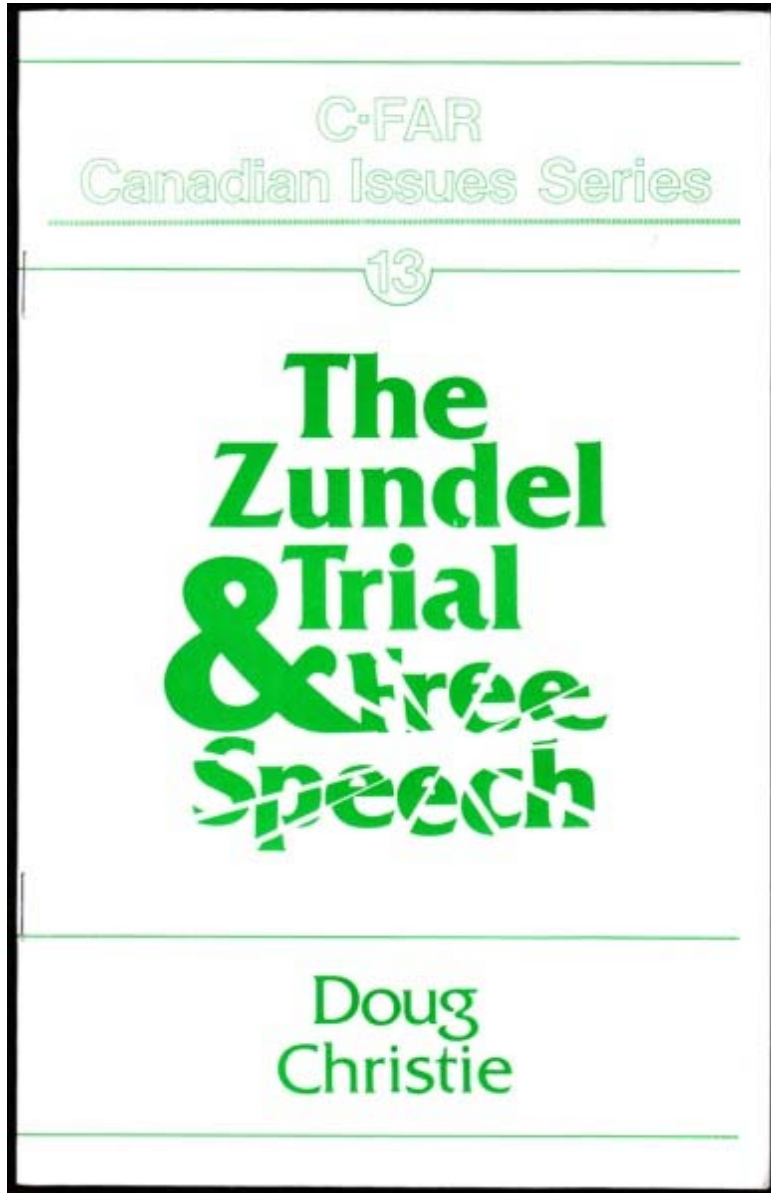
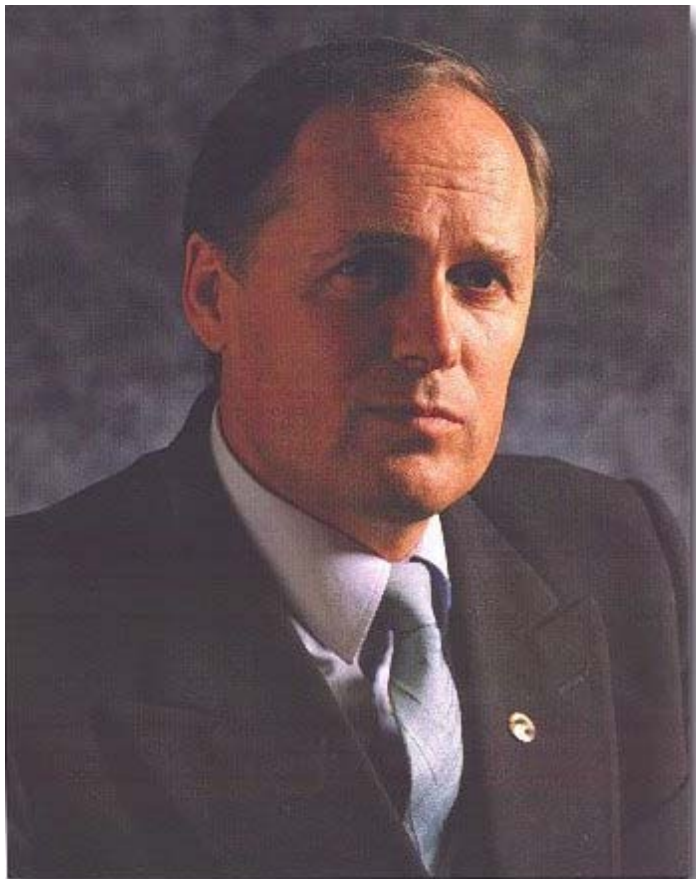

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THE ZUNDEL TRIAL & FREE SPEECH By Douglas Christie, B.A., L.L.B.



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By Douglas Christie, B.A., L.L.B.
February 25, 1985



DOUGLAS CHRISTIE, B.A., L.L.B.

[EDITOR'S NOTE: In the Introduction to this small booklet published by C-FAR back in 1985, then President of the Canadian Association for Free Expression, Daryl Reside, wrote:

“In this booklet, C-FAR’s Canadian Issues Series is publishing excerpts from defence lawyer Doug Christie’s spirited summation to the jury at the Ernst Zundel trial. This summation was delivered February 25, 1985.

Zundel had been charged under Section 177 of the Criminal Code for having knowingly published false news that was likely to be injurious to the public good. In his ringing defence, Christie seeks to establish: 1) that credible reasons existed for much of what Zundel published; that is, he had justification and arguments for his point of view; 2) that he sincerely believed what he wrote and, therefore, did not knowingly publish falsehoods; and 3) that a diversity of opinions, however controversial they may be, is vital to a democracy and in no way harms the public good. Threading its way throughout the entire summation is Christie’s passionate view that, right or wrong, a man must be permitted to search for the truth and express his point of view.

It is this fierce commitment to principle and to liberty that makes this summation an important historical document.... It should also be noted that Zundel nowhere advocated illegal or violent actions in the two pamphlets in which he was accused of violating Section 177.”

It is now going on 25 years, a quarter of a century, since Doug Christie gave this summation to the jury in February of 1985. In the interim period the forces of censorship and repression have been successful in punishing Ernst Zundel to the max and he now sits in a dungeon in Zionist-occupied Germany and has been jailed for over six years already for having committed the gravest crime of the 20th Century: Speaking the truth.

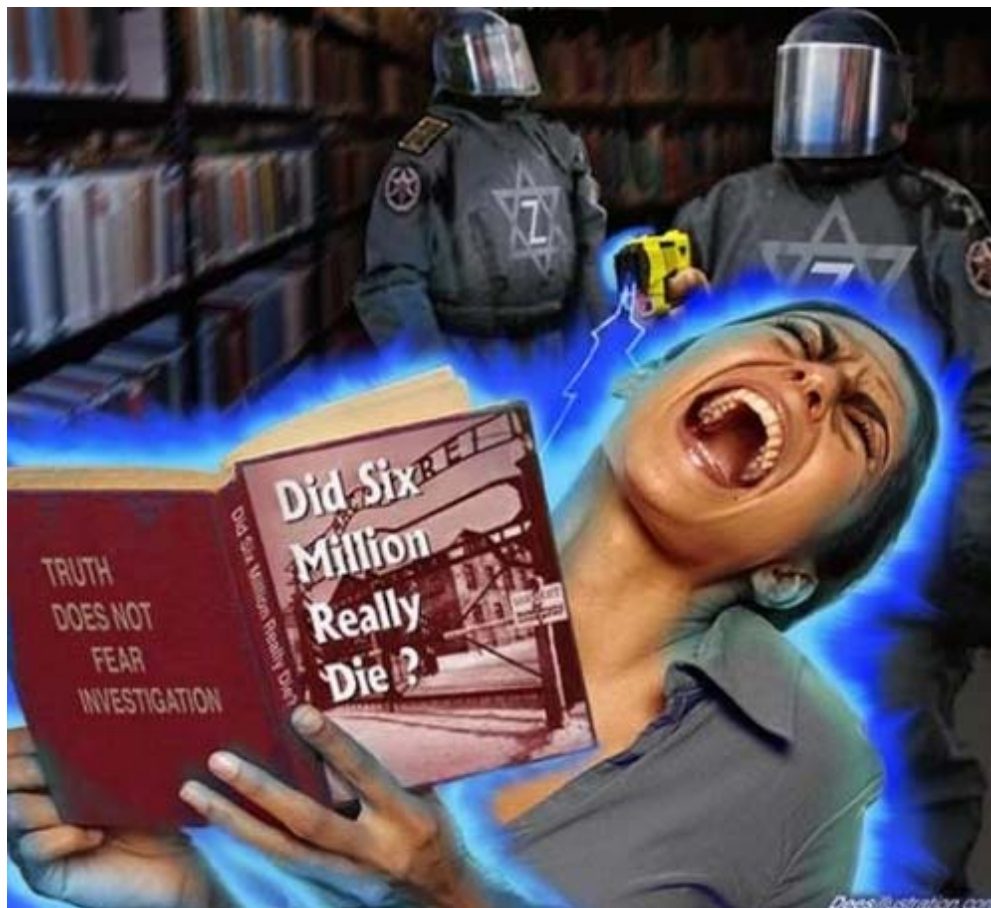
Obviously the battle to end censorship is far from over. In my own case with these same Zionist Jew forces working through B'nai Brith Canada's League for "Human Rights", we see their relentless and calculated designs continuing to unfold before the public's now awakening eyes. The war for freedom of speech continues.]

