

Return to the Dark Ages

Jared Taylor, American Renaissance, March 2001

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Americans think of Europeans as essentially like themselves. They believe European societies are like their own-rooted in the rule of law, freedom of religion, democratic government, market competition, and an unfettered press. In recent years, however, Europeans have given up an essential liberty: freedom of speech. It is true that in the United States prevailing orthodoxies on some questions are ruthlessly enforced but it is still *legal* to say just about anything. Not so in much of Europe. In the last decade or so countries we think of as fellow democracies—France, Germany, Switzerland and others—have passed laws that limit free speech for the same crude ideological reasons that drove the brief, unsuccessful vogue of campus speech codes in the United States.

Today in Europe there are laws as bad as anything George Orwell could have imagined. In some countries courts have ruled that the facts are irrelevant, and that certain things must not be said whether they are true or false. In others, a defendant in court who tries to explain or defend a forbidden view will be charged on the spot with a fresh offense. Even his lawyer can be fined or go to jail for trying to mount a defense. In one case a judge ordered that a bookseller's entire stock—innocent as well as offending titles—be burned!

Just as Eastern Europe is emerging from it, Western Europe has entered the thought-crime era, in a return to the mentality that launched the Inquisition and the wars of religion. It is a tyranny of the left practiced by the very people who profess shock at the tactics of Joseph McCarthy, an exercise of raw power in the service of pure ideology. The desire not merely to debate one's opponents but to disgrace them, muzzle them, fine them, *jail* them is utterly contrary to the spirit of civilized discourse. It is profoundly disturbing to find this ugly sentiment codified into law in some of the countries we think of as pillars of Western Civilization. At the same time, these laws cannot help but draw attention to the very ideas they forbid. Truth does not generally require the help of censors.

There are two subjects about which Europeans can no longer speak freely. One is race and the other is Nazi Germany. "Anti-racism" laws generally take the form of forbidding the expression of opinions that might stir up "hatred" against any racial or ethnic group. In some countries, it is now risky to say that genetic differences explain why blacks have, on average, lower IQs than whites or to say that non-white immigration should be prevented so as to preserve a white majority. There are probably parts of every issue of *American Renaissance* that could be banned in some European country, and we have an obvious interest in opposing censorship of this

kind.

In one case a judge ordered that a bookseller's entire stock - innocent as well as offending titles - be burned!

Far more prosecutions have taken place, however, in connection with what is called "Holocaust revisionism" or "Holocaust denial." This appears to cover any skepticism about the generally-accepted view that the Nazis had a plan to exterminate Jews and managed to kill some six million, mostly by gassing. There is considerable variety in the laws that forbid disagreement on this matter (see sidebar, page 6), but

the Jewish Holocaust has become the one historical event on which people in France, Germany, Switzerland, Spain, Holland, Poland, Austria, Lithuania (and Israel) can be legally compelled to agree. It is still legal to dissent from Holocaust orthodoxy in Italy, Sweden, Denmark, Norway, Britain, Ireland, and Croatia, but there is powerful pressure in some of these countries to join the censors. Third Reich Jewish polices are of no special interest to AR, but it is outrageous that any point of view on any question be forbidden.

In the United States there is widespread complacency over this blatant thought control practiced by our closest allies. This complacency proves the utter lack of integrity of those who make principled free-speech claims for Communists, pornographers, rap "artists," and flag-burners, but who will not lift a finger to stop the persecution of "racists" and "Nazis." Liberals get dewy-eyed over the First Amendment only when it suits them, and are quietly delighted to see their opponents dragged off to jail because of their opinions. Indeed, several thousand Europeans are arrested every year who, if they were leftists, would be lionized as "prisoners of conscience." Indifference, even joy, over their fate is the contemptible sentiment that prevails across the political spectrum even in America.

France has had perhaps the most colorful history of modern European censorship, perhaps because it has the longest history of Holocaust revisionism. The leftist Paul Rassinier cast doubt on accepted views as early as the 1950s, but it was in 1978 that revisionism came to the attention of a larger European public. In that and the following year Prof. Robert Faurisson of the University of Lyon published two articles in the newspaper *Le Monde* asserting that there were no execution gas chambers in the Nazi concentration camps. Mr. Faurisson, an expert at textual analysis who made his case from original documents, provoked a storm of opposition.

Nine anti-racist and concentration-camp survivor organizations brought civil and criminal suits against Prof. Faurisson for "falsification of history in the matter of the gas chambers," a curious charge brought under the French anti-racial-discrimination law of 1972. In April 1983, the Paris Court of Appeals found Prof. Faurisson innocent of "falsification of history" but found him guilty of the equally curious crime of "reducing his research to malevolent slogans," and made him pay a small fine. At the same time, the court upheld the right to express any opinion on the existence of Nazi gas chambers (presumably so long as it was not expressed "malevolently"), concluding that "the value of the conclusions defended by Faurisson rests therefore solely with the appraisal of experts, historians, and the public."

This was a setback to the suppressers of free speech, who responded with what is known as the Gayssot law-named for the Communist deputy who promoted it-signed into law in 1990 by President François Mitterrand. This law made it a crime punishable by up to 250,000 French francs (at that time approximately \$50,000) or one year in prison or both to dispute the truth of any of the "crimes against humanity"

for which Nazi leaders were charged at the Nuremberg trials. Prof. Faurisson, who had continued to publish views on the Holocaust, was the first to be convicted under this law, and was fined 100,000 francs in April, 1991, a penalty reduced on appeal to 30,000 francs. He has not given up his work and has been repeatedly found guilty of the same crime. At last count, he has also been physically assaulted ten times and on at least one occasion was nearly killed.

Although the Gayssot law was controversial when it was passed, the French are now happy with it. According to a 1998 Sofres poll, 79 percent think it necessary “because one does not have the right to say anything one likes about the extermination of the Jews.”

The extent of this sentiment explains why there were other convictions for Holocaust-related comments before passage of the 1990 Gayssot law. In 1987 the leader of the French National Front Jean-Marie Le Pen was fined under anti-racism laws, not for denying the existence of Nazi gas chambers but merely for describing them as a “detail” or “minor point” in the history of the Second World War. Astonishingly enough, not only must a Frenchman affirm a certain historical fact, he must attribute to it a certain prescribed importance.

