in dem vorgenannten Zündel-Verfahren eine reine Konfliktverteidigung statt mit dem Ergebnis, dass das Strafverfahren aufgrund einer Vielzahl von Beweis- und Befangenheitsanträgen in eine extreme Länge gezogen wurde.

Die hieraus resultierende berechtigte Sorge des Gerichts und der Staatsanwaltschaft, dass auch in Ihrem Strafverfahren eine solche Prozessverschleppung

durch Ihre damalige Verteidigerin, Frau Rechtsanwältin Sylvia Stolz, stattfinden könnte, war zum einen die Grundvoraussetzung für die Gesprächsbereitschaft des Gerichts und zum anderen unser entscheidender Trumpf für das Erreichen eines für Sie erträglichen Strafmaßes. Nachdem von meiner Seite erste Annäherungsgespräche mit der Beisitzenden Richterin von der 2. Strafkammer und dem Staatsanwalt stattgefunden hatten, und ich diesen Gesprächen entnehmen konnte, dass das Gericht tatsächlich die eben beschriebene Sorge der Prozessverschleppung hatte, unterbreitete ich dem Gericht folgenden Vorschlag: **Der Angeklagte Germar Rudolf wird ab sofort keinerlei Anträge, insbesondere keine Beweisanträge, mehr stellen, wird sich insbesondere zur Sache nicht mehr äußern und seiner bisherigen Rechtsanwältin, Frau Sylvia Stolz, das Mandat mit sofortiger Wirkung entziehen. Damit kann die Beweisaufnahme geschlossen werden und in Kürze ein Urteil ergehen. Im Gegenzug hierfür fordere ich eine Freiheitsstrafe in Höhe von 2 Jahren.**

Nachdem das Gericht und der Staatsanwalt eine Strafvorstellung in Höhe von 4 ½ bis 5 Jahren im Falle einer Verurteilung und bei streitiger Verhandlung hatten, einigten wir uns schließlich auf die dann erkannten 2 ½ Jahre Freiheitsstrafe. Aufgrund Ihrer einschlägigen Vorstrafe und der nach Ansicht des Gerichts klaren Beweislage waren die abgesprochenen 2 ½ Jahre Freiheitsstrafe das absolut Mindeste, was Gericht und Staatsanwaltschaft, wenn auch „mit Bauchschmerzen", mir zusagen konnten. Die Verständigung über eine noch geringere Strafe scheiterte insbesondere daran, dass Ihr Strafverfahren ein so genannter Berichtsfall war, d.h., dass die Staatsanwaltschaft verpflichtet war, über den Ausgang Ihres Verfahrens an die Generalstaatsanwaltschaft zu berichten.

Ich betone nochmals, dass außer den oben genannten Bedingungen (Kündigung der Mandate der Rechtsanwälte Stolze u. Rieger durch Herrn Rudolf, keine weiteren Anträge jeglicher Art und Rücknahme etwaiger bestehender Anträge) **keine weiteren Zusagen durch uns getätigt werden mussten bzw. getätigt wurden.** Insbesondere war nie die Rede davon, dass Herr Rudolf sich, in welcher Form auch immer, von seinem bisherigen Gedankengut lossagen musste. Herr Rudolf musste selbstverständlich auch keine Zusage über eine etwaige Aufklärungs- bzw. Ermittlungshilfe hinsichtlich seiner im Geiste nahe stehenden Personen abgeben.

3

Im Übrigen weise ich darauf hin, dass beide zuvor genannten Punkte auch deshalb völlig abwegig sind, weil zum einen das deutsche Strafrecht kein Gesinnungs-, sondern ein Schuldstrafrecht ist und somit die innere Haltung und die Gedanken des Angeklagten nicht zur Diskussion stehen, und zum anderen eine Verpflichtung eines Angeklagten, Aufklärungshilfe zu leisten, unabhängig von der rechtsstaatlichen Problematik in diesem Zusammenhang auch gar nicht mit rechtlichen Mitteln durchsetzbar gewesen wäre, weil das Urteil gleich rechtskräftig wurde.

Schließlich möchte ich noch anmerken, dass diese einvernehmliche Lösung Ihres Strafverfahrens vor allem auch deshalb möglich war, weil Ihr Verfahren relativ am Anfang stand und unserer einzigen Zusage (keine Prozessverschleppung) somit besondere Bedeutung zukam.

Insgesamt betrachtet hatten wir eben die richtige Schwachstelle des Verfahrens erkannt und zum genau rechtzeitigen Zeitpunkt gehandelt.

Sehr geehrter Herr Rudolf, ich hoffe, ich habe Ihnen die Umstände und die Bestandteile der damals getroffenen Vereinbarung nochmals verständlich schildern können. Bei Rückfragen stehe ich Ihnen selbstverständlich jederzeit zur Verfügung.

Mit freundlichen Grüßen

Maximilian Pauls
Rechtsanwalt

Bossi & Ziegert

Attorneys at Law

Attorneys Bossi & Ziegert · Sophienstr. 3 · 80333 Munich

Defense Attorney Mail
Mr.
Germar Rudolf…

Rolf Bossi
Prof. Dr. Ulrich Ziegert
Markus Schwarz
Maximilian Pauls…

27 April 2007
MP/uf/Rudolf

Dear Mr. Rudolf,

It is my pleasure to comply with your wish and to subsequently explain once more how the plea bargain with the court and the prosecution came about regarding the recent closure in mutual agreement of your penal proceedings:

First it has to be affirmed that the main reason for the court's and the prosecution's preparedness for a dialog is to be seen in the preceding penal trial against Ernst Zündel in front of a different penal chamber of the Mannheim District Court. As is generally known, a pure confrontational defense took place during the aforementioned Zündel trial especially by the lady lawyer Sylvia Stolz. As a result of this the proceedings were dragged out to an extreme length due to a multitude of motions to introduce evidence and to challenge the judges on grounds of bias.

