

# Discovering Absurdistan

The Deterioration of Civil Right  
under the Influence of Wartime Propaganda

*By Germar Rudolf*

- What kind of a country is it where a considerable part of the people think, singing their national anthem could be forbidden?
- What country is it where folksingers might be put in jail for singing peaceful songs?
- What kind of a country is it where a mother of five gets a prison term for having sold one CD with peaceful music on it?
- What country is it where a pastor raising his national flag in his church would get kicked out of his parish for being an extremist?
- What country is it where somebody raising his country's flag would be harassed by his neighbors for being an extremist?
- What country is it where a teacher suggesting that all students should sing the national anthem first thing every morning would lose his job for being an extremist?
- What country is it where showing uncompromised flags of its past is considered a threat to "public peace"?
- What country is it where people can get fined for raising an arm to wave their hands at a person?
- What country is it where people can be fined for collecting and displaying full-scale models of historical weapons?
- What country is it where one can be fined or sent to jail for showing symbols and insignia that have been, and still are, used in many cultures for centuries and millennia?
- What country is it where a professor who writes his disbelief about certain historical events in a footnote, written in Latin, in a scholarly anthology can be prosecuted and threatened with jail?
- What country is it where a judge, writing a well-founded, but highly controversial book on historical topics, sees his book confiscated and burned, his pension cut, and his PhD title withdrawn as a result of this?
- What country is it where a highly renowned historian writing a well-founded book of his country's history can be threatened with prosecution because what he found out is not liked by the authorities?
- What country is it where a history teacher is sent to jail for uttering historical dissent in a private letter to a high-profile personality?
- What country is it where a professor criticizing internationalism can be kicked out of his job, harassed, prosecuted and driven into suicide?
- What country is it that sends a historical dissenter to prison for more than two years just because he published peaceful, scholarly historical material?
- What country is it that denigrates, defames and humiliates its war veterans to such a degree that finally one of them burns himself publicly in protest against what he calls a "Niagara flood of lies" against his generation?
- What country is it that outlaws the commemoration of such a self-sacrifices and punishes everybody who dares to publish this man's last appeal?
- What country is it where well-founded, heavily footnoted books on political and historical topics, authored by academics with plenty of credentials, can be confiscated and burned by the authorities?

- What country is it where authors, editors, publishers, printers, wholesalers, retailers, importers and exporters, warehouses, and customers buying more than two copies of a certain medium can be prosecuted for producing, stocking, importing/exporting, distributing dissenting political and historical literature?
- What country is it that hides from its citizens, which media are outlawed, so that one cannot possibly know whether or not one commits a crime when distributing such media?
- What country is it where judges are threatened with prosecution because they did not punish political and historical dissenters harshly enough?
- What country is it that outlaws the introduction of exonerating evidence?
- What country is it that prosecutes defense lawyers if they try to introduce exonerating evidence on behalf of their clients?
- What country is it that does not keep records of what is said and is happening during trial proceedings?
- What country is it that has institutions designed to conduct political trials?
- What country is it that has a huge spy agency designed to snoop on opposition groups?
- What country is it where members of certain political opposition groups considered constitutional can nevertheless be deprived of some of their civil rights?
- What country is it that, according to experts, will be a totalitarian state very soon, if things keep developing as they did so far?
- What country is it where even the mainstream media admit that this country is in a state of hysteria while persecuting political dissidents?
- What country is it where the head of state asks for children to spy on their parents and parents to spy on their children to make sure they do not harbor unwanted political views?
- What country is it where authorities and the public declare publicly to fight everything that is deemed to be politically on the right?
- What country is it where the authorities declare that half of their population deserves to be ostracized for harboring political views?
- What country is it that is proud of conducting more than 10,000 criminal prosecutions against persons for having committed peaceful "thought crimes"?
- What is the country in the world with the second harshest censorship after China?

**What country would that be???**

The correct answer is:

**Germany**

Surprised? If so, read on.

### **Singing Forbidden!**

Germany's national anthem was written in 1848 by Ludwig von Fallersleben, and it is sung to a melody of Joseph Haydn. In contrast to many other national anthems, it has no military, imperialistic or violent content, but restricts itself to a description of Germany, Germans, and their ideals. By a misrepresentation of a section of its first verse, however, certain anti-German forces managed to give it a bad reputation. The first verse reads in translation:

*Germany, Germany above all in the world,  
When it stands together for protection and defense,  
From the Maas until the Memel,  
From the Etsch until the Belt.  
Germany, Germany above all in the world,  
When it stands together for protection and defense,*

This verse is obviously totally defensive, but by omitting the second line, it can be misrepresented as a claim of German superiority, which is contrary to the actual content. The third and fourth lines describe characteristic borderline rivers (Maas, Memel, Etsch) or parts of the Baltic Sea (Belt), which in 1848, when this song was written, were actual geographic, political and/or ethnic borders of Germany. That they are no longer today, is a result of two world wars, after which the victorious powers conquered and annexed huge parts of German territory and partly expelled and killed millions of Germans. Today, singing this verse is often viewed as if territorial claims are being made against Germany's neighbors, though strictly seen it isn't Germany that has territorial claims, but its neighbors, who simply managed to realize their claims with brute force since 1918, killing millions of Germans along the way. Hence, singing this verse should not be seen as an aggressive territorial claim, but as an eternal reminder of the huge illegal losses in territory and human life Germany suffered since the beginning 20<sup>th</sup> century.

The two other verses of the German national anthem are pretty harmless, the second describing what the Germans are proud of (German loyalty, German wine, German singing, and German women), and the third is an appeal to unity, justice and liberty, three ideals that were not given in the politically splintered and often despotic Germany of 1848.

As a result of these historical and territorial problems, the first two verses of this anthem are never sung at official occasions, since the first verse is considered to cause diplomatic trouble with Germany's conquering neighbors and public relation problems with the media. But even singing the third verse or merely playing the melody of Germany's national anthem is everything but common practice in Germany. It is basically restricted to international events in sports and politics, for example when the German national soccer team plays against another team, or when some high foreign official is greeted with his country's anthem, followed by the

melody of the German anthem.

Otherwise, singing the German national anthem is considered to be something for either morons or neo-Nazis in Germany, as a British newspaper observed correctly in 2001.<sup>[1]</sup> In the 1980s, there were still a few public radio stations in Germany that would play the melody of the German anthem at midnight, and once in a while I used to pop up the volume of my radio to maximum, and put it right at my opened window to let all the neighbors and all the students in my dormitory hear it. This was and still is quite a provocation, as most people really think that somebody who does that must be either insane or a Nazi. Consequently, this was one of the reasons why a lecture announcement (about abortion) that I posted on one of those days was nicely embellished with a swastika after just one day.

To understand the degree to which German self-denigration has lead, I had to come to the United States and experience myself - with great surprise and a bit of an uncomfortable feeling - that the first thing the entire school did in the morning was to sing the national anthem as it was broadcasted over the loud speakers. If any teacher or headmaster would even dare to suggest such a practice in Germany, s/he would probably lose his job on the spot for being a right-wing extremist. Not even I, who considers himself to be a patriot, would have thought of letting all students sing the anthem each and every morning. This seems extreme to me, that is to say, right-wing radical. But here in the U.S., it is considered to be just perfectly normal.

Because of the artificial controversy about the first verse of the German national anthem, domestic as well as foreign media are spreading rumors or false news that it is actually illegal in Germany to sing this first verse. This is not true at all. But today, many Germans believe it.<sup>[2]</sup>

What should one think of a country where a considerable percentage of the population believes that it is illegal to sing its national anthem? What should one think of a people, which considers it to be alright that its national anthem is (allegedly) illegal? And what is one to think of a country where considerable parts of the population find it not irritating that songs could possibly be outlawed in the first place?

Unfortunately, things are just as bad in Germany, and even worse. As a matter of fact, many songs are actually outlawed in Germany, most of them because they have a military connotation, others only because they were sung during the third Reich, and others again because they allegedly or actually incited to unfavorable feelings to identifiable groups. As an example, I would like to refer to the case of Frank Rennie, a German folksinger who composes and sings patriotic and nationalistic songs. Rennie is as old as I am. He lives in a small town in southern Germany, only a few miles away from where I once lived. Eventually, I had the chance to meet him, and though his music is not always my style and I also do not agree with all of his political views, we became friends.

In 1986, Frank composed a song in which he describes the terrible experience of Germans who lost their home, their goods, and many of them even their lives during the last war. In a second part of this song, Frank draws parallels with today's Germany, where Germans are supposedly again expelled from their home by a massive immigration of foreigners, in his view forced upon Germany by the then occupying forces (Americans and Russians). The song ends with the following two lines:

*"Americans, Russians, alien people leave -  
finally again masters in our own house."*

Mainly because of these two lines, the song was banned from distribution in Germany in 1996. As a consequence, Frank rewrote the song and simply omitted these two lines. I won't translate the entire song here, but these two lines are really the only ones that could possibly be interpreted as causing some irritations for "alien people" (foreigners). The rest of the song is much milder. Though still expressing discomfort with the presence and activities of aliens, it doesn't ask for their removal.

Because Frank kept distributing this truncated song, he was sentenced to 17 months in prison on probation in early 2003. Frank is a father of five children and has no criminal record. His wife, who was found guilty of having taken ONE order over the phone for one copy of this song, was sentenced to five months on probation. And this is just one case out of many, one that touched me personally.

So what kind of a country is it where folksingers are threatened with prison for their (unpopular) songs, and where mothers are threatened to go to jail for taking just one(!) order for a music CD?[\[3\]](#)



For centuries, Germany had no flag, or at least not a flag accepted to represent the entire nation, since Germany was split in many principalities for most of her history. The first flag that was seen by many Germans to represent the nation was the one adopted from the colors of one of the student fraternities whose members volunteered to fight against Napoleon in 1813: Black, Red, Gold. However, in lack of an all-comprising German nation based upon the will of the people, it was not to be accepted officially by any German monarchy. Only after the demise of the German Kaiserreich after WWI, it was introduced in Germany, but it was not accepted by a considerable part of the nation. For many, the so-called Reichskriegsflagge (Imperial War Flag, see picture) represented a more glorious Germany. This flag was introduced by the Second German Reich, the Kaiser, as a symbol of its Army. Since the Kaiserreich was a confederation, where all membership states, kingdoms and smaller monarchies, had their own symbols, flags, rulers, independent police forces and armies, the Imperial War Flag was a symbol representing the whole, which was accepted by many people. Hence, still today, this flag is a strong symbol of German glory.

The first official flag to be accepted by the huge majority of all Germans was - unfortunately - the

swastika flag used between 1933 and 1945. After WWII, the Black-Red-Gold flag was introduced again, this time to be accepted by all, except for the Austrians who, forced by the victorious powers, had to say goodbye from their German motherland and stay independent.

As with singing their national anthem, the Germans have similar problems with showing their flag, though it is not historically compromised at all. The first time I realized that there is something different with Germany as compared to other countries was during a summer vacation in Switzerland when my mother and we kids visited a Swiss catholic church. The ceiling of that church showed a scene from the New Testament where Jesus rises from his tomb in glory, holding the Swiss flag in his hand. It is incomprehensible to me, why Jesus would hold any flag in his hand, not to mention a Swiss flag, a country that did not even exist 2000 years ago. I considered this a kind of displaced patriotism.

However, having lived in the US for a while, I have realized that in this country, too, having the national flag somewhere hoisted in the church doesn't seem to be anything unusual. However, if any pastor or priest in Germany would suggest to have the German flag displayed anywhere in his church, I assume he would be ousted as a right-wing extremist and, if persisting, would be kicked out of his parish.

Similarly, if a German mayor of any city would suggest to have German flags decorate the city throughout, as it is quite common in the US, particularly after 9/11, he would need to have an extreme patriotism which, if detected while running for office, would prevent him to come into office in the first place, and if exposed only while in office, the media would make such a huge right-wing radical scandal out of this that this mayor certainly would be forced to resign.

