

ADELAIDE INSTITUTE

PO Box 3300
Adelaide 5067
Australia
Mob: 61+401692057
Email: info@adelaideinstitute.org
Web: <http://www.adelaideinstitute.org>

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Adelaide Institute



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DR FREDRICK TOBEN THROWS OUT A CHALLENGE TO AUSTRALIA'S ENEMY OF FREE THOUGHT AND FREE SPEECH

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MEMBERS OF AUSTRALIA'S JEWISH COMMUNITY BEGIN TO CENSOR MATTERS CONCERNING THE PHYSICAL FACTS OF THE ALLEGED HOMICIDAL GAS CHAMBERS AT AUSCHWITZ-STAMMLAGER AND AT AUSCHWITZ-BIRKENAU

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On Friday, 6 February 1998, as part of my Australian speaking tour, I met 74-year-old *Australian Jewish News* correspondent Mr Bernard Freedman at the old Parliament House in Canberra. Our hour-long cordial conversation ranged far and wide, and I was impressed by Mr Freedman's sincerity. He was eager to find out more about my personal background as well as what I had to say about the alleged homicidal gas chambers at Auschwitz - and I did not shy away from telling him what there was to tell because I have nothing to hide.

I gave him an overview of my talk about the alleged homicidal gas chambers at Auschwitz and I showed him the photographs taken during my April 1997 visit to that concentration camp. I also showed him my copy of Robert Jan van Pelt's and Deborah Dwork's 1996 book *Auschwitz: From 1270 To The Present*. In particular, I informed him of the decommissioning of Krema I at Auschwitz-Stammlager. I also mentioned my personal search for the alleged gas induction holes in the roof of Krema II at Auschwitz-Birkenau. Not finding these holes has led me to conclude that I failed to fulfil Professor Robert Faurisson's challenge: "Show me or draw me the homicidal gas chambers at Auschwitz". I gave my trust to Mr Freedman hoping he would honour this trust by reporting fairly about our conversation. I rejected the voices that warned me, "don't trust a Jew".

During my visit to the Washington US Holocaust Memorial Museum I particularly took note of the model of the alleged Auschwitz homicidal gas chamber. When I visited the Auschwitz-Birkenau site, I noted that the Holocaust Memorial Museum's model did not represent the physical facts as I found them at Krema II. I have therefore concluded that the persons in charge of the Holocaust Memorial Museum are deceiving visitors and thereby continue to distort history. As well, they are spreading anti-German hatred by claiming that Germans killed millions of Jews in homicidal gas chambers.

Anyone who denies a person the right to discuss critical allegations made against the Germans is, in my view, an enemy of free speech. I was astounded to be confronted with a closed mind when I visited Rabbi Abraham Cooper, Associate Dean of the Los Angeles based Simon Wiesenthal Centre. Next to it stands the infamous Museum of Tolerance. Rabbi Cooper terminated our discussion after I had answered with a firm "yes" his question: "Do you question the gassings?" It was Rabbi Cooper who had libelled me by calling Adelaide Institute's website a "hate site". I suspect that this signal from the US was enough for Mr Jeremy Jones to formulate a complaint against me and call up Australia's Human Rights And Equal Opportunity Commission. I now understand why Mr Jones at no time during the initial stages of the proceedings was prepared to conciliate, something actively encouraged by the HREOC charter. Jones was not interested to discuss the details of what he claimed was offensive and quickly demanded a public hearing. HREOC commissioner Zita Antonios obliged because she reasoned that a public hearing was necessary because I had responded to the initial notice of complaint by way of a solicitor's letter

My subsequent attempts at initiating a conciliation meeting remained fruitless because Jeremy Jones did not wish to conciliate. The HREOC is, according to one of its former employees, Kirsty Gowans, a "creature of international politics" whose Commissioners are political appointees. Its proceedings are not moral because truth is not a defence when it activates the Kafka-esque Racial Hatred Act. For this reason we shall treat any future HREOC hearings with contempt because to do otherwise would be immoral. After all, there is such a thing as "compliance is complicity".

The voices told me "the Jews" were behind the setting up of the Human Rights And Equal Opportunity Commission's Racial Hatred legislation specifically to catch so-called 'Holocaust deniers', thus protecting the billion dollar Holocaust racket. The HREOC procedures are bizarre: an accused is not given the opportunity to discuss the factual matters that are the cause of the alleged hurt. Instead, the complainant merely has to convincingly establish the fact that his feelings have been hurt - something a child could do with ease! There is no objective criterion of truth on which a defence can rest its case.

This blocking mechanism, of not wishing to discuss the factual details of my Auschwitz story, was continued by Messrs Norman Schueler and Warren Bund, On Wednesday, 3 June 1998, Mr David

Brockschmidt and I visited the ACE TV studios to view with the complainants my video *No Holes, No Holocaust*. I was prepared to talk about their grievances. They rewarded my willingness to compromise by giving us the silent treatment. Again, I was prepared to listen to their criticism, but did not realize that their intention was not to discuss the material. I find such a response - or lack of it - offensive because it rests on naked power. Again, I had not listened to the voices that told me "the Jews don't discourse with Goys". It is sad to see grown men reluctant to open their mouths. Their fear, or whatever, of honestly dealing with those allegations they level at the Germans must overwhelm and prevents them from maturely and objectively looking at the physical facts. Their refusal to discuss these allegations implicitly makes them the real purveyors of hate. I believe that Jones, Schueler, Bund, are morally bankrupt, their minds pained by the undisputed historical facts that we can provide. Perhaps during the viewing of my video *No Holes, No Holocaust* both Bund and Schueler felt uncomfortable in realizing that the gruesome story which they have believed for many years rests on deception.

Recently I had coffee with the immediate past Chancellor of the University of Adelaide, William Scammell, CBE, who has just come back from an Auschwitz tour. He did not look for the holes because he was on a conducted tour of the camps! He, therefore, can continue to 'believe' in the existence of the homicidal gas chambers at Auschwitz without it 'pricking' his conscience. How representative the views of Jones, Schueler, and Bund are of Australia's Jewish community remains to be tested in court.

And so the Auschwitz story continues to libel and defame Germans because no-one is officially permitted to pursue the facts of this alleged historical gassing. Jones, Schueler and Bund, are doing everything in their power to keep the lid on the emergence of the facts against the gassing allegation - for obvious reasons. I find it difficult to believe that these gentlemen do not know that they are defending a fraudulent story.

Here is Bernard Freedman's article in *The Australian Jewish News*, 5 June 1998, and two letters to the editor in protest, which we do not expect to be published.

Fredrick Toben, Adelaide 15 June 1998

**TV station scraps Auschwitz video,
By Bernard Freedman, *The Australian Jewish News*, 5 June 1998**

Adelaide Jewish community leaders have forced a community television station to scrap a controversial video about Auschwitz, threatening action under South Australia's Racial Hatred Act.

Members of the South Australian Jewish Council had not seen the program, which was to have been screened on Adelaide Community Education (ACE) Television last Friday at 8.30 pm.

But, suspecting that the hour-long video, produced by Dr Fredrick Toben, director of an organisation which he calls the Adelaide Institute, would be offensive to Holocaust survivors, they called on the station to drop the program - which it did three hours before the advertised screening time.