DOUG CHRISTIE'S SUMMATION TO THE JURY IN 1985

Ladies and gentlemen of the jury, it's my role as counsel, to address you now and speak to you about the position of the defence. My first observation is that probably never before in the history of your country, have twelve people had to grapple with a more all-encompassing and serious issue than you will have to deal with. When you have finished your deliberations, in all probability your country will be made different, for as long as you and I will live, by the decision that you will make here about the most serious issues that confront any citizen in a free society.

You have spent seven weeks examining the evidence in one of the most wide-scoped cases in the history of Canadian jurisprudence. I said at the beginning, and I repeat to you now, that this is a case that should never have been before a court of law in a free society because it is an issue upon which courts will have no of difficulty in addressing and dealing with. If you have a clear understanding of the role of freedom in a free society, this may never have to happen again, because a clear indication that we permit and tolerate debate and points of view we may not agree with from a jury of twelve ordinary citizens will be the strongest indication to every politician in this country that we are not subject to the pressures of groups dictating ideas and determining how other people will think, act, and speak.

I suggest to you now that what you have heard in these seven weeks is a lot more information on the subject of the book, *Did Six Million Really Die?*, than you or I might ever have thought at first was likely to occur. I suggest that we have all learned something in this process. Tolerance, is indeed, one of the things that you have learned by hearing another side to a point that we always thought was so clear and so simple. But to everything we know in life, there are two sides, and many more quite often, and nobody, no matter how well informed or how expert, has all the truth, or ever will.



It should be for the law to determine the extent of debate in a free society. It shouldn't be forced upon judges and courts to decide what is the truth about some historical belief. It's nobody's fault in this room that we are here. It is the duty of every one of us to do our duty as we are, lawyers, judges, jurors, but really it was a wrong political decision to bring before you and me the duty to examine history 40 years old to determine where the truth lies. It is a question that never should have been here. But having been placed in this position, we must deal with it, and we must deal with it to preserve important values in our society.

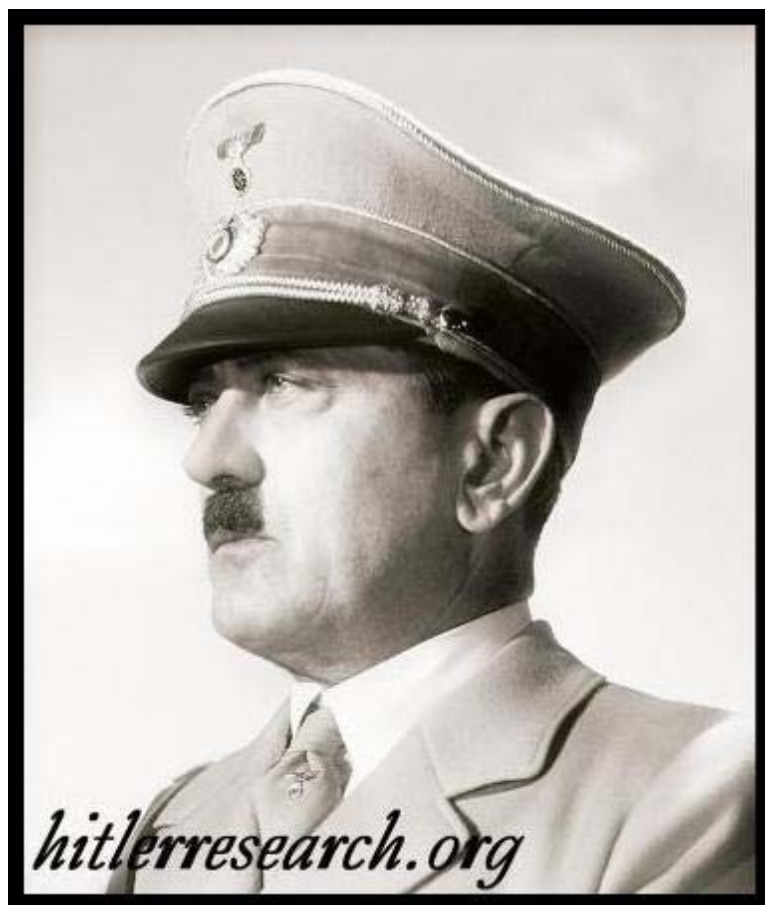
The first and most important value is the freedom to debate, the freedom to think, the freedom to speak and the freedom to disagree. This prosecution, has already had a very serious effect on those freedoms. If it were to result in a conviction, I suggest to you that a process of witch-hunting would begin in our society where everyone who had a grievance against anyone else would say "Uh-huh, you are false, and I'll take you or pressure somebody else to take you to court and force you to defend yourself." Even though our society says, as it always has, in this and every other charge, the burden's on the Crown, the burden to prove every ingredient is on the Crown, the burden to prove that the thing is false is on the Crown, where does the accused stand? He's here. He's been here like you, at his own expense for seven weeks and whatever may become of this case, he's already paid a very high price for the belief that he had the right to speak what he believed to be the truth.

Who could deny that he believed it to be the truth? In fact, who can prove it wasn't the truth? If this society cherishes freedom, as men and women in the past have, then you and I must very clearly state that truth can stand on its own. In a free society we no better protection, for my opinion and yours, than that you should be free to express yourself and I should be free to express myself, and no court need decide who's right and who's wrong.

Is that going to be a danger to you and me? Error, if there is such, in my opinion or yours is best determined when you and I talk freely to one another, and you and I can then debate and hear from each other many sources of information which couldn't be produced in a court of law. How many of our opinions could stand up to seven weeks of scrutiny? How much of anything you have ever written or I've ever written could be analyzed line by line for seven weeks, phrase by phrase, with experts from all over the world, and found to be true? There will be errors in anything you or I believe, and thank God for it. We

are, none of us, perfect. But in the thesis *Did Six Million Really Die?* there is a substantial point of view, a reasonable argument found upon fact, that many will reject, but many are free to reject. Who denies Dr. Hilberg the right to publish his views? Who denies that he should be free to say there was a Hitler order to exterminate Jews? Not my client; not me; nobody in society denies him that right. Who denies anyone the right to publish their views? Well, it's the position of my client that he's obliged to justify his publication. And I suggest he has.

I'd like to refer to something Dr. Hilberg said in his book, and I asked him about it. He said, "Basically, we are dealing with two of Hitler's decisions. One order was given in the spring of 1941, during the planning of the invasion of the U.S.S.R.; it provided that small units of the S.S. And police be dispatched to Soviet territory, where they were to move from town to town to kill all Jewish inhabitants on the spot. This method may be called the 'mobile killing operations.' Shortly after the mobile operations had begun in the occupied Soviet territories, Hitler handed down his second order. That decision doomed the rest of European Jewry. Unlike the Russian Jews, who were overtaken by mobile units, the Jewish population of Central, Western, and South Eastern Europe was transported to killing centres."



Through all the trial and all the arguments and all the discussion, I have yet to see one single piece of evidence of either of those two Hitler orders. If they exist, why can't we see them? No footnote, no identification of source. We have a statement of very significant fact, without a single supporting document here in that book, or there on that stand from a learned and distinguished author.

Am I saying he has no right to his views? Of course not. Am I saying that I should be able to debate his views and disagree with his views? I certainly suggest that ought to be your right, my right, and the right of every thinking person. You see, there is an example. If I were to put Dr. Hilberg or any other person in the position of the accused and say, "All right, justify that," how would he? We all hold opinions that at times we would have a difficult job justifying. But, so what? Is it not possible for people to disagree and be free to disagree when they themselves are not absolutely certain they're right? Have we come to the stage in society where tolerance is so limited that we must prosecute those whose views we find disagreeable?

In this trial, I often wondered and I suggest, so should you, why all this. Why? For a little booklet that

published a point of view which some people reject and other people believe? Why? Well, only in the last few hours of this trial did I really begin to see the reason why. It had nothing to do with *Did Six Million Really Die?*; very little to do with *The West, War and Islam*, a lot to do with Mr. Zundel and his views. Was he a racist? Was he a lover of Hitler? Was he perhaps a neo-Nazi, as so often we've been told? What difference would that really make anyway? If it was alleged that he had some views of a Communist nature, so what? We tolerate those views. In a newsletter complaining about what had happened to 2,000 friends and supporters and subscribers of his newsletter, many of them old, when their homes were entered in West Germany, with warrants in the middle of the night, he was angry. So, out of 25 years of his writing letters, they found a sentence which implied some deep anger and the resort to violence. Never once has there been a suggestion of any violence from Mr. Zundel at all. No suggestion he ever owned or had or would have had a gun. None of what is suggested. But you know who he actually quoted and paraphrased? You know it was the man who said, "All legal power comes out of the barrel of a gun." That was – if you know history – Mao Tse-tung, a man who was eulogized in the Parliament of Canada upon his death. And yet, Mr. Zundel used it, and is cross-examined as to its deep-seated significance, as if he had some sinister intent.

I began to see, as I suggest you should, that the real reason for this prosecution was his views. If any of us is subjected to that kind of scrutiny, it will mean that freedom really ceases to have any meaning. You will be free to agree but not free to disagree. That's the kind of society which will result if a conviction can be founded upon a prosecution of this kind.

I suggest that you don't have to believe what it says in *Did Six Million Really Die?*, but you probably have good reason to. There's a lot of truth in that pamphlet which deserves to be considered by rational men and women all over the world, not because they're academics, but because they're thinking human beings and they want to hear different points of view. What are we, lobotomized idiots, that we only have to accept the point of view of the "majority"? Or are we free, should we be free, to think of views that are not majority views?