It can be a similarly unpleasant experience to try to hoist the German flag in one's front yard, if there is no particular reason to do so. This would be taken as evidence for right-wing extremism by the environment and would lead to a social ostracizing, which can become quite unpleasant. As *The Independent* recently noted correctly, raising the German national flag, like singing her national anthem, is considered to be something for "morons and neo-Nazis".[\[1\]](#)

In the early 1990s, when a wave of patriotism was going through Germany after its reunification, many people dared showing the Reichskriegsflagge again, that is, the imperial war flag of the Kaiser's time. As a reaction to this, the authorities declared it a misdemeanor to show this flag in public.[\[4\]](#) It is that simple in Germany to ban the showing of uncompromised symbols. Just because some media and politicians didn't like it.

Needless to say that showing any flags of the Third Reich is outright illegal in Germany and can be punished with heavy prison terms. A legal practice that was even unheard of during the Third Reich. Similarly, all kinds of symbols used during the Third Reich are illegal to show in Germany. This does not only include the swastika and the SS-Runes, but many other rune symbols and insignia which are identical or only similar to symbols and insignia used during the Third Reich period. Some of these symbols were in use in various cultures of the world for many centuries or even millennia. Showing them in Germany, however, leads to prison terms.[\[5\]](#)

Let us assume somebody collects models of warplanes and tanks, as so many people do. What to do with the German weapons of WWII, which all had certain insignia on them? Displaying such models with the historically correct, but politically incorrect insignia in Germany is a crime. Even if you have such items only in your private collection, if you are so unfortunate to tell your neighbor about this, he might be so mean and denounce you to the authorities, which can lead to a house search, confiscation of the items in question, and a prosecution for displaying illegal symbols. This, too, is an extreme overreaction, which was not even heard of during the Third Reich.

Another topic is the so-called "Hitler salute" (stiff arm salute, originally a Roman salute, as so many

things used by Hitler Germany). It is illegal in Germany and can be punished with fines or imprisonment. However, consider this:

Two friends of mine, who are certainly no Nazis and would never consider using this salute, once visited an ongoing trial against a historical dissenter. The local Jewish community sent one of their representatives to this trial, as it is usually the case during such cases. As my friends approached the courtroom, they saw an acquaintance in the hallway waiting to be admitted as a visitor. My friends greet their acquaintance by briefly lifting an arms and waving at him. The representative of the Jewish community files a criminal complaint against both for having used the "Hitler salute". They are both indicted. The older of my two friends can prove that a) he was not a member of the Nazi party during the war, and b) his right arm is disabled, which proves that he could not possibly have made a stiff right-arm salute. So he gets acquitted. My other friend cannot prove that he was not a Nazi during the war, because he was born after the war, and he also cannot prove that he cannot lift his right arm, since he is healthy. So he gets convicted and needs to pay a hefty fine. Hence, any German encountering anybody lifting his arm to a greeting, and if only for a wave, will experience what I do: a Pavlovian reflex like somebody had given me a high voltage shock. Seeing somebody rising one arm, for what reason so ever, is frightening to Germans. Yes, we Germans are paranoid; we were made paranoid by our society. But this is only the start. Just read on.

### This Book Must Burn...

In 1979, German historian Prof. Dr. Hellmut Diwald published a book simply entitled „German History".<sup>[6]</sup> It covered 2000 years of history, of which an appropriate amount of pages dealt with the Third Reich. When dealing with the concentration camps and the Holocaust, Diwald ended his section about this topic by stating that what really happened during this time is still not really clear, that many questions are still open, and that much more research needs to be done. This sufficed to trigger a storm of outrage both in the media as well as in academia. Eventually, Diwald's publisher changed this statement in a second edition - without asking the author - to the effect that it then expressed horror and outrage about the unimaginable atrocities committed during the Holocaust, an emotional statement which is quite common, but is neither scholarly nor does it solve any of the scientific problems surrounding this event in history.<sup>[7]</sup>

After Prof. Diwald had died in 1993, several prominent German scholars compiled a commemorative anthology for him.<sup>[8]</sup> One of the contributing authors was Dr. Robert Hepp, professor for sociology in Osnabrück. In his contribution, he retold the story of this "Diwald scandal." While so doing, he mentioned in one footnote:<sup>[9]</sup>

*"Sunt apud nos cogitationes liberae in foro interno, constrictae tamen in foro publico. Quoniam in re publica nostra per regem non licet historicum quoddam factum ex officio approbatum ad incertum revocare, in dubio ponere, quin etiam negare, et cum omnis dissensio aperte declarata iudiciis severe puniatur, haereticam opinionem coram publico diligenter dissimulare oportet. Si quis nihilominus pervestigationibus omni studio peractis factum approbatum maxime dubium esse videt et veritatis gratia incorruptam rerum fidem collegas eruditos celare non vult, opinionem suam publicare non potest nisi abscondito modo. Itaque lingua doctorum antiquorum abutens statuo interclericos (quos quod sequitur obsecro, ut vulgus celent): Ego quidem illud iudaeorum gentis excidium, ratione institutum et in 'castris extinctionis' gaso pernicioso methodice peractum, veram fabulam esse nego. Sed documentorum et argumentorum scholae revisionisticae ratione habita haud scio, an hoc verum sit. Dixi quod sentio. Unica cura veritas; neminem in dubitationem inducere, neminem laedere cogito.*



*Sol lucet omnibus, attamen non cuivis laico contingit adire Corinthum.  
Quandoquidem vulgus vult decipi decipiatur!"*

In brief: Prof. Hepp declares here that in Germany everybody is punished who publicly expresses certain dissenting views. If one nevertheless does want to speak out because truth demands it, one has to use certain methods. For this reason, this footnote is in Latin. Next, Prof. Hepp denies that the story about gas chambers used during the genocide of Jews in so-called extermination camps is a true story. He says he has been convinced by scholarly revisionist arguments.

Because of this footnote in Latin language, Prof. Hepp was prosecuted for "Instigating to hatred" and "Incitement of the masses". Since the statute of limitations was already passed, he could not be prosecuted, but the commemorative anthology was subsequently confiscated<sup>[10]</sup> and burned in waste incinerators under the supervision of the German police.<sup>[11]</sup> How a Latin footnote can incite anybody to hatred, not to mention "the masses", remains a riddle. And what kind of a system is it that burns scientific, commemorative anthologies written on behalf of one of the nation's great post-war historians?

A single case? Far is this from being true. In these matters, this is actually the rule in "democratic" Germany. The first and most spectacular burning of a scholarly, heavily footnoted historical book by the German authorities occurred in the early 1980s. Victim was a book written by a retired judge who analyzed the historical and legal foundations of several trials held against defendants, who were accused of having committed crimes in the former concentration camp Auschwitz.<sup>[12]</sup> Since the author openly showed his disagreement with the "official" version of history and came to "wrong" conclusions, the book was confiscated and destroyed. Not enough with that, Stäglich saw his pension cut down, and the University of Göttingen, where Stäglich had made his PhD in 1951, withdraw his PhD title.<sup>[13]</sup> This was done with reference to a law introduced in 1939 by Adolf Hitler.<sup>[14]</sup> The law says that an academic degree can be withheld or revoked if the owner of a title proves to be "academically unworthy." Today's legal understanding in Germany assumes such unworthiness, if the academic credentials have been used to commit a crime leading to a prison term of more than one year.<sup>[15]</sup> Though Dr. Stäglich was not sentenced to anything - he could not be prosecuted because the statute of limitations had expired - the German Federal Constitutional Court nevertheless decided that the University of Göttingen acted perfectly legally.<sup>[16]</sup>

The most rabid reaction of the German authorities so far was doubtlessly caused by an anthology authored by some 15 scholars from various countries. The book critically analyzed various aspects of the Holocaust and came to several quite controversial conclusions.<sup>[17]</sup> Though two well-renowned German mainstream historians testified publicly and in court on behalf of this book, endorsing it as a scholarly book which ought to be protected by the constitutionally guaranteed freedom of science,<sup>[18]</sup> the book was nevertheless confiscated and burned,<sup>[19]</sup> criminal proceedings started against authors, the editor, the publisher, the printer, wholesalers, and retailers.<sup>[20]</sup> After the authorities confiscated the customer list of this book, over 100 house searches were conducted all over Germany at customers, who had bought more than two copies of said work, indicating that they had an "illegal" intention to distribute the work.<sup>[21]</sup> All books found were confiscated and burned. In protest against this rampage, some 1,000 German academics published an "Appeal: Freedom of Expression is Endangered" in various German newspapers<sup>[22]</sup> - to no avail.<sup>[23]</sup>

In another example, another famous German historian barely escaped criminal prosecution for his historically accurate, but politically "incorrect" findings. For decades, Dr. Joachim Hoffmann was a leading scientist at the German government-owned Research Institute for Military History. His field of expertise was Russia, and the German-Russian war 1941-1945 in particular. Just prior to his retirement, he published a thoroughly researched and well-documented book on the way Stalin planned and conducted this war. Hoffmann shows how Stalin planned as early as 1939 to overrun and conquer all of

continental Europe, what extremely cruel method he used to force his soldiers to fight an unwanted war, how he unleashed a reign of terror over not only his own people, but all people that he (re-)conquered during the years 1943-1945. But what enraged many left-wing politicians and media personalities most was the fact that Hoffmann exposed some of the Soviet atrocity propaganda unleashed against Germany exactly as what it was: untrue or exaggerated war-time propaganda. Since Hoffmann also touched upon certain aspects of the "Holocaust" in this context, proving the propaganda origin and untruthfulness of certain aspects, this led to voices calling for Hoffmann's prosecution and the confiscation of his book. Only because the judge responsible to decide whether or not a trial should be held was a personal friend of Dr. Hoffmann, was he left unharmed.[\[24\]](#) He was also told that a prosecution could not be avoided anymore, should he change only one word in his book, because this would renew the statute of limitations.[\[25\]](#)

The sad story of this attempt of censorship is described in the book itself, which I published in English in 2001. A longer, clearer, and more courageous preface attacking the restriction of freedom of speech in Germany was initially written by Prof. Topitsch, an Austrian historian who had published on the German-Russian war himself. But facing an escalating wave of prosecution of historians (see next section), Prof. Topitsch got so scared that only a very brief preface was finally approved by him.[\[26\]](#)

...and so Must This Man!

Prof. Werner Pfeifenberger once taught political science at a fine German university. Then he committed the crime of quoting the German communist Kurt Tucholsky out of context. Tucholsky once wrote that the German bourgeois should be asphyxiated. As dramatic as this sounds, read in context it is not that dramatic anymore. Since Prof. Pfeifenberger had used this and other quotations in an article he wrote juxtaposing nationalism and internationalism, he was massively attacked for being a right-winger. First, Prof. Pfeifenberger temporarily lost his job at the state university where he worked. He fought against this dismissal and won. But in a later case, he lost and was hence removed from his chair and "promoted" to a small university in nowhere-land. Next, certain political and media lobbies demanded that he ought to lose this job as well and that he be prosecuted for his writings. After many years of harassment by his colleagues and students, and after having lost his job, he finally was indeed indicted for allegedly having committed a crime by writing critical comments about internationalistically inclined Communists. On May 13, 2000, when Prof. Pfeifenberger received notice of the initialization of criminal prosecution with the threat of up to five years in prison, he committed suicide.[\[27\]](#)

One may consider this suicide unreasonable, but it was also tragic and went like a shockwave through Germany's conservative and patriotic academia. Prof. Pfeifenberger was considered an Austrian patriot and conservative who had many friends in academia and politics, most of them conservatives and patriots themselves. I myself know quite a few of those academics, and the fear I heard and read expressed in communications, panic stricken fear of facing possible persecution against anything right-wing, conservative, patriotic in Germany and Austria, has stunned and frightened me.