Another French celebrity-turned-thought criminal is Brigitte Bardot, the former actress. In retirement she has become an ardent animal-rights activist and has often denounced the ritual slaughter of sheep by French Muslims during the festival that marks the end of the Ramadan fast. She has also spoken in more general terms, lamenting that “my country, France, my homeland, my land is again invaded by an overpopulation of foreigners, especially Muslims.” Like Prof. Faurisson, she is impenitent and has been fined at least three times—in 1997, 1998 and 2000—under the 1972 anti-racism law. A judge concluded that Miss Bardot was guilty of inciting “discrimination, hatred or racial violence,” and that her condemnation of Muslim practices went beyond any possible concern for animal rights.



Brigitte Bardot, hate criminal.

There has been a host of other less-well-known Frenchmen convicted under the censorship laws. In May, 1999, the editor of a small-circulation magazine *Akribeia* was fined 10,000 francs (\$2,000) and given a suspended six-month sentence for writing favorably about Paul Rassinier, the founder of French revisionism. At his arrest, police strip-searched Jean Plantin and confiscated his two computers and a dozen computer disks, destroying the results of several years’ research. In September 2000, a 53-year-old French high school teacher in Lemberg in the Moselle region was fined 40,000 Francs (\$8,000) and given a one-year suspended sentence for telling his students that the Third Reich gas chambers were used for delousing clothes and that the concentration camps were not extermination centers.

Censorship cases now get little attention in France unless there are unusual circumstances or the defendant is a celebrity. In July 2000, a local National Front politician in the Rhône-Alpes region, Georges Theil, was charged with “disputing the existence of crimes against humanity.” In what he thought was a private e-mail exchange and using a screen name, he had written, “Homicidal gas chambers never existed for the simple reason that they were simply and profoundly impossible.” Mr. Theil had not counted on the diligence of the French police, who tracked him down through his Internet service provider, Wanadoo, and hauled him into court where

prosecutors asked for a six-month suspended sentence. Cases of this kind, which show how deeply the French police are willing to burrow into what people think are their private lives, have been completely ignored in the United States.

Two recent censorship trials that did receive international attention were “the Garaudy affair” and the successful attempt to shut down certain activities by the American Internet portal Yahoo. The Garaudy scandal is particularly instructive because it shows how willingly the left will sacrifice its own to the gods of Third Reich orthodoxy. Roger Garaudy was born in 1913, served in the French army, joined the wartime Resistance, and sat in the French National Assembly as a Communist, first as a deputy and later as a senator. For 25 years he was a major theoretician for the Communist Party, but broke with the comrades over the Soviet invasion of Czechoslovakia in 1968. He continued to teach philosophy and promote anti-racism and socialism. He converted to Islam, and enjoyed great prestige as one of France’s most influential public intellectuals.

Over the years he took an increasing interest in the Palestinian cause, and came to believe Jews were exaggerating the horrors of the Holocaust in order to squelch criticism of Israel. This and other views expressed in his 1995 book *The Founding Myths of Modern Israel* (published in English in 2000 by the California-based Institute for Historical Review) unleashed not only a flood of criticism but likewise brought the octogenarian into court for violation of the Gayssot law. Prof. Garaudy’s impeccable credentials as a leftist and anti-racist were no defense. In February, 1998, he was duly fined the equivalent of \$40,000 after a trial that caused a sensation in France and throughout the Islamic world. Probably no event has prompted more interest in Holocaust revisionism among Arabs than the trial of this French Muslim who defended Palestinians. Religious and political leaders from Egypt to Iran denounced France for putting him on trial, and the wife of the president of the United Arab Emirates contributed \$50,000 to his defense. Egyptian Nobel laureate in literature Naguib Mahfouz wondered about the health of Western societies in which it is commonplace to deny God but a crime to doubt the Holocaust.



Abbé Pierre

The affair took on yet another tragi-comic dimension when Abbé Pierre, one of the most popular and admired men in France, made a few offhand remarks in support of Prof. Garaudy. Abbé Pierre is a Capuchin friar whose real name is Henri Groulès. He came to be known as “the abbé” during his work with the French Resistance smuggling Jews out of occupied France. He has devoted his life to good works for the poor and for immigrants, and has a reputation something like that of Mother Theresa. He had become acquainted with Prof. Garaudy and shared his concern about Israel’s treatment of Palestinians. After a few comments in favor of his old friend, he was horrified to discover that despite much backtracking and many apologies his reputation had vanished. He acknowledged he had not read the book, called on Prof. Garaudy to correct any errors, and disavowed any association with Holocaust denial. Even so, leftists whom he thought were lifelong friends turned on him, kicking him out of the International League Against Racism and Anti-Semitism, a French anti-racist organization of which he had long been a member. Perhaps the cruelest blow was his expulsion from Emmaus, the charitable organization he himself had founded. Although not charged with violation of the Gayssot law, Abbé Pierre fled to Italy and hid in a monastery until the controversy blew over.

The French case against the American Internet giant Yahoo, which is a gateway to

search engines, auctions, shopping and much else caused only a brief murmur of disapproval in the United States, but is an ominous first step in bringing the Internet under the control of European censorship laws. The same International League Against Racism and Anti-Semitism of which the abbé used to be member-known by its French acronym LICRA-joined the French Union of Jewish Students in suing Yahoo to stop Internet auctions of Nazi medals, arm bands, photos, autographs and the like. France's anti-racism laws forbid commerce in anything "racially tinged," and the California-based Yahoo promptly removed these auctions from its French web site.