The justified worry of the court and the prosecution resulting from this that such a protraction of the trial by your then lawyer Mrs. Sylvia Stolz could happen in your trial as well, was on the one hand a basic prerequisite for the preparedness of the court for a dialog and on the other hand a decisive trump card to achieve a bearable sentence for you. After the first talks of rapprochement had been conducted by me with the associate lady judge of the 2nd Penal Chamber and the prosecutor and after I could glean from these talks that the court indeed had the worries described above about a protraction of the trial, I presented the following suggestion to the court: **The defendant Germar Rudolf will from now on file no more motions, in particular no motions to introduce evidence, will not make any statements in the matter anymore and will cancel the appointment of Mrs. Sylvia Stolz as his lawyer with immediate effect. Hence the taking of evidence can be closed and a verdict can be pronounced shortly. In turn I demand a prison term of two years.**

Since the court and the prosecution had in mind a prison term of 4½ to 5 years in case of a conviction and a confrontational defense, we finally agreed upon the 2½ years eventually handed down. Due to your previous conviction of the same kind and the clear evidentiary situation in the court's opinion, 2½ years was the absolute minimum which the court and the prosecution could promise me, if only with a "belly ache." An agreement about an even lower sentence failed in particular because your penal trial was a so-called report case, which means that the prosecution was obligated to report the outcome of your trial to the attorney general's office.

I emphasize once more that apart from the conditions mentioned above (cancellation of the lawyer contract with Stolz and Rieger by Mr. Rudolf, no further motions of any kind and withdrawal of any pending motions) **no further promises had to be made and were made**. There was in particular never the talk about Mr. Rudolf distancing himself in what way ever from his heretofore held views. Needless to say that Mr. Rudolf also did not have to make a promise about any assistance for gathering information about or investigating against likeminded individuals.

In addition I point out that both above mentioned points are totally wrong also because the German penal law does not prosecute persuasions but rather guilt, which is why the internal attitude and the thoughts of a defendant are not up for discussion. Moreover a commitment of a defendant to help gather information, apart from the legal problems in this context, could not have been legally enforced because the verdict became effective immediately.

Finally I would like to mention that this solution for your trial in mutual agreement has been foremost possible also because your trial was still in a relatively early phase and thus our promise (of not protracting the trial) had special relevance.

All things considered we simply had spotted the weak spot of the trial and have acted at the right time.

Dear Mr. Rudolf, I hope that I have once more been able to describe comprehensibly the circumstances and components of our accord agreed upon at that time. If you have any queries, I will of course be of service at any time.

Sincerely Yours

(signed) Maximilian Pauls, Attorney at Law

LUDWIG BOCK
RECHTSANWALT

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10.04.2007

Sehr geehrter Rudolf!

Vielen Dank für Ihr Schreiben vom 2. April.

Natürlich ist es nicht richtig, wenn behauptet wird, Ihre "milde" Strafe sei auf eine Bereitschaft zur Bekämpfung des Revisionismus zurückzuführen. Diese falsche Behauptung ist entweder dumm, oder - schlimmer - bösartig.

Zu dem Ergebnis kam es nicht durch Bedingungen, welche die Strafkammer gesetzt hatte, sondern dadurch, dass seitens der Verteidigung mit der Staatsanwaltschaft Kontakt aufgenommen worden war. Nachdem die Staatsanwaltschaft signalisiert hatte, mit einer Freiheitsstrafe von zwei Jahren und sechs Monaten sich zufriedenzugeben, fand, nachdem dies zuvor mit Ihnen besprochen worden war, eine gemeinsame Besprechung von Staatsanwaltschaft, Verteidigung und Gericht im Beratungszimmer statt. Hierbei war zu erkennen, dass das Gericht nicht über einen entsprechenden Antrag der Staatsanwaltschaft hinausgehen würde. Deshalb wurden auch sämtliche noch nicht beschiedene Beweisanträge von der Verteidigung und Ihnen zurückgenommen.

Nachdem dieses Ergebnis auch tatsächlich erreicht wurde, war es empfehlenswert, dieses Urteil auch gleich rechtskräftig werden zu lassen, da nicht auszuschließen war, dass die Staatsanwaltschaft von vorgesetzter Stelle Weisung bekäme, trotz antragsgemäßer Entscheidung des Gerichts Revision gegen das Urteil mit dem Ziel einer höheren Verurteilung einzulegen. Durch die eingetretene Rechtskraft nach Rechtsmittelverzicht durch uns und die Staatsanwaltschaft wurde dies unmöglich.

Durch die eingetretene Rechtskraft verwandelte sich Ihre Untersuchungshaft in Strafhaft. Dies wiederum führte zu den bekannten besseren Haftbedingungen.

Mit freundlichen Grüßen
Ludwig Bock
Rechtsanwalt

Ludwig Bock
Attorney at Law

Attorneys L. Bock, Liebfrauenstr. 10, 68259 Mannheim …
Defense Attorney Mail
Mr.
Germar Rudolf…

10 April 2007

Dear Mr. Rudolf!

Thank you very much for your letter of 2 April.

Of course it is not correct when it is claimed that your "lenient" punishment is to be attributed to your preparedness to fight against revisionism. This false claim is either stupid or – worse – malicious.

The result was achieved not due to conditions set by the penal chamber but because the defense had initiated contact with the prosecution.

After the prosecution had signaled satisfaction with a prison term of two years and six months, a dialog among the prosecution, the defense team and the Court took place in a conference room, after this had been previously discussed with you. There it could be ascertained that the Court would not go beyond what the prosecution would ask for. That is also the reason why all motions to introduce evidence which had not yet been decided were withdrawn by the defense team and by you.