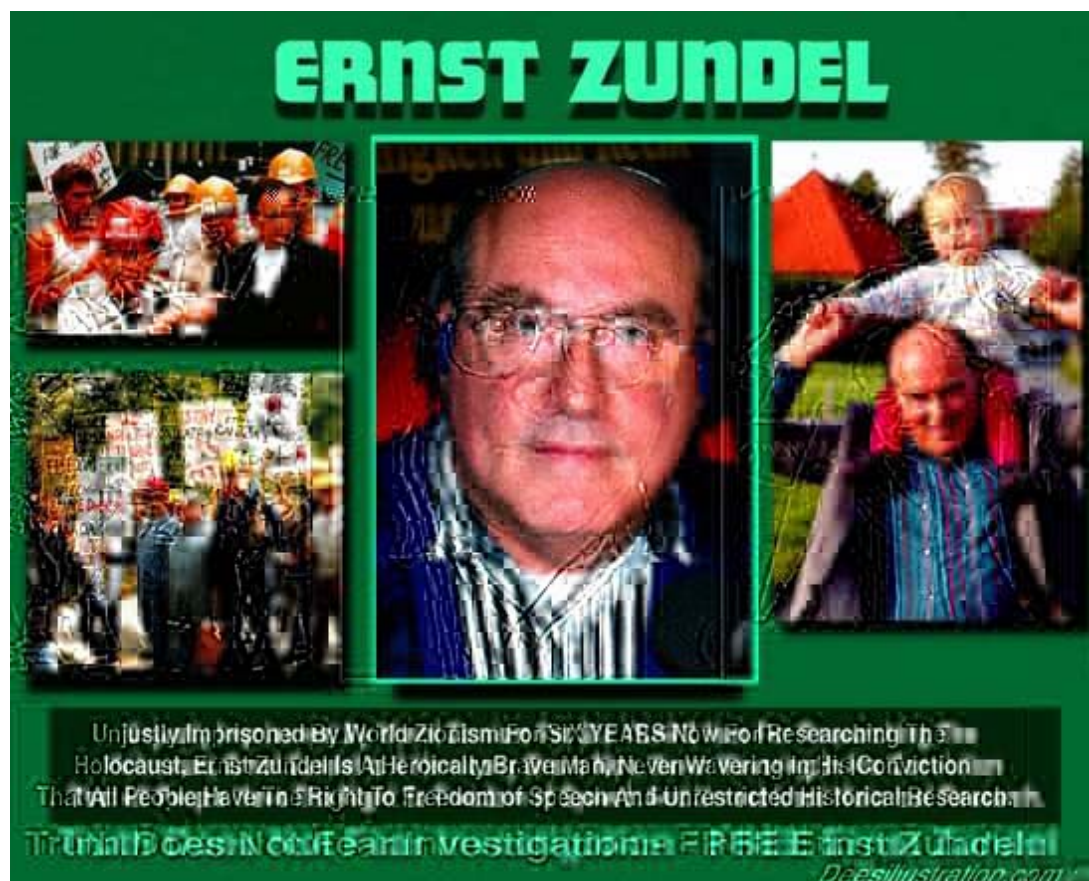
How do you think change occurs in society? Do you think the whole of society decides, "Oh, we were wrong about the world being flat," and all of a sudden, bang, the whole world decides, "Oh, it's round now"? Ask Galileo how difficult that was. In his time, he was a heretic, his views were totally contrary to 99% of the population. But, who was right?

Now, change has to occur in everybody's thinking from time to time. Everybody grows. I've learned something here; you've learned something here; we're all growing. And it's in the process of hearing other points of view that we grow. But if we decide that somebody's point of view ought not to be heard because someone else says it's false, we've terminated all significant discussion, because significant points of view are always regarded as false by somebody, and if they're controversial, my goodness, they create lots of heat, more heat often than light. So, if we are going to keep our children and grandchildren, and for the future of our country the possibility of progress and the possibility of exchanging ideas in a free society, we'd better respect the rights of others who honestly believe that they are right, even though we many think they're wrong.



I don't suggest for one moment that you or I have any right to determine from the evidence before you that Mr. Zundel is wrong. I would say to you that the case is unproven as to falsehood. Unproven. In Scottish law there is guilty, not guilty, or unproven. Well, you don't have that verdict here, but it's an interesting point by analogy, because in the case at bar it hasn't been proven beyond reasonable doubt that there's anything false about *Did Six Million Really Die?*, not a word. It's opinion.

Dr. Hilberg says: "Oh, I think it's all misquotes and half truth and misconceptions." That's his view. I respect his right to his view. But he hasn't proven any of that. He says, "I've read documents for years." What documents did he produce? I didn't see any. Who produced documents? Who produced books? Who produced maps? Who produced photographs? The defendant. He comes before you because he believes what he says is the truth and he wants to prove it to you. Why else would he waste a hundred thousand of his dollars and seven weeks of his life? Why do you think that he does all of this? Because he believes in the truth of what he says. He believes in it so passionately because he loves his nation. Is that a sin? He didn't say he hated anybody. He didn't say a word against anybody when he was on the stand. He was attacked. He said that he loved his race. He said, "I love my children, but that doesn't mean I hate other people's children." Is there something wrong with that? If our society is to be scrupulous about what other people's opinions are, who among us will be safe? If I or you were to have to reveal all our opinions on the stand, how many of them could withstand public scrutiny? If the right decision is made here, seven weeks will have been well spent in that never again will someone have to defend his position in a court of law on a statement of opinion.



You don't have to share all of Mr. Zundel's opinions. He has a right to his; you have a right to yours. He's not questioning your right to yours. But there is a power that is questioning his right to his, and you are the only hope for the freedom of citizens to hold views that disagree with others. And if you can't hold views that disagree in a free society, what is there? There are two things. If you can't have freedom to disagree, then there's either violence, or there is silence, neither of which is traditional in our country, neither of which is necessary in the future. Our country has been a peaceful country because we have tolerated points of view with which you and I might not agree, not because we have some hygienic method of extracting and eliminating bad views. That's never been done before, and it should not be done now, and it should never be done again.

But there is a force in our society that wants that to happen. If there's a means to stop it from carrying on and creating a situation where everybody has to stand before courts and justify themselves to their neighbours, we must find it.

You twelve people have more power in your hands for good or evil than any other twelve people I have ever met, and thank God for the right that you should be free today to defend freedom tomorrow, to make freedom a real thing. You or I have never really known that kind of power before, because we've never been put in this position before. A clear answer from you, without doubt, without fear, without malice, will put an end to a process which, if it continues, will lead us to the destruction of all freedom in society.

In his brochure *Did Six Million Really Die?*, Ernst Zundel presents a thesis, a thesis that men have paid a very high price for believing. No witness for the Crown needs fear for his job, for his security, for his family, but is that true for the defence? Then, why are the defence witnesses here? They are here because they love the truth and believe in what they say, and already I can tell you that the prices are being paid. So much for freedom in society, that men and women have to fight to get into courtrooms to give their evidence, to testify under fear. Well, with the right decision from you, that fear will be diminished. What little we know as ordinary citizens about communist societies indicates that where there is an official truth, where there is a state religion or belief, people become more and more afraid to speak. That should not happen here. There is what Orwell referred to as an official truth in some societies. Is that what you wish for your society? You will have more power to answer that question today than any other twelve people in our society so far. With a clear answer to that question, you will do some service to your descendants in

the preservation of their rights.

I don't know how many of you have controversial views. Maybe none. But will your children have none? Would you like to have the right to their opinions? That's a question you too will answer.

The booklet *Did Six Million Really Die?* Is more important for German people than it is maybe for others, because there is a real guilt daily inculcated against German people in the media every time they look at the war. You know most of us are from a background on the Allied side, I think, and so when we have Veteran's Days, we love our country, we love our people who sacrificed for it. But what of the Germans? Are they always to bear the label of the villains? You see, they had an interest in looking into this question. There are so many people in our society who come from that background who desire to know the truth and don't believe everything they have been told. They inquire. They have a motive. They indeed have a reason, more than you and I perhaps, to inquire, and their views may be in diametric opposition to yours. But if they have some truth let them tell it. Let them reason. Let the public decide whether they are right or wrong. Let not the courts make a decision. Let not people be forced to justify themselves in this way, but let the public decide. That's all Mr. Zundel has asked for and that's all anyone has a right to I suggest and it isn't too much of a right for anyone to desire.

The German people have been portrayed for forty years in the role of the butchers of six million. Oh, I'm aware that in this case there were repeated efforts to distinguish between Germans and Nazis, but is that really the way they're portrayed? Is that distinction always kept? Is it justified to believe what we have been told so often? You have heard some reasons which prove that the story of the six million is not correct. Those reasons are given to you by sincere, honest individuals who have done diligent research.

You have heard the evidence of many witnesses and I'd like to briefly capsulize some of the significant things about their evidence. You remember Arnold Freedman. He was transported in cattle cars. He constantly smelled the smoke in Birkenau and saw it belching from chimneys. I want you to consider a very significant question which has troubled me. To create belching chimneys, day in and day out, twenty-four hours a day, seven days a week for weeks on end, one needs coal or coke, large quantities of coal or coke. I've heard all the evidence, as you have, of the process of unloading the people into the concentration camps. Why would all those people be unloaded by the helpless prisoners like Dr. Vrba, and the coal be unloaded by the S.S.? Keep in mind, in the days of 1940 to '44, we didn't have backhoes, right? We didn't have caterpillars unloading these trucks, coal cars. Everything was apparently done by hand. Well, you know, it makes me very, very interested, to put it mildly, that all this smoke and burning chimneys and flames shooting forth should occur with nobody unloading coke trains. Did you hear anybody talk of unloading coke trains? I didn't?

