

In October 2008 Töben was detained at London's Heathrow Airport while in transit because German authorities attempted to extradite him from the UK under a European Arrest Warrant for allegedly publishing 'antisemitic and/or revisionist' material on his website. The warrant did not fulfil British legal requirements: Töben was released from Wandsworth Prison after the German government was advised that an appeal would fail because it is not an offence to express an opinion, except in countries where Holocaust denial is criminalised. The German authorities later stated their intention to attempt to extradite him from other jurisdictions in the future.

Unsurprisingly, in April 2009 Töben was found guilty of the contempt-of-court charge. In August 2009 the Federal Court rejected his appeal against his 3-month jail sentence. *Arbeit macht frei: impertinent incarceration* is his story of that battle and his one week in maximum security's punishment block at Adelaide's Yatala Labour Prison and his 12 weeks at Cadell Training Centre, a low-security prison farm in South Australia's Riverland. Since his release in November 2009 Töben has continued his crusade.

The montage on the back cover was sent to me by an unknown person while in a European prison. In German it says: 'Capitulate? Never!'. It was pasted on cardboard and there is an unobtrusive pocket at the lower left containing a razorblade. The prison mail system delivered this to my cell. It was only when I pried between the cardboard montage that I noticed the pocket contained a razorblade. It surprised me somewhat that this card made it through the severe prison postal censorship.

Kapitulieren?



HITLER



TÖBEN



Niemals!

Arbeit macht frei: impertinent incarceration

Fredrick Töben

Arbeit macht frei: impertinent incarceration



FREDRICK TÖBEN

Fredrick Töben, born on 2 June 1944 in Jaderberg, Germany, came to Australia with his family late in 1954 and completed his schooling here. From 1963 he studied English, German and philosophy at the University of Melbourne and Victoria University of Wellington, New Zealand, where he also commenced his secondary school teaching career. In 1971 he began philosophy studies at the universities of Heidelberg, Tübingen and Stuttgart where he completed a DPhil in 1977.

After secondary and tertiary teaching in Germany, Rhodesia-Zimbabwe and Nigeria, he joined Victoria's state school system but was dismissed from Goroke School near Edenhope in 1984 on the grounds of incompetence and disobedience. He ultimately won a decade-long court battle with Victoria's Department of Education on a technicality when the judge declared the dismissal to be of no legal effect.

From 1983 to 1993 he was the director of Toben International Pty Ltd Import-Export specialising in exporting Australian honey. In 1994 he established the privately funded Adelaide Institute in Adelaide, South Australia and remained its director until 2009.

Töben is a Holocaust questioner. He was found guilty of 'offending the memory of the dead' in 1999 for his Holocaust-denial activity in Germany. He served 7 months of a 10-month sentence in Mannheim Prison for 'defaming the dead' under Germany's Holocaust Law.

In 2002 Australia's Federal Court found that Töben's website 'vilified Jewish people' and ordered him to remove the offensive material. Regularly denying that he is anti-Semitic, Töben wiped the website and began again.

In December 2006 Töben attended the International Holocaust Conference at Teheran, Iran. Australia's Jewry initiated Federal Court contempt-of-court proceedings, which began after his return to Adelaide, for breaching the order to refrain from publishing the material.

ARBEIT MACHT FREI

IMPERTINENT INCARCERATION

Fredrick Töben



PEACE BOOKS
Adelaide 2010



PEACE BOOKS
Adelaide 2010

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Dedicated to:
John Tuson Bennett,
Christopher J Mayo Steele
and
the memory of **Geoff Muirden,**
whose four decades of pioneering work
set the Revisionist ball rolling in Australia;

Peter Hartung who has embraced Adelaide Institute's motto
viam monstrare - showing the way; and

those South Australian men and women who dared
to pioneer a new attitude towards penal servitude.

A fair minded person believes what he does because he believes firmly it is the truth and as such is willing to discuss it with any other fair minded one. He is willing for it to be sifted and tested to the uttermost, for he does not want to believe what is untrue and he knows that truth will stand any real tests, and too, the more it is tested, the more it can be seen to be the truth. He is willing to concede that those who differ from him are sincere until the opposite is disclosed and this disclosure of insincerity will not be his defeat in argument. If he is defeated in arguments, he will not try to relieve himself of his defeat by slandering the opponent, but he will thank him for enabling him to see his weakness and the faultiness of his belief.

Dr Peeples, 1912



You who dwell ... On eagles wings who abide in His shadow for life, say to the Lord: 'My refuge, my God in whom I trust!'

And He will raise you up on eagles' wings, bear you on the breath of dawn, make you to shine like the sun, and hold you in the palm of His hand.

The snare of the fowler will never capture you, and famine will bring you no fear: under His wings your refuge, His faithfulness your shield.

And He will raise you up on eagles' wings, bear you on the breath of dawn, make you to shine like the sun, and hold you in the palm of His hand.

You need not fear the terror of the night, nor the arrow that flies by day; though thousands fall about you, near you it shall not come.

And He will raise you up on eagles' wings, bear you on the breath of dawn, make you to shine like the sun, and hold you in the palm of His hand.

For to His angels He's given a command to guard you in all of your ways' upon their hands they will bear you up, lest you dash your foot against a stone.

And He will raise you up on eagles' wings, bear you on the breath of dawn, make you to shine like the sun, and hold you in the palm of His hand.

Anon.

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FOREWORD

A Pattern of Success Includes Enemy-Within Sabotage

This is a story about a Revisionist who dares to challenge the legal system's constraints imposed on his quest to seek historical truths, in particular about the Holocaust-Shoah. His aim has been to contextualise the subject matter by bringing into focus the Demjanjuk persecution, in light of his exoneration by an Israeli court in 1993. His case illustrates the absurdities that censorship of an historical topic has created, and reveals the feverish legal perversions by so-called 'Nazi-hunting' experts. Significant events and findings occurred in 1993, giving many Revisionists a feeling of success, by proving many distortions brought out the Holocaust; something that was not to be, and for which they have been imprisoned. Dr Fredrick Töben's global battle for free speech is a phenomena in human experience in outstanding accountability that only a few could endure.

Among the maximum 100-odd active Revisionists the following come to mind:

- Germar Rudolf, published The *Rudolf Report*, which confirmed the findings in The *Leuchter Report*. Rudolf was deported from the United States to Germany where he spent over three years in prison before being released in the middle of 2009.
- Ernst Zündel's legal persecution began in 1984 by Citroen, and ended in 1993 when Canada's Supreme Court struck down a law that had enabled his conviction for 'spreading false news'. In 2003 Zündel was arrested in the USA and deported to Canada, where he spent two years in jail; from there he was deported to Germany where he spent five years in Mannheim Prison. He was released in March 2010.

- Canterbury University, Christchurch, New Zealand, on 7 May 1993 awarded Stuart Joel Hayward an honours MA degree for his thesis ‘The Fate of Jews in German Hands: An Historical Enquiry Into The Development and Significance of Holocaust Revisionism’, which he embargoes until the end of 1998. In August 1998 Hayward sent Dr Töben his original thesis that Dr Töben submitted as evidence before the HREOC, which had heard from Jeremy Jones, ECAJ, that nowhere at university level is Holocaust ‘denial’ discussed. On 4 April 2000 New Zealand’s Jewish Council wrote to University Chancellor Dame Phyllis Guthardt requesting the University revoke Joel Hayward’s MA degree. On 10 October HREOC ordered the Adelaide Institute to delete its website. On 20 December Canterbury University Council releases the Hayward Thesis Report to the public. The university refuses to downgrade Hayward’s degree because he was not been ‘dishonest’. After receiving death threats, Hayward adds an addendum wherein he recants, in particular, claiming that new evidence emerged at the 2000 London Irving-Lipstadt trial. More information at: <http://www.canterbury.ac.nz/hayward/>.
- Historian David Irving in 1993 published a video wherein he predicts he will ‘sink the Auschwitz’ within five years. In 2000 Irving lost his defamation action against Professor Deborah Lipstadt. In November 2005 he was sent to an Austrian prison where he spent 13 months.
- Willis Carto, founder of the Institute for Historical Review, through lengthy court battles initiated by Mark Weber on behalf of some Revisionists, had to declare himself bankrupt. Then, in 1994, Carto began anew; *The American Free Press* replaced *The Spotlight*, and his magazine, *The Barnes Review* replaced the IHR’s journal, *JHR*, when it ceased to be published.

Since the recording of history it has been impossible for historians, to the satisfaction of critics, to compile all important and salient facts. Historians, and Revisionists have constantly re-examined eras of history to ensure more accurate information which is not politically or emotionally biased. Even after hundreds of years, facts and information are constantly revised as evidence is uncovered. This wide-spread attention given to revive or restore authentic records of important events through new knowledge cannot be exhausted or shut out under the stimulus of political correctness over the exhaustive studies by the most learned scholars and remarkable men who dare to write a more authentic record with the latest accessible

knowledge of the subject for posterity. And it is especially not up to the courts and lawyers to decide the recording of history as their forte is law.

The moral courage of those who dare to dispute facts as given by the Holocaust believers have been vilified; their personal character degraded by labelling them as racists, and anti-Semites, without an open debate of circumstances surrounding the event. It is both possible and probable that there is scarcity of truth when divested of errors or even outright lies, which may be the case the Shoah believers do not want to be found. However, their claims are not strictly entitled to the full credence of the public; this is why certain Revisionists, who are in doubt of presented facts, have tried to bring out the origin of a Holocaust, taken out of World War Two, and is enshrouded in mystery and expose an unjust Hate Crime Law, being foisted upon the world, used to criminalize those who dared to use the right of freedom of speech and express an opinion regardless who disagrees, or may be 'offended'.

The concept of individual freedom, in both the present world and in the world of the ancient prophets and individuals such as Plato, Socrates, Voltaire, Hegel and Kant, all notable individuals who had the courage to stand up and question even the highest expression of power, and an appreciation for individuality, must not be destroyed through political powers. That is why open-minded historians and Revisionists must be left to the recording of history for the teachings of future generations.

We are not created equal, but we are equally free to pursue our path in life. Today, the world must overcome the growing loss of freedoms, the lack of respect for individual freedom and active involvement in political life. In return, we are responsible for respecting the rights of others. Enlightenment, plus new and opposing facts and ideas are major contributions to this understanding of human freedom. Otherwise, the gradual extinction of the principles of human dignity dies out, with the quantitative loss of freedom, which becomes replaced with a uniformity and the silent heralds of a descending slavery.

Amelia Aremia
Raleigh, NC
March 2010

PRELUDE

When on 1 October 2008 I am arrested on the American Airlines plane at Heathrow Airport and a German public prosecutor at Mannheim begins to crow he will have me in court in early 2009, it seems a foregone conclusion that Great Britain will extradite me. Mentally I prepare myself for such an ordeal – but it was not to be.

Suspected Holocaust denier Dr Gerald Toben wins extradition fight

Suspected Holocaust denier Dr Gerald Toben has won his fight against extradition to Germany where he is wanted for allegedly publishing anti-Semitic material on his website.

Dr Toben, 64, a prominent Australian academic, is wanted to stand trial for material he published between 2000 and 2004.

The German authorities claim they are ‘of an anti-Semitic and/or revisionist nature’.

In the European Arrest Warrant issued in October 2004, he is accused of approving of or playing down the murder of the Jews by the Nazis.

But District Judge Daphne Wickham yesterday ruled the warrant invalid as it contains inadequate detail about the offences.

It neither states the name of the website nor where the propaganda is said to have been published from - merely referring to the ‘world-wide internet’.

After discharging Mr Toben, Judge Wickham granted him bail pending an appeal by the German authorities.

But he was not expected to be released immediately, after she imposed a series of strict conditions including a £100,000 security.

Grey wavy-haired Toben, heard the judge’s decision from the glass-fronted dock at City of Westminster Magistrates’ Court.

The public gallery was packed with supporters of Toben.

Judge Wickham rejected an argument from Melanie Cumberland, for the German authorities, that the required information could be acquired.

The judge said: 'Compliance, in my view, cannot be fulfilled by a drip-feed of information as and when the issuing authority provides it.

'I find that the particulars are vague and imprecise, I find the warrant invalid and therefore discharge the defendant.'

She added that she had not been required to decide at this stage whether the alleged crimes were valid extradition offences.

Toben has been in custody since October 1, when he was arrested at Heathrow Airport on a flight from America, on his way to Dubai.

He was refused bail at that time.

Ms Cumberland opposed bail yesterday, but Ben Watson, defending, successfully argued it would be 'abhorrent' to keep him behind bars any longer.

His other bail conditions include residence at an approved address, written confirmation from the Australian High Commission of which passports he holds, and not to access the internet.

He is also banned from giving press interviews. These were safeguards 'to prevent any public order act offences', said Judge Wickham.

Toben claims he will not get a fair trial in Germany.

The controversial author was reportedly jailed in 1999 at Mannheim prison for breaching Germany's Holocaust Law Section 130, prohibiting anyone from 'defaming the dead'.

Toben's Adelaide Institute website has drawn criticism for many years.

In 2000 he fought an order by the Human Rights and Equal Opportunities Commission in Australia to remove its 'offensive' content.

The commission claimed it breached Australia's Racial Discrimination Act.

Toben completed his Dr of Philosophy course at the University of Stuttgart in 1977 and taught schools and colleges all over the world.

He founded the Adelaide Institute and is the author of at least eight books on education, political science and history.

When his Heathrow plane was cleared of passengers flamboyant Toben allegedly moved seats which officers suspected was a bid to evade detection.

When cautioned he replied: 'You can't arrest me on British soil.' At an earlier hearing he accused the 'world press' of wrongly portraying him as 'horrible, terrible, vicious...I must respond to that, because this is nonsense.' Attempting to reassure the court he would not jump bail, he added: 'The world is my prison.

'I'm well known and to suggest there's no honour in my person is to slander me.' Toben went on to claim he could not be tried in Germany due to 'double jeopardy', referring to ongoing proceedings on the same issue in Adelaide.

He also suggested the new warrant was a re-hash of the old matters he was convicted of in 1999 but with a 'cyber-crime' veneer.

Published: 7:37PM GMT 29 Oct 2008

<http://www.telegraph.co.uk/news/3281083/Suspected-Holocaust-denier-Dr-Gerald-Toben-wins-extradition-fight.html>

Interestingly, the article is not authored by anyone and so some of the comments about my person are allowed to be positive. But it certainly was not true that the plane was cleared of all passengers before I was dragged out of my hiding place. The details of this episode are in *50 Days in Gaol*.

The headline in the *Sydney Morning Herald* when on 25 November 2008 Valkerie Mangnall reported on my release from London's Wandsworth Prison because the German-issued European Arrest Warrant was defective is a new label: 'Aussie Nazi-denier flees Britain'.

I'm used to being called a 'hater', 'Holocaust denier', 'anti-Semite', 'racist', 'Nazi', but a 'Nazi-denier' - what's that? Neither does her article clarify the use of this new label:

Australian revisionist historian Fredrick Toben has fled Britain as German authorities vowed to press on with their attempts to extradite him to face charges of Holocaust denial.

Toben's solicitor Kevin Lowry-Mullins said on Monday his client left the UK two days earlier as a precaution.

But Andreas Grossmann, a prosecutor in the German jurisdiction of Mannheim which tried unsuccessfully last month to extradite Toben from Britain for alleged racism and anti-Semitism, said the Australian was still a wanted man.

'England will not extradite him, but we will continue to attempt to have him arrested in other countries,' Grossmann said.

Toben was arrested at Heathrow Airport last month on a European arrest warrant.

But a British court ruled that the warrant was invalid because it did not provide enough detail.

Toben remained in Wandsworth Prison while supporters tried to raise a STG100,000 (\$A234,000) cash security to post bail when German prosecutors dropped their appeal to the High Court.

Toben was subsequently released.

Lowry-Mullins refused to divulge where Toben had gone, but said he was taking a holiday before returning to Australia.

'When he was arrested at Heathrow, it was a valid European arrest warrant but it was vague and imprecise,' Lowry-Mullins said.

‘The German prosecutors could have then perfected their arrest warrant and made it more precise.

‘They would have then re-issued proceedings and Freddy Toben would have been arrested because the warrant would be a better warrant, for want of a better word.

‘That was the reason why Freddy decided to leave.’

Lowry-Mullins said if Toben had been re-arrested on a perfected warrant, he would not have been able to post bail and he would have wound up back in prison.

Lawyers acting for the German government had argued that Toben, the 64-year-old founder of the revisionist Adelaide Institute, should be extradited to face trial for posting claims on its website that there was no mass murder of Jews by the Nazis.

Unlike in Britain, Holocaust denial is a crime in Germany and offenders can face up to five years in jail.

Although Toben is Australian and his website is hosted there, Grossmann said German law allows for his prosecution there on charges of denying the Holocaust because the site can be accessed in Germany.

Toben supporter Lady Michele Renouf held a bizarre press conference in his absence on Monday, where speakers explained revisionist theories.

‘Our man, Dr Toben, has flown,’ Lady Renouf told a tiny gathering at a West London hotel.

‘He’s gone on holiday before returning to Australia.

‘He is not here because there was a possibility of a fresh arrest warrant being issued. They could issue a new one, that is why he couldn’t possibly have tried to speak today.’

© 2009 AAP <http://news.smh.com.au/world/aussie-nazidenier-flees-britain-20081125-6g92.html>

Prior to that, and 24 days into my UK prison time, a British politician put pen to paper because he could see the possibility of some messy legal consequences emerging from my arrest and deportation that would have legal precedent-setting consequences.

Holocaust denial and a case that shows flaws in the EU

It is important to reopen the debate on arrest warrants

Chris Huhne: Friday, 24 October 2008

The case of the odious Holocaust-denier Dr Frederick Toben is destined to become a cause célèbre precisely because such hard cases test fundamental liberal principles. ‘I disapprove of what you say,’ said Voltaire, ‘but I will defend to the death your right to say it.’ This is my position on Dr Toben.

Dr Toben's views about the Holocaust are offensive, ugly and wrong. But freedom of speech is the cornerstone of liberal democracy without which all the other freedoms flounder. We restrict that freedom at our peril and only in extreme circumstances (such as incitement to racial hatred and violence).

Much of my political life I have spent fighting racism including anti-semitism. But I now find myself oddly defending Dr Toben's right to deny that the Holocaust existed, and to refuse his extradition from Britain to Germany under a European arrest warrant, a decision that will be made on Monday.

In Dr Toben's case, the European arrest warrant is being used to detain someone who lives in Australia and who was changing planes at Heathrow, but is accused of the offence of Holocaust denial in Germany. Dr Toben has not committed an offence under British law or indeed under the law of 17 of the 27 European Union member states. I respect the right of Germany, Austria and others to criminalise Holocaust denial, but I do not want to imitate them. That is why our courts should refuse extradition.

The legal controversy does not end with the use of the warrant. Dr Toben is accused in Germany but his offence is to post on an Australian website. Germany has taken on itself the role of censor, because of the capacity to download content in Germany. It is hard to see where such an attempt to extend jurisdiction might end, or what its chilling effects on freedom of speech might ultimately be.

The technicalities may yet stop Dr Toben's extradition. The warrant is designed to respect each EU country's legal system by allowing automatic extradition, although it allows British courts to assess whether fundamental rights are being challenged. A clause in the legislation also allows our courts potentially to refuse extradition because the offence was committed outside the territory of the issuing member state, and does not allow prosecution here.

At least one member state – Belgium – has already said it will look behind a warrant to assess whether it should be executed. Poland issues about a third of all European arrest warrants received in the UK, and is said to treat abortion as murder. However, the Belgians have said they will not execute warrants for abortion or euthanasia. Belgium's attitude provides a precedent for refusal.

Whatever the outcome of Dr Toben's case, though, it highlights why it is important to reopen debate on the arrest warrant. I am not arguing, as the Conservatives do, that it should be ended. In a globalised criminal world, it has proved far too useful in extraditing one of the London bombers from Italy and in shutting down the old Costa del Crime in Spain. In the

vast majority of cases, the EU arrest warrant is a good example of how member states can work together effectively.

The arrest warrant is extradition for the Ryanair age. If criminals can re-emerge hundreds of miles away in a different jurisdiction within hours of a crime, the state must be able to pursue offenders without the interminable bureaucracy that is such a feature of traditional extradition. But countries must be able to trust each other's legal systems and the responsible use of the warrant, or the political support for the warrant will wither.

The warrant was principally designed to ensure swift extradition between member states for offences such as murder, human trafficking, money laundering, organised or armed robbery, rape and terrorism. When the legislation was considered, the Commons committee warned about the inclusion of racism and xenophobia in the list of offences where it was unnecessary to prove it was against the host and issuing country's law, precisely because of differences in interpretation from one EU country to another.

The cleanest solution would be to exclude racism and xenophobia. But there may be other solutions that respect the essential differences in history and culture from one member state to another. In Britain, we value freedom of speech too highly to see it sacrificed because of the racist views of an oddball academic. Nor should we turn Dr Toben into a misplaced martyr. Strength of argument, widespread outcry and ridicule will defeat the Holocaust-deniers. Let us not dignify their status or their argument with prosecution.

The writer is the Liberal Democrat Party's home affairs spokesman

<http://www.independent.co.uk/opinion/commentators/chris-huhne-holocaust-denial-and-a-case-that-shows-flaws-in-the-eu-971404.html>

This precedent-setting theme is also disseminated via the BBC new service.

Holocaust key to extradition case.

Julian Joyce, BBC News

The arrest and attempted extradition to Germany by British police of an alleged Holocaust denier would set a 'crazy and dangerous' precedent, say campaigners.

Dr Gerald Toben was arrested by British police under an EU arrest warrant issued by the German authorities.

That warrant accuses him of publishing material online 'of an anti-semitic and/or revisionist nature'.