South Australian Jewish Community Council spokesman Norman Schueler told the *Australian Jewish News* this week that while community leaders had not seen the Toben video, "We know what lies he normally perpetuates on the Holocaust".

He said members of the Community Council would view the program, called *No Holes, No Holocaust*, later in the week with ACE TV officials.

He said it was difficult to say whether the television ban would be maintained.

"We will certainly make every endeavour to continue the ban if it is offensive to Holocaust survivors. If something is offensive, it is against the law."

ACE television was established four years ago to give a voice to minorities. Offenders under South Australia's racial hatred law face fines of up to \$40,000.

Speaking on ABC Radio this week, South Australian Jewish Community Council acting president Warren Bund said: "For those who were aware it was going to air, it was a great shock and horror to them and they were deeply disturbed by it. There's been so much hardship and hurt over the years to our people as a result of what happened in the Holocaust, I don't see any point in continuing the aggravation and hardship."

Dr Toben's program claims, among other things, that the gas chambers at Auschwitz did not exist. The video is based on photographs of Dr Toben's visit to Auschwitz in April last year. The pictures can be seen on the Adelaide Institute's website.

In the video, Dr Toben claims that the crematorium and other sites at Auschwitz today are reconstructions, and that what is described as an entrance to a gas chamber is an entrance to an air raid shelter. He claims that a swimming-pool seen in one of the pictures was for the use of inmates, along with a brothel, a post office and an orchestra.

The video includes a picture of a gallows where, Dr Toben says, camp commandant Rudolf Hoess 'Was hanged for a crime he did not commit". He questions why plaques at the camp were changed in 1990 "to reduce the death toll from four million to 1.5 million".

"I know this is contentious, but we must be able to talk about it," Dr Toben told the *Australian Jewish News*. He said he was willing to compromise. "I'm quite prepared to edit material out of my talk if it is offensive, but I certainly did not deem any of my comments defamatory, even regarding the Racial Hatred Act."

He described the Adelaide Jewish community as "the enemies of truth".

"They are using blackmail and thuggery to stifle my attempts at exercising my freedom of speech," he said. "The cancellation of the program has given the television station and the program publicity and prominence they would never have gained otherwise."

Dr Toben, 54, says he was born to a Roman Catholic mother and Protestant father in north Germany. He added that he is a graduate of Melbourne University, but noted that he gained his doctorate in philosophy in Germany, studying at Heidelberg, Tübingen and Stuttgart.

He said he worked as a schoolteacher in Victoria "until they threw me out for being a Nazi". He established Adelaide Institute in 1994, involving a group of individuals "who, without fear or favour, look at taboo historical topics."

The Institute "ran on a shoestring" and relied on donations, he said, but would not say from whom. He claimed he had wisely divested himself of all worldly goods, so no one could claim anything from him and he had nothing to lose. He said the Institute had no connection with the League of Rights, although he had addressed the League on multiculturalism.

Executive Council of Australian Jewry executive vice-president Jeremy Jones has for more than two years been involved in a complaint to the Human Rights and Equal Opportunity Commission about Dr Toben's activities. He said Dr Toben was involved in Holocaust denial and had unsuccessfully tried to introduce Holocaust denier David Irving as a witness in the proceedings. He had also tried unsuccessfully three years ago to get a screening of David Irving's video *The Search for Truth in History* on ACE TV. "His [Dr Toben's] website also contains material blaming Jews for all the crimes of Stalin and the Torah as the source of evil behaviour," Mr Jones said.

Like the B'nai B'rith Anti-Defamation Commission, which questioned the ABC Radio description of Dr Toben as "an eminent historian", Mr Jones said of Dr Toben: "To call himself a historian is disgraceful. To talk of 'the Jewish Holocaust', as he does, is offensive to survivors."

Fredrick Toben's Letter to the Editor, *Australian Jewish News*, Sydney, 9 June 1998

Sir, - Please be advised that in Bernard Freedman's item, **TV station scraps Auschwitz video**, AJN, 5 June 1998, I am quoted as saying, "until they threw me out for being a Nazi". This is a misrepresentation of a statement made in a long telephone conversation with Mr Freedman during which I explained to him the use of literal and figurative language. The legal fraternity thrives on the literal use of language because this leads to litigation! English teachers, on the other hand, thrive on the use of figurative language.

In a telephone conversation today Mr Freedman did say he was sorry if he got it wrong. Mr Freedman is aware of my Auschwitz argument because during my Canberra visit in February I showed him the photographs which form the basis of my argument that there is no proof that homicidal gas chambers existed at Auschwitz.

I also stated to him that I have never belonged to any political party other than the Liberal Club which David Kemp ran at the University of Melbourne during the 1960s.

Further, please be advised that Jeremy Jones is wrong when he states that on Adelaide Institute's Website we claim "the *Torah* is the source of evil behaviour". Far from it, it is passages in the *Babylonian Talmud* that we take to task. I am aware of the Torah True Jews whom I highly respect for attempting to lead an exemplary life.

Sincerely,

Fredrick Toben

**David Brockschmidt's Letter to the Editor,
Australian Jewish News, Sydney, 9 June 1998**

Dear Sir, - In regard to Bernard Freedman's column **TV station scraps Auschwitz video**, AJN 5 June 1998, let me make the following corrections and raise some points of interest.

1. It is a fact that South Australia's Jewish community representatives, Messrs Norman Schueler and Warren Bund, threatened legal action against ACE TV if it screened, as advertised, Dr Fredrick Toben's video *No Holes, No Holocaust*. This threat is a misuse of the law as the Act has as yet not been promulgated, and to suppress historical facts about the alleged homicidal gas chamber is blatant censorship of history.

The South Australian Jewish community has thereby humiliated ACE TV's committee which deemed the video to be "non-racist and not antisemitic". The committee and its chairperson, Mrs Rita Freeman, had viewed the video and concluded that it was legitimate for Toben to ask questions of an historical nature, something 'court historians' at the University of Adelaide and elsewhere are refusing to discuss - 53 years after the alleged event!

ACE TV has the function to provide an outlet for minority views and the legal threat from Messrs Schueler and Bund is a misuse of both the Racial Hatred Act and the power of the purse. It is disgusting and smacks of Bolshevik and Nazi methods. Instead of discussing the issues raised in Toben's video these people suppress debate on historical matters. South Australia's organised Jewry has delivered a disservice to Australia and to the democratic right of freedom of speech

I lived in Israel in 1967 and during the 1970s working there and risked my life for the Jewish homeland. My parents are Righteous Gentiles because they saved Jewish lives during World War II. They even have a tree planted for them in the Avenue of the Righteous Gentiles at the Jerusalem Yad Vashem Memorial Grounds.

My father was the business partner of Oskar Schindler, and he supplied his own trucks and railway permits to transport the approximately 1200 'Schindler's Jews' from Crakow, Poland to Brünnitz, Czechoslovakia.