This was not enough for LICRA and the Jewish students, who insisted that Yahoo find a way to block French Internet users from reaching Yahoo sites in the U.S., where auctions continued. Yahoo said it was technologically impossible, and the court appointed a panel of three computer experts-American, British, and French-to render a ruling. Two of the experts said it could not be done, but Judge Jean-Jacques Gomez chose to believe the Frenchman, who said it could. In May 2000, he gave Yahoo two months to make it impossible for French Internet users to reach the Nazi auctions. He said he would fine the American company 100,000 Francs (now \$13,000) a day if it did not, since the sale of Nazi souvenirs offended "the collective memory of the nation." Judge Gomez also ordered Yahoo to pay 10,000 Francs to the plaintiffs LICRA and the Union of Jewish Students. A LICRA spokesman hailed the ruling as a great victory for democracy, of all things.

The next month Jerry Yang, a co-founder of Yahoo, said his company would ignore Judge Gomez' order. "Asking us to filter access to our sites according to the nationality of web surfers is very naïve," he said, adding, "we are not going to change the content of our sites in the United States because someone in France is asking us to do so." Six months later, in January 2001, Mr. Yang ate crow when Yahoo decided "voluntarily" to stop auctioning anything that bears a swastika or any other "hate" symbol such as a KKK insignia. "Yahoo recognizes that we were right," exulted LICRA, and Ygal El Harrar, chairman of the Jewish students, welcomed "the return to its senses by the American company." Incredibly, Yahoo claims daily fines had nothing to do with its decision. Noting that it already bans auctions of live animals, used underwear, and tobacco, it is pretending it is was only adjusting its list of forbidden products.

The French case against Yahoo was an ominous first step in bringing the Internet under European censorship laws.

No one is fooled. Lee Dembart wrote in the *International Herald Tribune* on Jan. 15, 2001, that the precedent has now been set for any country to try to control the Internet all over the world. China could threaten to fine sites that promote the Falun Gong Buddhist cult, which is illegal in China. Arab countries could fine Internet sites that sell Jewish memorabilia, since such things no doubt offend their "collective memory." But by and large the American media have had nothing to say about what amounts to the imposition of French law on Americans. Needless to say, there would be a frenzy of denunciation if it were not "Nazis" who were being shoved off the net but, say, abortion-rights activists.

Switzerland

In the minds of Americans Switzerland is an orderly, sensible country of decent, independent-minded people. It is also perhaps the only country that has ever brought

ensorship upon itself through referendum. Over the weekend of Sept. 24 and 25, 1994, the Swiss voted by a majority of 54.7 to 45.3 percent to make it a crime, punishable by fine and/or up to three years imprisonment, to “publicly incite hatred or discrimination” or “deny, grossly minimize, or seek to justify genocide or other crimes against humanity.” Half of all Swiss cantons voted against the new law but thanks to the overall majority, it went into effect Jan. 1, 1995.

Swiss authorities had not actually needed this law to censor foreigners. In November 1986, the Geneva police stopped two French Holocaust revisionists-Pierre Guillaume and Henri Roques-from giving a press conference and banned them from speaking publicly in Switzerland for three years.

The first Swiss citizen to fall afoul of the new law was Arthur Vogt, an 80-year-old retired school teacher. On June 3, 1997, a court in Meilen fined him 20,000 Swiss Francs (\$15,000) for mailing copies of a revisionist book to seven acquaintances and for publishing a private newsletter in which he had written revisionist essays.

In December 1997, a court in Vevey sentenced Aldo Ferraglia, an Italian citizen, to four months in jail and court costs of 15,075 francs. He was also made to pay 28,000 francs in “atonement” to three Jewish organizations for having distributed a number of Holocaust revisionist books, including Roger Garaudy’s *The Founding Myths of Modern Israel*. At the Ferraglia trial the judge defended the new law by explaining it did not forbid opinion, only the public expression of certain opinions-a distinction that may be a little too fine for Americans.

By June of last year, there had been no fewer than 200 trials and 100 sentences based on the 1995 law. As in France, such trials no longer attract much attention. Probably few Swiss heard about it when animal rights activist Erwin Kessler went to jail for two months for writing that Jews who practice ritual slaughter of cattle are no better than concentration-camp guards.

The press took only slightly more notice of Gaston-Armand Amaudruz whom a Lausanne court sentenced to a year in prison for articles he wrote in his monthly newsletter *Courrier du Continent*, which he started in 1946 and had only about 500 subscribers, mostly in France. Mr. Amaudruz holds a doctorate in social and political sciences and has been a teacher of French and German. These are the words for which the 79-year-old paid with a year in prison: “For my part, I maintain my position: I don’t believe in the gas chambers. Let the exterminationists provide the proof and I will believe it. But as I’ve been waiting for this proof for decades, I don’t believe I will see it soon.” At sentencing, the judge criticized Mr. Amaudruz’ lack of remorse and noted that he had continued to violate the law, writing “Long live revisionism” in the issue of the newsletter that appeared just before the trial.



Jürgen Graf

Perhaps the most prominent Swiss to be found guilty under the censorship law is 49-year-old school teacher Jürgen Graf. In March, 1993, after the publication of his 112-page book, *The Holocaust on the Test Stand*, in which he cited reasons to doubt the accounts of extermination, he was fired from his job as a teacher of Latin and French at a private secondary school. The French banned the book in 1994. Before long Mr. Graf found himself in court, and in July, 1998, he was sentenced to 15 months in jail for various revisionist writings. Sentenced along with Mr. Graf was his 70-year-old publisher, Gerhard Förster, who got 12 months. The court fined both men 8,000 Swiss francs (\$5,500)

and ordered them to turn over 55,000 francs (\$38,000) in proceeds from book sales. Presiding Judge Andrea Staubli said the defendants' "remarkable criminal energy" and lack of remorse justified harsh punishment.

Their defense counsel protested that he could not even try to explain the reasons for Mr. Graf's statements without, himself, being prosecuted under the same law. He also argued in vain that censorship law violated the free-speech provisions of the European Human Rights Convention which Switzerland has signed. Wolfgang Frölich, an engineer called to vouch for the authenticity of Mr. Graf's findings, found himself threatened with prosecution if he testified. Just as absurdly, the court included *The Holocaust on the Test Stand* in its reasons for finding Mr. Graf guilty even though he wrote it before the 1995 censorship law.