Dr Toben has been remanded in custody after his extradition hearing on Friday was adjourned, but will face a bail hearing on Friday 10 October and a full hearing on 17 October.

Dr Toben, an Australian national, was convicted in Germany in 1999 for breaking a German law that prohibits denying or 'playing down' the mass murder of the Jews under Hitler.

'No laws broken'

Officers from Scotland Yard's Extradition Unit arrested him on Wednesday while he waited on a plane at Heathrow airport.

Appearing before City of Westminster Magistrates' Court the same day, Dr Toben said he was the victim of 'legal persecution'.

He added: 'It's a witch trial mentality in Germany concerning this matter, which is not the case in England yet.'

Human rights campaigner James Panton, of the Manifesto Group, said that Dr Toben should not be extradited, because he had not broken any British laws.

'Extraditing this man - however unpleasant a character he may be - would set a crazy and dangerous precedent,' he said.

'Toben has been arrested in the UK for being a Holocaust denier - but that is not a crime here.

'We are now entering a dangerous situation where you and I could potentially be arrested for crimes that other countries - but not the UK - deem to be offences.'

The Crown Prosecution Service (CPS), whose lawyers are acting for the German authorities, argue that agreements signed in 2003 between the UK and other European countries mean that Britain is duty-bound to assist the German authorities.

Internet views

A CPS spokesman said an extradition hearing would determine whether the requirements were met for surrender to the requesting territory under Part 1 of the Extradition Act 2003.

'The matters the judge are required to consider include whether the conduct constitutes an extradition offence.'

Campaigners are also concerned that the UK is assisting the extradition of someone whose views appeared on the internet - rather than being published in Germany itself.

Nigel Farage, leader of the UK Independence Party, said that while his party in no way condoned Dr Toben's views, 'not only has he not broken any UK laws, but in seeking to arrest him, Germany is claiming censorship rights to the entire internet network.'

This view is shared by Australian free-speech campaigners who have accused Germany of trying to 'legislate for the entire world' by treating downloadable internet material as a German publication.

Holocaust 'a lie'

Dr Toben, a German-born former schoolteacher, who now lives in Australia, has in the past described the Holocaust as 'a lie'.

His Australian-based website, the Adelaide Institute, carries the transcript of an interview in which Dr Toben says there is ‘no proof’ that Hitler systematically exterminated the Jews, and that Auschwitz was a ‘transit camp’.

Those who support Dr Toben’s extradition say those views might qualify him for a British prosecution.

Dr David Cesarani, a lecturer in Jewish history and campaigner against British Holocaust denier Dr David Irving, said Dr Toben had a ‘long and obnoxious record’ of anti-semitism.

‘Unusual case’

‘His views would probably qualify him for prosecution under laws against incitement to racial hatred in this country,’ he told the BBC’s Jeremy Vine programme.

‘While it may seem an unusual case we are part of a global judicial system and it is for the best.’

Liberty director Shami Chakrabarti said: ‘When people are wanted in other democracies for actions that would be considered serious crimes in Britain, most would agree that extradition should be possible.

‘But the danger with ‘fast-track’ extradition is that there is less opportunity for justice to be seen to be done before someone is bundled off to another jurisdiction.’

http://news.bbc.co.uk/2/hi/uk_news/7648980.stm

Michael Santomauro expressed the problem succinctly:

What sort of Truth is it that crushes the freedom to seek the truth?

I wish to express my outrage that the Holocaust, unlike any other historical event, is not subject to critical revisionist investigation. Furthermore I deplore the fact that many so-called democratic states have laws that criminalize public doubting of the Holocaust. It is my position that the veracity of Holocaust assertions should be determined in the marketplace of scholarly discourse and not in our legislatures bodies and courthouses. Let’s end ‘thought crimes’ in the twenty-first century. Dr. Töben’s thoughts cannot be killed by his imprisonment.

ARE you willing to HELP? Peace.

RePorterNoteBook@gmail.com

Then there is a Jewish voice which can see the deeper issues my case is awakening, and which can become precedent-setting, thereby bringing to Great Britain Holocaust laws through the proverbial backdoor, something I would welcome. The more countries that enact such laws, the sooner it will be overdone and the legal straight-jacket will disintegrate so that conceptual

freedom breaks out with much rejoicing – and the Holocaust believers will be gnashing their teeth because they fear free minds.

Freedom of speech and Holocaust denial

Melanie Phillips, *Daily Mail*, 6 October 2008

Later this week, a London magistrates' court will hear a bail application in an extradition case which should be ringing alarm bells.

A German-born Australian citizen, Fredrick Toben, was arrested as he passed through Heathrow by British police acting under an EU arrest warrant issued by the German authorities.

The Germans have accused him of publishing antisemitic Holocaust-denial material on his Australian website.

There is no doubt that the views expressed by Toben, a notorious falsifier of history who was previously sentenced to nine months' jail in Germany for breaching its Holocaust-denial law, are vile. He says, for example, that there is no proof that Hitler systematically exterminated the Jews and that Auschwitz was merely a 'transit camp'.

As a Jew, I am acutely alive to the vicious potential of denying the Nazis' attempted extermination of the world's Jews. Such lies are used to whip up hatred against the Jewish people by effectively accusing them of fabricating claims of genocide.

There is no question that this not only denies the historical evidence of Hitler's 'Final Solution', but also subjects Jews round the world to further hatred and persecution. Holocaust-denial is, indeed, a modern form of Jew-hatred.

But, through gritted teeth, I have to say that I am totally against the extradition of this man and appalled at the political and legal developments that have brought these moves about.

There are two fundamental issues at stake here. First is the threat to the principle of freedom of speech. Second is the erosion of Britain's power to uphold its own historic commitment to that principle.

Freedom of speech is a bedrock of our society. Sure, it's not absolute; but we limit it only in the most rare of circumstances where it poses a direct threat to individuals, such as inciting or encouraging people to violence.

For similar reasons, we also outlaw incitement to racial hatred. But we draw a distinction, for example, between inciting hatred of people for what they inescapably are, which we rightly treat as a crime, and inciting hatred of their views, which we see as part of the cut and thrust of a liberal democratic society. That's why there was such uproar over the new crime of incitement to religious hatred.

It's because of this respect for debate that this country has never criminalised Holocaust-denial. Odious as it is, it is an interpretation of history – and one which in any event defies easy categorisation.

True, it's an interpretation that used to stir up hatred against Jewish people. But once you argue that it should therefore be made a crime, there's no end to it.

After all, you could make exactly the same point that the current vilification of Israel and the denial that it is the victim of aggression in the Middle East has led to an upsurge in violence and prejudice against Jews worldwide.

Even more fundamentally, classic English literature is stuffed with anti-Jewish stereotypes and attitudes. But no one would suggest that expressing such opinions about Israel should therefore be made a crime, or that such literary classics should be censored.

In a free society, the proper antidote to the dissemination of lies is the expression of the truth. The arch Holocaust-denier David Irving was jailed for this crime in Austria. Did that expunge his poison? Of course not; if anything, it helped him pose as a martyr.

What was more effective was surely the destruction of his ideas in a British courtroom when he chose to bring a libel action — which rebounded against him by discrediting his claim to be a 'historian' and ending with his denunciation by the trial judge as a 'pro-Nazi polemicist'.

That is the British way of doing things. But what is so disturbing about the Toben case is that we may be forced to become accomplices to a view which is inimical to our own.

If Toben is extradited, this will mean that Britain will be treating as a criminal suspect someone who is accused of behaviour which is not regarded as a crime in this country.

That breaches an ancient principle of our law — which we so regrettably junked when we signed up to the European arrest warrant. Moreover, it is not just foreigners but British citizens who in theory can now be arrested in the UK and extradited to a country which accuses them of committing a crime there which is not treated as a crime here.

This is part of the attempt to create a 'corpus juris', a European body of criminal law, which is in turn a key element of the EU vision of a unified super-state whose inhabitants all subscribe to the same principles.

But we do not. Both Germany and Austria have a very particular reason for criminalising Holocaust-denial. Given their appalling history, they are understandably terrified that it will help bring about a revival of Nazism.

They are entitled to reach such a conclusion and enshrine it in their own law. But equally, we should be entitled to say that we don't share this view. By signing up to the European arrest warrant, however, we have removed that most precious privilege.

Even if Toben is not extradited — and there is a view that the wording of the Extradition Act may provide him with a loophole — the EU arrest warrant remains a threat to our liberties.

Its scope is dangerously imprecise. Under its terms, people can be extradited to a country which accuses them merely of ‘racism and xenophobia’. But these prejudices are notoriously difficult to define.

Indeed, those who object to the EU arrest warrant and the EU project itself as an attack on national sovereignty are themselves routinely accused of xenophobia.

It is surely not fanciful, therefore, to imagine an Orwellian scenario in which such people may themselves be extradited and prosecuted — for warning against the very abuse of power that may put them in the dock.

Holocaust-denial falls into the category of ‘hate-crime’ which has become such a fixation among Left-wingers and an article of faith within the EU. These zealots appear to believe that hatred and prejudice can be expunged from the human heart through the exercise of the law.

Like other utopian fantasies, however, far from ushering in a new era of tolerance and enlightenment, this creates the very illiberalism it purports to oppose.

More and more arrests and prosecutions are taking place against people who are deemed to offend against ‘hate speech’ — simply because they are preaching Christianity, denouncing immorality or even, in one consummately ironic case, scrawling on a wall ‘Free speech for England’.

And all this against the background of the campaign by certain Muslims who seek to outlaw even the term ‘Islamic terrorism’ in order to shut down debate about that particular threat.

This sinister encroachment of hate crime into English law has little to do with preventing harm and more to do with an abuse of power. And the EU has put rocket fuel behind it.

It is this erosion of fundamental liberties and denial of national differences at the heart of the EU project which is behind the current alarming rise of neo-Nazi parties in countries such as Austria — which jailed David Irving for Holocaust-denial.

It is not bigots like Fredrick Toben who pose the biggest threat to our freedom, but the EU and its incendiary doctrine of nation-denial.

<http://www.melaniephillips.com/articles-new/?p=617>

On 16 October 2008 Bernard Keane, Canberra correspondent for www.crikey.com comments on the wider implications of my arrest.

On freedom of speech and Gerald Fredrick Toben

Holocaust denier Gerald Fredrick Toben remains in prison in the UK and will return to court this Friday. He will not be tried before 2009 at the earliest and, given the apparently fanatical zeal of German prosecutors, is likely to remain in prison until then.

Media coverage of his case remains virtually zero. This partly reflects the fact that the natural constituency to speak up on his behalf, the Left and human rights advocates, are the ones most likely to find his views especially repugnant. Julian Burnside called last week for the Government to give him all assistance to which he was entitled as an Australian citizen. Otherwise, there's been near-total silence. Right-wing commentators, who are normally happy to defend free speech when it's being used against the Left and minorities, have also been peculiarly silent.

According to DFAT, Australian consular staff visited Toben last week and he will continue to be provided with consular assistance. The Government, however, has said nothing about him or on his behalf.

One of the worst aspects of this, as a UK commentator noted last week, is that this risks making Toben a martyr and giving him credibility. The man is a fool, at best, and holds disgusting views that even David Irving has expressed reservations about. That puts him way beyond any civilized discourse. It does not, however, put him beyond the fundamental protection that should be afforded free speech that does not amount to vilification or incitement to violence.

But if we disentangle the details of what has happened to Toben, maybe a few more people might begin to question what has happened. Toben was *en route* from the US to Dubai. His plane had a scheduled stopover in London, and police boarded the plane and arrested him on a European Arrest Warrant from the German Government for publishing 'anti-Semitic and/or revisionist' material prior to 2004. This is not an offence in the United Kingdom (or here). As another UK commentator pointed out, Toben's arrest is therefore contrary to UK Government promises that people would never be extradited under the European Arrest Warrant —introduced to expedite counter-terrorism activities —for activities that were not crimes in the UK.

There is also a separate legal issue about whether Toben's activities fall within the 'European framework list' of offences that permit extradition and if so, whether it occurred in the UK as well as Germany and therefore Toben should be tried there rather than in Germany.

That's because Toben didn't commit his breaches of German law in Germany. He committed them in Australia, when he uploaded material onto his website. Anyone who downloaded them in Germany might have been breaching German law, but Toben didn't, because he wasn't there.

Of course, the Germans' argument will be that in publishing his material on the internet, that means he was publishing in Germany, along with everywhere else. This isn't a view confined to Germans

trying to make up for their country's Nazi past. Joe Gutnick inflicted significant damage on free speech in Australia in 2002 when he convinced the High Court that a comment in a Dow Jones online publication published in the US could be the subject of libel proceedings under Australia's absurdly restrictive defamation laws, rather than in the US.

If we accept this approach, then, depending on extradition treaties, bloggers and online publishers could find themselves suffering the same fate as Toben — hauled off to a country where expressing a particular opinion constitutes an offence, regardless of whether it is an offence in their own country — or one they happen to be in at the time.

Sounds melodramatic, right?

Andrew Sinclair of the Queensland Council for Civil Liberties, while not commenting specifically on the Toben case, raised a scenario. What happens to an internet activist if a plane is forced to land, like the Qantas flight last week, due to a mechanical emergency, and touches down in a country with an extradition treaty with a jurisdiction with harsh restrictions on free speech? Toben's plane was on a scheduled stopover at Heathrow when he was seized and taken from it. To this extent, he is arguably responsible for his current predicament, and should have avoided any EU country. But what if he had been on a plane that was forced to land in an EU country due to mechanical fault?

The combination of the UK's willingness to extradite people when they have committed no offence under UK law, and governments' willingness to claim jurisdiction over the internet, has trapped Fredrick Toben. We should be speaking up for him now, rather than waiting for a more appealing victim of this attack on free speech. And so should our Government.

<http://www.crikey.com.au/2008/10/15/on-freedom-of-speech-and-gerald-fredrick-toben/>

Seven months later, on 12 June 2009, ABC-TV came up with a world first by labelling me a 'Holocaust questioner':

An Adelaide Holocaust questioner has won another reprieve from jail after he was granted leave to appeal against a contempt ruling. Fredrick Töben has been ordered to serve three months in jail for breaching Federal Court Orders 24 times by publishing material vilifying Jewish people on his website. Töben's arrest was put off while the court decided whether he would be allowed to appeal. It was put off again today when the court ruled an appeal will be heard in August. Töben has promised not to leave the state except to see his Melbourne-based lawyer.

http://www.youtube.com/user/FredrickToben#p/u/7/IqHJxm-_MfE

Nine years earlier, after Commissioner Kath McEvoy handed down her Human Rights and Equal Opportunity Commission decision, ABC-TV was again on the ball. The current matter was then in its infancy but on its inexorable conclusion.

Anti-Semitism hits the Web, ABC TV 7.30 Report, 11 October 2000

MAXINE McKEW: The World Wide Web has often been described as a free market for ideas and information, but according to the Human Rights and Equal Opportunity Commission, cyberspace is no place for material claiming that say the Holocaust is a myth. On 5 October 2000 the commission made an unprecedented order for the removal of a website – created by a group calling itself the Adelaide Institute, because it breached the Racial Discrimination Act by posting material offensive to Jews. The man behind the website, former school teacher Fredrick Toben, has previously been jailed in Germany for breaching their laws. Now, he's refusing to comply with the commission's finding – a move likely to see the case tested in the Federal Court. Mike Sexton reports.

JEREMY JONES, EXECUTIVE COUNCIL OF AUSTRALIAN JEWRY: They are saying that if you are a Holocaust survivor or if you have relatives who perished during the Nazi Holocaust, no matter how close, they say that you are lying about what happened to your loved one for some material gain. So they are sticking the dagger in twice.

DR FREDRICK TOBEN, ADELAIDE INSTITUTE: If we're in a democracy, then we must have the ability to have opposing points of view openly aired, even if it's hurtful and somewhat offensive.

MIKE SEXTON: Fredrick Toben, a retired high school English teacher and amateur historian, has created a small piece of history himself. He's the first person in Australia to be ordered to remove an Internet website because it was based on racial hatred.

ADELAIDE INSTITUTE VIDEO: This second door, you can see it's supposed to be gas tight. That is the problem.

MIKE SEXTON: Like controversial British historian David Irving, Fredrick Toben and the handful of members of his Adelaide Institute argued there was no systematic execution of Jews in the Second World War.

DR FREDRICK TOBEN: Hundreds of thousands died, Jewish and non-Jewish people, it's not in dispute because that's documented. What isn't documented is the terrible allegation that the Germans systematically exterminated European Jewry in homicidal gas chambers.

JEREMY JONES: More has been written about the Nazi Holocaust than any other period of world history. There is more academic debate taking

place all around the world right now, there's a serious debate. But someone who denies the Holocaust took place is not part of that debate, their somebody who is merely trying to use that as a pretext to launch anti-Semitic attacks.

MIKE SEXTON: Jeremy Jones is the Vice-President of the Executive Council of Australian Jewry. He found Dr Toben's denial of the Holocaust so offensive, he brought a case to the Human Rights and Equal Opportunity Commission.

JEREMY JONES: Within the first few weeks of that site going up I received probably as many complaints about offence and hurt and injury caused by that website as I would about everything else going on in Australia over the same sort of period.

MIKE SEXTON: In a landmark decision, the commission described the website as bullying, insulting and offensive to the Jewish population and ordered the website be taken down and Dr Toben apologise to Mr Jones.

JEREMY JONES: We are vindicated because we believed that what he was doing was unlawful.

DR FREDRICK TOBEN: Truth is our defence in these proceedings, but Commissioner McEvoy didn't want to hear about the truthfulness of any of these allegations.

MIKE SEXTON: She has said though, the main purposes of the publication of the material was a humiliation and denigration of the Jewish people. That's an incredibly strong statement to make.

DR FREDRICK TOBEN: But these are sweeping generalisations.

MIKE SEXTON: Dr Toben believes the website is an academic discussion point, but the commission didn't agree.

EXCERPT FROM HUMAN RIGHTS & EQUAL OPPORTUNITY DECISION: 'None of the material contained on the website is of an historical, intellectual or scientific standard which is persuasive on these issues and is largely expressed in highly tendentious and often offensive and insulting language about Jewish people, which makes it difficult to give serious consideration to the propositions contained in it.'

JEREMY JONES: If somebody says that they want to talk about the time when Gough Whitlam was PM and they want to discuss whether he was a good prime minister or a bad prime minister, you can discuss that. If somebody says they want to discuss it because they want to argue he was never prime minister, you would say 'What is the possible logic of arguing with someone like that?'

MIKE SEXTON: But if the Adelaide Institute website is considered a dead end on the information superhighway, then where does that leave other sites that contain potentially offensive or misleading information?

IRENE GRAHAM, ELECTRONIC FRONTIERS AUSTRALIA: It's really not for the Government to decide that this site is factual and this

site's not. People need to learn to analyse information, have critical reading skills and so on, and be able to make up their own mind.

MIKE SEXTON: Irene Graham is part of an Internet civil libertarians group called Electronic Frontiers Australia. While the group deplores racist and hateful speech, it wrote to the commission defending Dr Toben's right to cyber freedom.

IRENE GRAHAM: Certainly, there seems to be the potential for it to be quite a nasty threat to freedom of speech because it is opening the door for many groups of people to claim to have been insulted or humiliated by something written on a website and yet the ruling doesn't clearly define where the line is to be drawn as to what extent offensive speech is illegal.

JEREMY JONES: We recognise that the Internet is an area where there are people who seem to think it can exist outside the rules which generally govern society. We don't believe that for one moment.

MIKE SEXTON: Fredrick Toben believes it's an issue of freedom of speech and argued his opinions were sincerely held and offered in good faith. But this was rejected by the commission.

EXCERPT FROM HUMAN RIGHTS & EQUAL OPPORTUNITY COMMISSION DECISION: 'I would have very great difficulty in determining any of the material placed on the Adelaide Institute website by Dr Toben was put there 'reasonably and in good faith'.'

MIKE SEXTON: The battle over the website isn't over, the Human Rights and Equal Opportunity Commission has no real teeth to enforce its decision.

DR IAIN STEWART, MACQUARIE UNIVERSITY: Toben is saying 'OK, sue me,' and that is just what will have to happen. But it's going to be an expensive thing to do and there's no guarantee at all of the outcome.

MIKE SEXTON: Fredrick Toben has already spent seven months in a German prison for breaking that country's laws on Holocaust denial. He says he'll following the same path here rather than apologise for shut down his website.

DR FREDRICK TOBEN: For years, even during my teaching days, I informed students that the most precious thing we have is free speech. So I'm quite prepared to go to jail for that to show that I practice what I preach.

JEREMY JONES: Fredrick Toben, if he goes to jail will go because he broke Australian law and I don't think most Australians think that is a particularly noble thing to do.

Generally speaking the national Australian broadcaster has given my matter some balanced coverage, thereby indicating that within this huge bureaucracy there are individuals who know what our battle is all about.

While working briefly for ABC-Radio at the Horsham office in 1989 I explained to those interested, such as Mark Skurnik, that my enemy is the person who wishes to keep information from me, then pretends this act of blatant censorship is for the wellbeing of society.

One such misguided person in Germany is a state prosecutor, Andreas Grossmann, who delighted in proceeding against Sylvia Stolz, Horst Mahler, Germar Rudolf and Ernst Zündel, then, for example, gloated during my London imprisonment that he would have me at Mannheim in early 2009. Now the push is to have me in Mannheim in May 2010.

There is no obvious awareness of how important free expression is to a society's well being and where truth telling is a fundamental moral virtue.

And so it comes to pass that in the course of defending the most precious thing we have as humans - our freedom to think and to speak, of course in a civilized way - I do my time.

The matter that Jones raises we reduce to a formula that highlights a moral problem:

Do I tell the truth or do I obey the law?