2. The raising of questions related to history is a basic human right - Article 18 and 19 of the Universal Declaration of Human Rights, adopted by the General Assembly on 10 December 1948. Messrs Schueler and Bund are clearly violating Toben's rights and this is a disservice to South Australia's organised Jewry and to Jewry world-wide. Why? Because it increases antisemitism. I have the feeling that this is intentional because world-wide Zionist leaders use the threat of 'antisemitism' to keep their flock together - thereby stopping them from falling victim to the 'Holocaust of assimilation'.

3. I was present when Fredrick Toben had a long and friendly conversation with Bernard Freedman. Toben never said "until they threw me out for being a Nazi". Toben was referring to how students used to call him a Nazi - as well as calling him a "poofter Pommy" in schools where his German background was unknown.

4. Jeremy Jones - political activist, and designated by British historian David Irving as the "foreign minister of Australia's Jewish community" - is not telling the truth when he says that on its website, Adelaide Institute "contains material blaming Jews for all the crimes of Stalin, and the *Torah* as the source of evil behaviour".

We take great pains in stressing that a blanket condemnation of Jews is intellectually dishonest - the opposite to what Daniel Goldhagen did with the Germans in his book *Hitler's Willing Executioners*. We blame the Bolshevik Jews for having had a leading hand in Soviet Union and eastern European atrocities which were instigated by Lenin and Stalin during their slaughterhouse reigns - from 1917 to 1953 during which at least 60 million innocent people were killed, including tens of thousands of religious Jews.

5. Adelaide Institute claims that the *Babylonian Talmud*, not the *Torah*, is the source of evil behaviour. The *Babylonian Talmud* remains the moral and legal foundation of modern Judaism. We can offer more than 200 quotations to prove our case.

6. Mr Jeremy Jones also accuses ABC Radio of describing Fredrick Toben as "an eminent historian". If you read the transcript of the interviews made by ABC Radio, the word 'eminent' was never used by the ABC reporter. Dr Toben, BA, M Ed, Grad Cert Ed, PhD, is known in world revisionist circles as an 'historical revisionist'. He certainly knows more about the Auschwitz controversy than any university based historian, let alone those historians who present intellectually flawed Holocaust courses at universities around the world.

Dr Toben is willing to discuss this topic - something the likes of Messrs Jones, Schueler and Bund fear. Why?

7. I would like to end this letter with a personal note. It has always been a tradition in my family to fight for human rights - freedom of thought and speech. My family fought against the Communists, the Nazis and other forces of darkness in mid century Europe. I intend to keep up this tradition. Today we have to fight the politically correct mafia, the fundamentalists of religion and, of course, the political Zionists.

Sincerely,

David Brockschmidt, Associate, Adelaide Institute

Geneva versus Peace, Comte De Saint Aurlaire, Sheed and Ward, 1937: "...the wine of our [Jewish bankers] nationalism is the most drinkable in the world; it has the finest bouquet, and the nations of the world absorb it with the greatest ease, which delight and without a headache in the morning ... Bolshevism is an admirable salting tub in which to corrode and destroy and not to preserve ... we are in communion with Marxism in its purest form in the International; in other words with our religion, because it is the weapon of our nationalism, in turn defensive and an offensive buckler and sword. You will say that Marxism is the very antithesis of capitalism, which is equally sacred to us. It is precisely for the

reason that they are direct opposites to one another, that they put into our hands the two poles of this planet and allow us to be its axis. These two contraries, like Bolshevism and ourselves, find their identity in the international. These opposites which are the antipodes to one another in society, and in their doctrines meet again in the identity of their purpose and end, the remaking of the world from above by the control of riches and from below by revolution", in: *On Target*, Vol. 34, No. 21, 12 June 1998.

MEDIA COVERAGE OF ACE TV'S NON-SCREENING OF 'NO HOLES, NO HOLOCAUST'

Adelaide Institute Media Release 28 May 1998

Re: The Screening on ACE TV, 29 May 1998, 8.30- 9.30 pm, of Dr Fredrick Toben's controversial video 'No Holes, No 'Holocaust' '

In August 1994 Dr Fredrick Toben, Director of Adelaide Institute, submitted to Adelaide's public access television station ACE TV, British historian David Irving's video *The Search For Truth In History*. Two weeks before the scheduled screening on 1 September 1994 the station announced it would not screen the video because "The material provided is not the work of an individual member of the local community but in the main the work of an overseas radical who was banned from entering Australia, and the so-called search for truth is merely a denigration of the Holocaust".

Dr Toben's ***No Holes, No Holocaust*** is a video recording of a public talk he delivered in all Australian states after he had personally visited the Auschwitz concentration camp in April 1997.

"I accepted the conventional story about the homicidal gas chambers at Auschwitz. The specific purpose of my own investigations was to go there to look for the holes in the roof through which the Zyklon-B gas was dropped into the alleged gas chambers. I could not find these four square holes," he said.

Dr Toben also visited the Washington US Holocaust Memorial Museum. "I went there to look at the model of an alleged homicidal gas chamber," he said. "I saw that the model had four square holes in the roof and it had two SS men standing over two holes. All this is nonsense if you try to match the model's representation with what there is to see at Auschwitz."

Asked whether he considered his talk to be anti-Jewish, anti-Semitic or racist Dr Toben said that anyone who used these words was merely trying to get away from tackling the historical problems raised in his talk. "It's not intellectually honest to use these words unless you want to persecute me rather than talk with me about historical matters that affect our personal world view. Since when has legitimate historical research and criticism been subjected to some kind of orthodoxy test? If I am wrong about my research, then tell me - but it's a bit cheap trying to silence me by labelling and libelling me with these words."

Dr Toben said that David Irving has been labelled "a bad character" because in 1990 he told a German audience that the gas chamber shown to tourists at Auschwitz was a fraud. "This has now been acknowledged by Jewish authors Robert Jan van Pelt and Deborah Dwork in their book: *Auschwitz: From 1270 To The Present*, and still the German judiciary continues to fine and jail dissident historians who tell the truth about Auschwitz. They've gone mad in Germany. "Imagine", he said, "if you tell the truth, you get a prison sentence! Let's hope we never reach this state of affairs in Australia."

Adelaide's Jewish Community Threatens Community Broadcaster, ACE TV, with Legal Action - ABC Radio reports

News 3 PM, 29 May 1998

Glen Moore: Adelaide's Jewish community has condemned ACE TV for scheduling a program that claims the German Holocaust never happened. Rebecca Morse reports the program's presenter has defended his right to a public forum for his research.

Rebecca Morse: *No Holes, No Holocaust* is a program delivered by Adelaide historian Fredrick Toben which claims the accepted model of the Auschwitz gas chamber is a fraud.

Fredrick Toben: Anti-Jewish, anti-Semitic, all these words are used to stop your mind from questioning the content of the program.

RM: George Rich from Adelaide's Jewish community objects to the program's broadcast.

George Rich: It is abhorrent that views which are extremist and represent a small minority should be presented as if they are somehow the views of a significant majority.

RM: ACE TV says it has an obligation under its charter to provide access to all individuals.

National PM 6 PM, 29 May 1998

Presenter: South Australia's Jewish community is furious that an Adelaide public television station plans to show a program that claims the Nazi Holocaust never happened. As Rebecca Morse reports Jewish leaders have filed for an injunction to stop the program which is presented by a controversial Adelaide historian.