Mr. Graf decided to flee the country rather than spend 15 months in prison. In November 2000, he ended up in Iran, where he planned to stay for some time. He has been welcomed by scholars in Tehran, and was invited to give lectures at Iranian universities. Mr. Graf does not intend to return to Switzerland until the country restores the right of free speech. As we will see, he is not the only European to go into exile rather than face jail as a prisoner of conscience.

Germany

Since the end of the Second World War, beginning with de-Nazification, Germany has had censorship laws unthinkable in the United States. Nazi songs, salutes, and symbols are illegal even in private, and the country has been as aggressive as any in trying to expand the effects of its own repressive laws beyond its own borders. By now, thousands of people have fallen afoul of anti-Nazi, and "incitement to racial hatred" laws, which violate the German constitution's own guarantees of freedom of expression. Any number of quite remarkable cases of state-sponsored thought control have gone almost completely unreported in the United States.

Fredrick Toben was born in Germany in 1944 but emigrated with his parents to Australia when he was ten, and is an Australian citizen. He studied at Melbourne University and at universities in Heidelberg, Tübingen, and Stuttgart, and has a doctorate in philosophy. In 1994 he established the Adelaide Institute, in the Australian town of that name, to promote Holocaust revisionism. He sent some material to Germany, and was arrested in Mannheim in April 1999 during a visit. He was held without bail until his trial seven months later and was charged with "incitement to racial hatred," "insulting the memory of the dead," and "public denial of genocide." The court sentenced Dr. Toben to ten months in prison but let him off with a fine of 6,000 marks (\$3,500) on the strength of time already spent in prison. As in Switzerland, it is impossible to mount a defense against these charges. Defendants and even lawyers who try to explain or justify their statements have been immediately charged with additional offenses right in the courtroom.

The prosecution tried to charge Mr. Toben on additional counts because of articles on his Australia-based Adelaide Institute web page (www.adelaideinstitute.org), but the court ruled that his only violation of German law was to have sent printed matter directly into Germany. Foreign Internet sites were not covered by the law even if Germans could read them. As Deputy Interior Minister Brigitte Zypries explained in July 2000, "That's life and that's the Internet You can't build a wall around Germany." Since the government could not use the most serious evidence against him, Dr. Toben got off lightly; the shortest previous sentence for his crimes had been two years, and the prosecution was asking for two years and four months.

However, in December 2000, in a very significant ruling that went virtually unnoticed in the United States, Germany's highest court, the *Bundesgerichtshof*, reversed the lower court. It said German law applies to any ideas or images Germans can reach from within Germany, so someone who posts a swastika on a web page anywhere in the world is a criminal under German law. Dr. Toben, whose case provided the high court with the basis of this ruling, could presumably be the subject of an extradition request. As we will see below, Dr. Toben faces problems enough back home in Australia.

One of the few Americans to notice and comment on this extension of German (and French) law to the Internet was Rabbi Abraham Cooper of the Simon Wiesenthal Center in Los Angeles. "We commend the German authorities for sticking to their commitment," he said; "it's their democracy, these are their laws." He went on to praise the French, too: "We have to commend the Germans and the French for basically saying 'In our societies, this is how we deal with the problems of hate, racism and Holocaust denial. You in America have your own laws, but at least respect our values.'" "Perhaps Rabbi Cooper would be pleased to see European-style censorship in the United States.

The case of Germar Rudolf is likewise remarkable. Born in 1964, Mr. Rudolf graduated *summa cum laude* in chemistry from the University of Bonn and is a certified chemist. After serving in the German air force, he entered a Ph.D. program at the prestigious Max Planck Institute for Solid State Physics. While still at the institute he carried out a forensic physical examination of the gas chambers of Birkenau and concluded that for a variety of technical reasons they could not have been used for executions. In 1993 he published his findings in what is called *The Rudolf Report*, and was promptly dismissed from the Max Planck Institute. A court in Stuttgart ruled that the report "denies the systematic mass murder of the Jewish population in gas chambers" and was therefore "popular incitement," "incitement to racial hatred," and "defamation." The court rejected Mr. Rudolf's request for technical evidence about the truth or falsehood of his report, ruling that the "mass murder of the Jews" is "obvious."



Germar Rudolf

Mr. Rudolf has continued to commit thought crimes, editing a compendium of revisionist articles called *Grundlagen zur Zeitgeschichte* [Foundations of Contemporary History]. In 1996 a court fined his publisher 30,000 marks (\$18,000) and ordered all copies seized and burned. Police raided Mr. Rudolf's apartment three times, and in 1996 he was finally sentenced to 14 months in prison. Rather than serve time he fled to England, which has anti-racist laws but where Holocaust denial is not (yet) a crime. He is now director of Castle Hill Publishers, which issues revisionist works, and publishes a German-language revisionist quarterly. Jewish groups have brought pressure on the British government to enact laws to outlaw Holocaust denial so that Mr. Rudolf can either be prosecuted in England or extradited to Germany. Like Jürgen Graf of Switzerland, unless free speech is restored in his homeland, he will go to jail if he ever returns. Recently he moved to the United States and has applied for amnesty as a political refugee. It will be interesting to see how the INS, which has stretched "political persecution" to include wife-beating and making fun of homosexuals, will avoid granting him asylum.

One German defendant who did not flee the country was the elderly historian Udo Walendy, publisher of the "Historical Facts" series of booklets. In May, 1996, the district court of Bielefeld sent him to prison for 15 months, and a year later a court in

Herford added 14 more months to his sentence. He was also fined 20,000 marks (\$12,000) when 12 copies of Adolf Hitler's *Mein Kampf* were found in his possession. Judge Helmut Knöner of the Herford court took the curious position that Mr. Walendy was guilty not of a sin of commission but of omission:

"This [case] is not about what was written-that is not for this court to determine-but rather about what was not written. If you had devoted just a fraction of the same exactitude to highlighting the other side [of the Holocaust question], you would not have been sentenced."

Here we find the tortured reasoning to which censorship laws invariably give rise. To have failed to write about a particular historical event in a balanced manner is a crime that can send a historian to jail. In the court's view, this one-sided writing was "meant to disturb the public peace," notwithstanding the "exactitude" of Mr. Walendy's work. Moreover, although Mr. Walendy has been a model prisoner he was denied the usual grant of release after serving two-thirds of his sentence. Authorities explained that this was because he was unlikely to change his views.