On Adelaide Institute's website we claimed that Jones would go for the law at the expense of truth-telling, while we stated that we would do both. In the former the Marxist/Talmudic dialectic operates where the end-result is a win-lose situation, while we use the Hegelian dialectic where it is a win-win because the opposites merge in a new synthesis

Jones, of course has no moral perspective because he bids all slavishly to follow the law, the Torah and Talmud, without exception, and just through sophistry talk your way out of any situation.

However, we have always claimed that in our business talk is cheap, and so is anything that comes from Jones - whenever he attempts to defend his legal action against Adelaide Institute that aims to censor historical debate - is mere puffery.

This matter is raised again in court before Justice Lander as revealed in the court transcripts that follow.

Chapter 1

A MEDIA FIELD DAY

Enough to make you gag, but ...

On 22 September 2002, five days after Justice Catherine Branson of the Federal Court of Australia orders me to remove material from Adelaide Institute's website, it is author and controversial broadcaster Terry Lane, who defends my right to be wrong:

French writer Michel Houellebecq has been on trial in Paris this past week, charged with insulting Muslims by calling Islam a 'stupid religion'. M. Houellebecq has been ordered to apologise or face a sentence of up to a year in prison.

And Adelaide historical revisionist Dr Frederick Toben was ordered by the Federal Court on Tuesday to remove from his website all claims that there were no gas chambers at German concentration camps and also any suggestion that Israel uses the 'myth' of mass extermination of the Jews to win sympathy and stifle criticism.

Houellebecq expresses an opinion, and how the spiritual heirs of Voltaire think they can stamp out an opinion by imprisoning the person who holds it beggars belief. Toben asserts a fact, and that is a different matter. Assertions of fact can be tested and the argument can be won by the party with the more convincing evidence. Toben should not be censored, he should be debated.

It is not surprising that some people think that the extraordinary steps taken to silence Toben suggest there is something someone would rather we did not know about. An e-mail came from a reader this week in response to my defence of Dr Toben's right to be wrong: 'Thank you for speaking out against the curb. I agree with you. However, what I seek is

not published criticisms of the judgment against the Adelaide Institute website but in-depth presentations for and against the position by Frederick Toben and others like him.’ In other words, just to defend his right to speak without dealing directly with the content of his speech is a cop-out. So, was there a program of mass extermination of Jews and others in which gas was used? The answer is an unequivocal yes.

How do we know? Because, amongst others, we have the testimony of Rudolph Hoess, the commandant of Auschwitz. In his deposition to the Nuremberg court Hoess says that in 1941 his executioners were being overwhelmed by the sheer numbers of Russian prisoners sent to him to be murdered. Shooting was inefficient.

Hoess knew that gas was being used at Treblinka to kill Warsaw Jews, so he went to inspect. He found gas was, indeed, a more efficient method of mass-producing death, but he was not impressed with the carbon monoxide that was being used. It was too slow.

At Auschwitz he began his first experiments with Zyklon B, a form of crystallised hydrocyanic acid. The first experiments were crude, and involved herding prisoners into a room and throwing in a Zyklon B cylinder and slamming the door. Guards and witnesses wore gas masks.

Later, when Jews started arriving in huge transports, larger rooms were pressed into service and some improvements were made to the delivery of the gas through holes in the ceiling. Hoess describes murdering Jews in a chamber that held 2000 people - every day, even on Christmas Day.

As the Allies approached, efforts were made to eradicate the evidence of mass murder. To go looking for ‘gas chambers’ now - as though they were some sort of large-scale equivalent of the American execution chambers - is ridiculous. As is the suggestion by the historical revisionists that autopsies should have been carried out at Auschwitz,

Treblinka and Majdanek to determine if the corpses carried signs of gas. Autopsies in the charnel house of 1945 Europe?

Revisionists go to absurd lengths to discredit Hoess’ evidence, proposing that it was beaten out of him. Hoess was tried at Nuremberg and again in Poland and was executed at Auschwitz in 1947.

If Toben were given space here to put his case he would be aggravating his offence and *The Sunday Age* would be breaching anti-discrimination laws. That is outrageous. The tranquillity of society is not disturbed by argument, but rather by the silencing of those who hold improper opinions.

<http://www.theage.com.au/articles/2002/09/21/1032054997894.html>

The originator of the legal battle, Jeremy Jones, gloats about my 1999 German arrest and he ultimately wins the case against me because he did

not have to prove anything, and the quantum of his ‘hurt feeling’ did not have to be verified by a medical certificate.

* * * * *

The few individuals intent on silencing me by using the shut-up word ‘anti-Semite’ do not know that in 1971, I briefly visited Israel. My reflections on that visit have not been published. They are indicative of a time when the Holocaust matter did not loom large on the horizon and when Germans still felt connected to things Jewish, much to the dismay of the Palestinians who at that time had not yet been subjected to the ruthless Jewish extermination process, which reached a zenith in December 2008-January 2009.

I concluded that I now understood why Lawrence of Arabia essentially got along well with the Arabic-speaking Muslim peoples of the Middle East, and that the problem facing Israel is to integrate and unite peoples of totally different backgrounds – from cavemen to highly sophisticated individuals. According to Moshe Asolai, chairman of the Education Department, religion helps this process but if it fades, there will then be serious racial problems facing Israel. I remarked at that time:

On the El Al plane I had a little chat with lady next to me. In Israel she cannot marry her Jewish Indian ‘husband’ according to Jewish custom because the Talmud and Torah and the Rabbis forbid the union. Cyprus is their only hope where they can marry, and then they can return to Israel as husband and wife. This certainly discredits their claim as a democracy.

As we began our descent and I started thinking: Israel, your secret is soon mine as well – oh, Israel – I have come to pay my respects to your mystery, to your wisdom and tolerant intolerance.

I waited for the Gaza bus at Ashkalon; there were national service men and women everywhere, rather rowdy and untidy in eating habits, gulping down drinks and throwing containers in the streets, while old decrepit-looking fellows sweep the road.

Tirza Zilberblate, a girl from Ramat Johanan, had blue eyes, and blonde hair, as blond can be. She was so completely out of place in this dark society, and a great contrast to Cilla Goldschmied, telling us she will join El Al in a few weeks time. It was amazing, seeing one who looks so very Jewish, and the other so very Nordic.

This looming social problem makes sense of their reliance of the Holocaust as a substitute unifying principle, a secular religion for a people that have nothing in common but materialism, something that during the late 1960s and early 1970s slowly began to emerge on the world stage where you could deny the existence of God but not the Holocaust!

It is the problem that emerges when one has built a culture in the mind without having developed a civilisation. As I surmised in 1971: ‘...my prophecy is, if the Jews firmly establish themselves in Israel, they, too, will become subject to the decaying influences of mankind- not even the sense of being the chosen ones will save them- the final general tension will then be eliminated in this world...and will that be the end of them?’.

The democratic process and the demographic problem will in time see a one-state solution to the Israel-Palestine conflict.

I ended these brief reflections by penning the following:

Oh, Israel! Oh, Israel!
Ancient youngster of the world;
Sunny shadows still blot
Your cradled hand.

Awake anew, take hold, and take hold!
Quench your thirst!
Drink lustily from your
Own abundant wisdom!

Reach out for other hesitant hands.
And give generously of your plenty.
Such can only bring you joy -
You have and thus you can afford to give.
Israel, I love your virginal maturity -
Hold yourself forever above the common;
Grace your body and soul with timeless dignity!
Oh, Israel! Oh, Israel!
Yours is the world?

* * * * *

Two cards I sent to Australia on 1 and 2 January 1971 had, among other things, the following comments:

Nearly in prison at Metulla – got caught walking along the Lebanon-Israeli border and spoke with Arab on other side ploughing the field along the border. At Police station advised because of 7 day War [6 Day War] there is danger of spying activity but I'm from Australia and harmless and studying philosophy in Germany. Now in Tiberias – off to Jerusalem by bus. Now I know why there are Schlampers in this world – this place is one big schlamp. They talk of culture but where is the non-intellectual culture?

Hello from Jericho! No sign of any battle at the moment. The Allenby Bridge is sealed off. I walked four km in very warm weather to find that out. On way saw a few large farms using conventional irrigation method. No wonder- plenty of fellows to do the work for them.

Until the 6-Day War all the Arabs here were Jordanian who still brood over their loss. I asked Jericho Postmaster how he was taking the occupation: 'Jericho is Jericho, thousands of years old, occupiers come and go but Jericho is Jericho!'

In town radios were blaring oriental music. There were people walking & talking, playing cards and so forth. It's no wonder that Israel succeeded in the war – the Arabs need inspiration before they do anything for someone else because they are too damn emotional. No wonder Lawrence of Arabia was so successful. – Tonight I am back to Jerusalem.

This commentary indicates how little I then knew about the deeper impulses driving Middle East politics. Hence, my reference to 'Arabs' which I did even when looking into Gaza. In this respect the Palestinians have made progress, but that is not so much their doing as the failure of the Jewish state to stabilize and mature, and to continue to follow the madness of Eretz Israel, which necessitates an extermination policy of the original inhabitants in the land the Jews now occupy. We saw this in full swing in December 2008–January 2009 when Israel again attacked the Palestinians in Gaza.

I was disappointed to see that Israel was not glossy but quite untidy. Even the kibbutz system at that time, began to break down because the sordid night life in Tel Aviv, held more appeal to young men and women than the ideal of a money-free communal/utopian/communist farming life-style.

The trouble with a reliance on the young for such a source of energy is that if there is no community to nurture them through this Sturm-und-Drang period, society then disintegrates. No society can stand an unbridled atmosphere of self-seeking as it currently expresses itself in our global international financial predatory life style gurus, such as Bernie Maddoff.

Little wonder that Lebanon's pride and joy capital city, Beirut, had to be destroyed because this wonderful country shamed what was going on in Israel. The little Switzerland of the Middle East had to be fractured and split into its sectarian fault lines so that Israel could continue to attract the world's human energy resources.

* * * * *

While in Wandsworth Prison I met a prisoner who had won his appeal before the High Court, was released, then when he walked out of the prison gates he was re-arrested by police because the French authorities had 'bettered' their European Arrest Warrant. As I was about to walk out of Wandsworth I asked at reception about this possibility happening to me and was assured they would know about it, and there was no such matter before them so that I would be safe to exit the prison. Valkerie Mangnall reported on this aspect in her interesting and revealing article but things were slightly wrong - I did not flee but my sweet solicitor Kevin Lowry-Mullins put things in context (see Prelude).

When I returned from my 50 days imprisonment in England Adelaide's Channel 7 gave me some coverage, and the *Australian's* Pia Akerman tried to be objective and not immediately use the term 'Holocaust denier' as she had when reporting in 2007.

Holocaust denier withdraws apology

Pia Akerman From: [*The Australian*](#) December 01, 2007 12:00AM

HOLOCAUST denier Fredrick Toben has withdrawn his apology to the Federal Court for publishing banned material, vowing yesterday to defy orders to remove postings doubting the Nazi extermination.

Dr Toben, who spent seven months in a German prison in 1999 for inciting racism, may face another jail term or fines if he does not comply with the orders renewed this week to remove the banned material and is consequently found in contempt of court.

On Tuesday, Dr Toben apologised to the Federal Court in Adelaide for breaching orders made in 2002 that banned him from publishing material implying the Holocaust did not happen.

The Australian Jewish News then published an article by Peter Kohn about the court proceedings, with the headline 'Toben gives Holocaust denial apology in court'.

Dr Toben yesterday published a response on his Adelaide Institute website, declaring 'it's on', and that he would cease removing the banned material from his website as ordered by the court.

Dr Toben told The Weekend Australian he took issue with the Jewish News headline and his belief on the Holocaust 'was never the subject of the apology'.

'If the below interpretation (the Jewish News article) is consistent with the court order, I'm withdrawing from the consent agreement,' Dr Toben said.

'The interpretation was not explicitly or implicitly canvassed before the consent agreement was written up.'

The court has ordered Dr Toben to remove website material that judge Catherine Branson found in 2002 had breached the Racial Discrimination Act. The postings implied the Holocaust did not happen and doubted the existence of gas chambers at Auschwitz concentration camp. Dr Toben has also been banned from publishing material implying Jews who were offended or challenged by Holocaust denial were of limited intelligence, and material implying some Jewish people had exaggerated the number of Jews killed in World War II and the circumstances for financial gain. Australian Jewish News editor Ashley Browne said the newspaper stood by its report.

'We reported the story based on what we understood to be the case, and that he (Dr Toben) was under a lot of pressure to give an apology,' Mr Browne said.

'We stand by our report and our version of events.'

Steven Lewis, representing Jeremy Jones, who brought the action against Dr Toben to force him to comply with the court orders, said the case might resume next year if Dr Toben refused to remove the material.

'I've always had a concern that Mr Toben may do his own thing, and it appears those concerns have been justified,' Mr Lewis said.

'We can't control headlines.'

<http://www.theaustralian.com.au/news/holocaust-denier-withdraws-apology/story-e6frg6no-1111115006984>

For the record, I have never stated anywhere that 'Dr Toben has also been banned from publishing material implying Jews who were offended or challenged by Holocaust denial were of limited intelligence'. This formulation was made by Justice Branson in her Orders in 2002.

This time I had explained to Akerman that we cannot be called 'deniers' because how can you deny that which never happened?

Toben's home and on offensive

Pia Akerman, *The Australian*, December 08, 2008 12:00AM

BACK home in Adelaide's leafy eastern suburbs, serial Holocaust revisionist Fredrick Toben is unrepentant.

The grim cells of London's Wandsworth prison are a long way away, and the Holocaust denier is free once more to loudly declare the views that others find so offensive.

'The Germans never systematically exterminated anyone - it's a lie,' he says, sipping coffee in a Norwood cafe. 'I refuse to recant.'

Dr Toben, 64, returned to Adelaide last week after his 50-day stay in London's Wandsworth Prison and wasted no time in resuming his Adelaide Institute newsletter, telling his supporters of his experience.

The former schoolteacher was arrested aboard a plane at Heathrow airport on October 1 en route to Dubai.

British police were acting on a European Union arrest warrant, issued in Germany, which accused him of publishing internet material 'of an anti-Semitic and/or revisionist nature'.

'It was a legal ambush,' Dr Toben told *The Australian*. 'I was the test case for the European arrest warrant.'

'I mentally prepared myself for seven or eight months at Wandsworth ... we were going to go right through to the House of Lords if we failed at the lower levels.'

But Dr Toben's legal team - recruited by former Newcastle beauty queen and outspoken revisionist supporter Michele Renouf - emerged victorious after a British judge ruled the arrest warrant invalid.

Dr Toben maintains there are people out to get him.

'I know they are out to get me because I refuse to believe in their nonsense,' he said. 'Their aim is to criminalise thought.'

His case sparked debate in the British press, with civil libertarians, MPs and editorials loudly voicing opposition to the German extradition attempt.

'His opinions are wrong and offensive - but error and offensiveness are not grounds for banning an opinion, still less for imprisoning the individual who expresses it,' wrote London's *The Daily Telegraph*.

'The British legal system should have no part in this process. It is a blatant attack on free speech.'

Holocaust denial is not a crime in Britain or Australia.

It was not the first time Germany - his homeland - had pursued Dr Toben. He spent seven months in a Mannheim prison in 1999 for inciting racism.

With international travel off the cards in the near future in case of further arrest, Dr Toben remains in Adelaide awaiting a Federal Court judgment in a civil case against him.

He has pleaded not guilty to 28 charges alleging he breached orders by the Federal Court in 2002 not to publish offensive material on his website. He faces a finding of criminal contempt if found guilty.

<http://www.theaustralian.com.au/news/nation/tobenshomeandnonoffensive/story-e6frg6nf1111118247203>

As the saga continued to be aired in the electronic media, online stories indicated developments:

Meanwhile, in Adelaide in April 2009 Justice Lander is busy complying with the wishes that fulfil his personal moral and intellectual value system: he hands down the guilty judgment. Just prior to that journalist for the *Australian*, Pia Akerman, also fulfils her duty by eliciting from me a response to a possible guilty verdict.

Holocaust denier Fredrick Toben vows to defy judge

Pia Akerman, *The Australian*, April 14, 2009 12:00AM

REVISIONIST historian Fredrick Toben has declared he will go to jail rather than pay a fine if the Federal Court this week finds him guilty of publishing material denying the Holocaust occurred.

Judge Bruce Lander is expected to rule on Thursday whether Dr Toben breached previous court orders not to publish offensive material about Jews and the Holocaust on his Adelaide Institute website.

But Dr Toben, 64, said yesterday he would refuse to pay any fine if Justice Lander found in favour of plaintiff Jeremy Jones, former president of the Executive Council of Australian Jewry, who brought the civil case against Dr Toben.

‘If I am found guilty and a fine is handed down, I will on principle refuse to pay the fine, so that means I will have to go in (to jail),’ he said in Melbourne, before a meeting with his lawyer.

Dr Toben, a former teacher, was held in Britain for nearly two months last year while German prosecutors tried unsuccessfully to extradite him on an EU warrant.

In January, he announced plans to go to Germany to fight charges of publishing ‘anti-Semitic and/or revisionist’ material, but has now told his supporters his challenge is ‘on hold’ because of the pending Federal Court decision.

Dr Toben also spent seven months in Mannheim prison in Germany, in 1999, for inciting racism.

He has pleaded not guilty to 28 charges alleging he breached orders by the Federal Court in 2002 not to publish offensive material on his website.

The original material breached the Racial Discrimination Act, implying that the Holocaust did not happen and doubting the existence of gas chambers at the Auschwitz concentration camp.

Dr Toben was also banned from publishing material implying Jews who were offended or challenged by Holocaust denial were of limited

intelligence, and that some Jewish people had exaggerated the number of Jews killed in World War II and the circumstances for financial gain.

He faces a possible finding of criminal contempt if found guilty.

Justice Lander has heard that Dr Toben publicly defied the court's authority by casting aspersions on judicial officers and the legal process, promoting a view that the court was 'merely a proxy' for Jews.

<http://www.theaustralian.com.au/news/holocaust-denier-vows-to-defy-judge/story-e6frg6no-1225697051972>

Anyone can search the Internet for stories on the saga. Some articles attempt to defame me, at other times there is some objectivity as in this article:

Holocaust revisionist given jail for internet offence

AAP, *Herald Sun*, May 13, 2009 12:00AM

HOLOCAUST revisionist Fredrick Toben has been sentenced to jail for ignoring a court order stopping him publishing racist material on the internet.

Found guilty on 24 counts of contempt by the Federal Court in Adelaide, Justice Bruce Lander sentenced the 65-year-old on Wednesday but stayed the jail sentence for 14 days pending appeal.

The allegations were brought against Toben by the former president of the Executive Council of Australian Jewry, Jeremy Jones, in 1996.

Following rulings by the Human Rights and Equal Opportunities Commission, the Federal Court in 2002 ruled Toben be forbidden from publishing anti-semitic material on his Adelaide Institute website.

Justice Lander said Toben continued to breach the orders, including publishing a document on the morning of the penalty hearing, scandalising the court.

'Evidence showed a continuing public defiance of the authority of the court,' he said.

Toben's lawyer, David Perkins, argued his client should be able to serve the custodial sentence in home detention and requested time to appeal.

Despite noting that Toben's reasons for seeking an appeal 'were a very late invention', Justice Lander stayed the jail sentence for 14 days to enable Mr Perkins to submit the necessary paper work.

'The world is my prison, where can I run to,' Toben told reporters outside court.

'I am under legal advice, but I am quite prepared to sacrifice my physical comforts for the sake of free expression.'

Adelaide Institute acting director, Peter Hartung, in a statement released on Wednesday, said the website would continue to operate as normal should Toben be absent.

‘Dr Toben has shown himself to be a man of great integrity who will not bend - even prison will not make him recant his views,” he said.

Toben will reappear in court later this month.

<http://www.heraldsun.com.au/news/national/holocaust-revisionist-given-jail-term/story-e6frf7l6-1225711740860>

It is on this hearing day, 13 May 2009, that Justice Lander loses the plot by my giving him, unwittingly, much-needed ammunition that aroused him enough into anger, thereby justifying his handing down a prison sentence.

Judge slams denier’s Pratt comparison

Larine Statham, *The Age*, May 14, 2009

HOLOCAUST revisionist Fredrick Toben has been sentenced to three months’ jail for ignoring a court order preventing him publishing racist material on the internet.

Found guilty on 24 counts of contempt by the Federal Court in Adelaide, Toben, 65, was sentenced yesterday by Justice Bruce Lander, who stayed the sentence for 14 days pending appeal.

The allegations were brought against Toben by the former president of the Executive Council of Australian Jewry, Jeremy Jones, in 1996.

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Adelaide Institute acting director Peter Hartung said the website would continue to operate should Toben be absent. ‘Dr Toben has shown himself to be a man of great integrity who will not bend ... even prison will not make him recant his views,’ he said.

Toben will reappear in court later this month.

AAP. <http://www.theage.com.au/national/judge-slams-deniers-pratt-comparison-20090513-b3ak.html>

Chapter 2

THE ISSUE: TRUTH AND JUSTICE

Let's fast-forward six months to Friday, 18 December 2009 when Kate Connolly in Berlin writes for the UK-based *Guardian* newspaper:

Poland declares state of emergency after 'Arbeit Macht Frei' stolen from Auschwitz

**Police believe gang behind theft of Nazi slogan.
Act of vandalism 'knows no equal' – Polish minister**

A state of emergency was announced in Poland today involving tightened border controls and random police checks as a nationwide hunt was launched for the infamous bronze sign to the former German Nazi death camp Auschwitz after it was stolen.

The discovery this morning that the sign had been wrenched from the top of the entrance gate posts prompted international reactions of outrage from Washington to London and urgent calls for its return.

The sign, cast by camp prisoners, which offered the cynical welcome to new inmates 'Arbeit Macht Frei' (work sets you free) and stands as a potent symbol of the suffering millions endured at the camp, is believed to have been removed by a gang in what authorities called a meticulously planned robbery.