Rebecca Morse: *No Holes, No Holocaust* is a one-hour presentation by Dr Fredrick Toben. His program claims the accepted historic model of the Auschwitz gas chamber is a fraud. Dr Toben travelled to Germany (sic) to examine the chamber and says holes in the roof which reportedly delivered the lethal gas did not exist.

Fredrick Toben: We don't deny, for example, that millions of people died terrible deaths during the war and that Germans committed atrocities. What we're saying, what we're looking at is the specific allegation that the Germans constructed and used homicidal gas chambers especially at Auschwitz and this is what my talk is about. I'm trying to grapple with this challenge thrown out by French revisionist Professor Robert Faurisson who said "No Holes, no 'Holocaust' ". The holes refer to the story which says that in this gas chamber the roof has four square holes and into these four square holes SS men used to throw the gas, the Zyklon B gas. Now I was at Auschwitz last year in April and I couldn't find these four square holes.

RM: Adelaide's Jewish community objects to the claims that their history should be re-written. Community leader George Rich says evidence the Holocaust occurred is overwhelming.

George Rich: Six million Jews were killed during the war. Not only that but 50 million other people died as a result of the Nazi attacks during the war, and these are facts, these are accepted facts and for somebody to deny them now purely means the continuation of the hatred which they perpetuated 50 years ago.

RM: The Jewish community is attempting to obtain an injunction against public broadcaster ACE TV to prevent the program from going to air. The legal tussle has placed the community station under scrutiny. ACE TV is staffed entirely by volunteers and programming decisions are made by a committee. And while the broadcaster grapples with the controversy surrounding its decision to air the program Fredrick Toben is unfazed. He believes critics of his program label him racist because they don't want to listen to the facts.

FT: Well, how would you feel if you've been taught something and you accept it as a gospel truth and then somebody says, "Hey, but that's a lie". The first thing you do is kill the messenger, the one who tells you that you've been a fool for believing a story that's been a lie all along.

RM: It's not only Fredrick Toben who's in the firing line. Jewish leader George Rich believes ACE TV is just as much to blame for agreeing to broadcast his views.

GR: ACE TV should vet who they are putting on their station. They should assess the impact of somebody that's representing a small minority. They represent the views of hatred and negative views of one anti-small minority of this community and should not portray them.

Presenter: The Adelaide Jewish leader George Rich was talking to Rebecca Morse.

The last word tonight goes to Jerry Lewis the 73-year-old comedian, writer, director and film maker who's in Australia, and he told a Melbourne press conference some things should be taboo.

Jerry Lewis: I'm old fashioned, idealistic, mid-Victorian, and I believe in the presidency and I believe in the Oval Office and I believe that though I would fight for the right for you to say something I would rather walk up to you and say, "be a little more tasteful"

News, 12 Noon, 30 May 1998

Paul McCarthy: Solicitors acting on behalf of Adelaide's Jewish community will next week view a video tape about the Holocaust after it was withdrawn from public screening last night. Community broadcaster ACE TV withdrew the talk by historian Fredrick Toben after claims that it would breach the State's Racial Vilification Act. Dr Toben says the speech questions traditional views of what happened at Auschwitz. He says he's willing to edit out any parts of the speech considered to be defamatory to ensure that the talk will be aired.

Fredrick Toben: We're quite prepared to edit the talk. If they say there is defamatory material therein, we're prepared to edit it out.

The World Today, lunch-time, 1 June 1998

Peter Cave: The debate over the Jewish Holocaust had flared again and this time it's an Australian historian casting doubts over its validity. A television program presented by Adelaide historian Dr Fredrick Toben claims that the gas chambers of Auschwitz death camp did not exist. The program has been shelved by a community television station after an outcry by South Australia's Jewish community. However, Dr Toben has hit back describing the Jewish community as the enemy of truth. From Adelaide Mark Willacy.

Mark Willacy: After successfully campaigning last year to stop British historian David Irving entering the country, Australia's Jewish community could have been excused for thinking it had also had a victory over his controversial views. But somehow these doctrines have managed to take root in Australia and at the forefront of the debate is Dr Fredrick Toben the Director of the Adelaide Institute.

Fredrick Toben: We are a group of individuals who without fear or favour look at taboo historical topics.

MW: According to Dr Toben one of these taboo historical topics is that of the Jewish Holocaust and more specifically the Auschwitz gas chambers. Fredrick Toben does not deny the Holocaust occurred but what he does reject is the existence of gas chambers at the infamous Auschwitz death camp.

FT: My proof is that I am looking at the story we are told, that there were four square holes in the roof of Krema II at Auschwitz-Birkenau. I was there last year. I went into the remains of that alleged gas chamber and I didn't find these four square gas insertion holes. You cannot fill an alleged gas chamber with gas if you haven't got the four square holes because all of the theory or stories told about this gas chamber or alleged gas chamber has to have these four holes and they're not there.

MW: What about eye-witness accounts and accounts from others who actually liberated the camp?

FT: Then, well, I cite Professor Frank Knopfmacher, the gentleman in Melbourne - he died a few years ago - he talked about a holocaust racket. And I know this is contentious but we must be able to talk about it.

MW: All these claims are made in a television program presented by Fredrick Toben which was to have aired on Adelaide community broadcaster ACE TV last Friday night. But after threats of legal action by the Jewish community the TV station 'pulled' the program entitled *No Holes, No Holocaust*. The chairman of

South Australia's Jewish Community Association, Warren Bund, is relieved the program is shelved. But he warns the threat of legal action will re-surface if ACE TV plans to screen Fredrick Toben's program in the future.

Warren Bund: For those that were made aware that it was going to air it was a great shock and horror to them and they were deeply disturbed by it.

MW: Could you say views like this should be allowed to be broadcast and then dissected and discredited in some form of logical debate? Could you argue along those lines?

WB: No, I don't think there's any, I mean there's been so much hardship and hurt over these years to our people as a result of what happened in the Holocaust. I don't see any point in trying to continue it on and continue the aggravation and hardship.

MW: Fredrick Toben is upset by what he sees is legal bullying but he says he's willing to compromise.

FT: I'm quite prepared to edit material out of that film, of my talk, if it's offensive, but I certainly did not deem any of my comments to be defamatory even regarding the Racial Hatred Act.

PC: Adelaide historian Dr Fredrick Toben speaking to Mark Willacy.

Adelaide Institute Media Release 4 June 1998

Legal Blackmail and bullying of ACE TV by legal firm Thomson Playford's representative, Adrian Tembel, on behalf of the Jewish Community of South Australia's representatives, Messrs Norman Schueler and Warren Bund

On Friday, 29 May 1998, ACE TV scheduled for screening at 8.30 PM Dr Fredrick Toben's one hour video *No Holes, No Holocaust*. ABC Radio news' publicity of the screening activated complaints from the South Australian Jewish community. That afternoon ACE TV's committee members viewed the video and concluded that nothing in it was racist and that it was fit for broadcasting. At 5.23 PM ACE TV received a fax from Adrian Tembel of legal firm Thomson Playford advising the station that broadcasting the video:

"will constitute a breach of Section 37 of the Racial Vilification Act 1996. That section entitles persons who are aggrieved by an act of racial victimisation to recover damages up to a maximum of \$40,000."