It is possible to argue that Austrian censorship laws have already taken a life.

It is possible to argue that Austrian censorship laws have already claimed a life. In 1995, Werner Pfeifenberger, a German professor of political science published an essay called "Internationalism and Nationalism: a Never-Ending Mortal Enmity?" in a collection issued by Austria's Freedom Party (see AR, Dec. 1999, and March 2000). A prominent Jewish journalist attacked the essay, accusing Prof. Pfeifenberger of writing in a "neo-Nazi tone," and "extolling the national community." Because the professor had criticized the 1933 Jewish declaration of an international boycott of Germany, the journalist also accused him of reviving "the old Nazi legend of a Jewish world conspiracy."

The German state of North Rhine-Westphalia dismissed Prof. Pfeifenberger from his teaching position, and a court in Vienna prepared a case against him under Austrian anti-Nazi laws. On May 13, 2000, just a few weeks before the trial, Prof. Pfeifenberger took his own life. His lawyer explained that Prof. Pfeifenberger faced ten years in jail under the charges, did not expect a fair trial, and had already spoken of committing suicide. As in Germany and Switzerland, Austrian law does not permit a defendant to argue the veracity of his statements; offensive "tone" or "diction" is sufficient to secure conviction.

United States citizens have fallen afoul of German censorship laws-without the slightest gesture of support from their own government. Hans Schmidt of Pensacola, Florida, runs the German-American National Public Affairs Committee, which publishes a newsletter. Mr. Schmidt, who fought in the German army, moved to the United States after the war and became a U.S. citizen. In 1995, on a trip to Germany to visit family members, German authorities arrested him for having sent some of his newsletters to Germany. They held him in jail for five months but released him in conjunction with the first part of his trial. Mr. Schmidt, who could have been sentenced to five years in prison, slipped out of the country rather than stay for the rest of his trial.

Another American, Gary Lauck of Lincoln, Nebraska, was not so lucky. Known as "the farm-belt Führer," Mr. Lauck is an unapologetic supporter of Nazism, and has shipped a considerable quantity of Nazi material to Germany. In March, 1995, he was visiting Denmark, a country that does not have anti-Nazi laws, but in an operation of

questionable legality, the Danes extradited him to Germany. In August, 1996, a Hamburg court convicted him of inciting racial hatred and distributing illegal materials-which he did legally in the United States and not in Germany-and sentenced him to four years in jail. He served his sentence and returned to the United States, where he continues to promote Nazism.

At almost the same time Mr. Lauck was on trial in Germany, the American citizen Harry Wu-a fervent critic of China-slipped into China illegally on a mission of support for dissidents and was arrested. The U.S. State Department mounted an extraordinary effort to secure his release, but completely ignored Germany's prosecution of Mr. Lauck.



“No, not kiddie-porn, but revisionist magazines!” Cartoon by “Konk” in French weekly.

Another curious case involving the United States is that of a young German musician Hendrik Möbus. Mr. Möbus said provocative things about Jews, gave the Nazi salute during a concert, and later turned up in the United States. In a little-known incident in the summer of 2000, federal officers arrested Mr. Möbus with the intention of extraditing him to Germany, even though his offenses were not crimes in the United States. Apparently thinking better of this unjustifiable proceeding, the government released Mr. Möbus, who promptly turned the tables by suing for

political asylum. With the help of William Pierce of the West Virginia-based National Alliance, Mr. Möbus has hired immigration lawyers to argue his case on the grounds that he will be persecuted for his political beliefs if he returns to Germany.

One of the common difficulties for applicants for asylum is that they must prove they face a realistic threat of persecution. In Mr. Möbus' case, the German authorities have already issued an extradition request in which they openly state they want to send him to jail. Once again, it will be interesting to see how the INS responds.

Neo-Nazi music is increasingly popular in Germany, and bands play a constant cat-and-mouse game with the police. Most make their recordings in secret studios or across the border in Poland, and the recordings are then pressed in the United States. The CDs come back to Europe via Sweden, where the material is not illegal. Mere possession is a crime in Germany, but the authorities estimate there are more than 100 neo-Nazi bands operating clandestinely.

Some repressive measures fall short of imprisonment. In August, 2000, the German postal bank, which is part of the government-owned post office, systematically shut down all accounts used by any group it considered “far-right.” These included Germany's two main nationalist parties, the German Peoples' Union (DVU) and the National Democratic Party (NPD). Postbank chairman Wulf von Schimmelfmann explained that the measure was “a contribution to political hygiene and cementing of democracy in Germany.”

Thought-control can take a comical turn. In August, 2000, Dresden police ordered a 25-year-old man to get a haircut because he had shaved the back of his head leaving only the letters “SS,” in the distinctive angular script used by the Nazis.

Mein Kampf has been banned in Germany for years, and German companies have

been quietly enforcing the ban overseas as well. Publishing giant Bertelsmann polices its US-based website bookstore for titles forbidden in Germany, and is trying to do the same with Barnesandnoble.com, of which it owns 40 percent. *Mein Kampf* is banned in several other countries, including Holland and the Czech Republic, where distributors were recently fined. There is considerable irony in suppressing Hitler's turgid autobiography. For years it was common to say that if only people had read it in the 1930s they would have stopped Hitler in his tracks. Now we must presumably be kept from reading it for fear we will follow its advice.

Other Countries

Until 1995, Spain was a popular refuge for dissidents facing prosecution elsewhere in Europe but in that year it passed new laws putting it firmly in the camp of the censors. The first conviction came in November, 1998, when bookseller Pedro Varela was sentenced to five years in jail for "incitement to racial hatred" and "denying or justifying genocide." His case began in December, 1996, when police raided his Librería Europa bookstore in Barcelona and confiscated 20,000 volumes. Nearly two years went by before he went to trial because many of the books were in English, French, or German, and the court insisted that they be translated into Spanish. In addition to the five-year prison term, the court fined him 720,000 pesetas (\$5,000) and ordered all 20,000 books burned-even though only 30 of some 200 titles were found to violate the law.