Katarzyna Padlo, spokeswoman for police in Oświęcim, (the Polish name for Auschwitz) in south-eastern Poland, said: 'We believe the sign was stolen between 3.30am and 5am when museum guards first noticed it was missing and called the police.'

Scores of Polish police were put on the case to investigate the whereabouts of the sign.

Border patrol police were told to be on the lookout for the 5m-long heavy cast-iron plaque that had spanned the entrance gate, over fears that there might have been plans to take it out of the country.

The news of the sign's disappearance triggered impassioned calls for its return.

Shimon Peres, president of Israel, discussed the theft with Poland's prime minister, Donald Tusk, in Copenhagen today. 'The state of Israel and the Jewish people in their entirety ask that you take the necessary steps to catch the criminals and return the sign to its place,' he told Tusk. 'The sign is of profound historical significance both for the Jewish people and the entire world.'

Avner Shalev, president of Yad Vashem Holocaust memorial in Israel, said: 'This is an attack on the remembrance of the Holocaust,' referring to those responsible as 'certain elements who want to take us back to the dark days'.

Jaroslaw Mensfeld, a historian and spokesman for Auschwitz, called the incident 'shameful' and said it amounted to the 'desecration of a place in which more than a million people were murdered'.

Karen Pollock, chief executive of the Holocaust Educational Trust in the UK, said she was disgusted by the robbery, which she called an 'appalling act of vandalism [that showed] gross disregard to all Holocaust survivors and the families of those who lost loved ones there.'

'The Nazi death camp Auschwitz-Birkenau stands as a universal symbol of the Holocaust and for millions of victims the sign represented the cynical cruelty of Nazi rule.'

Poland's parliament said the recovery of the sign was being treated as a matter of urgency. 'This is regretful and embarrassing,' said Bogdan Borusewicz, chairman of the second parliamentary chamber of the Polish senate. 'I just hope they don't destroy the plaque.'

Andrzej Przewoznik, minister with responsibility for the protection of historical monuments, said: 'This is an act of vandalism that knows no equal.'

There was widespread speculation over who might have been behind the robbery, with investigators looking into suggestions that it could have been anyone from scrap metal dealers to Holocaust deniers, from rightwing collectors of Nazi memorabilia to pre-Christmas pranksters.

Tonight they were still no closer to solving the mystery.

Police believe a gang was responsible for the robbery because it had apparently been carefully carried out with the perpetrators avoiding attracting the attention of nightwatchmen or being caught on CCTV cameras.

They confirmed that the sign had been unscrewed on one side and pulled off with some force on the other. Sniffer dogs brought to the scene have

led police to believe the sign was removed from the camp compound through a hole in the fence before being loaded into a van. After that any trail of the thieves has been lost.

Authorities in the region announced a state of emergency as the hunt for the sign was launched and a nationwide appeal went out urging anyone with any information to contact police. A 5,000 zloty (£1,000) reward was being offered to anyone with information that would lead to the criminals or the whereabouts of the sign. Police were today replaying hours of video footage from the CCTV cameras at the Auschwitz site, which is now a museum.

The Polish ambassador to Israel, Agnieszka Magdziak-Miszewska, said that it was believed the robbery had been ‘meticulously planned, because they were not caught on security cameras’. She added: ‘Finding the metal sign has become a national priority.’

Approximately 1.5 million people, mainly Jews, died in Auschwitz which was built in Nazi-occupied Poland. About 500 acres of the former death camp was turned into a museum after the end of the war.

The Arbeit Macht Frei sign was erected by prisoners with metalwork skills on Nazi orders in June 1940, and was a cynical take on the title of an 1873 work by the lexicographer, linguist and novelist Lorenz Diefenbach in which gamblers and fraudsters discover the path to virtue through hard work.

Museum officials have placed a replica of the sign above the gates which was used several years ago while the original was being repaired.

This article was amended on Monday 21 December 2009 to correct the spelling of Oświęcim.

Survivor's story

Benjamin Jacobs, a Jewish dental student from Poland, spent five years in Nazi concentration camps, including Auschwitz. He died in 2004. In this extract from his memoir, *The Dentist of Auschwitz*, he recalls seeing the sign ‘Arbeit Macht Frei’ for the first time. ‘Traumatised, starved, and soaked with human waste, we looked to be the inhuman, useless creatures the Nazis had characterized us as being. This camp did not look like any I had seen before. Along the inside ran what seemed to be an electric line. Perched above in towers were green-uniformed Waffen SS. Their guns pointed into the camp. ‘As we were driven further, we heard an orchestra playing and people singing. ‘Today Poland. Tomorrow the entire world,’ they sang in German. Each refrain had a different verse and mentioned a different country. When the trucks stopped, we heard: ‘We’re marching on England today, and tomorrow on the entire world!’ ‘A sign at the gate read: ‘Stop, high voltage!’ Above the gate another sign read ‘Auschwitz’, and below it, ‘Arbeit Macht Frei.’ We knew it wasn’t meant to be a

promise, not even a pledge. The truth was that we were here to work until we died. In front of a small shack a conductor directed 30 musicians. The scene was grotesque. 'Once inside, our truck turned left and stopped in front of one of the huge three-story brick buildings. A smartly dressed SS sergeant took charge of us. 'Down,' he shouted, as the rest of the SS began to enforce his order.'

<http://www.guardian.co.uk/world/2009/dec/18/auschwitz-arbeit-macht-frei-sign>

There we are – this ringing of the world's alarm bells is all about a story, about an historical event called the Holocaust, or as Jews refer to it in Hebrew, Shoah. The sign with that slogan, 'Arbeit Macht Frei' – work liberates, is symbolic of what Germans are alleged to have done during World War Two, that global conflict, which itself was the tail-end of the 30-year-war that began with World War One, the Great War.

A day before my imprisonment, Adelaide's *Advertiser*, on 12 August 2009, carries an item at page 30:

Hitler's 'handshake'

LONDON: It has long been regarded as the greatest sporting snub in history – when Adolf Hitler stormed out the Olympic Stadium in Berlin because German athletes had been humiliated by a black man.

In 1936, US athlete Jesse Owens had won the first of four 100m gold medals.

Hitler, who had shaken hands the previous day with all the German Olympic winners, left the stadium furious that his Aryan supermen had been beaten by their supposed racial inferior.

But Siegfried Mischner, a veteran German sports reporter now claims that, though Hitler did leave the stadium after the race, it was not before shaking Owens' hand behind the stands. Mischner, 83, says Owens carried a photograph in his wallet of the handshake.

Owen's name was added to the Olympic Archway where all winners had their names inscribed in stone, which was then filled with led. Of course, the newspaper did not produce this photo.

On 20 August 2009 the paper carries a small item at page 30:

DENMARK Cartoon row

DUTCH prosecutors have declined to put far-right MP on trial for distributing caricatures of the prophet Mohammed.

They have received complaints about Geert Wilders reproducing controversial Danish cartoons of the prophet on his website. But a Holocaust-denial cartoon on an Arab lobby-group website was punishable, they found.

The Hitler-Owens controversy has been exploited by so-called internationalists and anti-racists for decades. I find when such haters write about my work, I can see how they twist my intentions, how they distort and fabricate and outright lie about what I am on about. We have prime examples of these ugly minds at work in the various articles my imprisonment generated in the media. It is an ugly mind attempting to project its own foulness on to others, then claiming victim status when that impertinence is resisted and refuted in open debate, and logically as well.

It is this self-defence mechanism, of resisting ugliness that the hate-filled individuals wish to break down, to neutralise. Prime ugly, Jeremy Jones, did publicly state that it was his intention to stop me ‘from functioning’. Such a thought coming from a prime-ugly merely confirms my conviction that he is a destroyer of culture rather than a creator of culture.

But then, the other prime uglies, such as Steven Lewis and Peter Wertheim, know about this because when they look at themselves in the mirror, the reflection of their eyes exposes their self-hatred, from which they wish to escape by scapegoating, that most elementary and crude mechanism that does not contribute to our stock of world knowledge nor adds anything to our cultural stock. Only a fleeing into their incestuous little legal world rescues them from any clarifying moment before they are out again in search of more ‘anti-Semites’ without whom their life would collapse into total futility. Such is the lot of the eternal wanderer, the vagabond, the predatory prime ugly without any redeeming attributes.

Tony Beales of Gawler East puts a different slant on the various issues that merge into the larger one by writing ironically about them to the *Barossa Valley Herald* which published it on 14 January 2009, just as the Jewish state was again busy exterminating the Palestinians:

Political comment

Let’s not get too uptight about the Israeli attacks on the Palestinians. There were really only a few hundred killed and the Israelis will probably stop before the figure hits five or six thousand. They certainly won’t go above 10,000.

Firstly, the ‘unreasonable’ Palestinians brought it on themselves by objecting to having their homes and olive groves bulldozed to make room for more Jewish settlements.

They also objected to a concrete wall dividing their land and their families. They also objected to a blockade that deprived them of essential medicine, food and fuel supplies.

Thirdly, the Israelis needed to try out the new armaments supplied by the United States and to erase their recent defeat by Lebanon.

* * * * *

Then there was this matter as featured in the *Sydney Morning Herald* on 14 May 2009, after Justice Bruce Lander, one of the prime uglies in this whole 14-year legal battle, lost his composure when things did not go according to plan, i.e., that I be dramatically arrested on Federal Court premises and carted off to prison! Barrister David Perkins had upset the whole proceedings by requesting time to launch an appeal against Lander’s decision.

At an earlier hearing prime ugly SC Robin Margo urged the court to be scandalised by my material, but Landern resisted this saying that a High Court judge had cautioned against courts being too sensitive to criticism. But on this day in May Lander lost the plot in more ways than one, and although to the day three months later his brother judges upheld his judgment by dismissing the appeal there is a smell about it that will not go away.

That journalist Harriet Alexander quoted what was on our website, and me directly, on the important issues is good for the record:

1. ‘Richard Pratt received a judge’s indulgence. Will Fredrick Töben receive the same? What does this tell us about Australia’s judicial system?’
2. ‘Note: Court orders must be obeyed without exception, even if they are unreasonable and absurd. They last for eternity, until they are formally challenged. Tell that to the countless Germans summarily executed or hanged at Nuremberg post-WWII who claimed they were just following orders – a defence rejected outright.’
3. ‘If a man is sick I fully understand that he should not be brought in court, something that, of course, doesn’t extend to those who are labelled Nazi war criminals.’

Then prime ugly Justice Lander’s comment: ‘Dr Töben has shown on a number of occasions that he is not prepared to recognise the authority of

this court ... He published provocative material calculated to scandalise the court in the document published on the website on the day of hearing'. This indicates that I still had the freedom to express my thoughts and that Lander had to bend to pressure, as he initially did not wish to do when hearing the matter on 5-7 August 2008.

By linking my case with that of the Zentai and Demjanjuk cases, it has become a triviality, which the prime uglies know very well. However, the prime uglies are prisoners of their own minds whose own internal logic does not enable them to stop or act in a compassionate or merciful way towards those who disagree with their twisted and feverishly justified Weltanschauung that has become the Holocaust-Shoah.

All this came to the fore when in 1991 the City of Adelaide was chosen to launch Australia's war crime trials, which failed miserably because British Common Law principles were still a hurdle to overcome for the Holocaust uglies. They failed because even paid Ukrainian witnesses could not overcome the physical and mental divide. It was not possible to stand at a so-called mass grave, extract a bullet casing, then claim this came from a German-issued pistol that Ivan Polyukhovich carried while participating in the killing of Jews at this site.

But there was more from the failed war crimes show trials at Adelaide. During a committal hearing a witness was asked to identify the accused in court. The witness pointed at a man in the public gallery. Even the *Advertiser* had to admit defeat when the man pointed at in court declared outside court he was an American tourist just looking in.

These war crimes show trials bore fruit for me. It was the first time in my life that I protested publicly, and I met Sir Walter Crocker, an Australian diplomat who was intimately involved in establishing Israel – then lost his UN position because he also wished to have a homeland for the Palestinians. The nonsense concept of 'anti-Semite' was also used against him. That his time at the UN enabled Sir Walter to gain insights is obvious in the following extract wherein 30 years after witnessing the creation of Israel he reflected:

The creation of Israel resulted from the efforts of the Zionists, unforgettable to those who saw them on the spot, endlessly clever, uninhibited, self-confident. Their efforts resulted in what they called the Miracle of Lake Success because the UN was seated in New York, where two or three million Jews were living, the most nationalistic as well as the

richest and most powerful racial-cultural concentration in the world. They dominated the mass media. The existence, let alone the rights, of the Arab majority, the two-thirds, in Palestine were completely ignored and as far as possible concealed. Driven from their homes, still unsettled thirty years later, they produced a harvest of hate, which keeps the Middle East a supreme danger, one which might well trigger off the third, which would be the last, World War.

At the time Israel was being imposed on Palestine, 1945-8, opposition to the Zionists, whatever justice or realism might suggest, was reduced to extreme feebleness because of what the Nazis had done to the Jews. This situation persisted for years. To oppose Zionist imperialism was easy, and too often, misrepresented as anti-Semitic and favouring Nazism. This was when the number of six million Jews in the Nazi holocaust took shape, a figure now being questioned. Whatever the true figure might be, propaganda, exaggerations and confusions compounded the Palestine problem almost beyond remedy. The mental reactions and revulsions produced by the Nazis were such in America, Britain and other allied countries, and throughout most of the world, that the Palestine Arabs had no hope of getting a hearing at the UN in 1946-48.

Created in this way Israel has been bedevilled by two great failures – first, the failure to make amends to the displaced Arabs, and, second, the failure of the US and USSR to guarantee specific frontiers. Instead of defusing a dangerous situation these two countries worsened it by pouring in arms year after year. At every American election candidates, with an eye on the Jewish vote, promise more arms and more aid to Israel. ... To draw attention to facts obvious to those who know the place is to run into a wall of impenetrable subjectivity and to arouse the old cat-calls of being anti-Semitic. I have myself been subjected to much of this.

Travelling Back, pp. 166-7, 1981, ISBN: 0-333-33721-2.

For a number of years I visited Sir Walter regularly for morning tea. We had a number of things in common, for example, a farming background and having spent time in Nigeria, and I also used his wisdom as a guiding light for my work at the Adelaide Institute, which Sir Walter generously supported time-wise and financially, something few knew at the time, for obvious reasons. It could not become common knowledge that one of Australia's pillars of the South Australian community actually invited me into his home. Sir Walter, of course, is not the only titled Australian who has welcomed me into his home.

It is this element of absolute discretion that has enabled me to reach into the highest levels of world politics from where I receive the impulse to continue

my work, something that causes the prime uglies to be furious. That is why any kind of unwarranted smearing of my name by these prime uglies amuses me.

Did not Adolf Hitler write: ‘The man who is not opposed, and vilified, and slandered in the Jewish press, is not a staunch German, and not a true National Socialist. The best rule whereby the sincerity of his convictions, his character and strength of will, can be measured is the hostility which his name arouses among the mortal enemies of our people’.

* * * * *

Some stories are never-ending. On 13 February 2010 the *West Australian* headed a news update:

Former neo-nazi leader held over Auschwitz theft

Stockholm: Swedish police have arrested a former neo-nazi leader who Polish investigators suspect of involvement in the theft of the ‘Arbeit Macht Frei’ sign at the Auschwitz concentration camp.

Anders Hogstrom, 24, was detained in Stockholm, prosecutor Agneta Hilding Qvarnstrom said. She said Mr Hogstrom would be questioned by Swedish investigators before authorities could decide on extraditing him to Poland.

Polish officials have said that Mr Hogstrom was suspected of incitement to commit theft of a cultural treasure. The infamous sign, which means ‘Work Sets You Free’ in German, was stolen in December from the former death camp in Poland.

Police found in three days later and charged five Polish men with its theft.

Experts on Sweden’s extreme-Right say Mr Hogstrom founded and led the neo-nazi National Socialist Front in the 1990s. Expo, a group that has mapped right-wing extremists, said he left the Front in 1999 after two of its members were convicted of murder and became an active opponent to the extreme-Right.

As is evident from the above report, the story is on-going because it serves as a vehicle for those who need the Holocaust narrative to give their life meaningful content, and that is sad.

On-going stories can become rather boring for discriminating minds that are able to detect universal patterns of conflict – it is the wheel turning or the event repeating itself with some slight variation but essentially little change in basics. Let us return to my story and present one item from the media that set the tone of what was to follow.

Holocaust denier Fredrick Toben to serve time in jail

Tim Dornin, *AAP, Adelaide Now*, August 13, 2009 5:48PM

HOLOCAUST denier Fredrick Toben has been taken into custody to serve a three-month jail term over publishing offensive material on the internet.

The 64-year-old was taken from the Federal Court in Adelaide by Australian Federal Police today after losing his appeal against his conviction for contempt of court.

The Full Court of the Federal Court also ruled that his jail term, originally imposed in May this year, was in no way excessive.

‘In our opinion, the sentence of three months cannot, on any stretch of the imagination, be considered excessive or unwarranted,’ the three-judge panel said.

The judges said Toben also had a disregard for the orders of the court and had acted to undermine the authority of the court.

Earlier this year, Toben was found guilty on 24 counts of contempt for ignoring a previous court order preventing him from publishing racist material on the Adelaide Institute website. When he later imposed a three-month sentence, Justice Bruce Lander said Toben had continued to breach those 2002 orders, which prevented him from publishing specific anti-Semitic material.

The 2002 orders stemmed from a racial discrimination case brought against him by Jeremy Jones, a former president of the Executive Council of Australian Jewry.

In his final submissions today, counsel for Toben, David Perkins, suggested the material published on the Adelaide Institute website, which questioned whether the holocaust even occurred, was just a ‘drop in the bucket’ compared to the amount of revisionist material available on the internet.

But in their verdict, the judges said the case before them was not about the holocaust, gas chambers or the execution of Jews during World War II. They said it was about whether or not Toben had complied with orders of the court.

‘Obedience to the court is not optional,’ they said.

As the court rose, Toben asked if he could say something to the judges, only to be cut off by Justice Jeffrey Spender who simply said, ‘No’.

Denier in jail after losing his appeal

Pia Akerman, *The Australian*, August 14, 2009 12:00AM

HOLOCAUST denier Fredrick Toben spent last night behind bars in Adelaide, after the Federal Court dismissed his appeal against 24 findings of criminal contempt.

The warrant for Toben's arrest was immediately activated by judge Jeffrey Spender, with Australian Federal Police officers waiting outside the court to take Toben into custody.

Toben, 65, had previously been sentenced to three months' imprisonment for disobeying court orders not to publish offensive material on his website, but was on bail pending the appeal against the finding and his punishment.

His lawyer David Perkins yesterday argued the sentence was too harsh, saying home detention was appropriate and that Toben's contribution to revisionist material available on the internet was 'a drop in the bucket'.

'The vice is small,' Mr Perkins said, describing the offence as a 'technical' contempt. A regime in which a person is prevented from saying what he or she thinks about matters of importance is a totalitarian regime. He is unable to express views which he, for better or worse, has about events which are of some importance.'

But Justice Spender said Toben had no civil right to breach the Racial Discrimination Act, and asked whether the court had the ability to actually increase the sentence in this situation.

He said the sentencing judge had treated Toben 'mercifully' given his wilful and serial disobedience of previous court orders.

'This is not a case concerning opinions about or views concerning the Holocaust, or about gas chambers, or about Jews,' Justice Spender said.

'In our opinion the sentence of three months ... cannot on any stretch of imagination be said to be excessive or unwarranted.'

Jeremy Jones, former president of the Executive Council of Australian Jewry, brought the case against Toben on the grounds he had persistently breached the Racial Discrimination Act following a 2002 court decision against him.

Toben committed contempt of court on 24 occasions, wilfully disobeying court orders by keeping anti-Semitic material on his Adelaide Institute website.

He was held in Britain for nearly two months last year while German prosecutors tried unsuccessfully to extradite him on charges of publishing internet material 'of an anti-Semitic and/or revisionist nature'.

Toben also spent seven months in Mannheim prison in 1999 for inciting racism.

After Justice Spender read the court's decision, Toben stood and asked if he could say something, to which the judge said no.

Toben then loudly said 'following blind orders', as the judges left the court.

Another jail coming up for me - the fourth in a decade, so what's new about that? What is of interest is that I know there will be others following me. There is a flippant saying: 'There are two types of individuals. Those who have been inside and those who have it coming to them'.

One such gentleman is Brendon O’Connell who on 13 May 2009 was raided at home by the West Australian police who were under the impression that O’Connell was a violent man. It is this Perth matter, together with the so-called racist attacks on Indian students in Melbourne and Sydney that gave my 13 May 2009 trial date a focal point for anti-racists groups. When I was not arrested in court on that day, the media hype failed to galvanize their campaign. This is not for lack of trying because on 26 May 2009 Channel 9 Perth’s *A Current Affair* screened a disgusting item about a former Ku Klux Klan Grand Wizzard touring Australia and pontificating at schools and in churches about the evils of racism. Subsequent so-called racist attacks on Indians reveal a darker side to Indian behaviour, something not at all unusual in a cultural setting where the victim status has been refined to a sophisticated level.

Racist video accused pleads not guilty

Todd Cardy, court reporter, *PerthNow*, September 03, 2009 3:00PM

TRIAL SET: Brendon O’Connell to defend YouTube racial vilification charge. *Source: The Sunday Times*

A PERTH man will stand trial in the District Court for allegedly uploading an anti-Semitic video YouTube. Brendon Lee O’Connell, 38, of Maylands, has been charged under racial vilification laws for allegedly positing the anti-Semitic film in which he is seen in front of Perth’s Bell Tower and at a South Perth supermarket. In May, the State Security Investigation group charged Mr O’Connell, who is accused of making anti-Semitic statements during the video, with carrying out conduct intending to incite racial animosity or harassment. The maximum penalty for the offence is 14 years’ jail or fines of up to \$24,000. Mr O’Connell today appeared the Perth Magistrates Court and pleaded not guilty during the committal mention hearing. His bail was continued and he will appear before the District Court on November 20. Mr O’Connell walked out of court video taping the waiting media.