It was suggested that in order to avoid expensive litigation ACE TV agree to let Tembel view the video prior to broadcasting - that night!

Mrs Rita Freeman of ACE TV declined the offer and cancelled the screening of the video. She also set the date for a meeting with Tembel, et al, on Wednesday, 4 PM.

On Wednesday, 3 June 1998, at 4 PM Dr Fredrick Toben and Associate David Brockschmidt arrived at ACE TV. Around 4.15 PM Tembel arrived and cordially greeted us, but froze when he realized who they were. A little while later Messrs Schueler and Bund arrived.

Dr Toben said that prior to them all entering the control room where the viewing of the video was to take place, Tembel became stropky and said that he was not here to discuss anything with Brockschmidt and Toben. David Brockschmidt responded by saying that he would not expect him to do that, anyway. Tembel was playing the big legal bully - but all this did not impress.

During the screening of the video it was obvious that the trio - Tembel, Schueler and Bund - were pained in having to open their minds to new information.

After the screening, Toben raised with Schueler and Bund the rumour he had heard about them offering ACE TV \$5,000 not to screen the video.

Dr Toben said, "The two men did not respond and at all times Schueler and Bund remained silent - and they looked sickly. They could not even extend common courtesy towards Brockschmidt and Toben in the form of elementary greetings. They created a definite 'them-us' atmosphere where every word is taken literally so that litigation can take place."

Dr Toben said, "It is this mental attitude which is killing Australia's creative impulses in all walks of life." He said, "Around 6 PM I was back home just in time to receive a call from SBS Radio. I was informed that the video would not be screened. This surprised me somewhat that within 40 minutes of viewing the video, another legal letter had been faxed to ACE TV wherein details were divulged how a broadcasting of the video would lead to litigating the matter in court. I assume that Mrs Freeman decided to cancel the screening of the video because the station cannot afford to get involved in any litigation."

Dr Toben said, "And so the bully-boys from organised Jewry once again used legal and financial blackmail in order to kill free speech. The enemy of free speech has won this battle - but it will not win the war because the factual basis on which my claims about Auschwitz rest give me the moral strength to continue the fight. The enemy of truth knows that the dictatorship of money and naked power cannot sustain the life of a vibrant society. The persons involved in the cancellation of the video will in time suffer as a result of their moral corruption. They know that they are defending a lie. They know that they are corrupt by silencing dissident voices. So, what's new?"

ACE TV - by Sherrill Nixon, Australian Associated Press, Adelaide, 4 June 1998

A community television station has scrapped plans to screen a video disputing reports of the use of gas chambers at Auschwitz after complaints from the Jewish community.

While Jewish leaders welcomed as decent the decision by management at Adelaide access station ACE TV to shelve the screening, the video's producer said it was an attack on free speech and a result of legal thuggery.

Fredrick Toben, of the Adelaide Institute, who gave an hour-long lecture in the video entitled *No Holes, No Holocaust*, said Australia's creative impulses were being killed by such a mental attitude.

"They are stifling our thinking processes," Dr Toben said. Dr Toben's video was scheduled to be screened on ACE TV last Friday night, but publicity about the program on ABC radio that afternoon prompted complaints from some members of the Jewish community.

ACE TV chairman Rita Freeman said the station decided to 'pull' the program from its line-up, despite it being approved for screening through the station's normal appraisal process.

"We said we weren't going to contribute to making this a mountain out of a molehill," Mrs Freeman said.

The station then arranged a meeting, held last night, with Jewish community leaders Norman Schueler and Warren Bund and their lawyer Adrian Tembel to allow them to view the video before deciding its fate. Before the meeting, Mr Tembel had informed the station that legal action under the Racial Discrimination Act could be taken if ACE TV screened the video.

"If one were a Holocaust survivor, one would be totally distraught (at the video)," Mr Schueler said.

"As a Jew who won't allow the Holocaust to be forgotten, it was offensive. They (ACE TV) saw what was decent and what was common sense and they volunteered to withdraw it."

But Mr Tembel denied Dr Toben's claims of legal thuggery, saying laws applied equally to all members of the community.

Mrs Freeman said ACE TV made the decision to shelve the video because it did not want to be embroiled in a situation not of its own making. "We thought that it would be in the best interests of peace and quiet," she said.

Executive Council of Australian Jewry executive vice-president Jeremy Jones said he was pleased the video had been 'pulled', saying broadcasters had the responsibility not to confuse information with hate mongering. "He's putting forward a horrific view that there is some sort of conspiracy of politicians, jurists, academics and Jews to mislead the world," Mr Jones said. "You accept that theory if you have bizarre views of Jews."

In the video, Dr Toben said he had visited the site of the notorious death camp in Poland and found no evidence of the gas chambers.

Adelaide Institute Media Release 6 June 1998

Fredrick Toben says Jeremy Jones is either ignorant or a liar!

In an AAP report of 4 June 1998 Mr Jeremy Jones, the executive vice-president of the Executive Council of Australian Jewry, is reported to have said:

"He's (Toben) putting forward a horrific view that there is some sort of conspiracy of politicians, jurists, academics and Jews to mislead the world ... You accept that theory if you have bizarre views of Jews".

Dr Toben said he did not wish to waste valuable time worrying about what conspiratorial theories Jeremy Jones is developing in order to feed his own personal needs.

"I challenge Mr Jones to an open debate about the factual and objective claims I make about the alleged homicidal gas chamber at Auschwitz. Jones is either ignorant of the facts or he is a liar, and he is using the legal system to silence those who are telling the truth about the physical facts."

Dr Toben said that Mr Jones is a well-known hater of Germans and that this racial hatred prevents him from looking objectively at the facts of the gas chamber controversy.

"Mr Jones seems to me the typical hater of anything German and he clings to a view of German history that has outlived its use-by date," Dr Toben said. "He hides under the veil of hurt feelings because he cannot meet my challenge without having to admit that he has been believing in something that never existed, namely the four square holes through which the Zyklon B gas was thrown into the alleged homicidal gas chamber at Auschwitz."

"What is disconcerting about this whole dispute," Dr Toben said, "is that Jeremy Jones uses the legal system to silence me, thereby avoiding opening his mind to the physical facts of the alleged homicidal gas chamber story. I can only guess that Jeremy Jones has closed his mind because he hates democratic processes and fears truth."

GOOD NEWS FOR ALL

Members of Australia's Jewish community, Messrs Jones, Schueler, and Bund , who wish to take away our right to free speech, will not prevent Adelaide Institute from disseminating the good news about the alleged Auschwitz homicidal gas chambers and related matters - such as: what's the latest on the Swiss gold story? We will be hosting Australia's first Revisionist Symposium at Adelaide on 7-9 August 1998.

A LETTER FROM THE DEAD HEART OF THE HISTORY DEPARTMENT UNIVERSITY OF ADELAIDE

From: dhart@chomsky.arts.adelaide.edu.au (David Hart) **Date:** Fri, 29 May 1998 11:22:49 +0930 **Subject:** Yesterday's lecture

Dear Mr. Toebin

We were expecting you yesterday and you failed to show up. A pity. We even downloaded your picture from your website so we could show security what you looked like. Could I suggest a change of tactics on your part?