To question should never be anti-anything. Why should it be? To think is not against anybody. To reason, to question, is the free right of a thinking human being. So I wonder, where does all this right to think go, if we can't ask the question: where were the coke trains? Where was the coal?

The evidence of Mr. Zundel was that 80 pounds of coal is necessary to cremate a human body. The amount of coal to turn a human body into ashes is a morbid subject, of course, but it doesn't change. The laws of physics don't change for the Germans, for the Nazis, for the Jews, or anybody; they're all the same, the laws of physics. Now, 80 pounds of coal or coke for 1,765,000 people is nearly a hundred and sixty million pounds of coke. Where does all this come from? Nobody bothers to answer that, but they say that *Did Six Million Really Die?* is false.

How is that question false? How is questioning anything false? Why should the editorial opinions of our writers be any different than Mr. Zundel's? How many editorials contain false news every day? How many newspaper stories, how many books, how many movies? What are we doing here? We're crucifying one man's opinion because they say he is not a nice man, when every day in all of our society there's a thousand misquotes, misstatements. Well, what's the difference? I'll tell you what the difference is. This man has no political power and big newspapers and big television stations and big radio stations and big politicians do. That's the difference.

When John Turner quotes Brian Mulroney, do you think he does it to approve of him? Do you think they quote each other out of context because they wish to point out the inconsistencies of their opponent? The Crown, in his analysis, will no doubt say there are statements in *Did Six Million Really Die?* that are out of context, that the Red Cross did not say there was no extermination when they wrote their report, but it is true they said there was no extermination during the war, when they were in the camps. They don't even produce for you a shred of evidence of a gas chamber, but they say 1,765,000 people died by going between two buildings. Remember Dr. Vrba's evidence? Well, how do you accomplish that without a gas chamber? What, do they disappear and they're all shot? No, you have to justify the claim that millions died; you have to have gas chambers and there's no evidence to support them.

Now the defence has tried to show that the alleged gas chambers at Auschwitz seen today, are impossibilities, scientific impossibilities. We have called evidence, witness after witness, to show they have tried to find the bottom of this story, and they have found nothing that makes sense to their experience. That's pretty significant stuff. That's pretty important analysis. Look what Dr. Faurisson has paid for his inquiries. He's been beaten; he's been beaten while he talked; he's been subjected to quite a bit of ridicule; but does anyone deny the sincerity or honesty of his inquiry or his intelligence or his detailed analysis of what documents there are? I suggest not.



**Prof. Faurisson - beaten
by Zionist thugs in 1989**

People want the right to ask these questions, and there are some people who don't want anyone to have the right to broadcast what they find, and I would consider that, I suggest you should, a very suspicious situation. When any group of people wants to silence an individual, you'd better ask why. Maybe it's a good thing, maybe it's beneficial to social tolerance that we should ask these questions. Maybe it's time to do that now. Maybe the way to peace is not through silence and coercion on these matters but through open discussion. How will that change the world? Maybe it will be a better world when we can look at ourselves more honestly in the cold light of reason rather than the heated passions of a war just ended.

That's what revisionism is all about. After the First World War, there were many revisionists, many people who said: "Well, we really don't have all the answers on our side." We used propaganda. We told people that Germans killed Belgian babies and boiled cadavers to make soap. That's not a Second World War story at all. If we want peace there must be freedom to discuss whether or not the morality was all on one side. That's really the social effect of the booklet *Did Six Million Really Die?*. You don't have to accept it. To see even that it puts some of the things that happened after the Second World War in a different context, would be a redeeming value in itself, but the booklet has a great deal more. It has truth, a lot of truth. It's for you to decide, for the public, indeed, too, to decide how much truth, measured, as they ought to, with their right to read everybody else's opinion.

Error needs the support of government; truth stands on its own. In fact, what is occurring here, is the endeavor to silence one opinion, one side of the argument. "But the world is no more justified in silencing

the opinion of one man than that one man would be if he had the power to in silencing all the world," these words of John Stuart Mill are as true today as when he spoke them. Do we have to learn the same lessons all over again, every generation? Do we never entrench and understand from one generation to the next the right to differ? Do we always have to re-fight these battles time and again? I guess we do. I guess it's always going to be a struggle to have a different point of view, but I'll tell you, it has always been the history of Man that good men and women have valued freedom, sometimes to the extent that they would risk their lives to save it, and if anything could be done to honour the memory of men and women who died in war for the sake of freedom, it would be to recognize that freedom now, for someone whose opinions they might not have agreed with. If we have a duty to admit a fact about ourselves, it's that we don't have all the answers.

Let our society, from the date of your verdict, be known for the safety with which we tolerate divergent views and opinions, when truth is left free to combat error in the open arena of a free society unfettered by the heavy hand of the state. That is a simple statement of principle. I guess it is necessary for you and I once again to make the little sacrifice that you and I have to be here and fight for that principle all over again. Thank God no one was really hurt. Thank God that we can do this in a rational context with respect for each other, with understanding, with charity for our many errors, without having to go to war, to discuss controversies. Maybe there's progress, but there won't be if everybody who wishes to bring forward a controversial view will have to do so in a court at their own expense. If you convict, that process will have only just begun, because in society there will always be people who would like to put their enemy right there in the defendant's chair. That's where a lot of people would like to see somebody they disagree with, right there. If you convict, I can say to you that's a very likely situation. There are some rather nasty politicians who would like to put their opponents right there, and if we follow down the road that this prosecution will lead, if there is a conviction, there will be no stopping those types of politicians who wish to put their opponents right there. Then where will we be? Don't think that they wouldn't have the power, because they can find it. There are pressure groups today who can find that power.

The book-burnings by the Nazis were wrong, but what's going on here? A book's on trial, two books, if you like, pamphlets, tracts, if like. But every day in our society people say a lot more controversial dubious things than are written there. Why are these people so afraid of such a little book? If it was false, would they be afraid?

You've heard a witness, Doug Collins. He's been a journalist for 35 years, and he says there's power of Zionists in the media. Do you really need some proof of that? How many publications today criticize Israel very strenuously? Is that the kind of society you want, where one view is the only legitimate view? The smear word of anti-Semitism is so easy to put upon anyone and so difficult to disabuse oneself of once you are labeled. Is criticism of Israel or the point of view of Jews any more evil than the criticism of Americans or the criticism of British or the criticism of French points of view? Why should it be?

It's my submission to you, that may be the basis of the Crown's attack, that the accused has chosen to criticize a very obviously Jewish belief. Now, I don't question the right of any group, Jews, Gentiles, Greeks, whomever, to hold whatever views, but why deny Ernst Zundel the same right? And then let the public decide, as every time they will, between whom they believe and whom they don't believe.

The future of the right to hold beliefs is at stake because the truth is never self-evident. There's always going to be a debate about the truth especially in history. How many believed, as I did when I grew up, that Christopher Columbus discovered America? Well, they don't always agree on that today. But what's wrong with changes of view? They happen all the time. History is controversy. Today is controversy. Yesterday is controversy and tomorrow will be controversy. But so what? Nobody is going to be able to write the history of the world until God does. I'd suggest that what it amounts to, when you come down to the bottom line of this question, is that people will always differ. The danger is that if silence one point of view, you won't get a balanced argument.

Has Dr. Hilberg proved a single thing here to be false? No, he hasn't. He says he had documents. He produces none. He talks about the train tickets and schedules. What train tickets and schedules? If we're talking about a criminal case we should have evidence. There isn't enough evidence here today to convict

one person for murdering one other person. But they want you to believe that six million died, or millions died, and that this question mark is false. Where is the evidence to support one murder by one person? There is no Hitler order; there is an alleged order somewhere by somebody alleged to have heard it from somebody else. There's no evidence.

Let's look at the evidence. Dr. Vrba says he's an eye-witness. Dr. Vrba had a little problem here. You have plans, you know, submitted by the defence, of crematoria. Now, let's make sure we understand each other. There certainly were crematoria. But that doesn't mean there were gas chambers to gas people. But the issue is were 1,765,000 or millions gassed, killed by a systematic plan to do so? There's no evidence of that. Dr. Vrba gave evidence of burning pits. Well, we know these places were no Sunday picnic. We know these places were unjust. Deprivation is unjust. The Jews suffered terribly, unjustifiably. The Jews were in concentration camps for war reasons and war is not justified, really. We had people in concentration camps here too. They lost a lot. Thank God we didn't lose the war and couldn't feed the people in our concentration camps. What would have happened in our country if the Eastern half had collapsed, the governments had collapsed, the railroads had collapsed, the food system had collapsed, the Western half had collapsed, and we had people, Japanese, for example, in concentration camps around Ottawa? Whom would we feed first, our troops or our prisoners? Thank God we didn't have to answer that question. The Germans did. And they were hanged for answering it the wrong way.

Have you any idea what Germany looked like in 1945? It sure didn't look like Toronto. And when the Russians came from the east, do you think they were a nice group of fellows as we are told the Allies were? I suggest to you that there is a great deal to be grateful for in this country and one of the greatest things to be grateful for is that we have never faced that kind of desolation, when everything you know, everything you trusted, everyone you believed in, your ideals, your neighbours, your friends, your country, your home, was ruined. I hope you'll never know a situation like that. But if we are to understand what happened in Germany we cannot ignore these facts.