Chapter 3

MESSAGE OF HOPE

After my 50 days in gaol, not only was I met by friend Peter Hartung but also the local media welcomed me home to a new controversy:

7 News, 3 December 2008

Controversial Adelaide historian Fredrick Töben's arrived home after escaping criminal charges in Germany. But only minutes after his arrival the accused Holocaust denier launched another stinging attack angering the Jewish community.

Michelle Vella: Dr Töben was overcome with emotions as he landed in Adelaide last night.

FT: What can I say? I'm very pleased to be back home.

Two months ago the 65-year-old was arrested and jailed in London at the German government's request. It wanted him to face charges of being a Holocaust denier but the extradition case was thrown out but only minutes after arriving home Dr Töben launched this stinging attack.

FT: The fact that I was put in jail and someone said, 'Now you can sue', and I said No, I'm not a Jew. I don't sue.

MV: The comments angered the local community.

Norman Schuler: Of course he's offensive. That's the mark of the man. He's trying to hide behind being an intellectual when he really is not.

MV: Dr Töben's legal battles aren't over yet. He faces a contempt finding in the Federal Court for failing to stop publishing racist material on his website. He could go to jail or be fined.

FT: I'll not break the law. But I'll still insist on expressing my point-of-view.

NS: You have a responsibility concurrent with your right to freedom of speech to act with responsibility and to speak the truth, and he's clearly not speaking the truth.

7 News, 16 April 2009

Fredrick Töben was found guilty of 24 counts of contempt for putting offensive material on his Adelaide Institute website. The 65-year-old told the Federal Court he will submit to censorship even though he doesn't fully understand what he's done wrong. The court heard Töben had previously said on principle he'll go to jail rather than pay a fine. The judge will set a penalty on a date to be fixed.

7 News, 28 April 2009

Töben's Apology

Graham Hunter: Doctor of philosophy Fredrick Töben has been found guilty of 24 charges of contempt for breaching court orders.

Fredrick Töben: 'For me, telling the truth and obeying the law, is a difficult, difficult thing to do.'

Graham Hunter: The court can either fine or imprison Dr Töben but he says he has no assets to pay a fine, let alone the \$220,000 in costs that are being sought, so prison is a very real prospect.

Fredrick Töben: So be it. If we in Australia lose our free expression, where our thoughts and opinions are criminalized, we may as well be dead.

7 News, 13 May 2009

Adelaide's notorious Holocaust denier Fredrick Töben's been given 3-months jail for refusing to remove offensive material from his website but he'll remain free for now while his lawyer works on a last-minute appeal.

Caroline Kelly: Fredrick Töben went to court this morning prepared to go to jail.

FT: I see it as going to college. I'll learn a few things in there.

CK: He's been convicted on 24 counts of contempt for blatantly breaching long-standing Federal Court Orders that banned him from publishing offensive material about Jews and the Holocaust on his website. But even at his sentencing today he was making few apologies.

FT: Why should I apologise to the Jewish people. Tell me?

CK: In his sentencing remarks Justice Lander described Töben's conduct as a calculated intention to disobey orders of the court. He handed down a 3-month jail term and ordered Töben to pay almost \$230,000 in legal costs. But Töben was allowed to walk free after his lawyer flagged an appeal. His arrest warrant has been put on hold for two weeks while he gets his affairs in order. The Jewish community has welcomed today's developments saying the sentence is symbolic.

Norman Schueler: Under the circumstances we have seen justice working and therefore we are satisfied, yes.

CK: The case will be back later in court this month.

Once I was found guilty of contempt I could expect to be given a custodial sentence and so I prepared a clip for *YouTube*, and the following is part of what I said. I did not have to wait until 13 May 2009 when Justice Lander imposed the prison sentence of 3 months. It was stayed for 3 months so that Barrister David Perkins could mount an appeal against both the finding and the sentence, something that Lander did not welcome and he was visibly shaken by Perkins daring to challenge his judgment.

On 13 May 2009 the national broadcaster, ABC-TV News scored a world first in its news item:

Holocaust Questioner

An Adelaide Holocaust questioner has won another reprieve from jail after he was granted leave to appeal against a contempt ruling. Fredrick Töben has been ordered to serve three months in jail for breaching Federal Court orders 24 times by publishing material vilifying Jewish people on his website. Töben's arrest was put off while the court decided whether he would be allowed to appeal. It was put off again today when the court ruled that an appeal will be heard in August. Töben has promised not to leave the state except to see his Melbourne-based lawyer.

* * * * *

And so the massive task of preparing the appeal began. Again, had it not been for a couple of individuals who provided the financial resources for this task, then there would have been no appeal. The beautiful lounge table became a repository for over 2000 pages of what was to become the two volume Appeal Book. As this appeal was actually two actions – against conviction and against penalty – the Federal Court of Australia Registry required a set of books for each of the three judges hearing the case, and two sets for the registry. Then a set went to the Respondents and, of course, one set to my barrister. I retained the original bundle of papers that were used in making the copies.

I had the choice of purchasing cheap paper binders or expensive plastic covers. From past experience I knew Appeal Books, no matter how lovingly presented, serve a very brief purpose only, and so it was simply a decision that as a teacher I had made countless times when correcting essays: balance the matter within the ideals of form and content where neither one nor the other predominates.

Why is it that in legal matters, and perhaps in other things as well, there is always the time factor pushing you along. The Federal Court of Australia

Registry closes at 4 p.m. and I had only a half an hour to gather the books together, before driving off and delivering them on time.

On 13 August 2009 Lander's Federal Court brother judges dismissed both appeals. The following messages of hope which are now on YouTube were prepared for the inevitable outcome on 13 May 2009, which waylaid the drama and histrionics emanating from Justice Bruce Lander when David Perkins announced he would appeal both his decisions.

* * *

Hello and welcome to my final hello for a little while at least. This newspaper cutting indicates what it's all about, and I'd like to thank *The Age* editor, Glenn Mulcaster, who saw what the issue was all about as early as 2001 when on 10 April he gave me this coverage: >Free Speech row on Holocaust website<.

Peter Mathew's photo of my standing next to the Colonel Light statue is, of course, symbolic. Our motto is: showing the way, leading the way.

And we have done this to the best of our ability.

What we now have is persecution through legal prosecution. The Executive Council of Australian Jewry has been successful; fanatical Jews, the Zionists who fear free speech, have succeeded in silencing me for a while.

Free expression has been split into free speech and hate speech. Free expression, the foundation of our democracy, is threatened and without free expression we have no quest for truth the foundation concept of our civilisation.

*

This is Yatala Prison. This is where I'll be for three months. Now, I'm in here because of contempt of court. Well, I refuse to be put into the Talmudic-Marxist dialectic which forces me to obey the law only. It is far more difficult for me because I also wish to tell the truth. The concept of truth-telling is what our civilisation is all about. If you do not tell the truth, then lies prevail and we have no hold, we have no moral framework, we have nothing that gives our soul strength, courage and sustenance to continue to build up something.

Therefore, the moral problem of >do I tell the truth or do I obey the law?< - for me it is both - you tell the truth and you obey the law. The Talmudic-Marxist mindset says obey the law only, and this is what John

Goldberg in The Advertiser wrote that I am only in prison because I want to be a martyr. That is a nonsense.

The issue is a far greater, deeper issue because it is one of truth-telling. Martyrdom is a side effect of wanting to tell the truth because those who don't tell the truth tell lies and this cripples them, this destroys their soul, and for me it is important to have a soul, to be at one with the universe, to be at one with my God where truth-telling is celebrated and hence I'm going into Yatala because I refuse to believe in the lies that are called the Holocaust. Goodbye and thank you.

<http://www.youtube.com/watch?v=WMNfqdls3qA>

* * * * *

I.T. 1 NEWS Tuesday April 10, 2001 *THE AGE*

EDITED BY GLENN MULCASTER

CENSORSHIP

Free speech row on Holocaust website Back in court, the question of what is legal on the Net

By Penelope DeBelle

A legal attempt to shut down an Adelaide website containing material deemed to be racially offensive will resume early next month in the Federal Court.

The case began last year with a complaint to the Human Rights and Equal Opportunity Commission (HREOC) by the Australian Jewish community against Holocaust revisionist material posted on the Adelaide Institute website by a former Victorian schoolteacher, Dr Fredrick Töben.

The site, which has been operating since 1997 (sic - 1996), refutes the historically verified systematic murder of up to six million Jews in gas chambers during the Holocaust because it claims not to be able to find forensic proof to support the chambers' existence.

Web freedom issue:

'The four alleged gas induction holes do not exist!' Töben says beneath a photograph of himself inspecting the apparent remains of a gas chamber at Auschwitz. 'No holes. No Holocaust!'

In October last year, HREOC Commissioner Kathleen McEvoy declared material on the site breached the Racial Discrimination Act and the consequences of its publication were 'vilifactory, bullying, insulting and offensive' to the Jewish population.

She ordered Töben to remove the material and to apologise in writing to Jeremy Jones of the Executive Council of Australian Jewry, for having published material inciting hatred.

Jones said last week that neither order had been acted upon and the Jewish community was pursuing the matter in the Federal Court, which had the legal power to enforce its decisions.

Töben who will apply to postpone the May 10 hearing in Sydney because he says he will be away lecturing in Iran, says he has no intention of stopping what he was doing.

‘I just have to laugh when I see this,’ he said in Adelaide last week.

A similar case, also involving Holocaust revisionism, is due before the Federal Court this week involving a Tasmanian woman, Olga Scully, who has published anti-Semitic literature but not on the Internet. Her case will provide a precedent in terms of the court’s attitude but without the implications for website publication.

Töben’s stand has won the support of the national Internet free-speech group, Electronic Frontiers of Australia, which has not ruled out making a submission to the court in his defence.

Before the HREOC decision was handed down in October last year, EFA wrote to it, arguing that to shut Töben’s website down would not solve the problem, only make it worse.

‘Trying to censor this kind of information is counterproductive because it will end up in the information being distributed even more widely all round the world because these people will be seen to be martyrs,’ executive director Irene Graham says.

Graham said the EFA also thought it inappropriate to try to censor information of that type because people ought to be able to make up their own mind. She said the Adelaide Institute site, while objectionable, did not directly threaten violence against anyone else.

‘You are better off leaving them buried in the dark reaches of the Internet,’ she said. ‘Sure, people are going to find this stuff but to try to ban it is futile, it’s counterproductive and it just won’t work.’

EFA said it had made clear it supported Töben’s right to free speech but not the content. ‘EFA does not support racist speech and the vilification of the Jewish population or anything else,’ she said. ‘The problem with the HREOC decision is that it does not provide any indication at all of what specifically he said that is illegal.’

EFA had concerns about such decisions ‘because they don’t take into account the technology of the Internet and the worldwide nature of the Internet,’ Graham said.

* * * * *

Dr Fredrick Töben's Prison Sentence

Today's prison sentence is a great victory for the truth. It shows that Dr Töben's research concerning the alleged gas chambers of Auschwitz cannot be challenged in the normal academic manner of debate.

Mr Jeremy Jones, the self appointed representative of Australia's Jewish community has spent over \$220,000 in this grossly improper use of the court system to try to silence him.

Dr Töben has shown himself to be a man of great integrity who will not bend - even prison will not make him recant his views.

The Adelaide Institute website will continue to operate as normal during Dr Töben's absence.

Peter Hartung, Acting Director

Adelaide Institute Media Release 13 May 2009

Chapter 4

ASKING QUESTIONS

One of the fundamental human activities is asking questions. I recall my 1954 school days at Sylvan Primary School where a teacher informed me I was rude because I asked a question. - Fredrick Töben

The court transcript reveals what for me was quite an amusing exchange of thoughts with Justice Bruce Lander, who at this stage in the proceedings still retained his composure, being ever so firm but polite to both parties. The original court transcript did not mention my name within the verbal record. Fortunately, I could recall what I had stated in court and I was thus able to re-format the transcript as reproduced below.

* * * * *

**FEDERAL COURT OF AUSTRALIA
SOUTH AUSTRALIA REGISTRY
LANDER J**

No. NSD 327 of 2001

JEREMY JONES

and

FREDRICK TOBEN

ADELAIDE

10.29 AM, TUESDAY, 28 APRIL 2009

MR R. MARGO SC appears with MS R. GRAYCAR for the applicant via video from Sydney

MR D. PERKINS appears for the respondent via video from Melbourne

**THIS PROCEEDING WAS CONDUCTED BY VIDEO
CONFERENCE**

HIS HONOUR: Mr Margo, you're present?

MR R. MARGO SC: I am, your Honour, and I have MS R. GRAYCAR with me.

HIS HONOUR: Thank you. Mr Perkins?

MR D. PERKINS: Yes, if your Honour pleases.

HIS HONOUR: Thank you. Yes, Mr Margo?

MR MARGO: Your Honour, we rely on the affidavits of Mr Jones sworn on 20 April 2009, of Mr Lewis sworn on the same date, and of Mr Lewis sworn on 24 April. Your Honour has two sets of supplementary submissions from us. One which was served on 21 April, and another served yesterday at your Honour's request about costs. We also seek leave to adduce a further document which is a print from the websites, taken after 9 o'clock this morning. Copies have been sent to Adelaide and Melbourne. And Mr Jones is here, and could be sworn and just identify that document for your Honour.

HIS HONOUR: And that is a document which my associate handed me today.

MR MARGO: It's 10 pages from the website. Mr Jones' evidence will be that he printed this off the website at the time it bears bottom right-hand side. I think that's 9.03 am on your Honour's copy.

HIS HONOUR: I can't read most of it. I can read the bigger print, but I can't read the smaller print, do I need to know that?

MR MARGO: I'll read it onto the record, your Honour, I think.

HIS HONOUR: Thank you.

MR MARGO: The large print is the new stuff, the other material is along the same lines as is in evidence in Mr Lewis' 24 April affidavit, but I can read it onto the record, the bits that we rely on.

HIS HONOUR: Yes, please. Yes, go ahead.

MR MARGO: I think Mr Jones should be – should take an affirmation and identify the document as this is a quasi-criminal proceeding, your Honour.

HIS HONOUR: Yes. Do you have any objection to that Mr Perkins?

MR PERKINS: I don't consent to any of this, your Honour.

HIS HONOUR: No.

MR PERKINS: I don't put it in the form of an objection.

HIS HONOUR: Thank you. Yes, could Mr Jones go into the witness box, please.

THE EXAMINATION OF THE FOLLOWING WITNESS WAS CONDUCTED BY VIDEOLINK

<JEREMY SHAUN JONES, AFFIRMED [10.32 am]

<EXAMINATION-IN-CHIEF BY MR MARGO

MR MARGO: Thank you, Mr Jones. Your full names are Jeremy Jones, and you are the applicant in this proceedings?

Mr Jones: Jeremy Shaun Jones.

Thank you. And your address please?

Mr Jones: 146 Darlinghurst Road, Darlinghurst, New South Wales, 2010.

MR MARGO: You have in your hand a two page document which has on the top left-hand side Australia's Democracy Put to the Test, and on the bottom right-hand corner of each page a date and time. Could you please tell his Honour what that document?

Mr Jones: It was on the website of the Adelaide Institute this morning and this was the material I saw, and I printed the material off at the time I saw it.

MR MARGO: No further questions.

HIS HONOUR: Just before Mr Perkins might want to cross-examine, what is the documented headed?

Mr Jones: It begins Adelaide Institute, Battle of the Wills, Thinkers of the World Unite.

HIS HONOUR: Yes?

Mr Jones: And in the left hand corner Australia's Democracy Put to the Test.

HIS HONOUR: Yes?

Mr Jones: The right hand top is the URL, the unique resource locator.

HIS HONOUR: Thank you. And then it goes on to say, what, Mr Jones?

Mr Jones: *Battle of the Wills, Thinkers of the World Unite. He'll be there on 28 April at Federal Court of Australia, Angus Street, Adelaide and clarify your moral/intellectual values. Richard Pratt received a judge's indulgence, will Tobin receive the same? What does this tell us about Australia's justice system?* Then continues with material which is in prior documents.

HIS HONOUR: Yes?

Mr Jones: *Allowing you to view Dr Mahmoud Ahmadinejad's speech and remember that Persians invented the chess game. Do I tell the truth?*

HIS HONOUR: I don't think you need to read on. That part of the document has already been exhibited, I think?

Mr Jones: That's my understanding, yes, your Honour.

HIS HONOUR: Thank you. Mr Perkins, do you have any questions you wish to ask Mr Jones?

MR PERKINS: Yes, thank you, your Honour.

HIS HONOUR: Certainly.

<CROSS-EXAMINATION BY MR PERKINS [10.34 am]

MR PERKINS: Mr Jones, the part that it says Australia's Democracy Put to the Test, that is actually the file name which the printer applies when you have the document printed, is it not?

Mr Jones: Yes, it is. Yes.

MR PERKINS: And those words don't appear to be on the document itself, rather they are simply the title of the document?

Mr Jones: Yes, that's my understanding, but they are created by the creator of the document, they are not created by me.

MR PERKINS: The part of the document which says, 'Richard Pratt received a judge's indulgence,' is that a topic which is currently the subject of considerable media interest?

MR MARGO: Objection.

HIS HONOUR: What is the ground of the objection?

MR MARGO: Relevance, your Honour. The document will be judged by your Honour on its face, and what Mr Jones knows or thinks about it can't assist your Honour.

HIS HONOUR: Well, I suppose if I don't know what the subject matter is about, I can't judge it at all, can I?

MR MARGO: As the court pleases.

HIS HONOUR: Yes, I will allow the question.

MR PERKINS: If your Honour pleases?

HIS HONOUR: Yes, the statement is an opinion of a matter of public importance, not a statement of fact, it's an opinion.

MR PERKINS: It is, is it not, being widely reported that indeed Richard Pratt received an indulgence?

Mr Jones: My understanding is that Richard Pratt's counsel did not receive what they sought, which is to the contrary. But it's a matter, as you say, people are discussing the matter of what's happening in that particular matter publicly. That is not a statement of fact, it's an interpretation.

MR PERKINS: Yes. The discussion, nonetheless, is in terms of the use of that expression 'indulgence' isn't it?

Mr Jones: Not - I'm not following the matter intensely, but I can't recall hearing that as being the subject of discussion. Certainly not the central item.

MR PERKINS: Yes. Well, if, indeed, the discussion of the matter is one into which the notion of indulgence by a judge has intruded, it may well be that that discussion itself, is somewhat inappropriate. Is that fair to say?

Mr Jones: You're asking me if a particular hypothetical situation exists, whether in my opinion it's appropriate that a discussion takes place, or it's appropriate that it appears in this context, I'm really - sorry, I'm not exactly sure which hypothetical question you're asking me to address?

HIS HONOUR: I think, Mr Perkins, you're going to have to put the question more directly than that. I can understand why Mr Jones finds the question difficult. Are you putting to Mr Jones that the statement on this website is no more than a reflection of what is currently a matter of public discussion?

MR PERKINS: Yes, I am, your Honour.

HIS HONOUR: Well, perhaps put that to him.

MR PERKINS: Thank you, your Honour.

MR PERKINS: Mr Jones, is it not a fact that the use of the expression ‘indulgence’ on this website is a reflection of the state of public discussion of the Richard Pratt decision?

Mr Jones: My understanding, and as I said it’s not a matter I am following very intensely or closely, is that there is a public discussion about what the court – what options could have been followed in a particular legal matter which has nothing to do with this particular case, and that, as I said earlier, my understanding is that Mr Pratt’s counsel asked for something and they did not receive what they asked for.

MR PERKINS: Yes. The part that says, ‘Richard Pratt received a judge’s indulgence. Will Toben receive the same?’ Appears to be in the form of a question, that’s plainly right, isn’t it?

HIS HONOUR: Sorry, what was the question, Mr Perkins? What’s the question?

MR PERKINS: It’s plain that that sentence is a question.

HIS HONOUR: Well, I don’t think you need to ask that question, it’s obvious.

MR PERKINS: If your Honour pleases. I have no other questions, if your Honour pleases.

HIS HONOUR: Thank you. Do you have any re-examination, Mr Margo?

MR MARGO: No, thank you.

HIS HONOUR: You can sit down. Thank you, Mr Jones.

<THE WITNESS WITHDREW [10.40 am]

MR MARGO: Could Mr Jones be excused as well?

HIS HONOUR: Yes, certainly. Now, Mr Perkins.

MR MARGO: I tender the document, your Honour.

HIS HONOUR: Yes, thank you. Mr Perkins, firstly do you have any objection to the affidavits of Mr Jones sworn on 20 April and 24 April – sorry, and Mr Lewis’ affidavits sworn on 20 and 24 April?

MR PERKINS: No, your Honour.

HIS HONOUR: Thank you. Do you have any objection to the tender, as Mr Margo has sought, of the document to which Mr Jones has just given evidence?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Yes. And the ground of objection being?

MR PERKINS: The objection is, your Honour, that the document is not a relevant document. It asks two questions which are to be seen as being asked consistently with current media rhetoric, and current notions about what actually occurred in another case. That’s as far as the first question is concerned. The second question is, in my submission, not something

which in any way you would be assisted by looking at. They are mere questions. The asking of them may be somewhat striking, but when they're considered, in my submission, the document takes us nowhere, does nothing, doesn't reflect on other things that have happened and I mean, in particular, to refer to the affidavits by Dr Toben which have been provided. And in my submission the document is not a relevant document.

HIS HONOUR: Is the document, perhaps, relevant to show your client's contemporary attitude to the authority of this court, on the day upon which this court is to hear submissions on penalty?