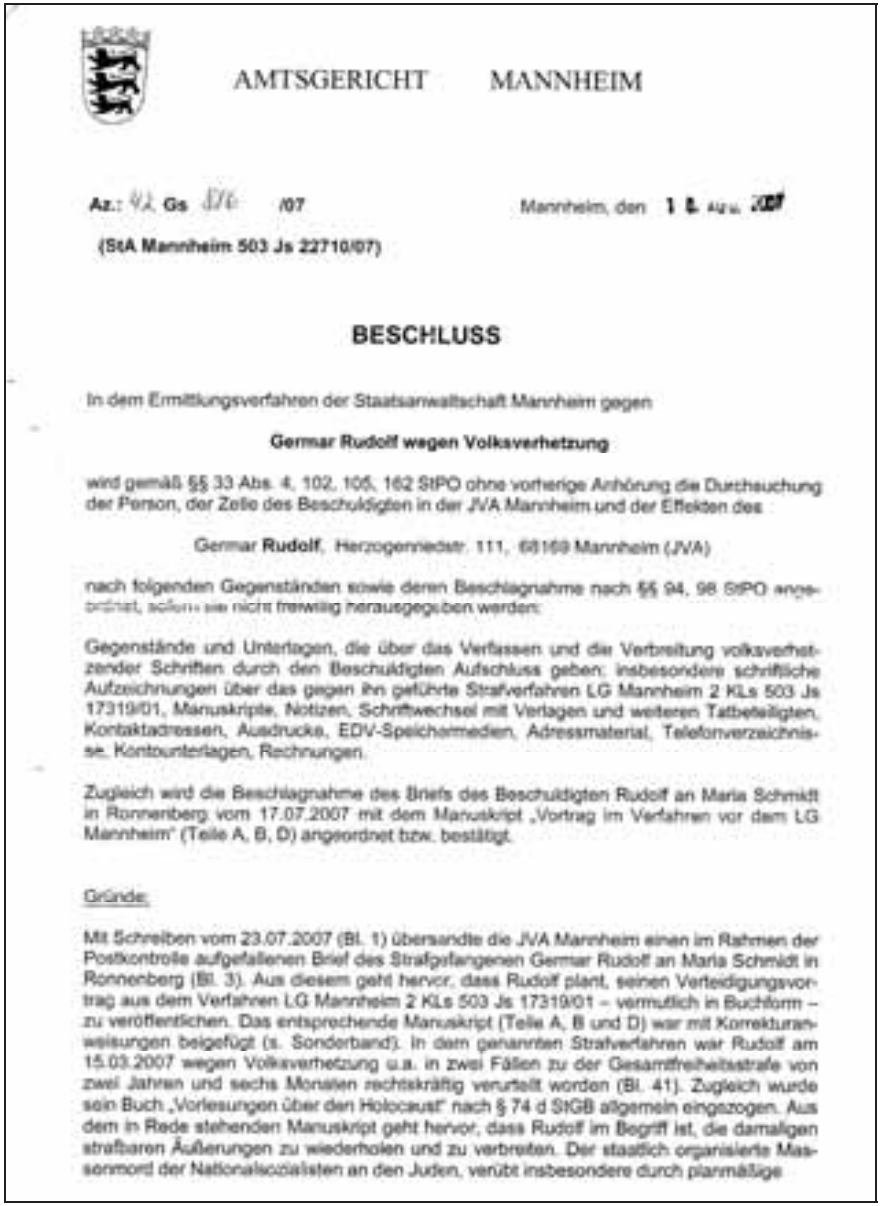
After this result had indeed been achieved, it was recommended to let this verdict take effect at once, since it could not be ruled out that the prosecution would receive an order from a superior position to apply for a revision of the verdict with the intention of demanding a longer prison term, and this in spite of the fact that the Court had ruled in accordance with the prosecution's request. By letting the verdict take effect and by foregoing any further legal remedy by us and by the prosecution, this has become impossible.

Due to the verdict taking legal effect, your investigative custody changed to penal custody. This in turn led to the known improved conditions of detention.

Sincerely yours

(signed) Ludwig Bock
Attorney at Law

Appendix 9: Defense prohibited



AMTSGERICHT MANNHEIM

Az.: 42 Gs 476 /07 Mannheim, den 16. Aug. 2007

(StA Mannheim 503 Js 22710/07)

BESCHLUSS

In dem Ermittlungsverfahren der Staatsanwaltschaft Mannheim gegen

Germar Rudolf wegen Volksverhetzung

wird gemäß §§ 33 Abs. 4, 102, 105, 162 StPO ohne vorherige Anhörung die Durchsuchung der Person, der Zelle des Beschuldigten in der JVA Mannheim und der Effekten des

Germar **Rudolf**, Herzogenriedstr. 111, 68169 Mannheim (JVA)

nach folgenden Gegenständen sowie deren Beschlagnahme nach §§ 94, 98 StPO angeordnet, sollten sie nicht freiwillig herausgegeben werden:

Gegenstände und Unterlagen, die über das Verfassen und die Verbreitung volksverhetzender Schriften durch den Beschuldigten Aufschluss geben; insbesondere schriftliche Aufzeichnungen über das gegen ihn geführte Strafverfahren LG Mannheim 2 KLs 503 Js 17319/01, Manuskripte, Notizen, Schriftwechsel mit Verlagen und weiteren Tatbeteiligten, Kontaktadressen, Ausdrucke, EDV-Speichermedien, Adressmaterial, Telefonverzeichnisse, Kontounterlagen, Rechnungen.

Zugleich wird die Beschlagnahme des Briefs des Beschuldigten Rudolf an Maria Schmidt in Ronnenberg vom 17.07.2007 mit dem Manuskript „Vortrag im Verfahren vor dem LG Mannheim" (Teile A, B, D) angeordnet bzw. bestätigt.