Did Dr. Hilberg know that? Was he there? No. Who was? Thies Christopherson was there. It's obvious that this is a question that could only be understood really, by someone who was there. Dr. Barton was in a camp shortly after liberation, and, like many of us who saw the film *Nazi Concentration Camps*, he no doubt was as horrified as you and I had every right to be, by that scene. That picture *Nazi Concentration Camps* was put to you for a reason. It was to persuade you that there were millions of dead people. Well, you saw thousands of bodies, thousands of people who died from privation in war. Only once was there a deliberate suggestion of gassing. That was at Dachau, and I have gone into this with detail as much as you could hope to get, I suggest, in a court, to show that now people don't say that there were gassings at Dachau. So what happened in that situation? Why did the Allies say there were gassings and now they don't? Well, because of the same hysteria with which we have regarded Auschwitz for 40 years; Auschwitz, where no Allied soldier could go; Auschwitz where the Russians were; Auschwitz where 4 million or 3 million or 2.5 million or 1,765,000 or 1.1 million according to Hilberg or 900,000 according to Reitlinger, were killed? Cremated? Were what?

1948 - Supporting the creation of Israel, Auschwitz displays memorial that mourns 4 million murdered

1989 - The USSR releases captured Death Registry Volumes,... Auschwitz quietly revises plaque down to 1.5 mil

FOUR MILLION PEOPLE SUFFERED AND DIED HERE AT THE HANDS OF THE NAZI MURDERERS BETWEEN THE YEARS 1940 AND 1945

FOR EVER LET THIS PLACE BE A CRY OF DESPAIR AND A WARNING TO HUMANITY, WHERE THE NAZIS MURDERED ABOUT ONE AND A HALF MILLION MEN, WOMEN, AND CHILDREN, MAINLY JEWS FROM VARIOUS COUNTRIES OF EUROPE. AUSCHWITZ - BIRKENAU 1940 - 1945

Wait a minute! A 2.5 million people mistake?

Ernst Zundel and others are in prison for only questioning the Zionist number of 6 million jews

Was Israel created on a total lie?

Truth Does Not Fear Investigation

Deesillustration.com

There are many reasons to say that this book has not been proven false, that's all. It's never been our burden to have to prove that it was true because our law has always allowed the reasonable doubt to go to the accused. He's presumed innocent. This is presumed to be true until they prove the contrary, and I don't think they've proved the contrary. How have they? Ninety percent of the quotations in the book are proven and accepted. Ten percent are unproven. That's all.

The Malmedy trial took place in Germany shortly after the war. It may not technically be a Nuremberg trial. But do you really think that there is no substance to the suggestion that what took place there by the same allies against the same accused, is going to be different than what they did at Nuremberg?

You also have in evidence that, at Nuremberg, they didn't even allow the press to talk to the lawyers of the accused, let alone the accused. So, how do we know what happened to them? Well, we know because some of them said so, and when they said so, like Streicher, they struck it out of the record. Don't want the world to hear somebody complain about us, and we sure don't want the press to hear what the accused says unless we say the accused can say it. Do you call that freedom? I don't. I call that the attitude of war and victor's justice. It works, obviously. The world believes in your cause, but is it necessary that for all eternity nobody should ever think to differ? Can we now look back with a little less passion, a little less contempt for our adversaries? Could we now maybe look at whether they might have had a point or do we have to believe forever they should be damned to silence?

We've heard from Dr. Barton that, in 1945, there was no cure for typhus. So, here's some of those horrible Nazis telling these people in the concentration camps, "If you don't delouse and typhus breaks out, you are going to be cremated." That's the way he interpreted that. There's a lot of truth to it. If you get typhus, you are liable to die, especially there, in close confines. That is not to say I don't believe the Jewish people didn't suffer. I certainly do and so does my client, and so does this booklet. That's not to say we lack compassion for the suffering of these people. It is to say we are prepared to examine whether there was a plan of deliberate extermination. There's quite a difference.

If people died from typhus, disease, privation of war, you don't have a situation that much different than you had in the Boer War, except on a larger scale, or in the American Civil War, where concentration camps for prisoners of war were hell on earth. And that becomes a significant question: why, if there was a plan to exterminate the Jews, was there a delousing program at all? Why were they told that they should delouse, and why were steps taken to provide the means that they could be protected from that disease?

You remember Arnold Friedman's evidence. He could tell the difference between skinny people and fat people from the colour of the flames. Honest to goodness! Arnold Friedman is the kind of person you would like to know. Nothing do I say against Arnold Friedman, except that it's a little bit far-fetched to say that you could tell from the colour of the flames, the people being cremated.

I could understand, as a young boy, how the stories would go around the camp, and I could well imagine how terrifying it must have been for a young boy in camp like that. I could understand how, being separated from his parents would be frightening. It would be horrible, beyond our imagination. But I suggest that when people say things like this, we have to understand that when people suffer, they want to communicate their suffering. They justifiably tend to exaggerate a little bit because they want us to understand how horrible it was. There are other reasons to look at the question, not to hurt the survivor's feelings, but to look at it realistically and say, as this book says, it's not correct to believe that six million people were exterminated in this way. It's not correct to believe that you can tell the nationality of a cremated person by flame shooting from a chimney. That is not correct.

I am not wishing to accuse anybody of being a little bit loose with the facts. Let's realistically consider that that doesn't make sense. Let's not make it a crime, anyway, to disbelieve it. All right? Let's suggest that Mr. Zundel has at least very good reasons for his belief, common sense ones that he wants to believe in. He wants to understand that his people are not guilty of this crime. He has a motive to look at this. He is interested for the sake of his people, but realistically, is he far off the mark when he says, "I doubt that."?

I am not saying that if even one Jewish person died that that wasn't a crime. Of course it was, but we are dealing with an accusation of genocide, a book that questions it and the right to question it. That's all. I am not suggesting for one moment that that minimizes the suffering, justifies the concentration camps, or anything else, but it allows us, I suggest, the right to question even Dr. Vrba, for after all, he too, is not God. If he's going to tell us these things, under oath, I want to know why. Don't you? If somebody tells you the whole population of Toronto went between two buildings, and disappeared, are you going to say, "Yes, I believe that. I don't question that. I must accept that because he is a survivor"? I have reverence for their pain and suffering. I am not beyond understanding for that, but if we are dealing with a factual question, why not ask the question? And when you do ask the question, what do you get for answers? Hysteria, emotion, and appeals to emotions, too, justified as they are. But we are dealing with facts, let's stick to facts.

Arnold Friedman also said that sick, older people came into his barracks after the selection, and, therefore, were not killed. And then we come to the question of selection. He describes the selection process in referring to selecting professions even among the older people. Now, why would they select professions? To kill the people? What do you care, if you are just killing people? You don't care whether they are doctors, lawyers, tailors, whatever. You don't select people by profession for the purpose of killing them, unless it's lawyers, and then there's lots of reasons for doing that.

I remember Dennis Urstein. He said, – and this is really, I suggest, where you've got to look a little bit skeptically – he said he lost 154 members of his family in the "Holocaust". I said, "Could you name even 20?" I suggest to you that if any of us say we lost 154 members of our family, it tends to be a little dubious. How many members of your family do you know and how many generations do you go back? I asked him to name 20. He didn't get there and ended up naming someone who died in the U.S.A. six or seven years ago. What it means is that people, because they suffer, tend to want you to understand their suffering and they sometimes exaggerate, that's all.

Dennis Urstein was another volunteer witness who spoke of the colour of bodies hauled out of the gas chambers. Now, Dennis Urstein says he hauled the bodies out of Leichenkeller I, which is an underground

mortuary, in Krema II. Now, you can see on the plan where that is. It may have been Krema III, he said, but I'll tell you something. The two, Krema II and Krema III, are identical. No one will deny that. The plans are there. The two, Krema II and Krema III, in Birkenau are identical. They are long underground areas known as Leichenkellers. They are underground, because when typhus broke out, bodies, sometimes three or four hundred bodies, would be there, so that they would not infect the rest of the camp. The colour of those bodies, he described as grayish or green, but you heard Dr. Lindsay say that if someone is asphyxiated with Zyklon B, hydrogen cyanide, his body is brick red. Now, if they were gassed with Zyklon B, why would that not be so?

There is another question that arises out of Urstein's evidence. The bodies, he said, had no *rigor mortis*. No *rigor mortis*. Now, if the bodies were gassed, and then, he seemed to imply, they were washed and thereby were safe. But if hydrogen cyanide is, as I suggested, water soluble, then touching water associated with the bodies means hydrogen-cyanic poisoning. Yet, he survived hauling those many bodies. He alleged the gas chamber was on ground level. Now, if you look at the plans, he is referring to other than the crematoria and he is referring to the Leichenkeller. He says that it's a closed-in area. That's underground. If you are hauling bodies, you are not going to forget hauling them upstairs, but he says it was on ground level. I asked him about that several times and he repeated it several times. This is no minor error, because if he could remember hauling bodies upstairs, it would be hard to forget.

Furthermore, he said there were no pillars. Well, look at the plans. If he is talking about Crematorium II or III, and if he is talking about what he says he was talking about, a flat-roofed building, well the crematoria is not flat-roofed. The Leichenkeller is, and it is underground with a very small protuberance above the ground. This is where Vrba got himself into a real problem. This is a man who says he was an eye-witness. We are supposed to examine the evidence and look at what we know of the facts, and see if it conforms. If it doesn't, there are reasons to doubt it. He says there were no pillars. If you'll look in the plans, you'll see in the Leichenkeller massive pillars. He said the ground adjacent to the crematorium was very beautiful, like a retreat. No collection of piles of coke or other fuel to burn large numbers of bodies which allegedly were burned in the crematoria.

Now, the story of the exterminations is that two to three thousand or more bodies a day were handled in these facilities. There has to be an explanation for the figure of 1,765,000 in two years mentioned by Vrba. If there are 80 pounds of coke required for each body, for two thousand bodies (that's what half of what Krema II is supposed to be handling a day), that's 160,000 pounds of coke a day.