MR PERKINS: I would say, your Honour, that it's not the proper legal analysis, and, frankly, to put this, your Honour, I have to somewhat beyond the terms of the document. And I have to say my knowledge of the Richard Pratt matter is not based on any study that I've undertaken of it, or any close scrutiny, it's simply based on media report. That's my only consciousness of the case. But I have heard the word 'indulgence' being used - - -

MR MARGO: I object to - objection, your Honour.

HIS HONOUR: You can't object to a submission, surely.

MR MARGO: Mr Perkins is giving evidence, as I understand, your Honour, from the bar table.

HIS HONOUR: No, he's not, Mr Margo. Yes, Mr Perkins?

MR PERKINS: Your Honour, I content that there is nothing wrong with a judicial exercise of discretion which constitutes an indulgence. It may well remain an indulgence, and it's not uncommon when considering the exercise of discretionary powers, to refer to the fact that something may be an indulgence.

HIS HONOUR: I don't think there can be any doubt about that at all. I think courts daily give indulgences to parties in relation to the conduct of litigation.

MR PERKINS: In the exercise, your Honour.

HIS HONOUR: In the exercise of the court's discretion. That I don't think is the gravamen of the contents of the document, though, I think. The question that might be raised in the document is: will Dr Toben be treated differently to Mr Pratt, and not being given an indulgence where Mr Pratt was. I think that might be the charge being made in the document.

MR PERKINS: If I may say so, with respect, it's plain that the circumstances which attend the particular indulgence, and the particular form of indulgence that was sought in the Pratt case, don't attend Dr Toben's case.

HIS HONOUR: I understand that, and at the moment I'm not sure what indulgence that Dr Toben might be seeking. But that's not the question, I

don't think, so much. Isn't the question that the document raises is, will Dr Toben be treated differently than Mr Pratt.

MR PERKINS: Your Honour ...

HIS HONOUR: And if he were to be treated differently, what does this tell us about Australia's justice system.

MR PERKINS: Your Honour, with respect, there can't be any offence found in the asking of those questions. I have to say, frankly, I would have preferred not to be confronted, because I was somewhat confronted when I saw this document with it today. But that aside, the document asks some questions, it doesn't go beyond that. If it is thought that the document reflects on Dr Töben's 'credit' - I put that in inverted commas - when he says, as he does in his latest affidavit, that he apologises and that he accepts that his actions have undermined the authority of the court. That is something which should not be assumed, but ought to be put to him in cross-examination.

I have obtained instructions about the circumstances of his writing this document, but beyond that I maintain that the document is not relevant, unless it is intended to put it as a basis for cross-examination, in which case it should be put to Dr Toben in the ordinary course, and treated accordingly. It is not something which, in my submission, at this time is relevant to tender in itself. If your Honour pleases.

HIS HONOUR: Mr Perkins, I think just in answer to those submissions: Firstly, I don't think the document is tendered, and if it be, it would not be accepted for the purpose of creating an - or suggesting that the court ought to be offended by the article. The court won't be offended by the article at all.

The document, I think, is proffered for the purpose of establishing, as you've now suggested, that Mr Töben's attitude to the authority of the court is contained in the statement implicit in the document that he is likely to be treated different from Mr Pratt, and as a result what does that tell us about the justice system? Mr Margo no doubt would contend that that attitude would be inconsistent with the apology which is contained in the affidavit to which we'll come shortly. I think you're right in one respect. I think if it is proffered for the reason which I've suggested it has been, it ought to be put to Dr Toben so that he might explain it, but of course Mr Margo can't do that until such time as Dr Toben makes himself available for cross-examination by way of relying upon his own affidavits.

In the meantime it was right of Mr Margo, I think, to tender it as part of his case if he is intending to rely upon it as a demonstration and a present-day demonstration of Dr Töben's attitude to the authority of the court. Is there anything else you want to say in relation to the document?

MR PERKINS: Only this, your Honour, that my intention is that the document contains two questions.

HIS HONOUR: Yes.

MR PERKINS: The pointedness of the first must be seen in the circumstance that every case is judged on its own merit, and that is not something which appears to be gainsaid by the document, or by the question. And the second question is of such a general nature that whilst it is legitimate, as it always is, to ask such a question, it can't, in my submission, possibly lead to the conclusion that Dr Toben is in any sense attacking or questioning the authority of the court. If your Honour pleases.

HIS HONOUR: Yes, thank you. I admit on the hearing as to penalty the affidavit of Jeremy Jones, sworn on 20 April 2009 together with exhibits, the affidavit of Stephen Lewis of 20 April 2009 together with the exhibits included in JJ1, the exhibit of Mr Jones' affidavit of 20 April 2009, and the further affidavit of Stephen Lewis sworn on 24 April 2009 together with the exhibit of that affidavit. I also receive as a separate exhibit, the document headed Adelaide Institute Battle of the Wills, Thinkers of the World Unite, which will be marked exhibit A.

EXHIBIT #A DOCUMENT HEADED, ADELAIDE INSTITUTE BATTLE OF THE WILLS, THINKERS OF THE WORLD UNITE

HIS HONOUR: Now, Mr Perkins, do you have any evidence you wish to tender on the hearing as to penalty?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Thank you.

MR PERKINS: I wish to tender an affidavit of Dr Toben sworn yesterday, and I wish to tender also an affidavit of Dr Toben sworn today.

HIS HONOUR: Yes. The two affidavits I've got, one which was filed on the 27th and one which was filed on the 28th are both in fact dated 24 April 2009.

MR PERKINS: I apologise for that.

HIS HONOUR: In those affidavits, if I can take the first one, the second paragraph starts:

I was born in Jarderberg.

Is that the document?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Thank you. And the second affidavit, which was filed on the 28th, is, the second paragraph commences:

I refer to my previous affidavit sworn 27 April 2009.

Is that the second one to which you refer?

MR PERKINS: Yes, it is.

HIS HONOUR: Thank you. Do you have any objection, Mr Margo?

MR MARGO: Yes, your Honour, on 27 April affidavit, we don't have sworn copies but I take it your Honour does.

HIS HONOUR: Yes, I do.

MR MARGO: We object to paragraph 21 and paragraphs 31 to 73.

HIS HONOUR: On relevance?

MR MARGO: Yes, on relevance. The time, 21 is offering a kind of excuse which could have been offered on the main hearing. And when I say 31 to 73, from 31 first so numbered because the numbering comes around, but right through to 73, we don't object to the last two paragraphs which could be relevant on penalty.

HIS HONOUR: Yes. Well, then I ...

MR MARGO: And we don't object to one to 20 because - or 22 to - because they are but antecedents of a person who is up for penalty.

HIS HONOUR: The last two paragraphs of the affidavit of the 27th says: *As at the time of swearing this affidavit I am unable to complete my account of relevant matters, and I'm advised that I should provide so much of my account.*

Are they the paragraphs you're referring to which you don't object to?

MR MARGO: Yes, we don't object to those two. We don't think they go anywhere, but it's something that could be said to the court on this hearing. We object to paragraph 21 and all paragraphs from 31 first so numbered to 73.

HIS HONOUR: Yes. And as to the second affidavit?

MR MARGO: We object to all but the - in paragraph 2 we object to all but first sentence, and I object to four through to 26 inclusive.

HIS HONOUR: Yes.

MR MARGO: In other words, to everything that tries to go into the whole history of the proceedings for the original proceedings starting with HREOC and leading through to the judgment of Branson J.

HIS HONOUR: But you don't object to paragraph 27 and following?

MR MARGO: No.

HIS HONOUR: Thank you. Mr Perkins, what is the relevance of the material in the first affidavit from paragraph 31 onwards?

MR PERKINS: Your Honour, has some material which criticises Dr Toben for what has been said to be is failure to cooperate. The material that is in paragraphs 31 and following discloses in point of fact that Dr Toben was not uncooperative, and it discloses that by dealing with the steps that happened and shows that he somewhat proactively cooperated and attempted to assist the progress of the matter. And if you were not to read or to have that material, it may well be that you will feel constrained to treat Dr Toben in the fashion in which he has previously been described, that is as a person who has not cooperated.

Now, I propose to put a number of things which I will contend should constrain the discretion that your Honour has to deal with Dr Toben, and I wish to put, amongst other things, that Dr Toben did have things that he

wished to say, he wished to put, and that they, in the result, were not put. And I propose to contend to your Honour that when it comes to what I would describe as sentencing Dr Toben, that your Honour should take into account some of the things which are set out in the paragraphs that are now objected to in a general way, and that your Honour should limit the account you take of other matters.

The paragraphs that are referred to are relevant history in my contention. The terms of the complaint, at 34, are in my submission, are relevant in an ongoing way, and I propose to refer your Honour to a series of cases in that respect, the most recent one of which is *Crvekovic v La Trobe University* which was handed down on the 24th of this month. I ...

HIS HONOUR: Well, just before you go there, I read the paragraphs following paragraph 31, and the opening paragraphs of the second affidavit as a history of the proceedings which was before the Human Rights and Equal Opportunity Commission in, commencing in 1996. At the moment I cannot see the relevance of any conduct of the Human Rights and Equal Opportunity Commission commencing in 1996 and ending prior to the orders made by Branson J on 22 September 2002, in a case in which I have to consider a penalty for a person who has committed 24 separate contempts of court since November 2007.

It seems to me the relevant history of the purpose of determining the appropriate penalty is that which, apart from the persona history attaching to Dr Toben, commences in November 2007. The matters which Dr Toben has raised in these two affidavits, including the implication that he was treated unfairly by the Human Rights and Equal Opportunity Commission indicate a misunderstanding on his part on the nature of the proceedings before me. As I indicated to him at the directions hearing before this trial commenced, this inquiry is not into Dr Toben's beliefs. It is not into whether the Holocaust occurred or not.

This inquiry is a simple one, which he doesn't seem to be able to grasp. The inquiry is into whether he has observed orders made by this court on 22 September 2002, and whether he has complied with an undertaking he gave to this court on 27 November 2007. As to the matters antecedent to that, they might be relevant in the most general sense, but they are not the subject matter of this inquiry, and it seems to me to be somewhat unusual that a man as well educated as Dr Toben is unable to focus on the inquiry. And these affidavits seem to indicate yet again he doesn't understand what this inquiry, and in particular what today's inquiry is about.

MR PERKINS: When your Honour comes to the exercise of a sentencing discretion ...

HIS HONOUR: Yes.

MR PERKINS: ... it's plain that your Honour is sentencing, has the discretion to sentence my client in relation to accounts of contempt which

your Honour has decided upon, and no issue is taken with that at all, your Honour. It is however said, and it may well be that your Honour views this as not taking the matter very far, and that of course would be a matter for your Honour, but it is said, and one example is the one I've already given, that is can't - your Honour should not approach the task of sentencing on the basis that Dr Toben has properly been found to have been uncooperative in the past.

HIS HONOUR: But I won't of course, I won't. What I'll have to decide is whether or not there are relevant circumstances to explain why he committed the 24 separate acts of contempt since November 2007 and what circumstances are relevant to him which would impact upon any penalty which is to be imposed. It would not, I think, be relevant at the moment for me to inquire into the degree of cooperation shown by Dr Toben in 1996 when he was the subject matter of an inquiry by the Human Rights and Equal Opportunity Commission. That would seem to me to be entirely irrelevant, and I'm not sure why he raises it today in the affidavits which have been filed.

But more particularly, I don't think, as I read the affidavits, both of the affidavits in conjunction with each other, I don't think it's raised for those circumstances. The implication in the affidavits is he was badly treated by the Commission and that there was something sinister about the way the Commission went about its business. Those matters could not be relevant in any circumstance.

MR PERKINS: Your Honour, this is a superior court of record, and as such its orders must be obeyed, and that's the entire statement that one makes about the matter. But - - -

HIS HONOUR: Well, that's so.

MR PERKINS: But there is this, your Honour, this is a superior court of record under the Constitution, and it is contended that the treatment of Dr Toben in the Human Rights Commission was not in accordance with the Constitution, and in particular was not such as to provide him with due process.

HIS HONOUR: Well, there's a confusion of principle there, isn't there, with respect? Whilst you're right, the Federal Court is a superior court of record and is established under chapter 3 of the Constitution, the Human Rights and Equal Opportunity Commission is not. It's neither a court, nor established under chapter 3 of the Constitution. It has a different function to the court, and whether it carried out its function properly, appropriately, is a matter for separate inquiry. It's not a matter for an inquiry in relation to Mr Toben's conduct after 27 November 2007, which is the date upon which I have said that this inquiry ought to commence.

MR PERKINS: Your Honour, I've said that I accept that the fact of this of this court is a superior court of record has certain effects, but what is

contended, your Honour, is that not even the existence of that status can give validity to something which was essentially invalid, because it was unconstitutional; that's the way it's put.

HIS HONOUR: Well, with respect, I don't think it can be put that way or any other way, with respect. First, if in fact Dr Toben now contends that the inquiry and the determination of the Human Right and Equal Opportunity Commission, which preceded the orders made by Branson J on 22 September 2002, was unconstitutional and invalid. That is a matter, if it could be raised, which ought to have been raised before her Honour at that time. If in fact it could be raised at any other time, it had to have been raised at the time – or before I made my determinations as to whether or not Dr Toben had been guilty of contempt.

The starting point in the inquiry as of today is that Dr Toben has been guilty of contempt in that he has failed to comply with and to – he has, sorry, he has disobeyed orders of Branson J made on 22 September 2002 and he's failed to honour his undertaking to Moore J on 27 November 2007. That is the starting point. There is no earlier point in terms of an inquiry as to the facts.

MR PERKINS: If your Honour pleases.

HIS HONOUR: Thank you. Then I would admit paragraph 21. I don't need to hear you on that, Mr Perkins, but I will not admit paragraphs 31 to ...

MR PERKINS: 73, if your Honour pleases.

HIS HONOUR: 71. Because paragraph 72 and paragraph 73 go to Dr Toben's personal circumstances.

MR PERKINS: If the court pleases.

HIS HONOUR: And I'll not admit paragraphs 4 to 26 of the second affidavit.

MR PERKINS: Could your Honour please also rule on everything in paragraph 2 after the first sentence?

HIS HONOUR: I'll admit paragraph 2 following that, because it goes to his personal circumstances.

MR PERKINS: Except it's referring now to material that's not been allowed in the other affidavit.

HIS HONOUR: What's that?

MR PERKINS: It refers to paragraph 31 of the previous affidavit that your Honour has just not accepted.

HIS HONOUR: Paragraph 2 of the second affidavit?

MR PERKINS: Paragraph 2 of the second affidavit and it starts with: *I refer to my previous affidavit –*

HIS HONOUR: Very well, I will not admit the fourth and fifth sentences of paragraph 2 of the second affidavit. Now, Mr Margo, do you wish to cross-examine Dr Toben on his affidavits?

MR MARGO: No, but your Honour has – some comments have fallen for your Honour about the document tendered this morning so I should put questions to him about that.

HIS HONOUR: I think so, provided of course Dr Toben wants to be heard on that. Mr Perkins, does Dr Toben want to give an explanation in relation to the document which has been marked A?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Very well. Dr Toben, would you come forward please to the witness box?

MR PERKINS: Could Dr Toben have a copy ...

HIS HONOUR: Well, first of all ...

MR PERKINS: I'm sorry, your Honour, I'm interfering with the swearing ...

HIS HONOUR: ... would you take an oath? Are you taking an oath or an affirmation? Is Dr Toben ...

COURT OFFICER: An oath, your Honour.

HIS HONOUR: Please. Thank you.

<GERALD FREDRICK TOBEN, SWORN [11.15 am]

<EXAMINATION-IN-CHIEF BY MR PERKINS

COURT OFFICER: Would you please state for the court your full name?

Dr Töben: My name is Gerald Fredrick Toben.

COURT OFFICER: And your address?

Dr Töben: 23 Caloroga Street, Wattle Park.

COURT OFFICER: And your occupation?

Dr Töben: I'm a retired teacher, and a pensioner.

HIS HONOUR: Yes, Mr Margo?

MR PERKINS: Should I, in the first instance ...

HIS HONOUR: Yes. Sorry, Mr Perkins.

MR PERKINS: ... ask some questions of Dr Toben, your Honour?

HIS HONOUR: Yes, Mr Perkins.

MR PERKINS: I don't want to insist on a particular ...

HIS HONOUR: No, no, you go ahead, Mr Perkins.

MR PERKINS: If your Honour pleases. Dr Toben, would you tell his Honour, please, firstly did you write the two questions which are referred to on the exhibit that's been under discussion this morning?

Dr Töben: Yes, I did.

HIS HONOUR: Do you have a copy of that in front of you, Dr Toben?

Dr Töben: I have a copy.

HIS HONOUR: Thank you?

Dr Töben: Yes.

MR PERKINS: There is a statement which appears to be a statement of fact in the first two lines of the part in bold capitalised type, which says: *Richard Pratt received a judge's indulgence*. That's correct?

Dr Töben: It is.

MR PERKINS: Now, Dr Toben, would you tell his Honour when you wrote that sentence – as it's true that you did – what was your understanding of what had happened?

Dr Töben: I have been in legal litigation for nearly one and a half decades, and I'm following the law. I'm following developments, and only recently Justice Marcus Einfeld was sentenced to prison ...

MR PERKINS: Dr Toben, I'm not going to ask you about that. I would like, please, for you to answer the question that I asked you. Now, I'll ask it again, if I may. The statement was: *Richard Pratt received a judge's indulgence*. What was your knowledge about the matter concerning Richard Pratt when you wrote that part of the sentence?

Dr Töben: I spent last week in Melbourne, and the Herald Sun was full of this matter. It was very interesting. There were, I think, eight pages of pictures of various prominent individuals who visited Richard Pratt, politicians, bankers, it was a who's who in Australia, and for me that was very interesting to see. And with that came the concept indulgence. If I go back in my mind ...

MR PERKINS: But just wait a moment, please. In what you read whilst you were in Melbourne, was the word 'indulgence' used in relation ...

Dr Töben: Yes.

MR PERKINS: ...to Mr Pratt's case?

Dr Töben: Certainly, yes.

MR PERKINS: And in what context? Are you able to tell us?

Dr Töben: It was in the context of having his criminal proceedings stayed – this is how I understood it – to have it stayed, that apparently it's at a judge's discretion to do this, on account of Mr Pratt dying.

MR PERKINS: Dr Toben, did the word 'indulgence' bring for you certain other things to mind?

Dr Töben: Indeed. I thought of the period of history where we had a total breakdown of the Catholic faith, where indulgences were sold, I think. It was – this is what aroused me when I saw the word 'indulgence.' I didn't quite understand that, because – and I may add this – because if a man is sick I fully understand that he should not be brought to court, something that, of course, doesn't happen to those who are labelled Nazi war criminals.

MR PERKINS: The sentence – the question that you asked: *Richard Pratt received a judge's indulgence*. *Will Toben receive the same?* You asked the question in that form, didn't you?

Dr Töben: Yes.

MR PERKINS: And what do you say as to why it was that you chose to use that form?

Dr Töben: To point out that, for example, Marcus Einfeld, who was sick, did not receive any indulgence. He was sent to prison, and now there's Richard Pratt, and now there's here am I. It is a mere questioning of that – our cases do reflect what is going on in the court, what is going on in a judge's mind. That for me is an important thing, and that will reflect Australia's justice system, how these difficult cases are handled by judges. It's not an easy task.

MR PERKINS: You asked the question on the document: *What does this tell us about Australia's justice system?*

Dr Töben: Indeed. That's the future, the developments of these cases. For example, the Einfeld case clearly illustrated that there was no remission given, as such, for his prostate cancer. He had a similar problem. He has faced similar problems. Now, Richard Pratt here is close to death. I just found that it's interesting how – or the problems the judges have in deciding these cases. It's very, very difficult. And as I maintain that we are still in a common law country, where we can speak freely, and openly, where thoughts are not criminalised, where we are free to speculate, and hypothesise.

MR PERKINS: Dr Toben, in the affidavit which was filed today you related that you were given certain advice about apologising for what his Honour has found to be contempt of court, and you apologised?

Dr Töben: Indeed.

MR MARGO: Is there anything about that apology that you don't stand by?

Dr Töben: It is an unequivocal apology. This is why I'm rather amazed that this item was brought into court this morning, because I cannot see – I cannot understand why I'm not allowed to ask questions, express my doubt about these things. I cannot – I cannot follow this. It is not a wilfulness, it is accepting your authority, your Honour, but I cannot understand why Mr Jones feels offended, or says that this is an offence. I cannot understand that. I'm asking questions. I don't understand that.

MR PERKINS: Now, Dr Toben, in the next paragraph of the affidavit which was filed today, you accepted, did you not, that a failure to adhere to, and comply scrupulously with orders of the Federal Court of Australia undermines the entire system of – the entire judicial system; is that true?

Dr Töben: Indeed. And I would be the last one to challenge the system.

MR PERKINS: If your Honour pleases.

HIS HONOUR: Thank you, Mr Perkins. Yes, Mr Margo?

<CROSS-EXAMINATION BY MR MARGO [11.25 am]

MR MARGO: Dr Toben, you say that when you saw the word ‘indulgence’ in media publicity about Mr Pratt your mind went to the selling of indulgences by the Catholic Church; you recall that evidence?

Dr Töben: Indeed.

MR MARGO: And you referred also to the fact that you had seen pictures of a lot of prominent people visiting Mr Pratt. You described it as a who’s who of prominent people, or words to that effect; you recall that evidence?

Dr Töben: Yes.

MR MARGO: And was it your impression, or understanding when you thought about the Catholic Church, and saw those people, that Mr Pratt might have received an indulgence that was purchased in some way through influence or money?

Dr Töben: Not at all.

MR MARGO: Why did you think of the selling of indulgences in connection with the publicity about Mr Pratt?