Since the mid 1990s, an exhibition organized by communist propagandists is shown all over Germany, with public approval and support, depicting the activities of the German armed forces during World War II in a one-sided, derogatory way, as a formation of mass-murderers and criminals.[\[28\]](#) Most German WWII veterans, of course, feel heavily offended by this, but they are not listened to anymore. The propaganda-warfare against the Wehrmacht in particular and the German nation in general has become so bad that some elderly people are getting massively upset. A defense against these lies is almost impossible, since any dissent from the official line can lead to ostracizing and in extreme even criminal prosecutions. In 1995, after years of suffering under what he perceived as a "Niagara flood" of lies and distortions poured out about and over him and his generation, Reinhold Elstner, one of the

many surviving German war veterans, wrote a flaring appeal to the German people to stop these lies and distortions. He went to the Munich Feldherrnhalle, poured gasoline over himself and set himself ablaze. He died shortly thereafter.[\[29\]](#)

Again, one might consider such self-sacrifice foolish, but even more foolish was the reaction of the authorities to this: they confiscated Elstner's final appeal and outlawed its publication. They also outlawed any commemorative gathering at the Feldherrnhalle on his behalf, and they seized and destroyed any wreath and flowers that were laid down on Elstner's behalf.

Compare this with the reaction of the communist authorities in Czechoslovakia in 1968 when the Prague student Jan Palach burned himself in protest against the Russian suppression of the "Prague Spring". As Germany suppresses any commemoration of Reinhold Elstner, so did the communist authorities in Czechoslovakia until 1989, when their system finally collapsed.

### Censorship as far as the eye can see

In 1994, I was invited by a small historical society to lecture on some historical research I had done in 1991 and which had been published in 1993. The president of this society is the Fürth high school history teacher Hans-Jürgen Witzsch. After my lecture, this society gave me an award for my research accompanied with a small donation. During later years, I stayed in touch with Mr. Witzsch and learned more about his activities and ongoing research projects, which focus on the post-war Nuremberg trials and other post-war trials. Having analyzed a massive amount of original documents as they are stored in several Nuremberg archives, he had come to well founded conclusions regarding some of those trials which did not go conform with the "officially" held view. Of course, in a democracy, there is no "officially" held view on history, since science is a field where no authority can prescribe any research results or opinions on any topic. But in Germany, things are a bit different when topics are touched which could undermine the reputation or self-proclaimed moral superiority and the justification of existence of certain pressure groups who define themselves primarily by being opposed to anything that did actually or only allegedly happen during the years 1933 through 1945. Hence, anybody daring to revise the black-and-white all-negative historical image of this period of German history, no matter how well founded such revisions may be, will feel the heat of those pressure groups, which mainly consists of anything liberal and left-wing as well as anything Zionist, Jewish, or philo-Semitic. And since almost all relevant social groups in Germany are at once leftist, Zionist, and philo-Semitic, anybody daring to approach the Third Reich history from a "politically incorrect" angle will unavoidably unleash a hurricane of slander, insinuations, ostracizing, persecution, and possibly even prosecution.

Mr. Witzsch did exactly this. As an honest researcher and scholar, he felt obligated to publish his research results despite the fact that the authorities would not like his results. For example, he proved in detail that most foreigners who worked in Germany during the war were not, as widespread media propaganda wants us to believe, forced laborers or even slave laborers, but that they were paid, received social benefits, vacations, decent living quarters, and even enjoyed their own social activities and access to media in their own language. Hence, in most cases, the working and living conditions for those foreigners were probably by far better than the conditions they could ever have enjoyed in their countries of origin which in most cases did neither grant social benefits nor decent working and living conditions. In another work, Witzsch was analyzing the conditions of one of the post-war trials against Oswald Pohl, head of the economic branch of the Third Reich concentration camp system. Witzsch proved the illegality of the court procedures used by the allied victorious powers and that the verdict handed down against Pohl was legally and historically untenable when considering the evidentiary situation.

As a result of these works, Witzsch first got suspended as a high school teacher, and the State of

Bavaria tried to kick him out of this position forever and to reduce his pension.

In the late 1990s, Mr. Witzsch wrote a private letter to a Jewish Professor of history at the University of the German Army at Munich, asking him to intervene and put a stop to the ongoing false historical atrocity propaganda against Germany. In Witzsch's mind, this propaganda would not only harm the German people, but since the inaccuracies of the historical picture spread by media and pressure groups would sooner or later be revealed as distorted, this will, in the long run, also do tremendous harm to the German Jewish community as one of the pressure groups which pushes this propaganda most intensively. In reaction to this private letter, said Jewish professor filed a criminal complaint against Mr. Witzsch for inciting the masses to hatred. In early 2003, Mr. Witzsch was sentenced to three months imprisonment for having written this private letter. After his conviction, Witzsch also lost his position as a teacher, and his pension was considerably cut down.[\[30\]](#)

Another representative example is Udo Walendy, a political scientist who edited a historical series called "Historical Facts" which focused on the history of the two World Wars. Walendy is best described as an old Prussian: stiff, stubborn, sometimes arrogant, and not very diplomatic. He also is a dedicated German nationalist, which made him the target of social and criminal persecution. Many of Walendy's historical writings, most of them featuring right-wing views on Third Reich history, were put on the "Index", a list of publications deemed dangerous for the mental development of young people. Publications listed on this Index may no longer be offered and sold in public; hence they exist only as underground literature.

A particularly tragic-comic case was the attempt of the German authorities to ban Walendy's book "Truth for Germany",[\[31\]](#) in which Walendy tries to dispel the claim that Germany is solely or even mainly responsible for the outbreak of World War II. Walendy sued the German government repeatedly for their censoring his book. Walendy won each case, but after the German government was forced to release the book, they simply put it back on the index the next day, with only a slightly different reason given. Walendy sued again, won again, and this case was developing into a mad-house play. In one of their writings, the German authorities were stupid enough to state that Walendy's book would be well founded, and that his thesis about Germany's lack of guilt for the outbreak of WWII could not be refuted, which, in their eyes, was even more reason to ban the book, since young people, when exposed to such a thesis, must necessarily become mentally disoriented after hearing the opposite claim of Germany's sole responsibility in all media and at the schools for decades. In other words: The German government admitted that Walendy's book was scientifically correct, that all government school books were a bunch of lies, and that the fact that kids, who are learning about the fraudulent nature of their government, might get upset, which would be reason enough - not to change the school books, but to censor Walendy! Eventually, the ban of Walendy's book, which had been imposed for almost 30 years, was lifted by the decision of Germany's Constitutional High Court. In essence, this verdict says that the German government lies to all students (in Germany, almost the entire school system is public), and that it is highly active in illegal censorship.[\[32\]](#)

Of course, such a victory for Walendy could not be left unpunished. As a consequence, the German authorities indicted Walendy for several issues of his historical periodical, where he had critically analyzed certain aspects of National Socialist anti-Jewish politics, in particular regarding the so-called Holocaust. Since Walendy had dissenting views to those prescribed in Germany by its harsh penal law, he was eventually found guilty of inciting the masses etc., and sentenced to 29 months imprisonment.[\[33\]](#)

## The Legal Foundations of German censorship

In German history, censorship unfortunately is more of a rule than an exception. It was introduced by the Catholic Church in the form of the Inquisition. However, it was left to the well-known Austrian

statesman Metternich to perfect the system of suppressing freedom of speech by means of a comprehensive spy and surveillance apparatus introduced in the early 1800s. Neither the German Empire nor the Weimar Republic were particularly soft in their dealings with unwelcome literature,[\[34\]](#) but the worst reputation was doubtless acquired by the Third Reich, which managed, within the twelve years of its existence, to black-list some 10,000 books.[\[35\]](#) While these books were not burned, they did disappear from the shelves of bookstores, to be banned to library archives.

What is not nearly as well known is the fact that it was the Allied "liberators" of Germany who staged the greatest campaign of book destruction that mankind had ever seen. Among the victims of Allied displeasure were 34,645 titles as well as, comprehensively, all school textbooks published between 1933 and 1945; not only were these no longer permitted to be printed and sold after the war - they also had to vanish from the archives of many libraries. In the years from 1946 to 1952, the Soviet Occupation Power published four such lists ("Liste der auszusondernden Literatur", or list of literature to be destroyed) of titles earmarked for destruction. In accordance with the instructions in the censors' introduction to the second and third volumes, the first three of these lists also went into force in the western Occupation Zones.[\[36\]](#)

In modern Germany, things are not quite as arbitrary and rigorous, but censorship is still an intrinsic part of German society.[\[37\]](#) Though the German Basic Law (similar to a constitution) expressively prohibits general censorship, it allows censorship by "general laws." The German Constitutional High Court rule that such "general laws" may not be sweeping in nature and may not prohibit a specific opinion, and may be used only to protect other fundamental human rights, like human dignity. However, the same court ruled that media can be banned from public distribution already if they are "a constant threat" to the mental development of young people.[\[38\]](#)

The German Criminal Code has at its disposal several laws facilitating censorship. One is used to prevent or punish libel (§185), another to prevent the defamation of the memory of dead persons (§189). Both activities are considered to be an attack on the fundamental right or human dignity. Two other German penal laws are used to prevent or punish the "stirring up of the people" (§130) and the "incitement to hatred" (§131), offenses which are considered to be an attack on human dignity and/or on public peace.[\[39\]](#) Though German courts originally ruled that an attack on human dignity (libel, defamation of the dead, incitement to hatred) is committed only by the use of insulting/denigrating words, legal practice has shifted the border line from which onward a crime is committed more and more from insult to justified criticism.

Also, the question of when "public peace" might be threatened is handled more and more arbitrarily. There has never been a need that "public peace" was actually disturbed (for example by demonstrations and riots caused by a certain publication). It suffices that some authorities think that if a certain dissenting view would be widespread in Germany and would be accepted by a certain portion of society as being true, than a scenario could be thought of where certain unpeaceful activities could occur. This construction, of course, can be applied to almost all views dissenting with the views held by the current authorities, and is thus the perfect tool to suppress any real and fundamental opposition.[\[40\]](#)

Following this changing practice, the German penal law was revised in autumn 1994 to reflect these changes. The revised law now includes regulations, which expressively criminalizes dissenting historical views of certain aspects of German history (primarily about National Socialist persecution of minorities), and additionally in a certain sense anything, which could be considered a "politically incorrect", yet perhaps justified criticism of population subgroups of potentially any definition - though only those subgroups will find protection from insult and criticism under this law which are considered "politically correct" (foreigners, Jews, homosexuals, but *not* Germans, German veterans, patriots, right-wingers, etc.).



In this regard the foremost German criminal law commentary observes that this amendment means that practically any kind of criticism of population subgroups - however they are defined - can become a criminal offense, since the legal right that is supposed to be protected (the anti-discrimination rule) and the feature it is supposed to protect (public peace) are rendered too general and vague in this law.

Also, the outlawing of dissenting historical views about a narrowly defined historical event is precisely the scenario, which the German Federal Constitutional Court has ruled out years ago (but is ignoring today): this law criminalizes a specific opinion about one detail of the history of only one single, past regime. From this perspective alone, this "hastily passed and unthought-out", [\[41\]](#) "special law against freedom of speech" [\[42\]](#) would seem to be unconstitutional, and it has been criticized commensurately in German legal subject literature, where it is described as being, in effect, "an attack on the intellectual freedom of dissidents" [\[43\]](#) and "virtually the classic example of a norm [...] directed against a specific opinion." [\[42\]](#)

*"The legitimacy of this regulation is dubious at the very least. One can already question whether a [opinion considered by the authorities to be a] lie is a criminal wrong at all; one must question whether the mere denial[, correction, or refutation] of [what the authorities consider to be] a historical fact, in the absence of any characteristics of agitation, may be described and dealt with as incitement of the people, of all things." [\[44\]](#)*

The concept of "denying" something, which the authorities deem true, is a new element in German criminal law and poses problems, which it seems quite impossible for criminal procedure to solve, except with the means of political show trials, where nothing else is accused than one's "wrong" historical views. In order for denial to objectively constitute a criminal offense, it must be done deliberately; that is, the "denier" must know that he is not telling the truth and the Judge must prove this knowledge, which in and of itself is already virtually impossible. But in order to be able to also punish (especially) the so-called "criminals of belief" who are convinced that they are telling the truth, in particular when the accused are academic experts with dare trying to prove in public and in the courts in a scholarly way that they are right, the German judiciary has concocted an entirely new definition of "intent": [\[45\]](#)

*"In this case, intent can only be the knowledge that one's conviction puts one into conflict with that which 'general opinion' indisputably regards as a historical fact. Admittedly, in a state under the rule of law this places a system of criminal law based on guilt squarely at the crossroads [between a state under the rule of law and a tyranny]."*

The new law also permits preventive censorship, as it were, by providing for the confiscation of publications or other data carriers considered to be inciting or posing a potential threat to "public peace", which are allegedly "intended for" distribution. The judiciary holds that the intent to distribute prohibited publications exists if a person has in his or her possession more than one single copy of a data carrier.