In December 1998, Mr. Varela appealed the sentence to the provincial court or *Audencia* of Catalonia, which ruled unanimously in April 1999 that the censorship law violates guarantees of free expression in the Spanish constitution. The case will now go before the Constitutional Tribunal in Madrid. In the meantime, Mr. Varela's 20,000 volumes have not yet been burned, but he has not gotten them back either. He restocked his store and continued to operate, but in January 1999, a mob of "anti-fascists" smashed through the protective metal shutters of his shop, ransacked it, and burned hundreds of books. Police arrived but did nothing. Mr. Varela rebuilt his store and continues to sell books.

In Britain, despite campaign promises from Tony Blair that Labour would ban Holocaust denial, in early 2000 Parliament resisted pressure from Jewish groups to do so. Home Office Minister Mike O'Brien explained that the government was unable to "strike a balance between outlawing such offensive statements while ensuring that freedom of speech is not unduly restricted." Since 1986 the Public Order Act has made incitement to racial hatred an offense, but Jewish groups argued this law was inadequate because prosecutors have been unable to show that Holocaust denial incites hatred. This is not to say that these laws have never been used. Although enforcement is sporadic, a few racial nationalists have been convicted.

Originally prosecutors had to prove a defendant intended to stir up hatred, but that was difficult. Later the laws were broadened to permit conviction if hatred was stirred up whatever the intent, but that was also hard to prove. Now, it is sufficient to show a "likelihood" that some act will incite racial hatred, and it was on this basis that *Spearhead* editor John Tyndall and *British Nationalist* editor John Morse were tried together and convicted by a single jury in 1986. The prosecution's tactic was to read page after page of "offensive" material in court and the cumulative effect seems to have convinced the jury what they wrote was "likely" to incite hatred. The judge decided the crime deserved six months in jail. Mr. Tyndall, who after serving his sentence returned to editing *Spearhead*, despises incitement laws but believes they have the beneficial effect of keeping racial nationalists from using intemperate-and

ultimately unpersuasive language.

Nick Griffin, now head of the British National Party, received a suspended sentence after a similar conviction in 1998. He also edited a magazine, which discussed Holocaust revisionism and opposed non-white immigration to Britain. In his case as well, there seems to have been no clear line between acceptable and unacceptable opinions; his magazine apparently created an overall atmosphere that was “likely” to incite hatred.

Some British anti-racism measures approach outright insanity. As reported in the July 2000 issue of AR, a recently-passed law forbidding “racially threatening or abusive words” was recently invoked against a Cambridge man who got into a whispered argument in a library. A woman overheard Robert Birchall tell Kenyan-born Mugai Mbaya to “go back to your own country,” and reported him to police. Mr. Birchall was fined 100 pounds. In the city of Gloucester police officers are reported to have been sent to eat in ethnic restaurants and listen in on the conversations of other patrons so they can charge them with crimes if they say rude things about other races.



How the “anti-fascists” left the Europa bookstore.

Perhaps even more than to Europeans, Americans feel kin to Canadians and perhaps Australians-fellow English-speakers who have established themselves far from the homeland. But here, too, traditions of free speech have crumbled under the pressure of special-interest groups. In October 2000, the Australian Human Rights and Equal Opportunity Commission ordered Frederick Toben-back from prison in Germany-to remove Holocaust revisionist material from the web page of the Adelaide Institute. Commissioner Kathleen McEvoy said Mr. Toben violated the 1975 Racial Discrimination Act by “having published materials inciting hatred against the Jewish people.” She also ordered Mr. Toben to post a lengthy apology. Mr. Toben refused, saying he would not apologize for material he believed to be factual and that any proceeding against him was immoral if truth was not permitted as a defense. The government-funded commission has no enforcement powers, but could initiate proceedings to have Mr. Toben jailed for contempt.

In Tasmania, the commission has also accused an associate of the Adelaide Institute, 58-year-old Olga Scully, of selling anti-Jewish material and putting it in mailboxes. She also refused to apologize, and the commission announced plans to take her to court. The Russian-born grandmother says she is not intimidated and is “quite prepared” to go to prison.

It will be a surprise to many Americans to know that our next-door-neighbor Canada now has a nearly 20-year tradition of censorship. In 1981 a well-liked secondary school teacher and mayor in Lacombe County, Alberta, named Jim Keegstra was reported to be telling his social studies students that Jews run the world. The school board fired him-which it no doubt had the right to do-but Canadian authorities also charged him with violating section 281 of the criminal code, which prohibits spreading hate against an identifiable group. Mr. Keegstra remained unrepentant during a ten-year legal battle that took him to the Canadian Supreme Court, which upheld his conviction.

The most famous Canadian thought criminal is undoubtedly Ernst Zundel, a German who immigrated to Canada in 1958 and established himself as a commercial artist. Since the mid-1970s he has published and publicized Holocaust revisionist materials, and in 1983 he was charged under section 181 of the criminal code, which prohibits spreading “false news” that the purveyor knows to be false.

His case became something of a *cause célèbre*, and the trial dragged on for eight weeks before reaching a conviction. Mr. Zundel filed numerous appeals and in 1992 the Supreme Court ruled the law under which he was convicted unconstitutional because it was “an unjustifiable limit on the right and freedom of expression.”

Mr. Zundel was not out of court for long. At the urging of Jewish groups, he was brought before the Canadian Human Rights Commission in what must be one of the most Kafkaesque censorship proceedings of modern times. There is a section of the Canadian criminal code written to outlaw telephone answering machines with “hate messages.” It makes it illegal “to communicate telephonically” “any matter that is likely to expose a person or persons to hatred [for reasons of race, ethnicity, etc.]” In a tortured interpretation of this law, Mr. Zundel was charged on the basis of a web page that contains Holocaust materials by him and by others. Although the site is commonly known as the Zundel site, it is based in the United States and run by an American.



Ernst Zundel.