Let me deal with Dr. Barton for a moment. He presents the truth to the best of his knowledge. He agrees that what's in this pamphlet was accurate, and that it quoted his article. He was there. He was an eye-witness. In 1945, he was there and he was as brainwashed as everybody else at the time, saying the Germans deliberately intended the killing of these people shown in the movie. He believed all that. And gradually he began to think about it, looked into the the kitchen and saw the preparation records for food, and changed his mind. The war involved a little bit more than most people comprehended would be possible in the way of destruction.

It's my suggestion to you that he treated the subject more scientifically than most people of his time. Just look what happened to him. He dared to say that the Germans didn't mean to kill all those people, and you know they accuse him of now, on public television, as you've heard, of killing 15,000 Jews.

What I suggest to you is that when people disagree with the widely held views of their time, they are attacked viciously. He was attacked in the media, in the press and everywhere. Why? What did he do wrong? Well, he dared to say that the Germans were not all bad and the Allies were not all good, and that war itself was the cause of the problem. That's what he dared to say. He dared to say that the Allies were not all good; the Germans were not all bad; and that war killed people, but not gassing. So, what's the difference? I suppose the difference is that Dr. Barton was a witness and the accused is the accused. He said there was no treatment for typhus at that time. He thinks essentially, that views should be challenged. He agreed that the average age persons, under conditions of being subject to massive public propaganda, coupled with fears for their families, destruction of their homes, their property, their value system and the desolation of their country, may be brainwashed and make confessions. They would not be able to respond

independently of their captors.

Dr. William Brian Lindsay testified that the interpretations of World War II should be looked at by a scientist. The basic problem is the vast number of charges in the readings about the Holocaust. Also, the various authorities have different answers. He said some of the primary sources of information about the Holocaust had been silent for 30 years, during which time history as been written. He looked at all the so-called murder camps in his research. He went to Belzec, Sobibor, Chelmno, Birkenau, Monowitz. He put himself in the position of knowing what the accusations are, and, as a chemist, decided how reasonable the charges are.

In describing the properties of Zyklon B, he discussed the container it came in, the special opener that had to be used, the fact that the gas is lighter than air when it vaporizes, and that the best air would be at the bottom. Now, the Crown said that, well, it's not very much lighter than air and it would rise slowly and the crystals might have fallen on the ground, enabling people to believe that the gas would come from the ground first. But that wouldn't explain the fact that the people would stay where the gas crystals were and stay there so they could climb above each other. They were scattered in other areas, but that wasn't asked by the Crown and that's why, when Griffiths asked him his questions, and I asked him mine, in the end he said he did not think his opinion had changed.



He refers to the necessity of a venting system. No such thing exists in any of the plans. Look at the plans. That's because it is a Leichenkeller, a mortuary, not a gas chamber. They want to call it a gas chamber? Then, produce the evidence. Where is it? He concluded that it's impossible that gassings happened as alleged. For millions to have been gassed in four crematoria, by the method described, 2000 persons crammed into a space of the size alleged, is impossible.

He refers to these spaces that are put forward as gas chambers as unsealed rooms. The difficulties of unsealed rooms in comparison to the American gas chamber, become obvious. A small container of gas is necessary due to the quality of the gas itself. If it were otherwise, chemistry would change from time to time, and from place to place, but it doesn't. The fact is, that if there is an allegation of this kind, there has to be a real possibility of it having occurred. Otherwise, we are engaged in fantasy.

He has examined the alleged gas chamber at Auschwitz I. There are no doors between gas chamber and the crematoria. Vents are not air-tight. The doors are very very small. The whole thing wouldn't work. And he comes to that conclusion himself.

Now, he communicated this information to Zundel. So, why shouldn't Zundel believe him? Why shouldn't it be credible? Who has done more research into the subject? Who has actually made a study into these gas chambers? I suppose the Crown will answer that by saying, it doesn't matter. If there are no gas chambers, we will find some other explanation for the six million. What? What was it – shooting, Einstazgruppen, the Strop report? It doesn't come to five million, especially when one considers the evidence in reference to the Einsatzgruppen. But we are supposed to believe anyway.

Dr. Lindsay examined the Gerstein statement. He discussed how carbon-monoxide poisoning from a diesel engine is not possible. Yet, that is said to be the method used in Sobibor, Treblinka and others – gas from diesel tank engines, from Russian tank engines. That is the story. Well, if carbon-monoxide is not produced by diesel engines, how is it supposed to be the cause of death? Then, we have the stories of prisoners eating and drinking after handling the dead bodies. It would be suicidal. Shower baths would be abysmal to gas people. What story are we dealing with? The same story we had in Dachau. The gas chambers are not showers and the gas comes from the shower heads. Yet, Dachau now has a sign that nobody was ever gassed there. Lindsay fought for the Allies during the war, and I suggest that he is not really to be regarded as one with an axe to grind.

James Keegstra testified primarily to show what happens if you try to question the Holocaust. He is where he is today, not because of his attitude on anything else, but primarily because he dared to say that there's another view on the Holocaust. That's when it got picked up by the media. That's when the ball got rolling. That is when everybody got up in arms. If somebody has an opinion on politics, that's no problem. But if somebody says anything about the Holocaust, that implies they don't believe in it, hook, line and sinker, then they are in big trouble.

It's bad for people who want to discuss it. It is also bad because it denies the possibility to find the truth for everybody. So, there's a man who's been a teacher for 21 years, who has been the victim, I suggest, of a massive campaign of vilification because he dared to question.

What a surprising thing! Anybody could be accused of rape, murder, theft or fraud. I'll bet they wouldn't suffer the animosity, the hate that occurs to anybody who questions the Holocaust or anybody who is accused of a war crime in the media. Tell me how many murderers have received the publicity against them that Frank Walus got? He hadn't been tried yet. He was accused of a hideous crime, but it was ridiculous. The man wasn't even in Poland during the war. He was seventeen years old and he was accused of being an Obergruppenfuhrer during the war, murdering Jews. And eleven witnesses came forward, and said, yes he was, and seven of those said they weren't even in Poland during the war. That's justice? Well, that's not very much different than the atmosphere that prevailed in 1945 and that's why it is relevant to the issue today, because in this booklet it says Nuremberg was probably rife with prejudice. If the hatred and the prejudice is so great today that that type of thing can happen right now, in Chicago and in the U.S.A., how much greater do you think the pressure was in 1945 for the same result?

This is 40 years later. And who gives Frank Walus anything for what he suffered? Or this man? Even if he is acquitted, who will take care to see that he gets justice, other than maybe an acquittal?

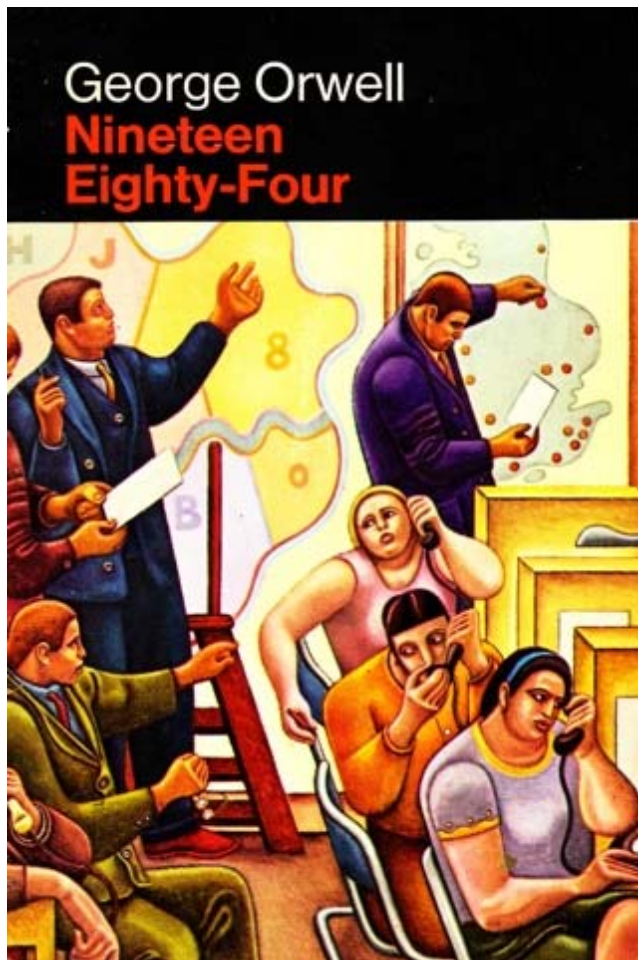
The evidence of Gary Botting is that of an English professor who desired to put forward another view of the Holocaust story. He was presented, or attempted to present, in consideration of the need to tell both side, the book *Hoax of the Twentieth Century* [by Arthur Butz]. The Government of Canada decided nobody should read it in Canada. Why? Is it obscene? Take a look at it and ask yourselves this question. Is this society free for people to think, to analyze this question, if a book like that is supposed to be banned and was prevented from being read by students at college level? These are some poor timid human beings in high school as we were told some are, who could be influenced deleteriously by this book. This is college level. They aren't allowed to have this. Why is that?

It points in another direction than the thesis of the exterminationists. What kind of a country does not permit people to read a book like that? Have a look at it. There's really nothing abusive in it about anybody. The truth is very clear, that there is a power in this land that doesn't want you to think about it, doesn't want anybody out here to think about it, and has made up the mind of somebody in power that anyone who questions this belief will be prosecuted and publicly humiliated. That's not the kind of country I want nor should any free man or woman want to live in.