That this new German law cannot be reconciled with international human rights standards - this was also thoroughly demonstrated by a PhD thesis analyzing this problem [\[46\]](#) - is a fact openly acknowledged by Germany's leading politicians, but it is excused by virtue of the country's particular history. The flawed logic goes something like this: [\[47\]](#)

*In order to prevent the reoccurrence of book-burning and the persecution of minorities, we must burn certain books and persecute certain minorities.*

## Banning Books

The first step in the process of German censorship is the black-listing or "indexing" of, for example, a book or pamphlet. This indexing is done by the Federal Review Office for Youth-Endangering Media

(Bundesprüfstelle für jugendgefährdende Medien, BPjM), which can decide without any court or government order which media is to be indexed. This indexing means that the black-listed work may no longer be advertised and that it may not be sold or otherwise made available to persons under 18 years of age. In practical terms this means that the work ceases to exist for the public, as one can then legally learn of its existence only by private means - or, alternately, via the list of indexed works which the BPjM regularly publishes in its Report. By now this list includes thousands of printed, audio and audio-visual works.[\[48\]](#)

While the BPjM was initially created primarily to protect German youth from pornography and the glorification of violence, it has increasingly also engaged in the battle against politically or historically unpopular literature. As early as 1990 Eckhard Jesse, who is today a Professor of Sociology in Chemnitz, criticized that the BPjM had in many ways turned out to be a gateway for a one-sided fight against everything, which is deemed to be on the right of the political spectrum.[\[49\]](#) According to Jesse, the censorship measures of the BPjM are "difficult to reconcile with the principles of a liberal society [...], because, on principle, in an open society the printed and spoken word may not be stifled."[\[50\]](#)

While Jesse regrets that the printed word is being stifled in our society, he considers it a comforting thought that these black-listing decisions were published in those years, thus allowing the public to review them.[\[51\]](#) However, in 2002, the German Law for the Protection of the Youth was changed to the effect that from now on, media, which are considered to be a serious threat to the youth, will be listed in a non-public list.[\[52\]](#) Affected by this new rule are mainly political and historical works which breach penal laws like "incitement to hatred" and "stirring up the people". The public can now no longer learn which media are outlawed and which are not. Hence, one of the most important rule of a state under the rule of law, that its legal decisions and laws must be made public so that all citizens can learn about them and hence abide by them, is breached: The German authorities keep their decisions secret, and the German citizen who distributes banned media will run afoul with the law without having had any chance to prevent this. This is a first class example of a totalitarian law.

## Book Burning by the Government

The second stage of German censorship is the so-called confiscation (or seize-and-destroy) stage. This stage is hardly known by the public, and even Professor E. Jesse, whom we quoted earlier, seems either not to be aware of it or to ignore it. The confiscation of a publication takes place on the order of a court. What happens to the confiscated copies of such a publication is not quite clear, but it probably varies with the police station in charge. One publisher who is quite frequently the target of such book confiscations reported that he had been told that the books are burned under police supervision, and this was also confirmed by various mainstream media reports.[\[53\]](#) This seems logical, since dangerous books are, in the eyes of the German authorities, to be treated like drugs: they poison our minds and turn us into defunct members of the society. Hence the weapon of the crime - drug or book - must be destroyed by fire (or for the book the shredder, as an alternative).

According to information from the German Federal Government, and unlike for indexed works, there is no office or authority which publishes an even remotely complete list of confiscated books;[\[54\]](#) similarly, the confiscation orders issued by the courts are not published anywhere. According to a hardly known administrative rule of the German police, every court that orders or revokes the confiscation of a medium is required to communicate its decision to the German Federal Bureau of Investigation (Bundeskriminalamt), which therefore ought to have a complete and current list, particularly as it serves the courts as information central regarding confiscation orders already issued.[\[55\]](#) However, inquiries to receive a copy of this list are never answered by this German FBI, a behavior in concordance with the secrecy the above mentioned list of "dangerous" banned media.[\[56\]](#)

So here as well, the public is left completely in the dark about which media are confiscated and which are not. Should a person dare to import, export, stock, reprint, distribute, or sell such a confiscated media, he will find himself in front of a judge charged with thought crimes.

Although pornographic or pro-violent publications are also affected by confiscations, which will find approval by most people, and justly so in most cases, these media are not a particular focus here, since the destruction of political or historical publications is a much more explosive issue from a human-rights point of view.

Whereas no author, printer, wholesaler, retailer or multi-copy purchaser can be punished for having distributed a banned book *prior* to its banning, all of these individuals can be, and usually are, prosecuted for such activities even if these activities occurred *prior* to the actual court decision which declared the confiscation of such media a legal fact. According to German law, a medium that will eventually be confiscated is illegal not by its declaration of illegality by a court, but by its content. Subsequently, already the bringing into existence of such a medium is a crime, even if the authorities did not yet know of this medium at the time when it was produced. Hence, authors, translators, editors, publishers, printers, warehouse owners, wholesalers, retailers, and customers who bought more than one copy of such media - indicating an intention of distribution - are all subject to criminal prosecution even if their activities took place prior to any court decision.

In reply to an inquiry the Ministry of Justice of the Federal Land of Baden-Württemberg has stated that in the time between the end of 1994 and mid-1996, in Baden-Württemberg alone, there were 32 cases of preliminary proceedings being instituted against private individuals for their multiple purchases of confiscated books of political and/or historical nature.<sup>[57]</sup> Extrapolated to cover all of Germany, this figure indicates some 250 to 300 such criminal cases. Exactly how many persons have been punished in recent years for their will to produce and/or disseminate media which were confiscated afterwards is not known; the aforementioned figure of several hundred preliminary proceedings, however, would indicate that the number is substantial.

Most people prosecuted under these censorship laws adhere to more or less right-wing views, starting from simply conservatives and patriots via nationalists to fascists and National Socialist. However, it does not really matter what one thinks of the views advocated by this group of persons. The fact is that the human right to freedom of speech must be indivisible, as Professor R. Dworkin stated it in an issue of the British periodical "Index on Censorship" that addressed the German wave of censorship.<sup>[58]</sup> Not a single one of the cases described here involved any calls to violence, instructions for violent acts, or trivializations of violence - at most, violence is disputed for certain historical events, or portrayed as less than generally usual in other accounts. Hence, the harshness with which the German judiciary proceeds against these dissidents is incomprehensible and unjustified.

If the cases described herein affected any other persons or groups, such as Jews, homosexuals, women, left-wingers, there would be a worldwide outcry in the press, denouncing such human rights violations. But since the victims are after all only the "right" ones, the matter is ignored and hushed up. But from an objective perspective there is no difference between, for example, Communists and Jehovah's Witnesses being imprisoned in the Third Reich for their beliefs, and right-wingers and historians skeptical about certain aspects of Holocaust history being thrown behind bars in the Federal Republic of Germany today for the sake of their publications. Human rights remain human rights. They go for leftist radicals just as much as for right-wing radicals.

It seems that Germany's tradition of free speech is rather underdeveloped. In light of her history, the only correct position for Germany to take would doubtlessly be to strictly and impartially grant human rights for everyone - and **not** to simply deny those human rights to the other side of the political spectrum, as it happens right now. Obviously, where human rights are concerned, Germany is caught in



a historical vicious circle, or, to use a different metaphor: the pendulum is swinging wildly from one extreme to the other. It is high time that it came to rest in the middle.

## Denunciation, Wire-Tapping, Mind-Control

One of the Allied conditions for establishing the Federal Republic of Germany was the creation of a "Federal Bureau for Protection of the Constitution." This Orwellian device's name was chosen in order not to give German citizens the impression that they were exposed to governmental snooping, which was of course the mission of the Bureau, and as such it was just a kind of successor of the infamous Gestapo, the Secret State Police of the Third Reich. From this bureau subsequently evolved, within the Interior Ministry, the Department for Protection of the Constitution.

Recently, Claus Nordbruch exhaustively documented the scandalous jurisdictional expansion of this domestic spy service.<sup>[59]</sup> Although this Department possesses no police or legal resources, it nevertheless wields tremendous power. If an individual or organization is mentioned in one of its "Constitutional Protection" reports, it is the social equivalent of a death sentence. The person or institution targeted is ostracized and shunned like a leper, often fired from his job and denied right of appeal before the employment courts.

The role of the victorious allies is evident also in the first disfranchisement of a political party, which occurred early in the 1950s. In those days the newly organized German Reich Party, which was very popular among former soldiers and the patriotically inclined, was enjoying rapid growth and electoral successes. The leading personality and draft horse of the new party was Major General Otto Ernst Remer. Because of his success he was visited by an Allied delegation. They issued him an alternative: either quit the Reich Party or else the Allies would ban it. Remer refused to knuckle under and the party was banned. For the sake of appearances the KPD (Communist Party of Germany) was also banned, but it promptly re-emerged as the DKP (German Communist Party.)

The introduction of the Emergency Decrees ("Notstandsgesetze"), which occurred toward the end of the sixties, was a decisive step toward gutting constitutional rights. These laws were intended to enable the government to restrict civil rights in case of a severe conflict with the Soviet Union. Before the Emergency Decrees were introduced, it was legally impossible for the government to restrict individual rights. It has now become commonplace.

## Süddeutsche Zeitung

(Germany's biggest newspaper, left-wing)

30.9.98

*»According to a French study, there are currently more political prisoners in Germany than in the [communist] German Democratic Republic in the year before its collapse. However, these politically motivated offenders, who were sentenced for inciting the people, denying the Holocaust, and continuation of banned organizations, are not perceived as political prisoners in this country, [...]. These are mainly young people who thus turn into martyrs of the national resurrection of Germany.«*

*Horst Mahler*

Controversy over the Emergency Decrees also gave impetus to the student revolts of the late 1960s, which occurred at the end of the sixties. With good reason, the students feared that the decrees would open the door to despotism, which they mistakenly believed would be "fascistic" in nature.

When the emergency decrees were finally accepted under the Grand Coalition of Christian Liberals and socialist at the end of the sixties, the "extraparliamentary opposition" ("*Außerparlamentarische Opposition*", APO) was organized, which challenged the accumulation of power within the established parties through struggles in the street. Out of this APO developed the terrorist movement of the seventies, which gave the government a pretext for restricting human rights still further. It became permissible to search domiciles, tap telephones and open mail, even without official court permission, provided the intent was to head off "development of a potentially dangerous situation." ("Gefahr im Verzug")

With the expansion of organized criminality in the eighties, basic human rights (inviolability of the home, and privacy of mail and telephone) were weakened still further. Now came another striking innovation: such measures could be applied without judicial permission, under the simple pretext of "Suspicion [sic] of potential danger." This is commonly called "Salami tactics."

No one seems interested in the fact that combating organized crime is not caused by inadequate legislation, but rather by lack of support for the police and lack of will on the part of politicians, who are frequently involved in organized crime. The period around 1980 also saw the first flowering of Holocaust revisionism. The government responded to this challenge with another streamlining of its procedure for prosecuting thought crime. It raised such violations to the level of crimes that are to be prosecuted automatically, i.e., they do no longer be initiated by complaints by anybody.

Since Germany's reunification in 1989/90, a flood of patriotism and patriotic organizations has been sweeping across Germany. International power brokers were then exerting tremendous pressure upon Germany to repress the patriotic movement. During this time, several xenophobic attacks against foreigners occurred, some of which may well have been engineered. The German government has certainly exploited all these attacks in order to create the specter of a "brown threat," a resurgence of fascism. As a result of this, on December 1, 1994, Germany's Penal Code was changed on an unprecedented scale. Freedom of opinion regarding German social taboos such as foreigners, multi-culture, Jews, Holocaust and the Third Reich has been banned altogether.