Dr Töben: I am a student of history. I did not – I have not in the last – as Mr Jones would know – in ‘96, from ‘96 onwards, since we’ve been locked in battle, I have not come across this term ‘indulgence,’ and the first thing that came to mind was when this – there’s this historical event occurred many centuries ago, I think, fourteenth, fifteenth century or so, and this is where the term came in. And so I certainly wondered, what’s going on here, and then, of course, I thought of Marcus Einfeld, and I realised, no, the justice system is functioning. Therefore, the reason in this case, the indulgence referred to a kind of mercy, that the judge was showing towards Mr Pratt, who was dying. And as someone who cannot justify himself in court, surely he should not be continued to be prosecuted. The case goes. It drops.

MR MARGO: And you read in the press, did you not, that what happened in Mr Pratt’s case was that the prosecution withdrew the charges?

Dr Töben: I actually didn’t see the item. This morning I read the Advertiser, where it stated that this was a – I think it was a dropping of the prosecution, yes ...

MR MARGO: And you read also that?

Dr Töben: which makes sense.

MR MARGO: I’m sorry?

Dr Töben: Which makes sense.

MR MARGO: And you read also, Dr Toben ...?

Dr Töben: Sorry.

MR MARGO: And you read also that Mr Pratt’s lawyers requested that, instead, that the charges be dismissed, not withdrawn?

Dr Töben: I'm not aware of those details. I had my mind on other matters. On the particulars of that article, the only thing I realised was that the matter had been withdrawn, I think. Even the gentleman who signed the affidavit here, he was aware. He saw the program last night in the 7 o'clock ABC News, which I didn't see. I didn't have time for that.

MR MARGO: Now, I put it to you that the withdrawal of the charges against Mr Pratt was a prosecutorial decision, not a judicial decision; you accept that now?

Dr Töben: I – I'm trying to get the difference. I don't quite see the difference, and I would not, in my commentary here, in using this term, would even go so far as to think about these legal technicalities. It wouldn't concern me.

HIS HONOUR: Were there not two circumstances relevant to Mr Pratt's present circumstances? First, that Mr Pratt's lawyers asked Ryan J to accelerate his ruling in relation to the admissibility of evidence, and, secondly, a prosecutorial decision to – after Ryan J had made his decision, a prosecutorial decision not to continue the prosecution; did you understand that to be the case?

Dr Töben: The way you've put it now I can see the steps. This would be the step, but I would certainly not have – when I typed this in this morning would have thought about those things. I was thinking far more generally.

HIS HONOUR: Well, the only judicial indulgence could have been Ryan J accelerating his ruling in relation to the admissibility of the evidence?

Dr Töben: I was aware of that. I was aware of that.

MR MARGO: Is that the indulgence which you're addressing in that publication?

Dr Töben: I don't think – the indulgence here for me is a far broader issue, rather than the particular one, as I indicated. The indulgence came through, nobody asked for – Einfeld J didn't ask for an indulgence, so immediately I thought why didn't he? What's going on? I'm merely up. One person is taken away and sentenced, that's it. The other one receives this indulgence, and then it's clear it's done because he is not competent to be standing in court. This is how I understood that. No more, no less. And this reflects that there is a mercy element in the Australian justice system. It is working. This is all that's there.

MR MARGO: But I put it to you, Dr Töben, that this evidence you've just given is disingenuous, and that what you intended to convey by these words was that Richard Pratt had received an indulgence from the judicial system, and if you did not receive the same, that would tell us something bad about Australian's justice system?

Dr Töben: Mr Margo, you've been doing this for many years now, and Mr Jones. You've been slandering me, you have done this again and again.

MR MARGO: Could you please, Dr Töben ...

HIS HONOUR: Just a minute. Dr Toben, answer the question please. Do you agree with the proposition?

Dr Töben: It is a nonsense.

HIS HONOUR: Thank you. What indulgence ...

MR MARGO: And I ...

HIS HONOUR: Just a minute, Mr Margo. What indulgence are you seeking?

Dr Töben: I'm seeing for the first time ...

HIS HONOUR: No. What are you seeking?

Dr Töben: I'm not, your Honour.

HIS HONOUR: Well, you asked, 'Will Toben receive the same?'

Dr Töben: This is the point. We will see the justice system. It's working, and what is will be. I've accepted that.

HIS HONOUR: Dr Toben, Dr Toben, the words are: *Richard Pratt received a judge's indulgence* - which he sought - *will Toben receive the same?* Are you seeking an indulgence?

Dr Töben: No, your Honour.

HIS HONOUR: What's the point of the question then?

Dr Töben: The point is this goes for - the indulgence flows into the other question: *What does this tell us about Australia's justice system?* My case ...

HIS HONOUR: But the second question is dependent upon the first?

Dr Töben: But also on the third. The third indicates what is - because, your Honour, we've got problems in the judiciary all over the world, but in my case it is a special case because we're bringing all sorts of things in, and therefore I simply see Marcus Einfeld's case, Richard Pratt's case and my case. Now, indulgence, I asked Mr Perkins could I ask for an indulgence, almost like a throw-away line. This is ...

HIS HONOUR: What indulgence are you seeking?

Dr Töben: Well, I don't know. I haven't even gone beyond that. I simply know that the word 'indulgence' - hey, what's going on?

HIS HONOUR: Very well. You've answered the question. You don't know what you're asking. Yes, Mr Margo?

MR MARGO: Dr Toben, are you aware of what religious tradition Mr Pratt is a member of?

Dr Töben: Yes. He's Jewish. My association ...

MR MARGO: Is it mere coincidence ...?

Dr Töben: So my association ...

MR MARGO: Is it mere coincidence that the two cases you say came to mind, that's Mr Pratt's case and Einfeld's case ...

HIS HONOUR: Mr Einfeld's, Mr Einfeld's please.

MR MARGO: ... that both of those persons are Jewish?

Dr Töben: Are you feeling persecuted? Please don't start that.

HIS HONOUR: Just a minute, Dr Toben. Firstly, Mr Margo, it's Mr Einfeld, and could you answer the question please?

MR MARGO: As your Honour – yes. Is it pure coincidence that the two people who came to mind when you read the publicity about Mr Pratt, were both Jewish?

Dr Töben: Whatever – I don't know. Of course I'm aware of it. I've been locked in with Mr Jones for 15 years.

HIS HONOUR: Dr Toben, the question, I think, to put it bluntly, is did you not compare yourself with Mr Pratt and have you not compared yourself with Mr Einfeld this morning, because they were Jewish and you're not?

Dr Töben: No. That's nonsense. It is – I'm – and this is where the question that this final thing, 'What does this tell us about Australia's justice system', comes in. Very simple. I see it as a very simple thing, but it's got nothing to do with being Jewish or non-Jewish. We've got to do – we're dealing here in justice that transcends any ...

MR MARGO: Dr Toben, you have referred in material on your web site, you've published material which asks the question whether the judiciary should be described as the Jewdiciary, J-e-w?

Dr Töben: Was that my ...

MR MARGO: Do you recall material of that kind?

Dr Töben: Was that my article?

MR MARGO: I don't suggest it was your article, I'm saying it's material that you put on your web site which made references like that. You recall that, don't you?

Dr Töben: Mr Margo, we have a lot of material, and I, as an editor, so-called editor, I cannot read everything. You know that.

HIS HONOUR: That might be right, but you ...

MR MARGO: Have you read the affidavit?

HIS HONOUR: Just a minute, Mr Margo. That might be right, Dr Toben, but do you recall, being published on your web site, a reference to the Jewdiciary spelt in the way that Mr Margo did?

Dr Töben: I can't recall at the moment. I'd have to look ...

MR MARGO: Did you read the affidavit material that was served on this penalty hearing including exhibit JJ1?

Dr Töben: No, I didn't. I put it on the web site but I didn't have time to read any of this stuff because I was too busy with my own stuff.

MR MARGO: I'm referring you to a page of exhibit JJ1, and if you wish to see it, it can be provided to you, Dr Toben. It's page 21 of exhibit JJ1. It's a letter dated 12 August 2008 in just – in other words, in days of the hearing before his Honour last year, and it's from a person called Maurice Hausberg, and it contains – it refers to your case and to the hearing of this case by Bruce Lander J, as the letter says, and in the third paragraph, Mr

Hausberg asks: *Has the Australian judicial system dispensed with habeas corpus? Have we now established a Guantanamo-type of justice? More than half of the Zionist controlled European parliaments have passed legislation which enables a person to be gaoled for questioning the Holocaust. Is this the aim of Jeremy Jones? If so the spelling of judiciary must be altered to Jewdiciary, J-e-w.* Does that refresh your memory that you put this letter on your web site shortly after the hearing before his Honour last year?

Dr Töben: This may – I don’t know this man, but the – because he made his name public and because he addressed material to this matter, I published it. I did. I – we do not do anonymous – if I may say this, we do not do anonymous – we do not print anonymous material. This man can be contacted. He has a physical address, and if anyone – I considered this man making a pertinent comment about the matter, and therefore I published it as an opinion piece.

MR MARGO: And I put it to you again, that you what you are implying by comparing the treatment of Mr Pratt to the question whether or not you will receive the same treatment, is that people should be alert to watch to see whether a Jew receives more favourable treatment than you received from this court?

Dr Töben: I would see that as your typical interpretation because this is the tenure of the attack against my person, to defame me, to smear me and to insinuate that I am what I’m not.

MR MARGO: I take it that you deny that that was the implication of your words?

Dr Töben: The implication stands on its own, as far as I can see. The third question, ‘What does this tell us about Australia’s justice system,’ and it shows it’s working. That’s what it’s implying, Mr Margo.

MR MARGO: I put it to you that that’s a dishonest answer, but I take it you don’t accept that. Could I take you a bit lower down in this document? You then refer to, and give a link to Dr Mahmoud Ahmadinejad’s speech he gave to the Geneva review conference of the Durban conference on racism. That’s right, isn’t it?

Dr Töben: That is so.

MR MARGO: Yes. And then you have these words, ‘Do I tell the truth or do I obey the law?’ Those words are on your web site, the Adelaide Institute web site, as we speak, aren’t they?

Dr Töben: And I placed them there.

MR MARGO: Could you just answer that question? They would still be there at this moment; that’s correct, isn’t it? You haven’t taken them off?

Dr Töben: At this moment yes, but what happens after today I will not be in charge of this anymore, whatever the outcome.

MR MARGO: It's the case, is it not, that right up to this moment it's a dilemma for you, whether you should tell what you described as the truth or obey the law. That is the orders of the court. That's correct, isn't it?

Dr Töben: It is not correct because that is your dilemma, because you have not read the full context. I say the Zionist Talmudist to this question, do I tell the truth or do I obey the law? They say, 'Obey the law, obey the law, obey the law.' The Hegelians, they say, 'Tell the truth and obey the law,' and this is the course I had been taken throughout these proceedings. To tell the truth and obey the law, not just to obey the law.

MR MARGO: I put it to you that that's a dishonest description of your position, Dr Toben, because you know very well that if you obeyed the orders of Branson J, and if you honoured your undertaking to Moore J, you could not tell the truth as you see it, about the Holocaust on your web site?

Dr Töben: Mr Margo, you are raising issues here. You are eliminating the normal dialectics of Hegel. You are adopting the Marxist Talmudic dialectic process.

HIS HONOUR: Dr Toben, it would be easier if you simply answered Mr Margo's question, if you wouldn't mind?

Dr Töben: Could he repeat that again, please?

HIS HONOUR: If you would put it again, Mr Margo?

MR MARGO: Could the question be read back if there is anybody who could ...

HIS HONOUR: No.

MR MARGO: I'll withdraw ..

HIS HONOUR: Well, I'll put the - I think I can remember the question. *Is it not the case, Dr Toben, that if you are obliged to comply with the order of Branson J and honour the undertaking you gave to Moore J, you would not be able to tell the truth, as you understand the truth?*

Dr Töben: I have problems understanding what that question actually implies or even if it states that if I follow the orders ...

HIS HONOUR: Are you saying you can't understand the question?

Dr Töben: I'm having problems ...

HIS HONOUR: Are you saying you can't understand the question?

Dr Töben: Because what I ...

HIS HONOUR: No, is that what you're saying? You can't understand it?

Dr Töben: I'm trying to follow what you're saying.

HIS HONOUR: No, no, I'm just asking you. Can you not understand the question? You can say yes or no to that?

Dr Töben: I would like to hear it again. I can't ...

HIS HONOUR: Well, I'll ask the question again, but if you can't understand, say so. The question that Mr Margo asked, and I'm paraphrasing, is that if you complied with the order that Branson J made

on 22 September 2007, and honour the undertaking you gave to Moore J on 27 November 2007, you would thereby be debarred from telling the truth, as you understand it. Do you accept that proposition? Now, if you don't understand the question, say so?

Dr Töben: It's raising so many issues. I'm just thinking that to obey - I've tried to. For example, I'm locked in to tell the truth and obey the law and therefore I'm trying to.

HIS HONOUR: It's not - the question - the question is not about whether you are complying with the orders. The question is if you do comply with the orders you are not able to tell the truth as you understand it. Do you accept the proposition?

Dr Töben: Are you saying - using the quotation marks Holocaust, I would be in the situation where I would be in Germany. Are you saying that? Where the legal system prevents me from doubting, from expressing public doubt, from asking questions? Are you - in what you've just said, are you implying that this is the effect of Branson Js order?

HIS HONOUR: No. I think that implicit in Mr Margo's question is this, that if you have to comply with her Honour's orders, and the undertaking you gave to Moore J, you are thereby prevented from telling the truth about the Holocaust. That is your position, is it not?

Dr Töben: This - I can't see that it's an either/or case.

HIS HONOUR: Very well?

Dr Töben: I follow the orders and I must not tell the truth. I see that our justice system - we have moral, legal and social duties, your Honour, and I am ...

HIS HONOUR: I'm just doing my best to put Mr Margo's question, but I'm not doing it so well, apparently, but I'll try it once more. Mr Margo's question is, if you are obliged to comply with Branson Js orders and honour the undertaking given to Moore J, you are thereby prevented from telling the truth about the Holocaust, as you understand the truth. Isn't that your position?

Dr Töben: I don't think it is - - -

HIS HONOUR: Okay. That's fine, thank you?

Dr Töben: ...because, if I may add?

HIS HONOUR: Yes?

Dr Töben: Because the way I understand the law. As I said, we have moral, legal and social duties, basic citizen rights and so on, and therefore it is my duty to tell the truth as it is, within the law, within legal constraints, and I've tried that for these last seven years or whatever. I've tried that to the best of my ability.

HIS HONOUR: Yes. Yes, I'm sorry, Mr Margo.

MR MARGO: Thank you for that, sir. Dr Toben, you say you've been trying for the last seven years, but the court has found that you've failed.

And you said in your most recent affidavit that you accepted that you had brought the administration of justice into disrepute, or words to that effect, or undermined its standing. How do you reconcile the findings of ...?

Dr Töben: Mr Margo, I will ...

MR MARGO: How do you reconcile those findings with your intention, as I understand it, to continue telling the truth, despite the orders?

Dr Töben: Very easy, Mr Margo. I have not had any legal counsel, as you know, throughout these years, and I've now had Mr Perkins' legal advice and I'm being guided by Mr Perkins. I - as you know, I enrolled in the University of Adelaide law course and I failed Commissioner McEvoy's subject and all that. Law is not easy for me. My discipline is philosophy, asking questions, difficult questions, and therefore, I have now, without hesitation, signed this affidavit, which Mr Perkins and I formulated which, on his advice, I've accepted.

MR MARGO: Well, do you accept now that if you obey the orders of Branson J and honour your undertakings to Moore J, you may not publish on your web site what you regard as the truth about the Holocaust, namely that it didn't happen?

Dr Töben: Mr Margo, in the affidavit I ask that I be supervised by the court or by you or the executive Australian Jewry ...

MR MARGO: Dr Toben, please answer that question. I repeat it. Do you accept it, as you sit now in court before his Honour, that if you obey the orders of Branson J and honour your undertaking to Moore J, you may not publish on your web site, or the Adelaide Institute web site, material which breaches those orders or that undertaking concerning the Holocaust?

Dr Töben: Mr Margo, I make no comment on that because I will have to seek legal advice. Don't you - this is what I'm in now. I'm now being supervised. This is my request, that I be supervised, that I be censored, because to date I have not succeeded in satisfying you. To the extent that anything I write, it appears, is an offence for Mr Jones. I am now literally seeking advice. I have to seek advice from now on. Whatever I print on the web site I have to seek advice. I'm accepting full censorship, Mr Margo.

MR MARGO: Dr Toben, you were ...

HIS HONOUR: Dr Toben ...

MR MARGO: You were advised ...

HIS HONOUR: Excuse me, Mr Margo. Excuse me. Mr Margo, excuse me.

HIS HONOUR: Dr Toben, there won't be an order made that in the future either Mr Jones or the court will act as censor or as adviser to you. The question that Mr Margo is presently asking you is this. Do you accept that if you comply with her Honour's orders made on 22 September

2007, and comply with the undertaking you gave to Moore J on 27 November 2007, you cannot, in the future, publish information or material which conveys the following imputations, or any of them:

That there is a serious doubt that the Holocaust occurred; that it is unlikely that there were homicidal gas chambers at Auschwitz; that Jewish people who are offended by and challenge Holocaust denial are of limited intelligence, and some Jewish people, for improper purposes, including financial gain, have exaggerated the number of Jews killed during World War II and the circumstances in which they were killed.

Do you accept that you cannot publish any information which conveys those imputations?

Dr Töben: Your Honour, I informed my counsel that I have had problems. I have done my best to negotiate these orders because they are rather general and confusing. I now will, from now on, not print anything unless I seek legal counsel, whether it's - whether - they will have to interpret the law, these orders, court orders. I can't, I'm at an end, I'm here now, because I have done my best and what's happening is that I've been smeared as someone who is totally unwilling, unable to comply with these things. I've done my best. But I cannot, without any authority, judicial authority, to negotiate these court orders. The court orders don't make sense to me. They don't make sense to me, your Honour.

MR MARGO: Dr Toben, you had had legal advice at the time you gave ...

HIS HONOUR: Just a minute Mr Margo. Mr Margo, just a minute.

MR MARGO: I'm sorry, your Honour.

HIS HONOUR: In what way do the orders not make sense?

Dr Töben: Because they are so broad that to be limiting - they are so broad they catch everything. It reaches the point to this morning. Apparently Mr - if I may say this, your Honour - Mr Margo brings this front page and says, 'This is evidence of something,' and here am I just printing this and -...

MR MARGO: But you're misunderstanding, Dr Toben. Mr Margo is not putting forward the document, exhibit A, this morning as evidence of breach of the orders?

Dr Töben: No, but I'm indicating ...

MR MARGO: No, no, but listen, listen. He's putting it forward as evidence of your attitude?

Dr Töben: I understand that, but I'm saying now, this is my problem.

MR MARGO: Well ...?

Dr Töben: I accept this problem and, therefore, I will submit to censorship.

MR MARGO: Well, then can I ask you this question? You say the orders are confusing and you're unable to understand them. What is it about the

order which Branson J made, which says you were not to publish the document about the Adelaide Institute, which was confusing?

Dr Töben: That's what – if you remember, your Honour, I wrote a lot of affidavits which was going to present my case.

MR MARGO: You didn't ...?

Dr Töben: And this document I removed, of course. As you know I removed, in 2000, out of the Human Rights Commission I removed all the material from the website, as I have now; it's wiped. This document I found on the internet, and I wanted to show that I had nothing to do with it. That the item - which, by the way, the Germans also used in their proceedings against me, so the Commissioner McEvoy used it as well, and Branson J used it – that this document, although it's not on our website, it's on this Way Back material – other material, other websites that I have no control over. I have never been in contact with The Way Back machine, your Honour.

HIS HONOUR: I see.. Yes, Mr Margo?

MR MARGO: But you did put links on your website to that document when you found it, didn't you?

Dr Töben: Indeed, and if I may say this, I may add ...

MR MARGO: I take it the answer is yes, you did put the links, you admit that?

Dr Töben: Because ...

MR MARGO: I don't want the reason, Dr Toben?

Dr Töben: Why not? Why not? Let the court hear?

HIS HONOUR: No, no.

MR MARGO: You did accept, I think, that you put links on your website to that document when you found it. And I put it to you that at the time you did so, you knew - because you've told his Honour that you understand that part of the order – you knew that it would be in breach of the order?

Dr Töben: Not at all, the linking was done - and if you follow the material when I gave the apology, the initial apology, that I then withdrew – that apology, the way I understood it with Mr Charman, that I gave that apology but then the link material was brought in when we had not discussed the matter of linking, because this is a fundamental censorship mechanism of not linking. In Germany you're not allowed to link. If you link ...

MR MARGO: Dr Toben, please don't continue on this line. His Honour has made a ruling about that. What I put to you is that at the time you gave the undertaking, and the undertaking referred to material including links, you had legal advice, didn't you?

Dr Töben: Not the linking, Mr Margo. This is why I withdrew ...

MR MARGO: You had legal advice -...?

Dr Töben: This is why I withdrew my apology. This is why ...

MR MARGO: You were represented by a barrister. Dr Toben, is it or is it not true that you were represented by a barrister on the day you appeared before Moore J, and that he had advised you before you gave the undertaking?

Dr Töben: And he said that you asked ...

MR MARGO: Is that true or is it not true?

DR Töben: ... and you asked not for an apology ...

HIS HONOUR: Dr Toben? Dr Toben ...?

Dr Töben: — because you didn't want to humiliate me, so I was to give an apology to the court.

HIS HONOUR: Dr Toben ...?

Dr Töben: And who wrote up the apology.

HIS HONOUR: Dr Toben?

Dr Töben: Sorry, your Honour.

HIS HONOUR: Dr Toben, you are here to answer questions, not to make speeches, and you are here to comply with my directions?