Firstly, I would try to get the facts right - such things as when the teaching of the subject began (you approached me in Week 3 of the semester to audit the subject), who is the subject coordinator (not me, the subject was conceived by Peter Monteith who gives the majority of the lectures), the conditions placed on auditors of subjects (attending lectures but not participating in discussions or tutorials - details of which are in the University Calendar), and the venue of the lecture (Security told me you phoned the University of South Australia to find out where the lecture was being held).

Secondly, I would avoid the confrontational approach you have adopted. You might have had better luck had you written a polite letter to Peter in January or February (when the program for the subject was being drawn up) pointing out the pedagogical benefits of you addressing the students as a Guest Lecturer. We have used several Guest Lecturers in the subject as our program demonstrates (holocaust survivors, judges, post-grad students for example). You would have had a chance to present your case and to hand out material to the students. They would have had a chance to hear a holocaust denier in person. Perhaps a gain for both sides?

David Hart

Fredrick Toben Replies

Dear Dr Hart

Thank you for your email communication. In response, let me state the following in point-form:

1. On 28 May 1998 Mr David Brockschmidt and I were at the University attending an interesting 'Sorry Day' celebration which was addressed by well-known Aboriginal activist Dr Lowitja O'Donoghue and ABC Radio broadcaster Julia Lester. Afterwards I talked to both ladies and expressed my concerns at individuals being invited to sign a *Sorry Book*. I asked, how can anyone say "sorry" for the things that were perpetrated before their time? Their reply was that our common humanity deems it important to empathise with those who suffered. I agreed with such a moral point-of-view but I also stressed that those who are receiving the apology ought to also say "thank you for giving me the opportunity to pursue the sorry issue within our society." Both ladies agreed with me - and Dr O'Donoghue said that she had acknowledged her gratitude towards society generally. I said this was not explicitly expressed by her because what I had heard was a claim for compensation. This to me seemed to miss the issue and that is why I believe the Sorry claim must be balanced by a Thank-you claim. I was surprised to hear Dr O'Donoghue say that she opposed the introduction of a permanent Sorry Day.

So, Dr Hart, I did not miss anything by not attending your Holocaust lecture.

2. I do not understand your reference to my having rung The University of Adelaide security whom, so it seems, I informed that I had rung the University of South Australia to find out where your Holocaust lecture was being held. What I did do is go to my local Norwood police station to advise the OIC there of my movements in regard to visiting your lectures.

3. I like how you categorise my pursuit of following up your work as a "confrontational approach". Surely you know that it was Dr Monteath, et al, who barred me from attending last year's history conference.

Such a hostile attitude is the product of ingrained fear of truth - and perhaps a realisation that one's life's work has been built on deception and lies. There is nothing worse for an immature mind to digest than the realization that one has been deceived for decades about historical matters which turn out to be mere 'words' and not based on any facts.

4. Your suggestion that I may have had an opportunity of addressing your students as a guest lecturer - had I 'behaved' - sounds good now. But why did you, when I approached you in that third week of term confront me with the comment that you would deny us attendance because I had a reputation for causing trouble, etc.? I believe that my approach to you on that day was quite civil - something you initially acknowledged by being likewise until you heard my name. You became pale and visibly agitated, then advised us to see your superior, Dr Peter Monteath - which we did. Mr Brockschmidt, of course, then remembered he had met Dr Monteath some years earlier when the David Irving controversy was raging in Australia.

5. Labelling me a 'holocaust denier' is of course a sign of your intellectual cowardice and bankruptcy. In my investigation of the Auschwitz homicidal gas chamber allegations I have reached the point where I say: **I climbed into the remains of Krema II at Auschwitz-Birkenau and I did not find the gas induction holes in the roof which, according to the story, should still be visible.**

Recently I met in the staff club The University of Adelaide's immediate past Chancellor who has just returned from a trip to Auschwitz. On his conducted tour he did not get to climb amongst the ruins and therefore could not say whether the holes were there or not. He can continue to 'believe' that homicidal gas chambers operated at Auschwitz. I cannot do that anymore because I have looked at the physical evidence - I know that the physical facts preclude any gas chamber operating there.

How does this make me a holocaust denier, Dr Hart?

Sincerely

Fredrick Töben

PS: I cordially invite you and your colleagues to our August Revisionist Symposium.

INTERNATIONAL REVISIONIST SYMPOSIUM AT ADELAIDE

The perceived power with which Messrs Bund, Jones and Schueler are preventing us from presenting our story to Australia's public is not unlimited. We shall now challenge this power as Adelaide Institute prepares to hold Australia's first REVISIONIST SYMPOSIUM at Adelaide during 7-9 August 1998.

Friday, 7 August 1998

We expect visitors to arrive during the day for registration, and those who make it in time will be selected for lunch at a mystery destination. An informal dinner will be available at 6.30 pm.

Saturday - Sunday, 8-9 August

Owing to the fact that some eminent historical revisionists are not allowed to come to Australia - because they are telling the truth about historical facts - we shall bring them in via video-telephone connections. The following persons appear on our list of participants: [List suppressed because of the power exerted by the enemies of truth upon governments around the world]

The Final Intellectual Adventure Of The 20th Century: Academic freedom, historical integrity and censorship.

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Web: <http://www.adelaideinstitute.org>

Mrs Olga Scully's HREOC hearing at Launceston is set down for 24 - 28 August 1998

Swiss Revisionist Jürgen Graf faces court on 17-18 July 1998

Priest sorry for Auschwitz remark, John Masanauskas, *Herald Sun*, 28 May 1998

An Anglican priest who linked the Holocaust to Aboriginal Sorry Day has apologised after his comments caused outrage in the Jewish community.

The Rev. David Conolly said he was sorry if his sermon comparing Aboriginal children's homes with the Auschwitz concentration camp had caused offence.

Jewish Holocaust Centre president Shmuel Rosenkranz said the comments, reported in yesterday's *Herald Sun*, were ridiculous and disgusting.

Mr Connolly gave the sermon at St Paul's Cathedral on Tuesday during an ecumenical service marking the Human Rights and Equal Opportunity Commission's stolen children enquiry.

"I look at photographs in the commission's report, photographs of tiny kids herded in groups in government homes and mission schools, and I feel I am looking at pictures of Auschwitz," he said.

Mr Rosenkranz said he felt sorry about what happened to indigenous children separated from their families.

"But they were put into either foster homes or homes run by the government," he said. "They were fed, for better or for worse, but they were not sent to the gas ovens."

Victorian Jewish Community Council president Nina Bassat said "nobody who knows anything about history would equate the two. The policy of taking the children away from their parents was very ill-considered with often tragic results," she said. "But I don't think it can be compared with a systematic policy of extermination, which is what the policy of the Holocaust was."

Ms Bassat and Mr Rosenkranz also rejected the inquiry's finding that stolen children cases amounted to genocide.

The executive director of the Jewish B'nai B'rith Anti-Defamation Commission, Danny Ben Moshe, defended Mr Connolly.