Gründe:

Mit Schreiben vom 23.07.2007 (Bl. 1) übersandte die JVA Mannheim einen im Rahmen der Postkontrolle aufgefallenen Brief des Strafgefangenen Germar Rudolf an Maria Schmidt in Ronnenberg (Bl. 3). Aus diesem geht hervor, dass Rudolf plant, seinen Verteidigungsvortrag aus dem Verfahren LG Mannheim 2 KLs 503 Js 17319/01 – vermutlich in Buchform – zu veröffentlichen. Das entsprechende Manuskript (Teile A, B und D) war mit Korrekturanweisungen beigefügt (s. Sonderband). In dem genannten Strafverfahren war Rudolf am 15.03.2007 wegen Volksverhetzung u.a. in zwei Fällen zu der Gesamtfreiheitsstrafe von zwei Jahren und sechs Monaten rechtskräftig verurteilt worden (Bl. 41). Zugleich wurde sein Buch „Vorlesungen über den Holocaust" nach § 74 d StGB allgemein eingezogen. Aus dem in Rede stehenden Manuskript geht hervor, dass Rudolf im Begriff ist, die damaligen strafbaren Äußerungen zu wiederholen und zu verbreiten. Der staatlich organisierte Massenmord der Nationalsozialisten an den Juden, verübt insbesondere durch planmäßige

Vergasungen, wird erneut in Abrede gestellt oder heruntergespielt, indem an zahlreichen Stellen strafbare Passagen aus den „Vorlesungen über den Holocaust" wörtlich zitiert werden. Beispielsweise auf S. 87-93, 95-97, 99-102, 104-106, 108, 109. Außerdem ist entgegen der historischen Wahrheit u.a. von „angeblichen" Tatorten und Tatwaffen (S. 26), „vermeintlichen" NS-Gewalttätern (S. 28), „vermeintlichen" Gaskammern, „angeblichen" Aufträgen zu Leichentransporten (S. 33), „Unrecht im Namen der Holocaust-Ideologie" (S. 80), „angeblicher" Judenvernichtung im Zweiten Weltkrieg (S. 117), „angeblichen" NS-Gewaltverbrechen (S. 119) oder „behaupteter" Massenvernichtung in Gaskammern (S. 117) die Rede. Eine Hauptursache des Häftlingssterbens gegen Kriegsende sei auf „höhere Gewalt" zurückzuführen, die deutschen Behörden seien dennoch nicht von der Schuld am Tod der Häftlinge freizusprechen (S. 105). Der Nationalsozialismus trage zumindest eine „Mitschuld" (S.111).

Strafbar als Vergehen der Volksverhetzung gemäß § 130 Abs. 3, Abs. 5 StGB. Es ist zu erwarten, dass die obigen Gegenstände bei der Durchsuchung aufgefunden werden. Durch sie sollen auch mögliche weitere Tatbeteiligte identifiziert werden.

Schöpf
Richterin am Amtsgericht

Richter am Amtsgericht

Ausgefertigt
Der Urkundsbeamte der Geschäftsstelle
des Amtsgerichts

AMTSGERICHT MANNHEIM

MANNHEIM COUNTY COURT

Ref.: 42 Gs 856/07 Mannheim, 10 Aug. 2007
(Mannheim Prosecution 503 Js 22710/07)

RULING

In the criminal investigation of the Mannheim prosecution against

Germar Rudolf due to Inciting the Masses

it is ordered following articles 33, para. 3, 102, 105, 162 of Penal Law, without a prior hearing, the search of the person, the cell of the accused in the Mannheim penitentiary, and the property of

Germar **Rudolf**, Herzogenriedstr. 111, 68169 Mannheim

for the following items as well as their confiscation according to articles 94, 98 Penal Law, as far as they are not being handed over voluntarily:

Items and documents containing information about the authoring and distribution of writings of the accused which are inciting the masses; in particular written records about the penal proceedings conducted against him at Mannheim District Court, ref. 2 KLs 503 Js 17319/01, manuscripts, notes, correspondence with publishers and further accomplices, contact addresses, printouts, electronic storage media, address material, telephone lists, bank account statements, invoices.

At the same time the confiscation of the letter by the accused Rudolf to Maria Schmidt in Ronneberg from 17 July 2007 with the manuscript "Address during the trial at the Mannheim District Court" (parts A, B, D) is ordered and confirmed.

Reasons:

With letter from 23 July 2007 (p. 1) the Mannheim penitentiary sent a letter written by the penal detainee Germar Rudolf to Maria Schmidt in Ronneberg (p. 3), which had attracted the attention of the censorship department. From this letter it emerges that Rudolf is planning to publish his defense presentation from the trial at Mannheim District Court, ref. 2 KLs 503 Js 17319/01, probably in form of a book. The respective manuscript (parts A, B and D) had been enclosed with correction instructions (see special volume). In the trial mentioned, Rudolf was sentenced on 15 March 2007 to a cumulative sentence of two years and six

months incarceration for inciting the masses. The verdict is legally binding (p. 41). At the same time his book "Lectures on the Holocaust" was generally seized according to article 74 d Penal Code. From the manuscript at issue it emerges that Rudolf is about to repeat and distribute the previous illegal statements. The mass murder of the National Socialists against the Jews, organized by the authorities and committed in particular by systematic gassings, is again contested and trivialized by quoting verbally punishable passages from the "Lectures on the Holocaust" in numerous places. For instance on pp. 87-93, 95-97, 99-102, 104-106, 108, 109. In addition and against the historical truth it is the talk about "alleged" crime scenes and weapons of crimes (p. 26), "purported" National Socialist perpetrators of violence (p. 28), "purported" gas chambers, "alleged" orders to transport corpses (p. 33), "injustice committed in the name of the Holocaust Ideology" (p. 80), "alleged" extermination of the Jews in World War II (p. 117), "alleged" National Socialist violent crimes (p. 119) or "claimed" mass extermination in gas chambers (p. 117), among other things. One main reason for the death of the inmates toward war's end is said to have been "acts of God," but the German government is nonetheless said to not be acquitted from the guilt for the inmate's death (p. 105). National Socialism is at least "partially guilty" (p. 111).

Punishable as an offense of inciting the masses according to article 130, paragraph 4 and 5 Penal Code. It is to be expected that the above items will be found during the search. This also aims at identifying possible further accomplices.