The government's most recent step toward total surveillance occurred at the end of the nineties. This was the so-called "Great Spying Assault" ("*Großer Lauschangriff*"), which legalizes constant residential surveillance with microphones and cameras under certain circumstances. Simultaneously, the German judiciary launched prosecutions of foreigners as well as German nationals for disseminating "contraband" documents over the Internet.

In Germany at present, all the following are treated as illegal items or activities:

- Anything which might be construed as a threat to "public peace" can be prohibited at the discretion of a prosecutor or judge.
- All symbols, gestures, songs, speeches, and poems, which directly or indirectly suggest anything associated with the Third Reich are prohibited.
- Criticism of "multicultural" society and immigration policy can be construed as an illegal act.
- It is unlawful to publicly voice dissenting research results about the circumstances surrounding National Socialist crimes, whether actual or alleged. Every critical researcher who investigates the Third Reich works under the threat of persecution and suppression.
- The punishment meted out for "inciting to hatred" can be up to five years in prison.

- Even criticism of established parties, government and its representatives can be prosecuted as an offense (denigration of symbols and representatives of the state).
- As a result, thousands of books have been burned, tens of thousands of German citizens punished for thought crimes, hundreds of citizens thrown into prison, and numerous opposition parties and other organizations outlawed. Other parties and political groupings are severely restricted in their constitutionally guaranteed rights. They are subjected to social and criminal punishment, if they openly oppose or expose the conditions mentioned above. The formation of a parliamentary or extra-parliamentary opposition to these conditions has thus been made legally impossible.
- If one criticizes despotic measures, one makes oneself liable for prosecution on grounds of maligning the government, its representatives and symbols. The government has hermetically sealed itself off from all criticism and possibility of reform.

In view of such conditions it is not surprising that political scientists, sociologists, and historians no longer dare to call things by their real names. They are afraid of being hauled before the German "State Protection Police" and the courts' "State Protection Chambers" and sentenced to severe punishment over more or less trivial expressions of political opinion.

In all the years I have been associated with representatives of German intellectual life, I have been hearing formulaic expressions such as "Freedom is in peril" and "Are our opinions really free?" It has now become clear that freedom is not "endangered" - it no longer exists. Likewise there is no longer any question about whether one's thoughts are still free. Given the present climate of anxiety in Germany's society, media and government, many citizens are actually afraid to express their opinions. More and more often one hears it said: "You can't even think that!" People are afraid to openly discuss conditions in Germany because they could suffer serious consequences if they did.

Prof. Gottfried Dietze, Emeritus of Johns Hopkins University, responded to my request to comment from the unassailable position of retired emeritus in a foreign country. His response was discouraging: the world has already dragged Germany through the mud so badly that he chooses not to make the situation even worse with negative comments about present day conditions in his beloved fatherland. What a heartbreaking observation![\[60\]](#)

There is a little German witticism going around that illustrates the difference between the former DDR and the present government. Today's Germany does the opposite of what the DDR used to do: it keeps its citizens fat and politically impotent and takes away their hope of escape by incorporating all German territory and pressing its neighbors to act as she wishes, and so she has no further need of walls and self-firing robot guns at the borders.

In 1994, Germany had a president named Richard von Weizsäcker who publicly called upon children to spy upon their parents and vice versa in order to denounce them should they harbor right-wing views. In the meantime, Germany even has a toll-free number where German citizens can denounce their co-citizens in case they harbor unwanted right-wing views: 011-49-1805-234566. Only totalitarian states can sink this low.

On January 19, 1993, Mr. E. Mußmann, Professor of Police Law at the Ludwigsburg Academy for Public Administration, delivered a lecture to the German Catholic Student Organization *Nordgau Prag* in Stuttgart, entitled "How the Police Change with the Times." In this lecture he criticized the relentless undermining of constitutional rights and the expanding power of the police apparatus. Prof. Mußmann remarked that, if these trends were not reversed, he would not want to live in Germany in forty years, because it would have become a police state with pronounced Orwellian tendencies. Prof. Mußmann was mistaken. It took only ten years.

Today, the leaders of the 1968 student revolt have become Germany's political leaders - almost all of them radical socialists, Communists, Marxists, Spartacists, or even supporters of Red Army terrorists, like Trittin (Minister for Ecology), Schröder (Federal Chancellor), Fischer (Minister for Foreign Affairs), Schilly (Minister for Internal Affairs) -, and the persecution they unleash against the German people has no parallel in German post-war history. Factually, Germany has turned into a left-wing extremists state, closer to the former communist East Germany than to the U.S.

In such an atmosphere, everybody visiting Germany should be aware that telling the wrong kind of jokes with the wrong kind of audience - and if it is only the guy on the table next to you in the restaurant who doesn't like your joke - might be a free ticket to a German jail, because making jokes about certain minorities (Jews, Turks, homosexuals, gypsies...) might be interpreted as "Incitement to hatred." So you better watch your back when visiting Germany!

### A Legal System Bound to go Berserk

One certain law of the German criminal rules of procedure enables German judges to disallow evidence or testimony if the point to be proven is considered by the legal system to be common knowledge. The purpose of this law is to create obstacles to a possible defense tactic of prolonging the trial, or making it more expensive for the authorities.[\[61\]](#)

**Currently, it is the moral terror of  
political correctness, which turns  
free speech into a neck-breaking  
risk.**

*Martin Walser, famous German writer*

There is, however, one topic where the German legal system misinterprets this rule, and that is in connection with historical events of the Third Reich period, with criticism of the Jewish religion, or with criticism against multiculturalism or mass-immigration. If anybody publicly utters beliefs that are not in accordance with the officially decreed truth, s/he might find her/himself in front of a judge, not able to present any evidence that would possibly substantiate her/his views. The reason is that according to present day German legal practice, certain aspects of Third Reich history are considered to be proven facts, and criticizing victims of the Third Reich - Jews, foreigners, any minority in general - is considered a crime, whether the criticism is justified or not. Regarding criticism of such groups, truth is no defense. What matters is the impact a dissenting view could possibly have if a majority in Germany agreed with it. Therefore, defendants holding such dissenting views have no right to prove their point. The public prosecutor does not have to prove s/he is right, since the judges decree "common knowledge" of the fact that the public prosecutor is always right, and the defendant has no right to introduce evidence, since the judges decree "common knowledge" of the fact that the defendant is always wrong.[\[62\]](#) Trying to prove his point nevertheless only results in more severe punishment, since it proves that the defendant is willing to repeat his crime of dissent in front of the court and is not willing to submit.

It has been ruled that "common knowledge" can be abandoned if there is evidence which is new and/or superior to any other evidence ever produced in a German court of law, or if there is noticeable public dissent.[\[63\]](#) However, all attempts of lawyers to introduce new, superior evidence or evidence proving

that there is noticeable public dissent have been dismissed due to - guess what - "common knowledge" that the defendant is wrong. In perversion of every proper legal system, historical and forensic experts who prepared evidence far superior to any other evidence ever produced have always been rejected - due to "common knowledge that they are wrong" - and also been subjected to prosecution and sentenced, without having a chance to even introduce their own evidence - due to "common knowledge that they are wrong".[\[64\]](#)

Public personalities who dare to start creating "noticeable public dissent" are also prosecuted without having a chance to present their own public activity as "noticeable public dissent", because it is "common knowledge that they are wrong".

Most recently, the German Federal Supreme Court has even decided that any defence lawyer, who dares to present or ask for the introduction of evidence challenging the officially decreed historical truth of the Third Reich, has to be prosecuted and sentenced for collaborating with the defendant in harboring and spreading his dissenting views, hence "incitement of the masses" and "stirring up the people".[\[65\]](#) That is exactly the same state as the medieval witch trials had been in, where lawyers trying to prove that there is no devil or no witchcraft were prosecuted themselves for collaborating with the devil and the witches.

To peak this all, in 1994, German judge Rainer Orlet who, in the opinion of the media and many politicians, did not punish a historical dissenter and leader of a nationalistic opposition group harshly enough and even showed some sympathy with the sympathetic, thus far law-abiding defendant, was threatened with prosecution and finally had to resign. All the right-wing defendant had done was to translate a speech by an American who expressed dissenting, but peaceful views on Third Reich history. This case made it clear to all judges in Germany that they better punish all dissenters on certain historical topics without mercy, or they might find themselves persecuted.[\[66\]](#)

**More and more, I get the  
impression that one now lives in  
an Orwellian-like State in  
Germany**

*Hiltrud Schröder, former wife of  
German Federal Chancellor  
Gerhard Schröder*

The organizational framework of the German legal system is somewhat awkward as well. For example, as I experienced myself while active as an expert in several court cases, German prosecutors as well as judges in conference with defense lawyers openly admit that trials against political and historical dissenters are political trials whose outcomes are predetermined from the beginning by order from higher up, as I had to experience myself while I was summoned to testify as an expert witness. Thus it happened that a prosecutor of the court in Bielefeld let slip the following "lapsus linguae" in a conference with Attorney H. Herrmann during court recess:

*"Counsel, it is obvious that you have prepared yourself extremely well for this case, and I obviously can not compete with your expertise. In this trial I am merely substituting for my colleague who normally handles political cases."*

This was by no means an exceptional case. To Munich Attorney Klaus Göbel, who

frequently represented revisionist defendants during the early 1990s, a judge in the evidentiary phase of a trial expressed himself quite candidly, as follows:

*"Surely you do not think your expert witness will be admitted. Surely you know that this court has a political mission. Our mission demands that without exception those who express doubt about certain aspects of Third Reich history must be brought to trial and convicted. You will never be allowed to present your evidence."*

Attorney Göbel shared this with me on July 22, 1992, during the preliminary proceedings of the trial for which I was to be summoned as an expert witness. He did this in order to make it clear to me that our tactic of "considered, innovative, up-to-date evidence" in order to break the "common knowledge" could not prevail. German courts are charged with suppressing all exculpatory evidence in such trials, and to disqualify expert witnesses without a hearing.

Toward the end of 1992, I accidentally learned about the existence of a certain "Department of State Protection" of the District Criminal Court of Baden-Württemberg. I was so flabbergasted to see a title with such an obvious political program that I investigated. It turned out that there really exists such State Protection Departments in Germany's police headquarters, whose mission consists of prosecuting crimes, which could threaten the existence of the Federal Republic and/or the "basic principles of freedom and democracy." Evidently, in the eyes of the criminal police, harboring certain dissenting political and historical views represents just such a threat. The State Protection Department is divided into three units: Rightwing Extremism, Leftwing Extremism, and Political Extremism by Foreigners.

[\[66\]](#)

One would assume that the bureaucrats in their respective units have been instructed in these respective ideologies so that they will be able to recognize their particular brand of "extremism", be able to combat it, and avoid falling victim to it. A conversation with one of these bureaucrats showed me just how thorough his instruction had been. One certainly cannot accuse these people of ignorance, and most particularly not of ideological insensitivity!

In the fall of 1994, I learned that even the German courts of laws have their political section, doing nothing else but prosecuting crimes with a political background, or crimes consisting of nothing else but expressing "illegal," dissident political or historical views. They are internally referred to as "Chambers of State Protection."

Nothing of this is actually kept secret in Germany, yet the average citizen has no idea of how deeply the principle of politicized judiciary has taken root in the German criminal justice system, penetrating even into organizational structure. As far as the public is concerned, there has been a complete news blackout on the subject. Nobody asks if there could or should possibly be such things as State Protection Departments in a state under the rule of law, specialized Courts of State Protection and political trials in a system which, after all, pretends to be a liberal democracy.

To make matters worse, the German criminal rules of procedure are awkward as well, to say the least. Every TV viewer is familiar with court procedures as they are common in most countries. While a trial is under way, the court secretaries are sitting at a stenographic table and are industriously typing away creating an official court record. Today, much of this work is done by automatic voice recognition. That is the way it is done in the USA, England, Austria, and even in German civil trials.