Our forefathers fought for the right to be free to think and free to speak. Now, what are we doing here? The sacrifices of those who died for freedom are not respected by this legal proceeding. Gary Botting and others have paid their price for coming here. You can bet on that. Those same forces that will make this man spend seven weeks in that box will make every witness who comes here pay for having done so. You can be sure of that. Anyone who even dares to support this man's thesis will be labeled. And that's supposed to be a free society? It's all very very sad. It may be, if some of those people who are dead, who thought they defended freedom, were alive, we might not be here today.

Gary Botting said it's a dangerous precedent to do what's going on here. You know where his father is? He's buried at Belsen. That's what he told you. His father. Well, it's dangerous alright. He dared to write to the Attorney-General to question why he couldn't read this book or have the students read it. He has no sympathy for the Nazis. His attitude was that people should be free to hear both sides of an issue. No, not in Canada. We are not smart enough even to be able to read that book. We are not supposed to be able to read this book. We are not intelligent enough to decide whether we want to believe this or not.

Is this the way we are supposed to use our brains? The measure of a person's honest inquiry is whether a person wants to examine alternative sources. Nobody asks them to be government-funded sources, sponsored by anybody. I remember at one point somebody said the research of Dr. Fourisson was not government-funded. So what? You mean to tell me that no one should be believed unless he is on a government subsidy? If Dr. Fourisson pays through his own efforts for his research, is that an indication he is insincere? Or, if someone publishes a book, like Udo Walendy, being a publisher himself, is this to discredit it too? Have we come to the stage of *1984* where, unless it's published by Big Brother, it isn't to be believed?



I remember the dramatic gesture performed by the Crown when he asked the accused: “Well, who published this? Institute of Historical Review?” Bang. So what? If they are all published by the Institute of Historical Review, so what? Have we come to the point where there is an official sanction on certain publishers? Is it the old argument of don’t look at the contents of the book, just see who publishes it. Well, if that is the case, I suppose the official view of history is already established.

Doug Collins was a soldier during the war. He was captured at Dunkirk. He was in German prisoner of war camps during the war, escaped, was recaptured, escaped and was interned again as far away as Rumania, and went to Bergen-Belsen even before Dr. Barton. One of the things he said about his own experience is, that when he saw the troops coming back, the S.S. released by the Russians, they reminded him of the prisoners in Bergen-Belsen, for their condition. He says *Did Six Million Really Die?* should be available. There isn’t an abusive line in it. “I have been more abusive in my columns.” He said politicians aren’t entitled to suppress views. This is endemic to all dictatorships.



DOUG COLLINS - JOURNALIST, FREE SPEECH ADVOCATE

He talked about *Alice in Wonderland* being banned in China. I wonder where we are. I remember when the Crown was cross-examining my client on the stand, I almost had to pinch myself to find out if I was really in the country I grew up in, because he was asking him: “Do you believe this? Are you a fascist? Did you write this?” What are we doing here? Is he on trial for his beliefs? Or is he on trial for this being false? Are we living in a free society, or are we not? He said, in the end, I guess, this country likes censorship. I wonder. If you do anything in this world, you will answer that question here. And, indeed, this might be the most powerful thing you will do in your life, certainly the most significant thing. It is a great privilege to practice law, but I don’t think there can be a greater privilege than to do what you are going to do – decide whether we like censorship or not. That’s a decision you will make. There is not, he said, an expert on the Holocaust. There are many versions. If one died, that’s important. If one died, that’s a crime. If one Jewish person died, it’s a crime. If one person, no matter whether he was Jewish or not died, it’s a crime. But that is not the issue.



If we are dealing with the issue of genocide, mass murder by gassing, not by work or privation, or war, but this specific crime with the specific weapon of gas chambers; if that's the issue, then we have to give freedom to others to put forward their views. That's what Doug Collins said. He said Zundel's pamphlet is a point of view. He doesn't agree with it, but he upholds its right to be said.

When Hilberg was asked whether Zundel was being honest, he said what I think we all have to answer in the way of a question: "Can you read his mind? Can you look into his brain?" All you can do is look at the printed word. You had a chance to hear him. You've had a chance to see him cross-examined about his beliefs and whether he is this, and whether he is that. He's not perfect. He is not a perfect human being and neither am I, neither are most people I know. So, why should he be on the stand for having views that maybe you don't agree with? Why?

Considering *The West, War and Islam*, I'd like to draw your attention to a significant part of that publication. It says, for the cost of one plane, one rocket, one bullet, we can make a film, a book, or send a letter. That's what Zundel tried to do, change the Arab response to Zionism, from violence to communication. Is that a crime? Is that an intent dangerous to the social or racial harmony of Canada, when the pamphlet was sent in a sealed envelope to people in the Middle East? Whether he said things that were right or wrong, being quite aside for the moment, would that itself be a crime – would it affect the social and racial harmony of Canada deleteriously? It would seem to me that all it would ever accomplish, if it could accomplish what it sought to do, would be to convert Arab responses of violence and terrorism into Arab responses of communication with the hope that somebody might bring influence in a political sense to bear on the whole problem of the Middle East. It would seem a fairly responsible, albeit somewhat grandiose hope, maybe a pious hope, at a time when Mr. Zundel perceived, perhaps rightly, perhaps wrongly, that problems in the Middle East were about to erupt in a world war. Most of us would sit back and watch it on television, do nothing about it and hope that somebody else would act. Well, Mr. Zundel is not that kind of man. He desired a solution. He thought he could offer one. Now, if that's a crime, we'd better forget about communicating. It would seem to me to communicate the alternative to planes, rockets and bullets of films, books and letters, is a pretty good solution to the problem. It sure brings us a lot closer

to a solution than silence or violence. I don't, with the greatest of respect, understand how the Crown can allege that my client is supposed to have upset racial or social tolerance in Canada by sending such letters, as he did to people in the Middle East, thousands of miles away.

The only two publications in which Mr. Zundel is alleged to have done anything wrong are *The West, War and Islam*, and this one. Is this wrong? And when he wasn't sure, he took the chance, and published, and sent it to whom? Hiding something here? No, he sent it to the Attorney-General of Ontario, sent it to all the Attorneys-General, sent it to the Members of Parliament, and school teachers. He even wrote to the Attorney-General and said: "If you don't think I'm entitled to publish this, please give me some guidelines."

If this country is going to involve itself in censorship through official channels like the Attorney-General of Ontario, then I suggest it owes it to the citizens to tell them where the legal limits to freedom lie. If it was a suggestion made by the Crown that the accused deliberately provoked a situation damaging to racial and social tolerance, then why did he ask for an answer as to what he's entitled to publish? Why didn't someone give him an answer? I'll tell you why; because it's politically embarrassing for an Attorney-General to identify the real censorship that he's seeking to introduce through fear. It's easier to prosecute somebody and scare the whole world into keeping quiet, because they don't want to be where he is. It works very well, but it's rather insidious, and I suggest the best answer to that kind of censorship through fear, is to throw out these types of charges.

If they're going to invoke censorship, they'd better write it down and say so and take responsibility for it in the House of Commons. Then, the public will know we don't live in a free country anymore and can vote against them; but if they're going to play this kind of political game with censorship by scaring people, by not answering their letters, as to what they're entitled to write, the result is self-censorship. It's called, "everybody keep their mouth shut," That's something Doug Collins mentioned. The result of the controversy surrounding the Holocaust and the danger of questioning it and the fact that you always get a visit from some particular group if you write on it, results in self-censorship. It's not official censorship and so we can tell the world that we don't censor people, but you just watch it. You don't write about this and you don't write about that and you keep your mouth shut about this because it's safer.

I suggest that if you have any doubt about that, you take a good look at the Soviet constitution. They have glowing phrases about freedom of speech, but it's often limited by some qualifying words about security of the State, and, suddenly, people know better than to say certain things. They know better than to criticize the government, they know better than to raise questions about certain issues, and they know better than to talk about the Helsinki Accord, or a few other subjects in the Soviet Union. What's the difference with this question? It seems that political power has some influence in what you're entitled to say and what you're entitled to do, without it ever being responsible for censoring publicly through the legal process.

Section 177 is a very vague way of defining what you publish. If you're talking about history, what's false? There are so many views and so many issues. How can you be sure what you're entitled to say? I suppose the best solution is, as Doug Collins said, on a subject like the Holocaust, to check with the Canadian Jewish Congress or the B'nai Brith as to what you can publish.