Schöpf
Judge at the County Court

Certified copy
Record Clerk for the branch office
of the County Court
(signed) Pytel, Paralegal
(seal of Mannheim County Court)

Appendix 10: Life Continues

On the day of my release (Sunday, 5 July 2009) a friend of mine awaited me at the prison gate. He took me to his home in his car, where we and his wife had a delicious breakfast. After this I went to Cologne by train, where I met my wife, with whom I had lunch in a restaurant next to the cathedral. From there we went to my parents' home, where we (including our four year old daughter) stayed until the end of August. During this time my U.S. lawyer informed me that the prohibition of returning to the U.S. which had been imposed on me in November 2005 was still in effect. Hence a return back to the States before November 2010 wasn't likely, although we applied to have that ban lifted early.

After my wife and daughter had returned to our home in the U.S. in early August 2009, I immediately initiated "Plan B": I moved to Eastbourne a few days later, which is a town in the southeast of England where I had previosuly lived between 1996 and 1999. In early September my older daughter from my first marriage (then almost 15 years of age) joined me there, as she was to spend an entire school year in England. In late October 2009 my wife and younger daughter joined us there. After some initial difficulties, which had to be expected, our family life became quite normal within a few months. My two daughters were quickly competing for their father's attention, although just a short while ago both had hardly known me.

In early April 2010 my wife and younger daughter returned to the States. My older daughter passed her British school exams in June 2010, and together with my son we spent a three-week language vacation in France in August of that year. After that I left England and traveled temporarily to Mexico, hoping that my application for permanent residence in the U.S. ("green card") would be granted after the expiration of my ban. But that wasn't supposed to happen quite yet…

Starting in November of 2010, the U.S. authorities put me off from week to week, until at the turn of the year 2010/2011 they apprised me that they could not foresee if and when my immigration case would be decided. In February 2011 we therefore filed a so-called *writ of mandamus* against the U.S. government in an attempt to force a decision, and this was indeed of avail: after some legal back and forth I did re-

ceive an immigrant visa for the U.S. in July 2011, with which I could travel back home to my wife and youngest child some three weeks later.

And they all lived happily ever after… (or so the plan).

If you want to continue following my trials and tribulations, I invite you to visit my home page at: www.GermarRudolf.com

THE HOLOCAUST HANDBOOK SERIES . . .

This ambitious series of scholarly books addresses various topics of the so-called Jewish "Holocaust" of the WWII era. They all have a highly critical, if not skeptical attitude toward the commonly held views on this topic and are usually referred to as "revisionist" in nature. These books are designed to have the power to both convince the common reader as well as academics in this field. The following books have appeared so far:

Lectures on the Holocaust. Controversial Issues Cross Examined—updated and revised Second Edition. By Germar Rudolf. Between 1992 and 2005 German scholar Germar Rudolf has lectured to various audiences about the Holocaust in the light of new findings. Rudolf's sometimes astounding facts and arguments fell on fertile soil among his listeners, as they were presented in a very sensitive and scholarly way. This book is the literary version of Rudolf's lectures, enriched with the most recent findings of historiography. It is a dialogue between the lecturer and the reactions of the audience. Rudolf introduces the most important arguments for his findings, and his audience reacts with supportive, skeptical, and also hostile questions. The Lectures read like an exciting real-life exchange between persons of various points of view. The usual arguments against revisionism are addressed and refuted. This book resembles an entertaining collection of answers to frequently asked questions on the Holocaust. It is the best introduction into this taboo topic for both readers unfamiliar with the topic and for those wanting to know more. Softcover, 566 pages, B&W illustrations, bibliography, index, #538, ***$30*** minus 10% for TBR subscribers.

The Hoax of the Twentieth Century. By Arthur R. Butz. With this book Dr. Butz, Professor of Electrical Engineering and Computer Science, has been the first writer to treat the entire Holocaust complex from the revisionist perspective in a precise scientific manner. The Hoax exhibits the overwhelming force of historical and logical arguments which revisionism had accumulated by the middle of the 1970s. It was the first book published in the U.S. which won for revisionism the academic dignity to which it is entitled. It continues to be a major revisionist reference work, frequently cited by prominent personalities. This new edition comes with several supplements adding new information gathered by the author over the last 25 years. It is a "must read" for every revisionist and every newcomer to the issue who wants to learn about revisionist arguments. Softcover, 506 pages, 6"×9", B&W illustrations, bibliography, index, #385, ***$30*** minus 10% for TBR subscribers.

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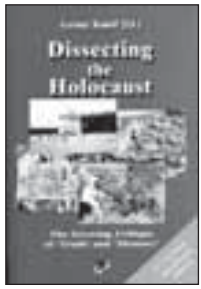
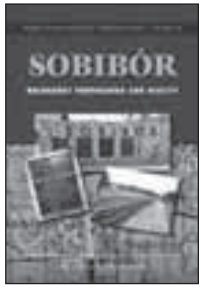
Dissecting the Holocaust. The Growing Critique of 'Truth' and 'Memory.' Edited by Germar Rudolf. *Dissecting the Holocaust* applies state-of-the-art scientific technique and classic methods of detection to investigate the alleged murder of millions of Jews by Germans during World War II. In 22 contributions—each of 30 pages—the 17 authors dissect generally accepted paradigms of the "Holocaust." It reads as exciting as a crime novel: so many lies, forgeries and deceptions by politicians, historians, and scientists. This is the intellectual adventure of the 21st century. Be part of it! "There is at present no other single volume that provides a serious reader with a broad understanding of the contemporary state of historical issues that influential people would rather not have examined." —Prof. Dr. A. R. Butz, Evanston, IL. "Read this book and you will know where revisionism is today. . . . Revisionism has done away with the exterminationist case." —Andrew Gray, THE BARNES REVIEW. Second revised edition. Softcover, large format, 616 pages, B&W illustrations, bibliography, index, #219, ***$30*** minus 10% for TBR subscribers.