"Factually, the apology does not stand up," he said. "But Auschwitz symbolises the genocide of the Second World War, so I can understand where he's coming from."

Mr Connolly, vicar of St Faith's church in Burwood, said yesterday he was distressed the comments may have caused any hurt or offence. He said he offered a sincere and profound apology to the Jewish community. "The message I wanted to convey was that pictures of the sad faces of Aboriginal children taken from their families evoked in me the same feelings of intense anguish I felt on seeing pictures of the sad faces of children in Auschwitz," he said. "I would like to assure the Jewish community I had no other intention, and I'm distressed that I may have caused them any hurt or offence."

Victorian Sorry Day committee member Melissa Brickell backed Mr Connolly's reference to the Holocaust.

"I understand why the Jewish community would be concerned about Mr Connolly making that kind of comparison," she said. "But I wish to state that Aboriginal people were massacred right through until the 1940s and that was genocide."

Dropped hopeful turns on party, Fiona Kennedy,

The Weekend Australian, 6-7 June 1998

A One Nation candidate who was disendorsed yesterday after being blamed for anti-Semitic and anti-papal statements wants to sue the "pack of monkeys" party for unfair dismissal. David Summers, formerly candidate for Noosa, denies making claims attributed to him in a Sydney newspaper that Jews financed Hitler and Pope John Paul II once worked for a company selling cyanide gas to the Nazis.

Mr Summers, editor and publisher of a new-age magazine, also declared he would print the full text of an interview with party leader Pauline Hanson, where she "spat the dummy" about her key adviser, David Oldfield.

He hit out after his vigorous denials of uttering - or believing in - the published statements fell on deaf ears in the party hierarchy.

He was formally notified of disendorsement through a fax saying: "You are attracting media coverage that is causing One Nation ideology to be wrongly perceived by the Australian public."

A shocked Mr Summers said: "Pauline was on television three days ago kissing my three children at Gympie. I cannot believe that this has happened.

"I'm in with One Nation because I truly believe we need some changes. I am not some crazy nutcase radical."

This was not sour grapes, Mr Summers said, but: "I do believe any of the other parties ... will definitely do a better job than One Nation. Because the monkeys they've got at the top will collapse a lot of things."

Mr Oldfield decried the reported views as "tasteless, disgraceful and unnecessary".

("Mr Summers") position is clear to us. We support his right to freedom of speech but ... we will not provide a platform for that sort of expression," Mr Oldfield said.

Mr Summers will still appear as the One Nation candidate on the ballot paper next Saturday. He wanted to sue One Nation for unfair dismissal and the newspaper for defamation.

The reported comments were taken from an article not written by him, but published in his magazine, *Exposure*, Mr Summers said.

Mr Summers said he and Ms Cahill edited a cover interview with Ms Hanson in the current issue of *Exposure* "so it wouldn't make Pauline look bad. Pauline opened up to us and spat the dummy about David Oldfield and all the problems.

"You can hear me on the tape where I say, 'Look, Pauline, I'll cut that out because that's not really right for the interview'."

Censored comments included Ms Hanson blaming Mr Oldfield for an infamous video which opens with her saying: "Fellow Australians, if you are seeing me now it means I have been murdered."

Mr Summers said he learned of his fate when Queensland director Peter James phoned to say Ms Hanson would not visit Noosa today for a \$45 per head function and would distance herself from the candidate.

***A day after the 13 June state election One Nation had already won 10 seats.**

**Michael Murphy's Letter to the Travel Editor,
The Sydney Morning Herald, 8 March 1998**

Dear Sir/Madam

I wish to take issue with Mr Kwiatkowski's claim (*SMH*, Travel, 7 March 1998) concerning Danzig/Gdansk. His selective history is understandably biased towards the Poles who know the city on the Baltic Sea as Gdansk, whereas in the West and the Germans know it as Danzig. Whilst it was claimed that the early settlement was made by Slavs in the 18th Century, though the first mention of Danzig was in 997, omitted is the fact that the Danzig coastline was first settled by Germanic, then East Germanic peoples, and later by Vikings, Scandinavians and Germans. Later still, during the 7th to 12th centuries, the Slavs gradually moved into this area from the east.

Danzig developed from over 800 years of German settlement and culture. By the 13th Century it was an important link in the chain of Hanseatic towns and coveted by the Teutonic Order. In 1224 Teutonic law was introduced in Danzig, but from 1454 to 1793 it came under Polish suzerainty.

Dorothy Thompson in *The Saturday Evening Post*, 20 August 1932, says: "Whatever the predominant race of the people of this area may be...The Teutonic Knights built the great cities; modern Germans since Fredrick the Great, cleared the rivers, built the roads, developed agriculture, established schools and universities. And it is impossible to wave this argument lightly aside. The part of Poland formerly German is sharply distinguishable from the rest of Poland. In that part of Poland, formerly Russian, are Slavic sloppiness and waste. No physical features distinguish Western Poland from neighbouring Prussia which once ruled it. There are the same trim villages, the same beautiful roads bordered by precise rows of trees...the same small peasant holdings set in fruit gardens, the same carefully fenced and tended fields, the same exquisite order and organisation which give the German countryside a beauty all its own".

According to E W P Newman, *Britain and the Baltic*, London 1930: "Danzig I found more German than Germany itself. German culture is firmly stamped on nearly every building, the population is almost entirely German...". Sir Raymond Beazley stated in the *Daily Telegraph*, 12 September 1932: "the old Hansa town of Danzig is truly Teutonic...". George Shuster echoed this in *The Germans*, New York, 1932: "This proud old Hanseatic town is German to the core, even if during one period of its history it recognised the suzerainty of Polish kings".

Danzig was largely populated by Germans, despite Polish control or occupation, for instance in 1939 it was 91 percent German and one percent Polish, whereas the territory was 96 percent German. After World War II Eastern Germany including Danzig was given to Poland as 'compensation' for Polish territory in the east seized by the Soviet Union, and the German majority that weren't murdered were 'ethnically cleansed' from Danzig.

The areas included within the 1937 boundaries of Danzig and Germany, but lying east of the Oder-Neisse river, were placed under Polish and Soviet administration by the 1945 Potsdam Agreement.

Yours sincerely,

Michael Murphy.

**Kormoran/Sydney, *White Ensign*,
December 199, Ern McDonald, LCDR, RANR(Ret) Convenor, SYDNEY Research Group**

Dear Sir: In September's *White Ensign* a letter quoted KORMORAN's Captain Detmers' story of the November 1941 sinking of HMAS SYDNEY as accurate. You comment that it has not been accepted as completely true, which sadly is surely the case. Researches, principally in Western Australia, have over many years turned up extensive evidence to show that the 'official', that is the German story, is seriously flawed.