But not in German criminal trials! Here, no court record is kept!!! This is extremely ominous, since afterwards it cannot be pointed out just what the judge, prosecutor, defendant, defense attorney, or witness has said.[\[66\]](#) This opens the door very wide for lies and errors on the part of the judge. As a matter of fact, there is absolutely no excuse for German criminal courts' not keeping a court record,



considering the state of modern stenographic technology. The absence of such a record invites for all kinds of judicial misconduct, which, as I may add, does occur especially frequent in the political trials discussed here. Not even the best judge remembers everything that was said during his trial, but even if discrepancies resulting from such errors could be remedied, there would still remain the worst evil of all: That is the very existence of a political judiciary, which is bound to find a way to convict whomever it targets.

## How it all evolved

The avalanche of persecution described here is mainly directed against anything on the right side of the political spectrum. To understand this, one must look back into the early history of post-war Germany. After their conquest of Germany, the allied powers instituted a rigorous policy to uproot and destroy any German nationalism, militarism and historical pride.<sup>[67]</sup> To achieve this, they introduced several measures:

- A system of media licensing guaranteed that only left-wing oriented media could be established during the first ten years after the war. These media do still dominate the German media market. Basically, no noticeable patriotic, right-wing media do exist.
- All German academics who were deemed right-wing lost there positions and were replaced with left-wingers. The most important positions in the humanities at the most important German universities were occupied with dedicated anti-German, left-wing radical (Marxist) individuals.
- No right-wing political party was allowed to establish itself. The only one that had initial success (Deutsche Reichspartei) was outlawed by the Allies.
- A program of re-education was introduced which turned German history into a horror cabinet, with the intention to break German pride and self-confidence.



### Staatsanwaltschaft Chemnitz

Staatsanwaltschaft Chemnitz  
Annaberger Straße 79, 09120 Chemnitz

Herrn  
Alexander Kleber

Chemnitz, den 27. Oktober 2000

Telefon: 0371/453-4414  
Bearbeiter: Herr SIA a GL Zöllner / leu  
Aktenzeichen: [REDACTED]  
(Bitte bei Antwort angeben)

Ermittlungsverfahren gegen [REDACTED]  
wegen Beleidigung

Strafanzeige vom 30.05.2000

Sehr geehrter Herr Kleber,

das Ermittlungsverfahren habe ich mit Verfügung vom 25.10.2000  
gemäß § 170 Abs. 2 Strafprozeßordnung eingestellt.

#### Gründe:

Dem Beschuldigten wurde vorgeworfen, den Anzeigenerstatter in  
einem Artikel der Zeitung "Freibärger", Ausgabe Mai 2000 als  
Neonazi bezeichnet und so beleidigt zu haben. Desweiteren sei  
ohne Erlaubnis ein Bild des Anzeigenerstatters veröffentlicht  
worden.

Eine strafbare Beleidigung im Sinne von § 185 StGB liegt nicht  
vor, der Beschuldigte hat die Grenzen der Pressefreiheit nicht  
überschritten. Maßgebend bei der Beurteilung der Frage, ob die  
Bezeichnung als Neonazi eine Beleidigung darstellt, ist, wie  
ein unbefangener verständiger Durchschnittsleser die Äußerung  
versteht. Entscheidend ist damit der objektive Sinngehalt (Er-  
klärungsinhalt), nicht also, was der Beschuldigte zum Ausdruck  
bringen wollte oder was der Anzeigenerstatter als Betroffener  
darunter versteht, sondern was mit dem Begriff Neonazi zum  
Ausdruck gebracht wurde. Gerade vor dem Hintergrund der aktuell  
häufig in der Öffentlichkeit diskutierten "rechten Gewalt" wird  
der Begriff Neonazi als Sammelbegriff für sämtliche Personen,  
die in irgendeiner Art und Weise dem politisch rechten Spektrum  
zuzurechnen sind, verwendet, ohne dass dabei hinsichtlich einer  
Gruppenzugehörigkeit innerhalb des rechten Spektrums differen-  
ziert wird. Die hier verwendete Bezeichnung stellt also keine  
Beleidigung dar, sondern ordnet den Anzeigenerstatter lediglich

After some 50 years, the allied post-war re-education program showed full success. Today, German society is lead by personalities who are filled with contempt for anything patriotic, right-wing, conservative, and who view German history mainly under the perspective of the (often exaggerated and distorted) events of the Third Reich. To quote *The Independent* once more: German individuals who dare to declare that they are proud to be a citizen of their country are called neo-Nazis and Skinheads in Germany, even if they are mainstream politicians. For comparison: An American individual who would declare that he is *not* proud of his country would never be elected into any US office. In Germany, the opposite is true: A person who would declare that he *is* proud of his country would never be elected into any office.

In the meantime, the word "Rechts" - right-wing - has become synonymous with evil in Germany. Virtually everybody - political parties, religious groups, commercial associations, social entities, the media and corporations... - is joining in the fight against "right." Note: this is not a fight against radicalism, extremisms, fascism, or neo-Nazism, but against everything deemed to be "right".

Government agencies spread brochures entitled "Laws against right",[\[68\]](#) showing how everybody can help to fight anything deemed to be politically right. The situation has become so hysterical that in late 2000, Germany's leading, left-wing political magazine *Der Spiegel* justly headlined that Germany would be in a hysteria against right, caused mainly by a media paranoia that falsely (!) suspected a right-wing conspiracy behind almost each and every crime that had shattered Germany during that year.  
[\[69\]](#)

The climax was reached in 2001, when a German public prosecutor rejected the criminal complaint of a conservative activist who had been slandered as a Nazi by certain media. As a reason not to allow this complaint, this prosecutor stated that the German public would consider everybody on the political right to be a Nazi, whether they are conservatives, patriots, right-wingers, radicals, extremists, fascists, or National Socialist. Since "Nazi" had become a collective term for everything on the right, nobody could be insulted by such a designation as long as he indeed belongs to any group considered to be right-wing in any regard. That means that everybody who is politically on the right is a Nazi by definition of the German authorities. And since obviously one half of the population is right of the middle and the other half left of it, 50% of all Germans are by public definition Nazis.

Nowadays, one is tempted to support the repression of neo-Nazis, who are depicted in the media as intolerant, racist, anti-Semitic, brutal, and disgusting. However, one should consider this: whoever blithely agrees that Nazis ought to be prosecuted solely on account of their dissenting political views, should not complain if tomorrow he finds himself slandered as a Nazi and persecuted only because a neighbor denounces him for waving a national flag or singing the national anthem. Because that is exactly what is happening in Germany: Those who express plain normal patriotic feelings, as it is quite common and considered normal in the U.S., are considered to be Nazis in Germany - so far to the left has the political spectrum drifted there. Everybody has the duty to protest the persecution of unconventional thinkers. This is true not only if persecution comes from a dictatorship, but also if it emanates from a state that claims to be a constitutional democracy!

To give another example of the mental conditions of Germans, I want to tell a story of my own making, using true data I had learned about in 1989. During a business management course in 1994, I once had to hold a spontaneous lecture about anything. I walked to the overhead projector and began:



*"I want to present to you the result of a remarkable poll that was conducted a few years ago. In this poll, 1000 representatively chosen Germans should answer the question, who was guilty for the German-Hungarian war of 1880. The results of this poll are as follows:"*

With color markers, I drew the columns for each answer:

*"83% of all Germans answered that Germany was responsible for this war.  
7% of all Germans answered that Hungary was responsible for this war.  
10% had other answers."*

The class room was silently listening, as I continued:

*"Now comes the catch: There was never a German-Hungarian war. Actually, most of the Germans of these 10% 'other answers' knew that. Now, what does that tell us, apart from the fact that the historical knowledge of Germans isn't that good? Well, it tells us that the Germans in their vast majority tend to blame themselves for crimes even if these crimes were never committed."*

Now one could hear a needle drop on the floor. I carried on:

*"This becomes really interesting when compared with polls in other nations. When the guilt-question about any similarly invented war is asked in Great Britain or the US, for example, the results usually look inverted: Most people there blame the other nation, but not themselves, for such a war they cannot remember.*

*I think that this should all of us make wonder about the psychological state of the German people.*

*I thank you for your attention."*

This shocking revelation even flabbergasted the most left-wing radical students in that course.

## Persecution by Prosecution

Just recently, the Canadian media referred to Germany as a country with one of the toughest "hate crime" legislation in the world. [\[70\]](#) This choice of words is unfortunate, since what we are dealing in Germany has nothing to do with what is called a "hate crime" in Canada or the U.S. In America, a hate crime is a normal criminal offense (theft, robbery, rape, murder, assault, etc.) driven by hatred. Feelings themselves, be they hate or love, are not a crime in both America and Canada. Expressing feelings or opinions is never a crime. But it is different in Germany: If one expresses hate, contempt, disgust or any other negative feeling for somebody or a certain group, this by itself can be a crime. There is, of course, one big exception: Everybody is allowed to spread unlimited hatred, contempt, and disgust against Germany, the German people, and its culture. This is not an offense. But doing the same against any other group may very well constitute a crime. And even worse so: Expressing views out of love, affection, and altruism can be a crime as well, that is, if somebody expresses opinions driven by his love for the German people, the German nation, or the German culture, this can be regarded as a denigration of other nations, people, and cultures and can get one into legal trouble

Germany today:  
94,215 Criminal Prosecutions  
Because of "Thought Crimes"  
During the Last Nine Years:.

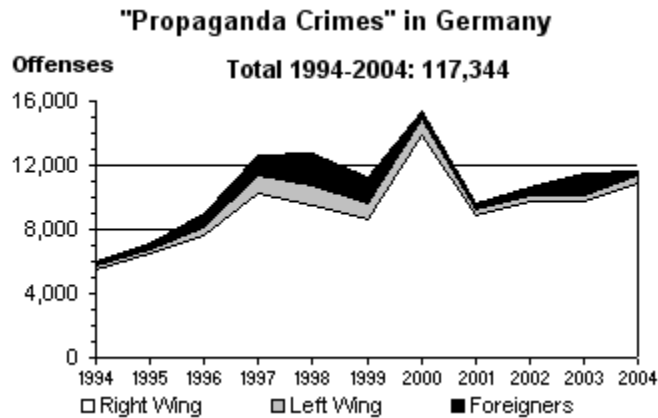
Year	Right	Left	Foreign	Sum
1994	5,562	185	235	5,982
1995	6,555	256	276	7,087
1996	7,585	557	818	8,960
1997	10,257	1,063	1,029	12,349
1998	9,549	1,141	1,832	12,522
1999	8,698	1,025	1,525	11,248
2000	13,863	979	525	15,367
2001	8,874	429	353	9,656
2002	9,807	331	467	10,605
<b>Total:</b>	<b>80,703</b>	<b>5,966</b>	<b>7,546</b>	<b>94,215</b>

Right: "*Offenses with right wing extremist background*", that is: "Propaganda Offenses" and "Stirring up the People"(80.703)

Left: "*Offenses with left wing extremist background*", generally referred to as "other offenses" (5.966)

Foreign: offenses committed by foreign extremists, mainly against the German law of organizations ("Vereinsgesetz") by Kurds in the prohibited Kurdian Liberation Army PKK

Source: Report of the German Office for the Protection of the Constitution (1995-2002), acc. to the German Federal Bureau of Investigation ("Bundeskriminalamt")



*Especially right-wingers are Persecuted in Germany*

And even worse, in cases where no feelings are expressed, but simple, unemotional facts and opinions are claimed, a "hate crime" can be committed in Germany if any identifiable, influential group hates that such facts or opinions are voiced publicly. For example, if one has dissenting views on certain historical topics, this does, of course, not come with any emotional statement about any identifiable group. But such dissenting views are very often hated by certain leftist and/or Jewish groups, hence they are classified as "hate crimes" - allegedly because they incite to hatred against those groups, but actually because those groups hate such opinions.

It would therefore be helpful if the German prosecution of such "crimes" would not be referred to as "hate crimes", since they do not consist of crimes in a legal sense, but as Orwellian "thought crimes" or, as the German authorities call them, as "propaganda offenses".

To summarize the situation: Germany and its leaders have fallen from one extreme to another, from extreme nationalism to extreme self-hatred and self-destruction, from the brutal suppression of anti-patriotic forces to the brutal suppression of patriotic forces. The pendulum swings to the other extreme, but hopefully it will not get stuck there, which would ultimately lead to the destruction of Germany, its people, and its culture, to a geno-suicide.