Jewish Emigration from the Third Reich. By Ingrid Weckert. Current historical writings about the Third Reich paint a bleak picture regarding its treatment of Jews. Jewish emigration is often depicted as if the Jews had to sneak over the German border, leaving all their possessions behind. The truth is that the emigration was welcomed and supported by the German authorities and occurred under constantly increasing pressure. Weckert's booklet elucidates the emigration process in law and policy, thereby augmenting the perceived picture of Jewish emigration from Germany. Softcover, 72 pages, index, #539, ***$8*** minus 10% for TBR subscribers.

The First Holocaust. Jewish Fundraising Campaigns With Holocaust Claims During and After World War One. By Don Heddesheimer. Six million Jews in Europe threatened with a holocaust: this allegation was spread by sources like *The New York Times*—but the year was 1919! Don Heddesheimer's compact but substantive *First Holocaust* documents post-WWI propaganda that claimed East European Jewry was on the brink of annihilation (regularly invoking the talismanic six million figure). It details how that propaganda was used to agitate for minority rights for Jews in Poland, and for Bolshevism in Russia. It demonstrates how Jewish fundraising operations in America raised vast sums in the name of feeding suffering Polish and Russian Jews, then funneled much of the money to Zionist and Communist "constructive undertakings." *The First Holocaust* is a valuable study of American Jewish institutional operations at a fateful juncture in Jewish and European history; an incisive examination of a cunningly contrived campaign of atrocity and extermination propaganda two decades before the alleged WWII Holocaust—and an indispensable addition to every revisionist's library. Softcover, 142 pages, B&W illustrations, bibliography, index, #386, ***$15*** minus 10% for TBR subscribers.

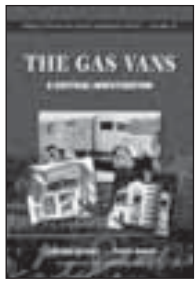
Treblinka: Extermination Camp or Transit Camp? By Carlo Mattogno and Juergen Graf. It is alleged that at Treblinka in East Poland between 700,000 and 3,000,000 persons were murdered in 1942 and 1943. The weapons used were said to have been stationary and/or mobile gas chambers, fast-acting or slow-acting poison gas, unslaked lime, superheated steam, electricity, diesel exhaust fumes etc. Holocaust historians alleged that bodies were piled as high as multi-storied buildings and burned without a trace, using little or no fuel at all. Graf and Mattogno have now analyzed the origins, logic and technical feasibility of the official version of Treblinka. On the basis of numerous documents they reveal Treblinka's true identity: it was a transit camp. Even longtime revisionism buffs will find a lot that is new in this book, while Graf's animated style guarantees a pleasant reading experience. The original testimony of witnesses enlivens the reader, as does the skill with which the authors expose the absurdities of Holocaust historiography. Softcover, 365 pages, B&W illustrations, bibliography, index, #389, ***$25*** minus 10% for TBR subscribers.



Sobibor: Holocaust Propaganda and Reality. By Juergen Graf, Thomas Kues and Carlo Mattogno. Between 25,000 and 2,000,000 Jews are said to have been killed in gas chambers in the Sobibór camp in eastern Poland in 1942 and 1943. The corpses were allegedly buried in mass graves and later incinerated on pyres. This book investigates these claims and shows that they are not based on solid evidence, but on the selective use of absurd and contradictory eyewitness testimonies. Archeological surveys of the camp in 2000-2001 are analyzed, with fatal results for the extermination camp hypothesis. The book also thoroughly documents the general NS policy toward Jews, which never included an extermination plan. Softcover, 434 pages, B&W illustrations, bibliography, index. #536, ***$25*** minus 10% for TBR subscribers.

Belzec in Propaganda, Testimonies, Archeological Research and History. By Carlo Mattogno. Witnesses report that at least 600,000, if not as many as three million, Jews were murdered in the Belzec camp, located in eastern Poland, between 1941 and 1942. Various murder weapons are claimed to have been used: diesel gas chambers; unslaked lime in trains; high voltage; vacuum chambers etc. According to witnesses, the corpses were incinerated on huge pyres without leaving any traces. For those who know the stories about Treblinka this all sounds too familiar. The author therefore restricted this study to the aspects which are different and new compared to Treblinka, but otherwise refers the reader to his Treblinka book. The development of the official image portrait about Belzec is explained and subjected to a thorough critique. In contrast to Treblinka, forensic drillings and excavations were performed in the late 1990s in Belzec, the results of which are explained and critically reviewed. These findings, together with the absurd claims by "witnesses," refute the thesis of an extermination camp. Softcover, 138 pages, B&W illustrations, bibliography, index, #540, ***$15*** minus 10% for TBR subscribers.

Chelmno: A German Camp in History & Propaganda. Volume 23 in the Holocaust Handbook Series. The world's premier revisionist scholar, Carlo Mattogno, focuses his microscope on the infamous German-run "death camp" located in Poland. It was at Chelmno that huge masses of Jewish prisoners—as many as 1.3 million—were rounded up and mercilessly gassed or shot. Mattogno, however, has examined reams of wartime documents and conducted on-site investigations at the site of the Chelmno camp and surrounding countryside. His resulting book challenges the conventional wisdom of what went on inside the Chelmno camp. Mattogno covers the subject from every angle, undermining the orthodox claims about the camp with an overwhelming body of evidence. Eyewitness statements, forensics reports, coroners' reports, archeological excavations, the crematoria, building plans, official U.S. reports, German documents, evacuation efforts, the use of mobile gas vans for homicidal purposes—all come under the scrutiny of Mattogno. Here are the uncensored facts about Chelmno, not the propaganda. Softcover, 6 x 9, 191 pages, indexed, illustrated, bibliography, appendices, #615, ***$20*** minus 10% for TBR subscribers.