Ironically, the Human Rights Commission has been asked to find Mr. Zundel guilty because he is associated with a foreign web page that publishes articles that, in print form, *have been found to be legal* in Canada. Indeed, the first and lengthiest of the pamphlets cited in the charge is the very one cited in the previous case that was thrown out by the Canadian Supreme Court! What is more, this case has dragged on for an astonishing five years. At the same time, the chairman of the Human Rights Tribunal has conceded that “the truth is not an issue before us... . The sole issue is whether such communications are likely to expose a person or persons to hatred or contempt.” Mr. Zundel, who has spent an estimated \$140,000 on the case, recently gave up even trying to defend himself, saying “I would rather save my money and appeal their grotesque ruling when it comes out.” Amazingly, the case continues to drag on without him, with final arguments expected in late February.

Yet another prominent censorship victim has been Doug Collins and the newspaper that used to publish him, the *North Shore News*. In February 1999, the British Columbia Human Rights Tribunal found Mr. Collins guilty of acts “likely to expose Jews to hatred or contempt.” Found criminal were four columns he wrote in 1994. Interestingly, the tribunal decided that taken individually none of the columns was a criminal act, but taken together they were. The tribunal ordered Mr. Collins and the *North Shore News* to desist from further incitement to hatred, and to pay \$2,000 to a Jewish man who had brought the charges, as compensation for injury to his dignity and self-respect. It also ordered the paper to publish the judgment in full, which was perhaps the first time the government ever forced a Canadian newspaper to print something against its will. Mr. Collins now publishes on the Internet.

Canadian authorities have been very unpredictable in their enforcement of laws against “incitement of hatred.” They have never been bothered by the lyrics of black rap “musicians” who openly urge blacks to kill whites, but it has taken a very close look at academic studies of racial differences. Canadian customs authorities have

seized many shipments of books from the United States including *Race, Evolution and Behavior*, by Philippe Rushton (reviewed in AR, Dec. 1994). Prof. Rushton, who teaches psychology at the University of Western Ontario, has been himself investigated for inciting hatred and nearly lost his job because of his carefully-researched studies of racial differences. Other books Canadian customs have held at the border include *Shockley on Eugenics and Race* (reviewed in AR, Jan. 1993), *Race, Intelligence and Bias in Academe* by Roger Pearson, *The Dispossessed Majority* by Wilmot Robertson, and *The Immigration Invasion* by Wayne Lutton and John Tanton.

The United States does not have censorship laws but we are creeping in that direction. Hate crime laws are an ominous step, because they add penalties to crimes based on motive. Until the passage of hate crime laws sentencing did not depend on the motive of a crime but whether it was premeditated or spontaneous. You could punch a man because he was fat, black, insulted you, or seduced your wife, and you were guilty of assault. Now, certain motives-that is to say certain thoughts-bring heavier penalties. In February of this year, a Houston, Texas, judge sentenced 21-year-old Matthew Marshall to no fewer than ten years in jail for burning a cross in front of a black family's house. People who commit gruesome violent crimes often get less jail time.

Original article

We have also had a few cases of censorship almost as absurd as those that have begun to crop up in England. In August, 1998, Janis Barton was leaving a restaurant in Manistee, Michigan, and walked by another group waiting to be seated. Those in the other group spoke to each other in Spanish, and Mrs. Barton said, out loud, "I wish damn Spics would learn to speak English." One of the Spanish-speakers filed a complaint and Mrs. Barton was charged with the crime of committing "insulting conduct in a public place," on the grounds that what she said were "fighting words" that could provoke violence. A jury bought that argument and the judge sentenced Mrs. Barton to 45 days in jail (she served only a few days). This is an odd case that may not be repeated, but it clearly shows the direction in which hypersensitivity to the feelings of non-whites is taking us.

Another worrying step towards censorship is a law passed just last December 15, which requires all libraries receiving federal money to use content filters on computers connected to the Internet. The idea is to protect people from pornography, violence and "hate speech," but the makers of filtering software invariably give it a leftist slant. The federal government is using the power of the purse to restrict access to certain views and information.

What These Laws Mean

The full-blown, unabashed censorship laws in Europe and Canada are a giant step backwards in the history of Western Civilization. It was perhaps one of the most significant conceptual breakthroughs in human thought to recognize that the social cost of suppressing "error" is far greater than the damage unchecked "error" can do when men are free to refute it. It is cause for great sadness that our European brethren have stepped back into the mentality of the witch hunt, forcing their citizens into exile and making them prisoners of conscience.

Indeed, it is in the defense of prisoners of conscience that Amnesty International (AI) made a name for itself, and cases like those described here would appear to be tailor-made for them. According to their own publications, prisoners of conscience are

“people who are imprisoned, detained or otherwise physically restricted anywhere because of their beliefs, color, sex, ethnic origin, language or religion, provided they have not used or advocated violence.” Every person mentioned in this article and thousands more have been charged with crimes because of the non-violent expression of beliefs. AI goes on to say that “all people have the right to express their convictions and the obligation to extend that freedom to others” and that “Amnesty International seeks the immediate and unconditional release of all prisoners of conscience.”

A number of people have appealed to AI to intervene on behalf of imprisoned Holocaust revisionists but AI refuses. In 1995 it affirmed “Amnesty International’s intention to exclude from prisoner of conscience status those who advocate the denial of the Holocaust” They took this step on the grounds that dissent from accepted views on the Holocaust means one has “advocated national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence.” What this means is that AI does not consider someone a prisoner of conscience unless it agrees with him.

It is probably true that some of the people charged under incitement laws really do want to stir up hatred-something that however reprehensible is legal in the United States and should be legal everywhere-but there is no evidence whatever that this is the motive of people like Robert Faurisson, Fredrick Toben, Pedro Varela or Germar Rudolf. It is the people who oppose their work who appear to be driven by hatred. Furthermore, as British prosecutors have found, it is unclear just how disputing the existence of gas chambers or the number of Nazi victims incites hatred against anyone. People are not suddenly going to start hating Jews just because a pamphlet convinces them the Nazis killed only one million rather than six million.