Supported by our Maritime Museum, we have had three significant Forums, in 1991, 1995, and 1997 at which many excellent well documented Papers were presented. From all this we believe that:

- * The SYDNEY/KOMORAN action was not as 'officially' located.
- *It was not fought as Detmers described.
- *KORMORAN's presence in the area was well known and confirmed and Captain Burnett was well aware of that.
- * There has been evidence of German surrender before firing, and evidence of submarine involvement.
- *SYNDEY sent signals as she went into action, therefore the action was known to be taking place.
- *False signals emanated from Australian authorities after the action.
- *German lifeboat movements are inconsistent with normal drifting, so that towing is a possibility.
- * Three boatloads of Germans drifted as would SYDNEY people have drifted, for some four or more days.
- *Searching was inefficient.
- *Navy/RAAF cooperation was lacking.
- * The body on Christmas Island was most likely a SYDNEY man.
- * There was massive cover up, that still persists officially.

*Japanese threat was well understood and expected so that the advent of Pearl Harbour shortly afterwards most probably has significant influence on Allied hierarchical actions, still kept secret.

The proposed Parliamentary Inquiry will only work if all involved people, Ex-Servicemen, Civil Servants, and Germans are freed from any recriminations as to revelations of truth.

Suspicion that the inquiry is intended to be a whitewash is prevalent. The Minister speaks of "available" Archives, he does not offer access to still secret documents. Free access to all Signals intelligence is vital. It follows that any Inquiry must be Judicial, separated from Parliament and Politics, fully open, unrestricted, and reported.

**Put the cartel on trial - it's time to fix the unjust justice system,
By Evan Whitton, *The Australian*, 5 June 1998**

English common law is biased against truth, justice and democracy, and in favour of lawyers and organised criminals. The NSW Director of Public Prosecutions, Nicholas Cowdery QC, says: "The past must be understood so that the future can be better."

The task is thus to understand why and how an incestuous cartel of lawyers and judges corrupted the law and contrived to obstruct reform for 800 years. Judge Richard Posner, of the US Court of Appeals, says they were mainly interested in money and status. And power; legal historian Theodore Plucknett says lawyers got control of parliament in the 14th century, and had the key role in abolishing the king and his royal courts in the 17th.

Plucknett says the price of their power was high and included "the growth of immense quantities of technicality [and] opposition to reform". Technical claptrap enables the law to hide in plain sight, lawyers to make money, judges to look judicial and both to portray themselves as priests who alone can interpret their mysterious cult.

Lawyers' continuing influence in legislatures is one reason the law has never been properly reformed. Another is that academic lawyers seemed pathetically grateful to be admitted to the cartel in 1753; with exceptions, they still tend to toe the cartel line.

Having effectively decided that truth is not paramount to justice, the cartel was able, late in the 18th century, to repackage the law as a game. It invented an adversary system that corrupts witnesses and obliges lawyers to deceive the jury. It made lawyers rich by giving them control of civil and criminal trials. And it concocted rules for suppressing evidence that make it easy to get acquittals for criminals who can afford the fees. The cartel's spin doctors had some trouble talking their way out of those travesties of justice. The line in 1826 (and 1998) was that some "inconveniences are the price we necessarily pay for the benefits of legal protection". Tell that to people such as Lindy Chamberlain and countless others wrongly imprisoned or executed; they get the inconvenience (!) and no protection.

In the face of continuing complaints, the cartel's technique in the 1870s was to fiddle at the margins but to leave intact the tricks that bring in the money at the expense of truth and justice. In 1915, Max Weber, a German lawyer and sociologist, noted that English "lawyers' guilds, a monopolistic stratum of notables from whose midst the judges of the High Court are recruited ... successfully fought all moves towards rational law which threatened their material position".

A series of gross miscarriages led to an inquiry into the English system in 1991. Then home secretary Kenneth Baker asked the royal commissioner Viscount Runciman to examine the "possibility of an investigative role for the courts before and during the case", that is, the European system of rational investigation of the truth. But author David Rose notes that "virtually all the commission's witnesses came from one or other part of the existing system. All had a strong vested interest in its remaining essentially the same." Runciman's report fiddled at the margins. Happily, the tide is turning against the cartel, and from within. On the system's effects on practitioners, Cowdery has birched barristers for ethical dubiety. *Thirty Pieces of Silver*, by New Zealand's Anthony Molloy, QC, is a breathtaking account of alleged activities by certain New Zealand lawyers; another New Zealand lawyer, Brett Dawson, is writing *The Evil Deeds of the Ratbag Profession*.

On the system itself, New York's Judge Harold Rothwax tried the criminal system and found it guilty; Brisbane's Justice Geoffrey Davies says the adversary system is unjust; Sydney's Stuart Littlemore QC says: "You really feel you've done something when you get the guilty off"; London's Michael Mansfield QC advocates the French method of trained judges supervising the pretrial investigation; Melbourne lawyer Melvyn Barnett says it's time to try truth and the European system. The conclusions are inescapable: Australia needs a proper inquiry into the legal system and members of the cartel must be largely sidelined from it.

Evan Whitton is author of *The Cartel: Lawyers and Their Nine Magic Tricks* - Herwick PtyLtd, Locked Bag 2018, PO Glebe, NSW 2037.

Fredrick Toben comments: In his book Evan Whitton extensively praises the German legal system without realizing that it, too, is fatally flawed because it permits judges to 'take judicial notice' of events such as the 'Holocaust', thereby imprisoning persons such as Günter Deckert and Udo Walendy for committing 'thought crimes'!

The brutal death of James Byrd in Jasper, USA, a despicable and unmanly act of cowardice, has been sold as a racially-motivated killing. I contend it is a killing - full stop, and offends against the Kantian Categorical Imperative - the foundation of moral behaviour. Perhaps, though, in this case the perpetrators deserve the 'eye-for-an-eye' treatment.

The item below connects to the above. Likewise Adelaide Institute's battle to have the unsubstantiated allegation investigated - that Germans systematically exterminated European Jewry during World War II as codified at the Nürnberg War Crimes Trials. The enemy of free speech designated our work a "racial matter", which it is not. We shall fight to defend our rights, though the match - their billion dollar industry as opposed to our 'shoestring' industry - gives food for thought!

US military 'gassed its own defectors',

AP, *The Advertiser*, 9 June 1998

Washington: The United States military used nerve gas to kill Americans who defected during the Vietnam War, Cable News Network and *Time* magazine said in a joint report yesterday.

It is the first confirmation of nerve gas being used by the American military. The so-called Operation Tailwind was approved by the Nixon Administration as well as the Central Intelligence Agency the report said, quoting retired Admiral Thomas Moorer, a Vietnam-era chief of naval operations and chairman of the Joint Chiefs of Staff. Former military officials who participated in the operation said their job was to kill defectors. A companion report on the eight-month investigation in which 200 people were interviewed appeared in the current edition of *Time* magazine, written jointly by a CNN producer and a correspondent.

A platoon leader in the operation, First Lieutenant Robert Van Buskirk, said: "It was pretty well understood that if you came across a defector and could prove it to yourself beyond a reasonable doubt, do it, under any circumstance, kill them. It wasn't about bringing them back." Defence Department spokesman Mr Jim Turner declined to comment yesterday, saying officials had not reviewed the report. The nerve gas used, sarin, was used three years ago in a terrorist subway attack in Japan. Several officers who served in Operation Tailwind told the premier episode of *NewsStand*, CNN & *Time* that the Government liked to call the gas "incapacitating gas" or "knockout gas", but that its true makeup was widely known.