The Gas Vans: A Critical Investigation. (The perfect companion to the book about the Chelmno camp listed above.) By Santiago Alvarez and Pierre Marais. Those who think they know something about the "holocaust" insist the Nazis deployed mobile gas chambers and used them to exterminate as many as 700,000 innocent people. Surprisingly, however, up until 2011, no thorough monograph had ever appeared on the topic. Revisionist Santiago Alvarez remedied the situation with this tome. *The Gas Vans: A Critical Investigation* asks: Are the witness statements reliable? Are the documents genuine? Where are the murder weapons? Could they have operated as claimed? Where are the victim's corpses? Etc. In order to get to the truth, Alvarez has scrutinized all known wartime documents, photos and witness statements on this topic (presented in more than 30 trials held over the decades in Germany, Poland and Israel); and has examined the claims made by the mainstream. The result of his research is mind-boggling. Softcover, 390 pages, 6×9, B&W illustrations, bibliography, index, #607, ***$25*** minus 10% for TBR subscribers.

The Leuchter Reports: Critical Edition. By Fred Leuchter, Robert Faurisson and Germar Rudolf. Between 1988 and 1991, U.S. expert on execution technologies Fred Leuchter wrote four expert reports addressing whether the Third Reich operated homicidal gas chambers. The first report on Auschwitz and Majdanek became world famous. Based on chemical analyses of wall samples and on various technical arguments, Leuchter concluded that the locations investigated "could not have then been, or now, be utilized or seriously considered to function as execution gas chambers." Subsequently, this first "Leuchter Report" was the target of much criticism, some of it justified. This edition republishes the unaltered text of all four reports and accompanies the first one with critical notes and research updates, backing up those of Leuchter's claims that are correct, and correcting those that are inaccurate. Softcover, 227 pages, B&W illustrations, #431, ***$22*** minus 10% for TBR subscribers.

Auschwitz: Plain Facts—A Response to Jean-Claude Pressac. Edited by Germar Rudolf. French pharmacist Jean-Claude Pressac tried to refute revisionists with their own technical methods. For this he was praised by the mainstream, and they proclaimed victory over revisionists. In *Auschwitz: Plain Facts,* Pressac's works are subjected to a detailed critique. Although Pressac deserves credit for having made accessible many hitherto unknown documents, he neither adhered to scientific nor to formal standards when interpreting documents. He made claims that he either could not prove or which contradict the facts. Documents do not state what he claims they do. He exhibits massive technical incompetence and he ignores important arguments. *Auschwitz: Plain Facts* is a must read. Softcover, 197 pages, B&W illustrations, bibliography, index, #542, ***$20*** minus 10% for TBR subscribers.

The Giant With Feet of Clay: Raul Hilberg and His Standard Work on the "Holocaust." By Juergen Graf. Raul Hilberg's major work *The Destruction of European Jewry* is generally considered the standard work on the Holocaust. The critical reader might ask: what evidence does Hilberg provide to back his thesis that there was a German plan to exterminate Jews, to be carried out in the legendary gas chambers? And what evidence supports his estimate of 5.1 million Jewish victims? Juergen Graf applies the methods of critical analysis to Hilberg's evidence and examines the results in light of revisionist historiography. The results of Graf's critical analysis are devastating for Hilberg. Graf's *Giant With Feet of Clay* is the first comprehensive and systematic examination of the leading spokesperson for the orthodox version of the Jewish fate during the Third Reich. Softcover, 128 pages, B&W illustrations, bibliography, index, #252, ***$11*** minus 10% for TBR subscribers.

The Rudolf Report. Expert Report on Chemical and Technical Aspects of the 'Gas Chambers' of Auschwitz—Second expanded and revised edition. By Germar Rudolf and Dr. Wolfgang Lambrecht. In 1988, Fred Leuchter, U.S. expert for execution technologies, investigated the alleged gas chambers of Auschwitz and Majdanek and concluded that they could not have functioned as claimed. Ever since, Leuchter's claims have been attacked. In 1993, Rudolf, a researcher from the prestigious Max Planck Institute, published a thorough forensic study about the "gas chambers" of Auschwitz. His report irons out the deficiencies and discrepancies of "The Leuchter Report." *The Rudolf Report* was the first English edition of this sensational scientific work. This new edition analyzes all existing evidence on the Auschwitz gas chambers and offers even more evidence. The conclusions are startling. Appendix describes Rudolf's persecution. Softcover, 457 pages, B&W illustrations, bibliography, index, #378, ***$33*** minus 10% for TBR subscribers.

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Special Treatment in Auschwitz: Origin and Meaning of a Term. By Carlo Mattogno. When appearing in German wartime documents, terms like "special treatment," "special action," and others have been interpreted as code words signifying the murder of inmates. While the term "special treatment" in many such documents did indeed mean execution, the term need not always have had that meaning in German records. This book is the most thorough study of this textual problem to date. Publishing and interpreting numerous such documents about Auschwitz—many of them hitherto unknown—Mattogno shows that, while "special" had many different meanings, not a single one meant "execution." This important study demonstrates that the practice of deciphering an alleged "code language" by assigning homicidal meaning to harmless documents is no longer tenable. Softcover, 151 pages, B&W illustrations, bibliography, index, #543, ***$15*** minus 10% for TBR subscribers.

The Bunkers of Auschwitz: Black Propaganda vs. History. By Carlo Mattogno. The so-called "Bunkers" at Auschwitz are claimed to have been the first homicidal gas chambers at Auschwitz specifically equipped for this purpose in early 1942. With the help of original German wartime files, this study shows that these "bunkers" never existed; how the rumors about them evolved as black propaganda created by resistance groups within the camp; how this propaganda was transformed into "reality" by historians; and how material evidence (aerial photography and archeological research) confirms the publicity character of these rumors. Softcover, 264 pages, illustrations, bibliography, index, #544, ***$20*** minus 10% for TBR subscribers.

Auschwitz: The Central Construction Office. By Carlo Mattogno. Based upon mostly unpublished German wartime documents from Moscow archives, this study describes the history, organization, tasks and procedures of the Central Construction Office of the Waffen-SS and Auschwitz Police. Despite a huge public interest in the camp, next to nothing was really known about this office, which was responsible for the planning and construction of the Auschwitz camp complex, including those buildings in which horrendous mass slaughter is erroneously said to have occurred. Softcover, 182 pages, B&W illustrations, glossary, #545, ***$18*** minus 10% for TBR subscribers.