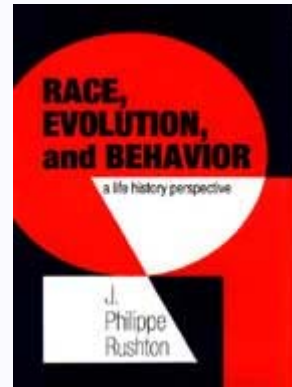
It would be more plausible to say that anyone who harps on slavery, Jim Crow, and segregation is inciting hatred against whites, or that anyone who describes the way Indians mutilated the bodies of Custer’s men at Little Big Horn is stirring up hatred against Indians. If you scoff at the miracles in the Bible are you inciting hatred against Christians? If not, why not? After all, neither the truth of the statements nor the intent of the speaker matters. Laws of this kind cry out for abuse and invidious application.

Obviously of concern to *American Renaissance* is the possibility that any description of race or sex differences could be considered incitement to hatred. What if the French and the Germans decide discussions of race and IQ are hate-mongering? This is actually more logical than saying skepticism about gas chambers makes people hate Jews. Will AR be banned in Europe? Will people who write for AR be arrested if they go to Europe?

Laws about inciting hatred are really very simple: If you hurt the feelings of certain people you can be charged with a crime. So far, the people about whose feelings one must be most careful are Jews. Pressure from Jewish organizations has turned what may have been intended as universal prohibitions into prohibition of opinions that upset Jews.

Laws of the French, German, and Austrian type that specifically prohibit Holocaust denial likewise reflect the pressure of Jewish organizations. There is only one historical event in all of human history-an event of particular interest to Jews-about which the law forbids dissent. Legally requiring acceptance of a historical

event is an absurdity on its face, but why just this one? In January 2000, the French National Assembly voted officially to recognize the Turkish “genocide” of Armenians during the First World War. There are many people who strongly dispute the number and circumstances of these deaths; Turkey angrily withdrew its ambassador after the vote. No doubt there will be vigorous “genocide denial,” “whitewashing of crimes against humanity,” and “insulting the memory of the dead.” Why will this not be a crime in France? One can only conclude that it is because Armenians have less influence than Jews.



**Stopped on the
Canadian border**

But the real shame is how few people, either in Europe or the United States, are willing to oppose this clampdown on freedom. The left loves to quote lines attributed to Martin Niemoller (1892-1984), the German Lutheran minister interned by the Nazis:

“First they came for the Communists, and I didn’t speak up, because I wasn’t a Communist. Then they came for the Jews, and I didn’t speak up, because I wasn’t a Jew. Then they came for the Catholics, and I didn’t speak up, because I was a Protestant. Then they came for me, and by that time there was no one left to speak up for me.”

The message, of course, is that we must be vigilant against wrongs done even to people with whom we may disagree, because if we do not resist evil we may some day be its victims. European censorship laws are precisely the kind of creeping evil Niemoller warned against, but the left ignores them because it has no principles and the right ignores them because it has no spine. Censorship is therefore on the march in Europe and licking at our own borders. We have entered a new Dark Age

The Law is an Ass

The laws under which Europeans, Canadians and perhaps now Australians can be prosecuted for thought crimes are of several kinds. The first includes the French Gayssot law, which, though amazing, clearly says what it means: No one is to dispute the genocide or other crimes against humanity for which the Nazi leaders were put on trial at Nuremberg after the war. There is no ambiguity about this. Anyone who says the Nazis did not have an extermination program is a criminal.

Laws that forbid “incitement of hatred” are much more ambiguous. These laws are particularly frightening because there is no way to know what they mean. Presumably, if it is against the law to “incite hatred” there should be no conviction unless it is proven that something caused hatred. The prosecution should produce someone who, having read the offending work or heard the offending speech or seen the offending picture or symbol, became a hater. None of the censorship laws requires this. Courts have decided without the slightest evidence that anyone who takes a position on certain questions—even if all he does is deliver this view to subscribers who have paid to receive it—is “inciting hate.” The other breath-taking aspect of these laws is that intent does not matter either. It makes no difference if someone sincerely believes he is uncovering the truth; if what he says can be construed as likely to incite hate, he can end up in behind bars.

Finally, there are laws that have no clear meaning at all. What does it mean to “glorify National Socialism” or “insult the dead” or “whitewash the crimes of the Nazis”? Crimes that depend on wording as vague as this-and there have been plenty of convictions under them-are close kin to Communist laws that forbade “anti-Soviet behavior” or “parasitism.” These were justly decried in the West, but there is almost complete silence about anti-Nazi laws. In the United States vague prohibitions of this kind are clearly unconstitutional.

Another astonishing aspect of these laws is that truth is not a defense. Once again, in the United States, the law is clear: Truth is an absolute protection for anyone charged with making hurtful, damaging, or embarrassing statements about anyone or anything. In the American colonies this tradition dates back to the famous John Peter Zenger trial of 1735. Zenger, publisher of the New York Weekly Journal, was charged by British authorities with publishing articles “tending to raise seditious and tumults among the people of this province, and to fill their minds with contempt for his majesty’s government.” Zenger was arrested, jailed, and tried. Jurors, however, were persuaded that “truth ought to govern the whole affair of libels,” and in concluding that what Zenger had written was true, both set Zenger free and, in effect, rewrote the law.

To many people, it seems preposterous that anyone who disputes gassings at Auschwitz or doubts Germany’s extermination program could appeal to the truth as a defense. However, in cases of this kind facts are of so little importance that there have been convictions for statements that appear to be almost certainly true. British historian David Irving, who in 2000 lost a celebrated libel case against an anti-revisionist author, was fined \$30,000 by a German court for telling a German audience that the Auschwitz gas chamber is a post-war reconstruction. Even the Polish curator at Auschwitz has conceded it is a fake, but Mr. Irving is a criminal and the curator is not. A different German court is seeking Mr. Irving’s extradition for having said the same thing to a different German audience.

James Alexander, one of the lawyers who defended John Peter Zenger, would have been appalled. “Freedom of speech,” he wrote after the trial, “is a principal pillar in a free government: when this support is taken away, the constitution is dissolved and tyranny erected on its ruins.”

Hear Nick Griffin speak at the 2006 American Renaissance conference.

(Posted on January 27, 2006)

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