### Total Silence of Media and Human Rights Organizations

But how come that we do not hear about this in our media? Must one not expect that at least some human rights organization would speak out about it?

The reason for this total silence is simple: Would you dare to defend individuals who are called neo-Nazis by the German authorities and media?

The president of one human rights organization, the German *Internationale Gesellschaft für Menschenrechte (IGFM)*, International Society for Human Rights), clearly spelled it out when approached to assist the victims of modern day German persecution. Though they know about the injustice done to many scholars and publishers, they decided not to assist:[\[71\]](#)

*"I believe that the IGFM does not have the strength to get through such a proceeding without harming the entire society."*

The background of this is that this society has already come under massive attack by the German media and left-wing organizations for their firm stance against communism and for assisting ethnic Germans who experience persecution due to their ethnic background in eastern European countries (mainly

Poland and Czechoslovakia). Assisting individuals who are accused of being "politically incorrect" due to their (alleged) right-wing views would most likely unleash a wave of persecution against this society itself, which it thinks it could not deal with.

400 years ago, nobody would dare to defend those made out as witches by the authorities. In the Soviet Union, it could prove fatal to defend someone depicted as a capitalist. In Nazi Germany, you better would not dare to defend a Jew or a Communist. The labels change which dictatorial systems put on people to ostracize them. But neither do the methods of persecution change, nor the indifference or even active approval of the public.

What will you say if they call you a neo-Nazi tomorrow because you dared to sing your national anthem in public? So think twice, if somebody is called a neo-Nazi by the media. It is perhaps only a patriot.

## Notes

[1]

The Independent, March 21, 2001, p. 5.

[2]

Most prominently the Student edition of Germany's biggest political magazine, Der Spiegel, see <http://www.spiegel.de/unispiegel/studium/0,1518,125322,00.html#v>; when searching the internet on this, German websites discussing the anthem expressively state that it is not outlawed, and emphasis which is necessary to give to visitors, see, e.g., <http://www.deutschlandlied.de/>; <http://www.frankfurter-verbindungen.de/studentenlieder/liedderdeutschen.html>; <http://www.deutsche-schutzgebiete.de/deutschlandlied.htm>; English media frequently wrongly report that it is outlawed, see, e.g., the British Searchlight (<http://www.searchlightmagazine.com/stories/DefendingWehrmacht.htm>).

[3]

On F. Rennie's case, see court case from Sept. 18 to Oct. 15, 2002, District Court Stuttgart, ref. Ns 6 Js 88181/98; see the description by Johannes Heyne, "Patriotenverfolgung: Der Fall Ute und Frank Rennie", VffG 7(1) (2003); compare also Rennie's website at <http://go.to/Rennie>.

[4]

Regulations about this vary from State to State, see an article published in the periodical of the German parliament, e.g., Aus Politik und Zeitgeschichte No. 39 / September 22, 2000 ([www.das-parlament.de/2000/39/Beilage/index.html](http://www.das-parlament.de/2000/39/Beilage/index.html)).

[5]

For this, see, e.g., the free brochure Recht gegen Rechts, distributed by all German authorities, e.g.: [http://www.hamburg.de/Behoerden/Landeszentrale/archiv/pdf/recht\\_gegen\\_rechts.pdf](http://www.hamburg.de/Behoerden/Landeszentrale/archiv/pdf/recht_gegen_rechts.pdf); also: <http://www.recht-gegen-rechts.de/>

[6]

H. Diwald, *Geschichte der Deutschen*, Propyläen, Berlin 1978.

[7]

*Ibid.*, 2nd edition, 1978 (actually printed in 1979).

[8]

R.J. Eibicht (ed.), Hellmut Diwald, Hohenrain, Tübingen 1994.

[9]

*Ibid.*, endnote 74, p. 147. This article is available online at [www.vho.org/D/diwald/hepp.html](http://www.vho.org/D/diwald/hepp.html).

[10]

County Court Tübingen , Ref. 4 Gs 1085/97.

[11]

Abendzeitung (Munich), March 7./8., 1998: "The remaining copies are occasionally being burnt in a waste incinerator"; *Zur Zeit* (Vienna), no. 9/1998 (Febr. 27): "65 years ago this still happened publicly, today this is being achieved on the quite in waste incinerators."

[12]

Wilhelm Stäglich, *Der Auschwitz Mythos*, Grabert-Verlag, Tübingen 1979; Eng.: *The Auschwitz Myth: A Judge Looks at the Evidence*, Institute for Historical Review, Newport Beach, CA, 1986.

[13]

Cf. Wigbert Grabert (ed.), *Geschichtsbetrachtung als Wagnis*, Grabert, Tübingen 1984; see also DGG, "Bundesverwaltungsgericht im Dienste der Umerzieher. Erstmalig Doktorgrad aus politischen Gründen aberkannt", in *Deutschland Geschichte und Gegenwart* 36(3) (1988), p. 18 (online: [vho.org/D/DGG/DGG36\\_3\\_2.html](http://vho.org/D/DGG/DGG36_3_2.html)); DGG, "Unglaubliches Urteil im Fall Dr. Stäglich", *ibid.*, 36(1) (1988), p. 7 (online: [.../DGG36\\_1\\_1.html](http://.../DGG36_1_1.html)); DGG, "Vernunft wird Unsinn ... Späte Rache für den 'Auschwitz-Mythos'", *ibid.*, 31(1) (1983), pp. 19f. (online: [.../DGG31\\_1.html](http://.../DGG31_1.html)); DGG, "Ende der Wissenschaftsfreiheit?", *ibid.*, 29(3) (1981), p. 38 (online: [.../DGG29\\_3\\_1.html](http://.../DGG29_3_1.html)).

[14]

Reichsgesetz über die Führung akademischer Grade, June 7, 1939 (Reichsgesetzblatt I, p. 985) (Reich Law for the Carrying of Academic Degrees) as well as Durchführungsverordnung, July 21, 1939 (Reichsgesetzblatt I, p. 1326).

[15]

Administrative Court of Baden-Württemberg, Ref. IX 1496/79, decision on March 18, 1981. At that time, a person who had been convicted to five years imprisonment for drug trafficking, which was entered in his police record, was certified as having the necessary ethical qualification, and the University was ordered to admit him to the Rigorosum. In this decision, it was held that this Hitler law is still in effect because it does not contain National Socialist thinking and should be considered as having been legally enacted.

[16]

German Federal Constitutional Court, ref. 1 BvR 408f./83. A similar case occurred in 1996, when a PhD title was withheld from a candidate at Stuttgart University because he had used his academic credentials to prepare a chemical and engineering expert report coming to "wrong" conclusions on the same taboo topic. In France, similar cases have occurred against the historians Henry Roques (PhD title

revoked by the Ministry of Education; André Chelain, *La thèse de Nantes et l'affaire Roques, Polémiques*, Paris 1988) and Jean Plantin (Bachelors and Masters degree revoked by the University of Lyon III in 2000/2001).

[17]

Ernst Gauss (ed.) *Grundlagen zur Zeitgeschichte. Ein Handbuch über strittige Fragen des 20. Jahrhunderts*, Grabert, Tübingen 1994; Engl.: E. Gauss, *Dissecting the Holocaust*, Theses and Dissertations Press, Capshaw, AL, 2000.

[18]

Dr. Joachim Hoffmann and Prof. Dr. Ernst Nolte. Dr. Hoffmann's expert opinion was published in E. Gauss, *Dissecting the Holocaust*, *ibid.*, pp. 561-564. Prof. Nolte's expert opinion has not been published. It is part of the trial records of County Court Tübingen, ref. 4 Gs 173/95.

[19]

So the statement of Wigbert Grabert, publisher of said book, in private communications. According to Grabert, one of the police officers involved in this confiscation told him that those books will be burned in waste incinerators under police supervision. Cf. note 11.

[20]

County Court Tübingen, ref. 4 Gs 173/95; and private communication by publisher W. Grabert, who told me that the criminal investigation against the printer of the book was eventually dropped because he publicly declared publicly that he did not know about the content of the book and that he was horrified when he heard about it - which was a plain lie, because he very well knew what this book was all about.

[21]

Private communication by W. Grabert, whose customer list was confiscated and who subsequently had well over one hundred of calls and letters by his customers bitterly complaining about this massive house search campaign.

[22]

Frankfurter Allgemeine Zeitung, May 17, 1996, p. 12 (100 signatories); Stuttgarter Nachrichten, July 19, 1996, p. 6, Stuttgarter Zeitung, July 19, 1996, p. 7 (both 500 signatories); Westfalen-Blatt, Sept. 13, 1996 (1,000 signatories); though not expressively mentioned, this appeal was triggered by said book burning, see private communications of the initiator of these ads, Dr. R. Kosiek, to me, Nov. 17, 2000, and May 2, 2001.

[23]

In German public TV, this appeal was simply dismissed as a right-wing extremist propaganda campaign, see ARD-Tagesthemen, June 5, 1996; similar the reaction of the Baden-Württemberg parliament, when this affair was brought to its attention, cf. Landtag (state parliament) of Baden-Württemberg, 12th session, Paper 12/334, Parliamentary question by Rep. Michael Herbricht (REP), re. the appeal of 500 academics protesting against book burning by the authorities ("Appell der 500", Stuttgarter Zeitung, Aug. 27, 1996, see note 22). Position of the Baden-Württemberg Ministry of Justice, Stuttgart, Sept. 23, 1996, Ref. 4104 - III/185, Dr. Ulrich Goll.

[24]

See Hoffmann's updated preface on this in J. Hoffmann, *Stalin's War of Extermination 1941-1945*, Theses and Dissertations Press, Capshaw, AL 2001.

[25]

Personal communications from Dr. J. Hoffmann.

[26]

Personal communications from Prof. Dr. E. Topitsch.

[27]

For this, see Otto Scrinzi, "Menschenjagd bis in den Tod", *Aula*, 6/2000; also Rudi Zornig, "Zum Gedenken an Werner Pfeifenberger", *Vierteljahreshefte für freie Geschichtsforschung* 4(2) (2000), pp. 127-130.

[28]

Hamburger Institut für Sozialforschung (ed.), *Vernichtungskrieg. Verbrechen der Wehrmacht 1941 bis 1944*, (War of Extermination. The Crimes of the Wehrmacht, 1941 to 1945) Hamburger Edition, Hamburg 1996; English: Hamburg Institute for Social Research (ed.), *The German Army and Genocide: Crimes Against War Prisoners, Jews, and Other Civilians, 1939-1944*, The New Press, New York 1999. For criticism of this exhibition, see, e.g., Rüdiger Proske, *Wider den Mißbrauch der Geschichte deutscher Soldaten zu politischen Zwecken*, Von Hase & Köhler, Mainz 1996; Proske, *Vom Marsch durch die Institutionen zum Krieg gegen die Wehrmacht*, *ibid.*, 1997; Joachim F. Weber (ed.), *Armee im Kreuzfeuer*, Universitas, Munich 1997; Walter Post, *Die verleumdete Armee*, Pour le Mérite, Selent 1999; Klaus Sojka (ed.), *Die Wahrheit über die Wehrmacht. Reemtsmas Fälschungen widerlegt*, FZ-Verlag, Munich 1998; Franz W. Seidler, *Verbrechen an der Wehrmacht*, Pour le Mérite, Selent 1998; *Focus*, No. 16 & 17/1997, 6/1998; Bogdan Musial, "Bilder einer Ausstellung. Kritische Anmerkungen zur Wanderausstellung 'Vernichtungskrieg. Verbrechen der Wehrmacht 1941-1944'", *Vierteljahrshefte für Zeitgeschichte*, 47(4) (1999), pp. 563-591; cf. Bogdan Musial, "Konterrevolutionäre Elemente sind zu erschießen", *Frankfurter Allgemeine Zeitung*, Oct. 30, 1999, p. 11; Krisztián Ungváry, "Echte Bilder - problematische Aussagen", *Geschichte in Wissenschaft und Unterricht*, 50(10), (1999), pp. 584-595; cf. Krisztián Ungváry, "Reemtsmas Legenden", *Frankfurter Allgemeine Zeitung*, Nov. 5, 1999, p. 41; Dieter Schmidt-Neuhaus, "Die Tarnopol-Stellwand der Wanderausstellung 'Vernichtungskrieg - Verbrechen der Wehrmacht 1941 bis 1944'", *ibid.*, pp. 596-603; Klaus Hildebrandt, Hans-Peter Schwarz, Lothar Gall, quote in "Kritiker fordern engültige Schließung", *Frankfurter Allgemeine Zeitung*, Nov. 6, 1999, p. 4; Ralf Georg Reuth, "Endgültiges Aus für Reemtsma-Schau?", *Welt am Sonntag*, Nov. 7, 1999, p. 14.