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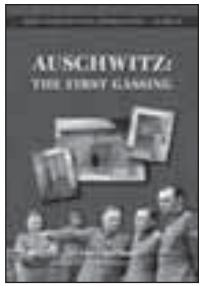
Auschwitz: The First Gassing—Rumor and Reality. New second edition. By Carlo Mattogno. The first gassing in Auschwitz is claimed to have occurred on Sept. 3, 1941, in a basement room. The accounts reporting it are the archetypes for all later gassing accounts. This study analyzes all available sources about this alleged event. It shows that these sources contradict each other in location, date, preparations, victims etc, rendering it impossible to extract a consistent story. Original wartime documents inflict a final blow to the tale of the first homicidal gassing. Softcover, 157 pages, B&W illustrations, bibliography, index, #515, ***$16*** minus 10% for TBR subscribers.



Auschwitz: Crematorium I and the Alleged Homicidal Gassings. By Carlo Mattogno. The morgue of Crematorium I in Auschwitz is claimed to have been the first homicidal gas chamber in that camp. This study thoroughly investigates all accessible statements by witnesses and analyzes hundreds of wartime documents in order to accurately write a history of that building. Mattogno proves that its morgue was never used as a homicidal gas chamber, nor could it have served as such. Softcover, 138 pages, B&W illustrations, bibliography, index, #546, ***$18*** minus 10% for TBR subscribers.

Auschwitz: Open Air Incinerations. By Carlo Mattogno. Hundreds of thousands of corpses of murder victims are claimed to have been incinerated in deep ditches in the Auschwitz concentration/work camp complex. This book examines the many testimonies regarding these incinerations and establishes whether these claims were technically possible. Using aerial photographic evidence, physical evidence and wartime documents, the author shows that these claims are untrue. A must read. Softcover, 132 pages, B&W illustrations, bibliography, index, #547, ***$15*** minus 10% for TBR subscribers.

Concentration Camp Stutthof and its Function in National Socialist Jewish Policy. By Carlo Mattogno and Juergen Graf. The concentration camp at Stutthof near Danzig in western Prussia has never before been scientifically investigated by Western historians. Polish authors officially sanctioned by their Communist government long maintained that Stutthof was converted to an "auxiliary extermination camp" in 1944 with the mission to murder as many Jews as possible. This book subjects this concept to rigorous critical investigation based on literature and documents from various archives. It shows that extermination claims contradict reliable sources. Second edition, 128 pages, B&W & color illustrations, bibliography, index, #379, ***$15*** minus 10% for TBR subscribers. LIMITED QTY: CALL FOR AVAILABILITY!

Auschwitz Lies: Legends, Lies and Prejudices on the Holocaust. 

By Carlo Mattogno and Germar Rudolf. "French biochemist G. Wellers exposed "The Leuchter Report" as fallacious," but he exposed only his own incompetence. "Polish Prof. J. Markiewicz proved with analysis that Zyklon B was used in the gas chambers of Auschwitz," but Markiewicz fabricated his results. "Chemist Dr. Richard Green showed that the Revisionists' chemical arguments are flawed," yet Green had to admit that the Revisionists are right. "Prof. Zimmerman proved that the crematories in Auschwitz could cremate all victims of the claimed mass murder." Accountant Zimmerman proved only his lack of knowledge. "Profs. M. Shermer and A. Grobman refuted the entire array of Revisionist arguments." In truth they covered only a tiny fraction of Revisionist arguments, and botched their "refutation." "Keren, McCarthy and Mazal found the 'Holes of Death' proving the existence of the Auschwitz gas chambers." No, they twisted evidence to support their case and suppressed facts. These and other untruths are exposed for what they are: political lies created to ostracize dissident historians. Softcover, 398 pages, B&W illustrations, index, #541, ***$25*** minus 10% for TBR subscribers.

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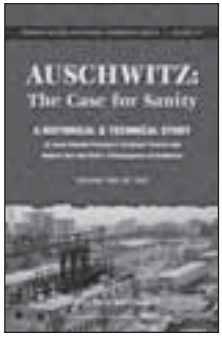

By Carlo Mattogno. Because Jewish theologian Deborah Lipstadt had called British historian David Irving a "Holocaust denier," he sued her for libel. In her defense Lipstadt presented Prof. Robert van Pelt as an expert to refute revisionist assertions about Auschwitz. Ever since van Pelt has been praised as the defeater of revisionism and foremost expert on Auschwitz. This book is the revisionist response to Prof. van Pelt and Pressac. It shows that van Pelt's study is "neither a scholarly nor a historical work; it is only a biased journalistic assemblage of poorly understood and poorly interpreted historical sources." This is a book of prime political and scholarly importance! 2 vols. (370 + 390 pages), softcover, B&W illustrations, glossary, bibliography, index. #551, ***$45*** minus 10% for TBR subscribers. Add $25 for a sturdy leatherette case to house the two volumes.

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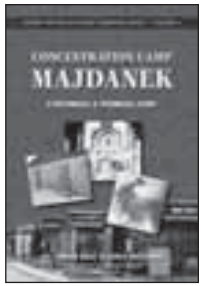

Concentration Camp Majdanek. By Carlo Mattogno and Juergen Graf. Third revised and expanded edition. Little research had been directed toward concentration camp Majdanek in central Poland, even though it is claimed that up to a million Jews were murdered there. The only information available is discredited Polish Communist propaganda. This glaring research gap has been filled by this book. After exhaustive research of primary sources, Mattogno and Graf created this monumental study which expertly dissects and repudiates the myth of homicidal gas chambers at Majdanek. They also critically investigated the legendary mass executions of Jews in tank trenches ("Operation Harvest Festival") and prove them groundless. The authors' investigations lead to unambiguous conclusions about the camp which are radically different from the official theses. Again they have produced a standard and methodical investigative work, that authentic historiography cannot ignore. Softcover, third edition, 349 pages, B&W illustrations, bibliography, index, #380, ***$25*** minus 10% for TBR subscribers.