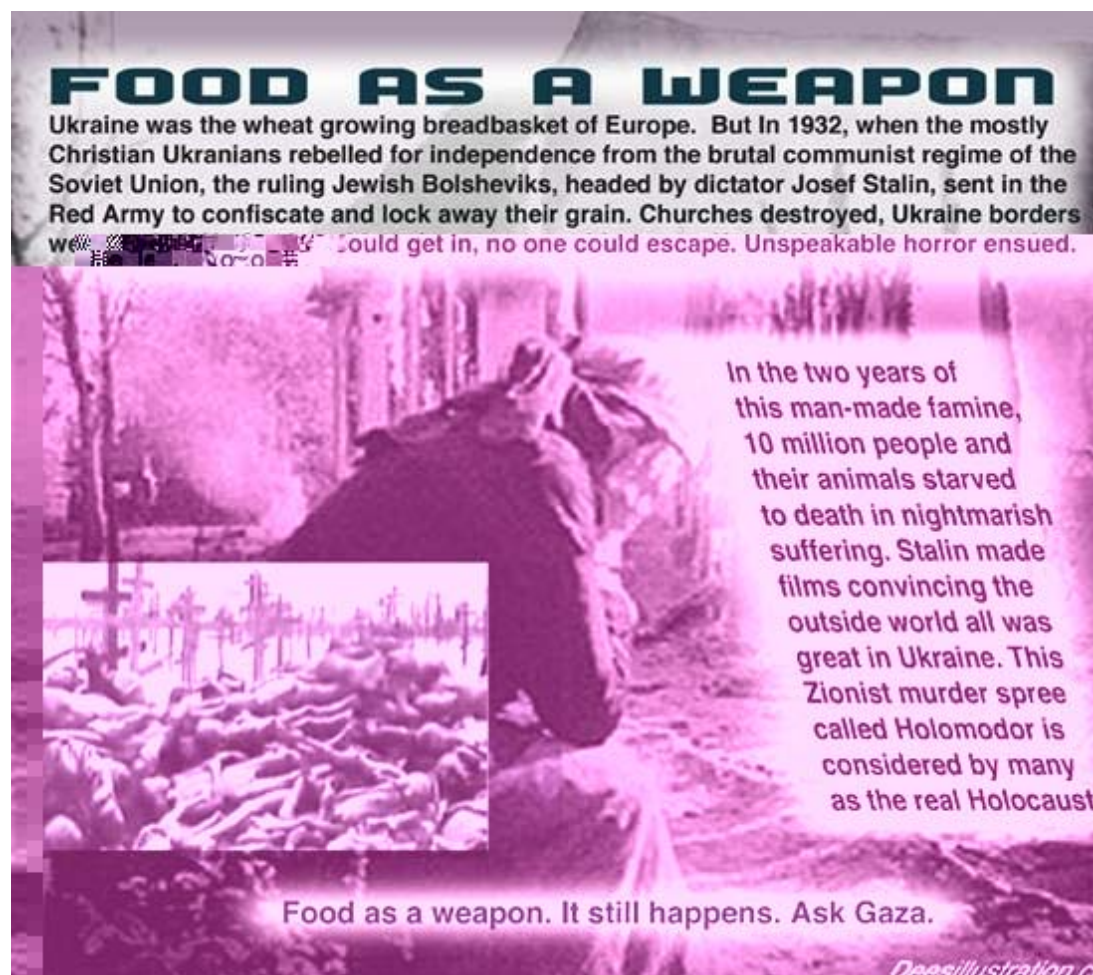


CANADA'S OPPONENTS OF FREE SPEECH

But I suggest that you could and should send a message to the world and to the rest of society. It's not a message that's intolerant; it is a message of decency, tolerance and understanding, a message to all the sincere young Jewish men and women around the world that perhaps they need not feel more persecuted

nor the subject of more hate than any other group; that the war was not all that it is said to be vis-à-vis themselves; that they might no longer say, "Never forgive and never forget," those types of comments; that they may feel no more the victims of suffering than others in war who have also suffered. Maybe that would be a healthy thing to say, beneficial to all. Perhaps. Just perhaps, they too should put behind them the story of the six million slaughter which they are being imbued and embittered with. Perhaps their suffering is no worse nor any greater than many, many others. So, for the sake of love, peace and understanding, we may not view Jews as extraordinary sufferers, and Nazis, which is a thin disguise, in much of our media, for Germans, as some inherently evil beasts. This stereotyping is intolerance. This evil exultation of hate can only be exorcized in the fresh air of free debate. That can only come through freedom to examine truth freely and throw off unnecessary guilt. If the guilt is necessary, it should be accepted. If it is unnecessary, it should be dispensed with, dropping the disproportionate lies of a mass hysteria which certain political forces daily feed upon. Stop seeing Nazis in every criticism of Judaism, or you will suffer from lack of true criticism. No one is absolutely right, not even the Jews; and no one is absolutely wrong, not even the Germans.

It should be at least open for people to discuss the Holocaust, and, if it isn't, how healthy a society do we have? We should never suspend our critical faculties of reason and skepticism even to the suffering of the Jews on the issue of the Holocaust. Other groups of people are freely criticized every day. You know, when I was thinking about the context of this whole question, it occurred to me, that there are other atrocity stories, two of which are very famous. One is the Ukrainian Holocaust, or some people dare to call it that, where it is alleged in the thirties, Stalin starved to death five or six million Ukrainian people.



Now, if I was to put together all the evidence that contradicted that, that said it was a false belief, and published that, would that be false news? Or the Armenians say that a million or more of their people were slaughtered by the Turks in 1915 and they hold this as a very important part of their belief. If I were to dispute that and publish my views, would that be false news? And yet, whatever the truth or falsity of those beliefs may be, they stand on their own. No government sanctions say you must believe this. They are not taught in schools as history. In fact, I recently heard that you can't teach the Ukrainian Holocaust

in Manitoba in schools. But, this belief in the Holocaust has become so sacred that nobody can even question it. That is not right. In a free society, no group should have its beliefs imposed by law. We don't have a state religion. We shouldn't have one. We don't have an official history. We shouldn't have one. If this booklet is right, as the accused says it is, it should be freely heard and freely thought about and freely criticized. If it is not, why fear it? If it is false, there is easy access to a million more resources of public persuasion than this booklet ever had. It does not need the government's help as some official repository of truth, however sanctimonious its bureaucratic officials may be. Let freedom solve the problem of any hatred or intolerance, else by suppression the human spirit, which seeks truth and seeks the ultimate truth of God, will become crippled by its fears to speak its deepest feelings. Only by our meeting fact to face, by our being as we really are with all our personal prejudices and suspicions, can we accept our faults and by airing our views without fear, learn to love each other with a true and deeper love than if we never disagreed in the first place.

Now, if my client has a wrong belief, he honestly does not believe his beliefs are wrong. He believes they are right. Then, let there be a debate. He invites debate. To the extent a free society allows debate, health and understanding will result. Let a few people decide, let the powerful decide, let some bureaucrat decide, or even, with the greatest of respect, force the duty upon a judge to decide what are true and false beliefs, and the State will inevitably have the power to define truth and become an absolute power. Violence is the end of the road for official truth. In a society where people aren't free to have their own views, and official truth prevails, they will eventually resort to violence. You see that in many dictatorships throughout the world. If you can't express views freely in words, in writing, in print, how do people express them? You can see in the world today how they generally do, and that's very unfortunate.

I said in the beginning, this place, this court, is far too expensive, far too important, to be involved in debates about history. This court and the courts throughout Canada have rules of evidence which are there to determine disputes of fact, but here we haven't dealt with fact, we've dealt with opinion about history. Free access to the marketplace of ideas does not and cannot take place here. This court was not designed to be a place where the affairs of the world are debated, but rather where individual conduct is inquired into.

Whoever is responsible for pursuing these kinds of prosecutions, and it is indeed, I suggest, a decision for which somebody is responsible, he should consider what is at stake, and what occurs in the court, and consider that it shouldn't happen again. If by acquitting the accused, you make it clear that this is an improper type of thing to do to a citizen in a free society, we won't have these sorts of trials again, I suggest. It would be less likely that those who made this decision in the first place will repeat it. But I can assure you that there are many people who would love to have the power to silence different points of view, and it's very easy when you can put people through the kind of thing the accused has been through. I suggest the false news section may have been intended to deal with a specific allegation of false news like a publication of a sort which briefly stated a fact to be true that was false, but it surely can't be usefully employed to deal with a matter of controversy involving history. The court should not deal with trials of historical issues. This place is too expensive and over-regulated by legal rules to permit an adequate discussion of history. For the sake of freedom, I ask you never to forget what is at stake here. You must remember that we have fought for your freedom as well as for that of the accused; that is, the accused stands in the place of anyone who desires to speak his mind. Even if you don't approve or agree with what he says, you must take it as a sacred responsibility not to allow the suppression of someone's honest beliefs.

I want to finish by reading you a little letter that I got once. It explains what I mean when I say history is a very complex thing and it changes from time to time and it should be free to do so. It says, "What is truth? As a child I was taught that the Indians were savages. Later on in life I found out that it was the white man who had initiated scalping and the killing of women and children. I was taught in school that Louis Riel was a traitor to his country and therefore executed and that John A. MacDonald was a hero.



LOUIS RIEL

Later on in life I was to discover that Louis Riel is regarded by some as a hero defending his people's rights to their land and the famous Sir John A. had been caught taking bribes from the CPR, and resigned in disgrace. He also died an alcoholic. During the Second World War, I was told that Stalin was a good leader who fought on the good side. When I was older I found out that he was responsible for the government-imposed starvation of millions of Ukrainians in 1933. In 1941 I was told that Germany was our enemy and Russia was our ally. In 1951 I was told that Germany was our ally and Russia was our enemy. In 1956 I was told that China slaughtered millions of its own people. It was our enemy and today I'm told that China is our friend and ally, in a way."



**JOHN A. MACDONALD CAUGHT RED HANDED ACCEPTING A \$350,000 BRIBE IN 1872
PROROGUED PARLIAMENT LIKE HARPER DID IN 2008**

Therefore, when an individual has the integrity to question the credibility of a government-imposed view of history, we should listen with an open mind and search for the truth. It would seem to me that the truth will be in debate for a long time. But if we silence one side of any dispute or anyone's view of truth because we think he is wrong then society as a whole will suffer. An individual will suffer. And you will suffer.

Patrick Henry said: "Give me liberty or give me death." If you don't have liberty you have a kind of spiritual death, the death that comes from people who never use their minds. That's a real spiritual death. If we are to live in a free society where people are alive and have hope in their lives then we must have liberty.

With the right verdict people who brought this prosecution into being will not do it again. It will take a lot of courage. But you are the repository of the trust of your country and in the moment you decide to acquit and stick to that principle you will give history the best gift your descendants could ever ask for: A free country.

For further information on relevant cases, articles, letters, bio, videos and more please see:
<http://www.douglaschristie.com/>

To obtain a copy of this document please contact Paul Fromm at CAFE, PO Box 332 Station “B”, Etobicoke, Ontario, M9W 9Z9 or write to Paul at paul@paulfromm.com

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