[29]

His letter has been published on the internet, see, e.g., <http://www.vho.org/VffG/2000/2/Elstner131f.html>; cf. Mark Weber, "A German takes his life to protest defamation and historical lies", *Journal of Historical Review*, 15(5) (1995) p. 19.

[30]

See [www.vho.org/News/D/News4\\_97.html#historiker](http://www.vho.org/News/D/News4_97.html#historiker); [www.vho.org/News/D/News3\\_00.html#n14](http://www.vho.org/News/D/News3_00.html#n14); [www.vho.org/News/D/News3\\_01.html#7](http://www.vho.org/News/D/News3_01.html#7); [www.vho.org/News/D/News1\\_02.html#20](http://www.vho.org/News/D/News1_02.html#20)

[31]

Wahrheit für Deutschland, Verlag für Volkstum und Zeitgeschichtsforschung, Vlotho 1964; also available in English: *Truth for Germany*.

[32]

Probably the best description by Dr. C. Nordbruch, "Geistesfreiheit in der Bundesrepublik

Deutschland", Vierteljahreshefte für freie Geschichtsforschung 6(2) (2002), pp. 190-209; for the court decisions, see Federal Constitutional Court, ref. 1 BvR 434/87; Re-indexing by BPjM; JMS-Report, February 1/1995, pp. 52-54; new verdict of Upper Administrative Court, ref. 17 K 9534/94.

[33]

The following issues of the series Historische Tatsachen (Verlag für Volkstum und Zeitgeschichtsforschung, Vlotho) were confiscated and lead to Walendy's prison term: Nr. 1 (LG Dortmund, KLS 31 Js 270/78), 15 (BVG, 2 BvR 1645/84), 23 & 24 (ref. Currently unknown), 36 (BVG, BvR 824/90), 38 (OLG Hamm, 3 Ws 82/91), 44 (LG Bielefeld 4 KLS W 3/96), 52 & 53 (LG Bielefeld, Qs 563/94), 59 & 60 (BGH 4 StR 518/96), 1new & 64 (BGH 4 StR 524/96), 66 (AG Bielefeld, 9 Gs 1279/96), 67 (AG Bielefeld, 9 Gs 1325/96), 68 (LG Bielefeld, 4 KLS W 5/96 IV); cf. [www.vho.org/News/D/News4\\_97.html#u](http://www.vho.org/News/D/News4_97.html#u); [http://www.vho.org/News/D/News3\\_99.html#16](http://www.vho.org/News/D/News3_99.html#16); [http://www.vho.org/News/D/News1\\_00.html#22](http://www.vho.org/News/D/News1_00.html#22)

[34]

For more see: Claus Nordbruch, Zensur in Deutschland, Universitas, Munich 1998, 320 pp.

[35]

The opinions about this differ slightly: acc. to Dietrich Strothmann, Nationalsozialistische Literaturpolitik, 3rd ed., Bonn: Bouvier 1985, some 12,500 books, acc. to Dietrich Aigner, "Die Indizierung 'schädlichen und unerwünschten Schrifttums' im Dritten Reich", vol. XI of the Archiv für Geschichte des Buchwesens, Buchhändlervereinigung, Frankfurt/Main 1971, the number was less than 10,000.

[36]

Deutsche Verwaltung für Volksbildung in der sowjetischen Besatzungszone (ed.), 3 vols., Liste der auszusondernden Literatur, Zentralverlag, Berlin 1946-1948, 1953; reprint: Uwe Berg (ed.), Toppenstedter Reihe, Sammlung bibliograph. Hilfsmittel zur Erforschung der Konservativen Revolution und des Nationalsozialismus, 4 vols., Toppenstedt, Uwe Berg-Verlag, 1983-1984; cf. Martin Lüders, "Die größte Büchervernichtungsaktion der Geschichte", Nation und Europa, 47(9) (1997), pp. 7-11.

[37]

Two recent studies of censorship in Germany, highly to be recommended: Jürgen Schwab, Die Meinungsdictatur. Wie 'demokratische' Zensoren die Freiheit beschneiden, Nation Europa Verlag, Coburg 1997; Claus Nordbruch, op. cit (Note 34).

[38]

The Federal Constitutional Court's decisions were quoted from: Karl-Heinz Seifert, Dieter Hömig (eds.), Grundgesetz für die Bundesrepublik Deutschland, 2nd ed., Baden Baden: Nomos Verlagsgesellschaft, 1985.

[39]

§130 expressively says: "Who, in a way suitable [sic] to disturb public peace, attacks the human dignity of others by stirring up to hatred against parts of the population, calling for acts of violence or despotism against them or insults them, exposes them to contempt, or slander them, will be punished with a prison term from three months to five years."

[40]

Cf. for this the legal expertise of defense lawyer Dr. G. Herzogenrath-Amelung, Vierteljahreshefte für



freie Geschichtsforschung 6(2) (2002), pp. 176-190.

[41]

Dreher/Tröndle, Strafgesetzbuch, 47th ed., MN 18 re. §130.

[42]

Stefan Huster, "Das Verbot der 'Auschwitz-Lüge', die Meinungsfreiheit und das Bundesverfassungsgericht", Neue Juristische Wochenschrift, 1995, pp. 487ff., here p. 489.

[43]

Daniel Beisel, "Die Strafbarkeit der Auschwitz-Lüge", Neue Juristische Wochenschrift, 1995, pp. 997-1000, here p. 1000.

[44]

Karl Lackner, Strafgesetzbuch, 21st ed., Munich, 1995, MN 8a re. §130; the criticisms of this article are legion; cf.: Hans A. Stöcker, Neue Strafrechts-Zeitung, 1995, pp. 237-240; Manfred Brunner, Frankfurter Allgemeine Zeitung, Aug. 17, 1994; Ernst Nolte, ibid., Sept. 8, 1994; Ronald Dworkin, Tageszeitung, May 17, 1995; Horst Meier, Die Zeit, Sept. 15, 1995; Horst Meier, Rheinischer Merkur 12/1996: 1128-1131.

[45]

Theodor Leckner, in: Schönke/Schröder, Strafgesetzbuch, 25th ed., Munich: Beck, 1997, p. 1111.

[46]

Thomas Wandres, Die Strafbarkeit des Auschwitz-Leugnens, Strafrechtliche Abhandlungen, neue Folge, Band 129, Duncker & Humblot, Berlin 2000; cf. review by G. Rudolf, Vierteljahreshefte für freie Geschichtsforschung 5(1) (2001), pp. 100-112.

[47]

Federal Minister of Justice Edzard Schmidt-Jorzig, Ruge. NeunzehnZehn: "Ehrenschatz für Soldaten - Gesetz gegen die Meinungsfreiheit?", 3-SAT, March 10, 1996, 19:10; same, Mut, no. 351, 11/1996: 32-35; Wolfgang Schäuble, Frankfurter Allgemeine Zeitung, April 24, 1996, p. 41.

[48]

The latest "comprehensive" listing of non-secret banned media, "Gesamtverzeichnis indizierter Bücher, Taschenbücher, Broschüren und Comics, Stand 30.4.1993", includes about 2,500 titles. Some 120 more have since joined the ranks. The list of indexed videotapes is about the same length. Added to this are several hundred electronic sound and data carriers. The current indexing lists are published in the periodical of the Federal Review Office for Youth-Endangering Publications, "BPjS aktuell". To order: Bundesprüfstelle, Postfach 26 01 21, D-53153 Bonn, Germany.

[49]

Eckhard Jesse, "Streitbare Demokratie und 'Vergangenheitsbewältigung'", in: Bundesamt für Verfassungsschutz (ed.), Verfassungsschutz in der Demokratie, Carl Heymanns Verlag, Cologne 1990, p. 304, cf. p. 289.

[50]

Ibid., p. 287; cf. also p. 303: "Liberal society may not stifle or suppress the free exchange of ideas and points of view."

[51]

Ibid., p. 286.

[52]

[http://www.bmfsfj.de/Anlage22804/Jugendschutzgesetz\\_JuSchG\\_vom\\_23.\\_Juli\\_2002.pdf](http://www.bmfsfj.de/Anlage22804/Jugendschutzgesetz_JuSchG_vom_23._Juli_2002.pdf)

[53]

Wigbert Grabert, of Grabert Verlag in Tübingen, to the author; see note 11.

[54]

Admission of the German Federal Government, Bundestagsdrucksache 13/4222, March 26, 1996, p. 6.

[55]

Richtlinien für das Strafverfahren und das Bußgeldverfahren (Guidelines for penal procedure and fining procedure), No. 208, II + IV; according to: Gerd Pfeiffer (ed.), Karlsruher Kommentar zur Strafprozeßordnung, 3rd ed., Beck, Munich 1993, p. 2174.

[56]

An unofficial, probably extremely incomplete list can be found on the internet, with links to the confiscated works available online: [www.vho.org/censor/Censor.html](http://www.vho.org/censor/Censor.html).

[57]

Landtag of Baden-Württemberg, 12th session, Paper 12/334, see note 23.

[58]

R. Dworkin, "A new map of censorship", in: Index on Censorship 1/2 (1994), pp. 9-15; cf. R. Dworkin, "Forked tongues, faked doctrines", *ibid.*, no. 3 (1997), pp. 148-151.

[59]

Der Verfassungsschutz, Hohenrain, Tübingen 1999.

[60]

Cf. his article "Ein Schritt zurück in polizeistaatliche Intoleranz", Vierteljahreshefte für freie Geschichtsforschung 2(3) (1998), pp. 219ff.

[61]

§244 Section 3 Clause 2, German Code of Criminal Procedure.

[62]

Federal Supreme Court, verdict of March 15, 1994, Ref. 1 StR 179/93.

[63]

Cf. Oberlandesgericht [Provincial High Court and Court of Appeal] at Düsseldorf, Ref. 2 Ss 155/91 - 52/91 III; Federal Constitutional Court, Ref. 2 BrR 367/92.

[64]

BGH, Ref. 1 StR 193/93 (motion to prove whether evidence offered is superior to any other evidence rejected due to "common knowledge"); BGH; ref. 1 StR 18/96 (sentencing of an expert witness to 14 months in jail for daring to ask to appear as a witness for the defense).

[65]

German Federal Supreme Court, BGH, ref. 5 StR 485/01; cf. Sigmund P. Martin, Juristische Schulung,

11/2002, pp.1127f.; Neue Juristische Wochenschrift 2002, 2115, Neue Strafrechts-Zeitung 2002, 539;  
[66]

For details, see G. Herzogenrath-Amelung, op. cit. (note 40).

[67]

Cf. von Schrenck-Notzing, Charakterwäsche. Die Politik der amerikanischen Umerziehung in Deutschland, Ullstein, Berlin 1993; G. Franz-Willing, Umerziehung, Nation Europa, Coburg 1991.

[68]

See note 5. Though most of the outlawed insignia, songs, etc, can rightfully be called "Nazi", the fact that "right" and "Nazi" have become synonymous in Germany is again underlined by the title and general choice of words in this brochure, as it is common in the media and by the authorities.

[69]

Der Spiegel, Dec. 4, 2000, Title.

[70]

Toronto Globe and Mail, Feb. 14, 2003; Boston Globe, 2/21/2003: The media call Germany's laws "strict" or "tough" anti-hate laws, though they do, of course, not simply address hate as such.

[71]

Letter of Karl Hafen, president of Internationale Gesellschaft für Menschenrechte, to Germar Rudolf, Oct. 30, 1996.

Source: The Revisionist 1(2) (2003), pp. 203-219.