Dr Töben: Yes, your Honour.

HIS HONOUR: You will do both. You will answer the question and you will comply with my direction?

Dr Töben: Yes, your Honour.

HIS HONOUR: You will not make speeches. Yes, Mr Margo?

MR PERKINS: Your Honour, may I raise ...

MR MARGO: Dr Toben, it's correct that you were ...

HIS HONOUR: Sorry, Mr Margo. Just a minute Mr Margo. Mr Perkins?

MR PERKINS: Your Honour, the way in which the ruling that your Honour just made was expressed, was, with respect, not – I put it, with respect, but it was not made in a way that Dr Toben might be calculated to understand. Now, if I may say so, it's necessary that Dr Toben be permitted to explain what his position is, and it may be that it's not a process which will, in the end result, assist him. But, your Honour, he's being asked some questions – and there have been several of them – which have asked for explanations, but then, in my respectful submission, he hasn't been permitted to give them. Whether you might find them ...

HIS HONOUR: Mr Perkins? Mr Perkins, just a moment, please. Mr Perkins, my impression of Dr Töben's evidence at the moment is that he is arguing with Mr Margo and that is not useful in my determining any issue which I need to determine. At the moment he is arguing with Mr Margo, he is also not answering Mr Margo's question directly which is prolonging this cross-examination. I have advised Dr Toben that he is here to answer questions and he should answer questions directly. That is the same advice I would give any other witness, and Dr Toben is intelligent enough to understand, I think, that direction. He should answer

those questions directly. He is not here to make speeches. If you want to lead evidence from him to further explain any question which he has answered, and which he has not answered fulsomely, or which may lead to some misunderstanding, you can re-examine, as is the procedure, in any other hearing. Yes, Mr Margo.

MR PERKINS: If your Honour pleases.

MR MARGO: Dr Toben, I take you back to the document that was tendered this morning. You say in the second last paragraph: *Note: court orders must be obeyed without exception even if they are unreasonable and absurd.* Do you see those words?

Dr Töben: Indeed.

MR MARGO: I put it to you that you meant to imply by the words, 'even if they are unreasonable and absurd,' that the orders you are required to obey are unreasonable and absurd?

Dr Töben: I wrote this because I was advised that – and Mr Charman did this – if the court orders I have to follow them no matter how – they're actually his words – how absurd, I have to follow them. And I said, 'I've been doing this. I've been trying this.' That's all I'm expressing here.

MR MARGO: Do you regard the orders you are required to obey as unreasonable and absurd?

Dr Töben: Yes. Yes, I do.

MR MARGO: And that's what you meant to convey when you wrote that on the website, isn't it?

Dr Töben: That's if you wish to

MR MARGO: – there are a lot of things to be read into this, but you are – sorry, oops. You are not prepared to answer that question with a no?

Dr Töben: Sorry, ask again, please.

MR MARGO: You said that you regard the orders you are required to obey as unreasonable and absurd, and I put it to you that that's what you intended to convey when you wrote on this document, published on the website, the sentence I referred you to: *Court orders must be obeyed without exception even if they are unreasonable and absurd.*?

Dr Töben: Well, this is my understanding ...

MR MARGO: You meant to convey that meaning?

Dr Töben: This is my understanding. This is what I wish to convey, and I went on to say that I linked it to the Nuremberg war crimes trials, and it went on. Not just this one sentence here, you have to see it in context. It's not – I don't operate on a yes/no dialectic. For me it's telling the truth and obeying the law. It's a difficult, difficult thing to do, because telling the truth means one has to have a moral dimension. And the law, you can always say, it's the – well, somebody handed down the law. I try to internalise all these things.

MR MARGO: Continuing on that paragraph, you refer to the fact that you have deleted material from the Adelaide Institute website, and you ask whether – the rhetorical question – whether you’ve compromised your integrity by doing that. And then you say, ‘Will his action,’ that’s your action in deleting material, ‘be honoured by those charged with enforcing the court orders.’ Now, could I ask you first, who do you understand to be charged with enforcing the court orders?

Dr Töben: The legal person. The judge. The judges who look into this.

MR MARGO: Thank you. And you say in that sentence – you ask the question, will your action in taking material off the website be honoured by the judge enforcing the court orders. Is that the meaning of the sentence, I take it ...?

Dr Töben: Indeed, 2000 and 2002 and now on the day of the judgment, when the judgment was made. 16 April, the website was deleted.

MR MARGO: And what, in your understanding, did you mean – what did you understand would – I withdraw that. What would be required, in your understanding, for the judge to honour your action?

Dr Töben: I would go back to the other comment here, do I tell the truth or do I obey the law. It will reflect whether it is merely legalistic, the Talmudist, Zionist, legalistic mindset, or the Hegelian telling the truth and obeying the law. In other words a weighed thing; blind justice, so to speak. Blind justice, that’s how I see it.

MR MARGO: So if we could go back then to the words which appear under Do I Tell the Truth or Do I Obey the Law? It’s your position, is it, that if the judge takes the view that you should obey the law, obey the law, obey the law, that he is falling in with the program of Zionists and Talmudists?

Dr Töben: That would be the case. The purely – no judge has an objective, the way I understand the judges acting. And we see this with the Pratt and Einfeld case where there is that element of the moral dimension. Every judge has that moral dimension. It’s all there. I see no conflict here, except I know that in what’s happening in Palestine and so on, that the mindsets are uncompromising, and it flows. All this flows into the Australian judicial system, how they handle this case. It’s a reflection – there’s nothing sinister about this. It’s an observation.

MR MARGO: And after you said – you asked the question, will your action be honoured by the judge. That’s at the end of the second last paragraph. You then say: *Anyone who propagates the Holocaust Shoah is levelling allegations against Germans – etcetera.* And then we come to the words: *Meanwhile, think of the 9/11 lies.* By ‘meanwhile’ you’re referring back to the words: *Stay tuned and find out on 28 April 2009.* Aren’t you?

Dr Töben: Well, we’re ...

MR MARGO: Why are we waiting for that?

Dr Töben: Yes, yes.

MR MARGO: Could I just clarify what you mean. You say at the end of the second last paragraph: *Stay tuned and find out on 28 April 2009.* And I put it to you that when you say, ‘Meanwhile, think of the 9/11 lies,’ you’re referring back to those words, ‘Wait until 28 April and meanwhile, this of the 9/11 lies’?

Dr Töben: That could be construed that way, but I did not mean it. I would see that as a very, very limiting perspective if you merely saw it like that, because the 9/11 is a public issue. It’s a massive controversy. And the latest research from it is – like Professor Ian Plimer ripping open the global warming problem and saying that, ‘Well, the global warming deniers, they may be like Holocaust deniers.’ We are ripping open ...

MR MARGO: Can I just stop you there?

Dr Töben: ... the whole perspective of public discourse. This is what my function – this is how I see my function as with the Adelaide Institute.

MR MARGO: Why do you advise people who view the website while they’re waiting to see what the judge does on 28 April to think of the 9/11 lies?

Dr Töben: Because it is a new item that’s just come through. New information. New information.

MR MARGO: It’s just to keep them occupied if they’ve got nothing better to do, is that it?

Dr Töben: Well, that would be your – I see that as – I can’t quite, again, follow that when you said, ‘Nothing better to do.’ I don’t understand that concept really, because we are thinking about these things. We are serious thinkers about world events.

MR MARGO: Can we go to the end of this document, you say there, ‘Good news from Geneva,’ full text address?

Dr Töben: Yes.

MR MARGO: And then you refer to the Zionist controlled countries?

Dr Töben: Yes.

MR MARGO: And you include in those countries Australia. That is your opinion, expressed on this page, that Australia is a country controlled by Zionist; is that the case?

Dr Töben: It is overstated, of course, because you should remember then what I’ve always said, ‘Don’t blame the Jews, blame those that bend to their pressure.’ And, therefore, if the Zionist control these countries, that is so, if that is so. It’s very difficult and you, yourself, know that headlines like that ...

MR MARGO: When you say the Zionist control Australia, that includes, does it, the judiciary of Australia?

Dr Töben: I wouldn’t know, I haven’t inquired into this business of whether the judiciary is controlled by the Zionists. How can I say that?

MR MARGO: You didn't say, Dr Toben, Zionist control country Australia, but excluding the judiciary of Australia, did you?

Dr Töben: I did not. I would add it now. Now, you have ...

MR MARGO: And you admitted ...?

Dr Töben: Sorry, if I may say - you have now, this is - I'm illustrating to his Honour - your Honour, this is - and I'm illustrating - and I've had this with my associates as well - I would say something, I would put something up and somebody would say, 'Hey, look, wait a minute, you're saying the Zionists do this, please modify it. Please control - add something to it,' we've done that again and again. We've deleted material. This is how I operate. I don't know everything, but I'll run with headlines like in *The Advertiser* or in *The Australian*, they run with headlines and then they apologise. I've done that. I cannot control all these things.

MR MARGO: Thank you. In conclusion, Dr Toben - I think it will be conclusion - I put it to you that when you said on this page - sorry, there will be one further question. When you said on this page that you're waiting to see what the judge will do, and you've admitted in evidence given this morning, that if the judge simply says, 'Obey the law,' he'll be falling in with the Zionists and Talmudists, that it's an open question for you, as you sit there, whether or not the judge before whom you appear is controlled by the Zionists. And the outcome will depend on whether or not he honours your action, or grants you an indulgence, or what decision is made by him?

Dr Töben: I reject your premise, Mr Perkins (sic -Margo) It's false. It's not enough, it's too limiting. You are reducing me to something that I'm not which is the history of these proceedings.

MR MARGO: Dr Toben, I said finally, but there's one more question. You said in your affidavit this morning that after the judgment was given you took everything down. Was that on the same day the judgment was given?

Dr Töben: Midnight. On midnight. I couldn't ...

MR MARGO: Can you explain then why in the evidence, in exhibit JJ1, there are documents still on the website dated 17 April and 20 April, for example?

Dr Töben: That had nothing to do with the website. The website's gone and it had nothing to do with the historical investigations. These were public commentaries, like this one here. Am I not allowed to do that? I was not aware that I wasn't allowed to operate a website and publish. I did not understand the orders to mean nothing.

MR MARGO: I just - I put it to you and please ask to see the exhibit if you need to, but at page 11 - 199, on exhibit JJ1, there is a document which was printed on 17 April which is headed What Kind of Truth Is It - it's headed Adelaide Institute, and then it reads: *What kind of truth is it*

that needs a court order to be protected and believed. Persecution through legal prosecution - And then you refer to the judgment of the court. And you continue, there's a picture of you: *Fredrick Toben after court case on 16 April 2009. If you believe in something and you want to have that freedom to express your opinions, then you should be prepared for sacrifices. Anyone who believes in the Holocaust Shoah has blood on their hands.* And what I ask you to address is, you said in your affidavit that you had taken down offending material after judgment, this is something that was on website on 17 April, could you explain that please?

Dr Töben: This is - I'm aware of the document. This is an illustration of how slowly I understood or put into effect the court order. At midnight I took down the website. Then the next day I kept on just one page. I took advice, legal advice, and then things were removed as you noticed, you were busy looking at it every day to see if you could find something. And so every day it went less and less to this present page, because I am illustrating, thereby, that I need legal guidance to interpret these court orders for me, because I sensed what I wrote there, 'Persecutions through,' the judgment was put on there for - because anything that's in the public, anything that passes through the registry I understand to be of public - in the public domain. And so ...

MR MARGO: I will interrupt you there, please, Dr Toben. You refer to the judgment - that's quite correct, it's a public judgment and can be referred to - but you refer to it between these words. Above the reference to the judgment you put, 'Persecution through legal prosecution'?

Dr Töben: Yes.

MR MARGO: Then comes your reference to the judgment, and then come the words: *Now Toben's defence is: I'm only following Judge Bruce Lander's orders.*

MR MARGO: There's no real contrition there, is there?

Dr Töben: I don't see the contrition - why should I - I said to the lady who interviewed me, I said, 'Why should I regret anything? I'm doing my very, very best, my very best to negotiate through these orders which I don't quite follow, and I don't even understand why they weren't in force in 2004, and only because I managed to get to Tehran I sort of escaped your legal clutches.' But the problem is highlighted by this approach, Mr Margo, and that's why I wish you to concede to this, that it is possible that I will submit material. It's very difficult for me. As you see, the last page there's nothing - nothing offensive. But, of course, anything I write may be offensive to you.

MR MARGO: Dr Toben, on 14 April 2009, before the judgment of his Honour, you gave an interview to *The Australian*, do you recall that?

Dr Töben: 14 April? Can you just run it past me?

MR MARGO: You may not recall the date. Do you recall an article appearing in the Australian, 'Holocaust denier, Fredrick Toben, vows to defy judge?' It's at page 218 of exhibit ...?

Dr Töben: Oh, yes, yes, yes. I was – yes. This vow is to defy, yes. That's not my statement.

MR MARGO: And you declared that you would go to gaol, rather than pay a fine, if the Federal Court found you guilty of publishing material denying the Holocaust?

Dr Töben: Yes, indeed.

MR MARGO: Do you recall ...

HIS HONOUR: Just a minute. Just a minute. He didn't say that. He was reported as saying that.

MR MARGO: Did you say to the person who wrote this article words to the effect that you would rather go to gaol than pay a fine if the Federal Court imposed one on you?

Dr Töben: I spoke even before that interview, talked about this, if a fine was imposed, because I have no money, and couldn't even pay your \$220,000 costs that you were asking for. I – I – the next step is going to gaol, because that's what happens.

MR MARGO: Dr Toben ...?

Dr Töben: I – I have no means.

MR MARGO: ... that's an evasive answer?

Dr Töben: I have no money.

MR MARGO: Dr Toben ...

HIS HONOUR: Just a minute, Mr Margo ...

MR MARGO: That is an evasive answer.

HIS HONOUR: Mr Margo, just a minute, just a minute.

MR MARGO: Dr Toben, if you look at page 218 of the document, which is said to be the ...?

Dr Töben: Yes.

MR MARGO: ... said to be what was published in *The Australian* on 14 April?

Dr Töben: 'Wall Street' – oh, Business Australian. I'm not aware of this article. Oh, Pia Akerman, yes.

MR MARGO: Yes. If you look at the fourth paragraph you're quoted as saying, 'If I'm found guilty, and a fine is handed down, I will, on principle, refuse to pay the fine, so that means I will have to go to gaol, go in, he...?'

Dr Töben: Yes. Yes.

HIS HONOUR: Mr Margo's question is, did you say that?

Dr Töben: Yes.

HIS HONOUR: Thank you. Yes, Mr Margo?

MR MARGO: And is that still your position?

Dr Töben: Mr Margo, I'm under legal advice now. I don't make decisions any more, Mr Margo. I have not been able to meet your legal thrustings satisfactorily – to my satisfaction, because I cannot defend myself legally. It's been going on for 15 years, Mr Margo.

MR MARGO: And you said that you have no money, but you've travelled extensively, and you maintain a website and presumably pay the people who put it on service; where does that money come from?

Dr Töben: As indicated to – I think I meant to your Honour, when we – when you asked to have a look at the bank accounts. It was stated that I receive donations. I could not travel if individuals, or NGOs, non-government organisations, didn't invite me to speak – to address them. For example, a lot politically is made of this matter of my going to Iran. They pay – it's not the government that pays, it's the NGOs, the institutes that get me – the universities, they pay for the trip, and keep – I do not get charged – I do not get paid for my talking. It's board and keep.

MR MARGO: And the reason that they invite you and pay your expenses is because you publish on your website material which challenges what you describe as the Holocaust myth; that's true, isn't it?

HIS HONOUR: I disallow that question, because he can't know that – the answer to that. He can't know what's in the mind of someone else.

MR MARGO: Well, the reason – I will withdraw the question. Your Honour has disallowed it.

HIS HONOUR: You can ask me to – you can ask me to infer that, but he can't answer that unequivocally.

MR MARGO: Dr Toben, the people who invite you are people who agree with the views you express on your website about the Holocaust, are they not?

Dr Töben: Oh, no, no. No. Not only, Mr Margo, because in the Middle East the prime focus is on the Palestinian issue, on the Palestinian problem, and these institutes focus on how to solve it. And ...

MR MARGO: Sorry, I understand that it may not be exclusively for that reason, but it's the case, isn't it, that some of the invitations – or some of the reasons for any invitation are because of your views on the Holocaust?

MR PERKINS: I object?

Dr Töben: I would prefer to say Holocaust Shoah.

MR PERKINS: I object?

Dr Töben: I would prefer to say Holocaust Shoah, because that is quite specifically ...

MR MARGO: Thank you?

Dr Töben: I know what I'm talking about.

MR PERKINS: Your Honour ...

MR MARGO: I take it the answer is yes.

MR PERKINS: ... that is the same question, which your Honour disallowed.

HIS HONOUR: Just a minute. Mr Perkins has an objection. Yes, Mr Perkins?

MR PERKINS: It's the same question that Mr Margo has just asked that your Honour disallowed. Mr Margo purported to withdraw it after it had been disallowed, but the fact was that it was disallowed.

HIS HONOUR: Yes. Mr Margo you can't ask what's in the mind of someone else. You can ask, as you did, whether the people who asked him ...

MR PERKINS: Shared his views.

HIS HONOUR: ... held the same views. Put another question, please.

MR MARGO: Dr Toben, some of the people who invite you to travel to attend conferences, and who pay your expenses, share your views on the Holocaust, do they not?

Dr Töben: On the Holocaust Hoah issue, but not only - on far larger issues. The Holocaust is a side issue. For example, the financial international monetary problem is far greater than this Holocaust schwa, or the global warming problem coming up. The Holocaust is insignificant in this respect.

MR MARGO: Dr Toben, you attended a conference organised by the President of Iran, to examine whether the Holocaust happened or not, and you gave a full presentation, with models, trying to show that the gas chambers did not exist; that's correct, isn't it?

Dr Töben: It is not correct the way you put it. May I put it correctly? The conference was a review of the Holocaust ...

MR PERKINS: I object to this.

HIS HONOUR: Yes. Yes, Mr Perkins?

MR PERKINS: There is no reason to suppose that the injunctions of this court are attracted to the conduct which is being referred to. There is also no reason to suppose that the conduct of Dr Toben, assuming that he did what is being put, was illegal in the country where it occurred.

HIS HONOUR: Yes. I think that's right, Mr Perkins. Thank you. Mr Margo ...

MR MARGO: Your Honour, the relevance of the question is ...

HIS HONOUR: Mr Margo, please don't interrupt me. I was going to say something.

MR MARGO: I apologise.

HIS HONOUR: Mr Margo, I don't think this cross-examination is very useful. I'm not sure where it's going.

MR MARGO: It's at an end, your Honour, but on the relevance of that question may I just make a submission?

HIS HONOUR: If you wish.

MR MARGO: The relevance of the question was not – it's not suggested that Dr Toben is prevented by the orders from doing what he did in Iran. It's to the question of whether the contenders received, or sought to receive a benefit or gain from his contempt.

HIS HONOUR: Well, I think it's a little late to suggest there are some aggravating features of the contempt at this stage. I won't allow the question.

MR MARGO: It's in our submissions. If the court pleases, no further questions.

HIS HONOUR: Yes. Any re-examination, Mr Perkins? But before you do, Mr Perkins, can I ask for myself these questions, so that I understand exactly Dr Töben's position?

HIS HONOUR: Dr Toben, in paragraph 32 of your affidavit, sworn and filed today, you said that: *I am advised, and I accept that in the circumstances that I've been found by this honourable court to be guilty of contempt, it is absolutely incumbent upon me to apologise for carrying out the actions which are the foundation of findings. I do apologise.*

HIS HONOUR: Do I understand from that that you unreservedly apologise to the court for the various acts of contempt since 27 November 2007?

Dr Töben: I do.

HIS HONOUR: And do I understand that you will stand by that apology?

Dr Töben: I'll stand by this apology.

HIS HONOUR: And do I understand that you'll not withdraw the apology after these proceedings are finalised?

Dr Töben: I have taken legal advice. This is what I stand by, your Honour.

HIS HONOUR: And you'll not withdraw those apologies?

Dr Töben: I will not withdraw the apologies.

HIS HONOUR: Thank you. And you also say that you've been advised, and you acknowledge that failure to adhere scrupulously to the terms of the order undermines the authority of this honourable court. Do you now accept – do you now understand and accept that your conduct on the various occasions, which I found proved since 27 November 2007, undermine the authority of this court?

Dr Töben: I, through discussion with Mr Perkins, now accept this, that the way the matter was presented and so on is – I accept it. I accept it. All right, yes.

HIS HONOUR: And do you accept that you failed – that you disobeyed orders of this court, and failed to honour an undertaking given to this court?

Dr Töben: Where's that? Is that – did I write that here?

HIS HONOUR: No?

Dr Töben: Oh. Are you asking – sorry.

HIS HONOUR: Yes. Do you accept that you disobeyed the orders made by Branson J on 22 September 2002, and failed to comply with the undertaking given to Moore J on 27 November 2007?

Dr Töben: That is still – I would need to seek legal advice on that, because that's – it's not in this affidavit, in this written affidavit, your Honour.

HIS HONOUR: Very well. Yes, Mr Perkins, do you have any re-examination?

MR PERKINS: Your Honour, I wished to take up the question as raised about Dr Töben's means and ability to pay a fine, so, yes, I do wish to ask ...

HIS HONOUR: Yes. I'll allow you to do that. I'm not quite sure that it is proper re-examination, but if it goes beyond re-examination then I might hear Mr Margo in relation to any further cross-examination. But I'll certainly allow you to lead evidence in relation to Dr Töben's means, because that's a relevant matter for my decision.

MR PERKINS: Thank you, your Honour.

RE-EXAMINATION BY MR PERKINS [12.23 pm]

MR PERKINS: Dr Toben, what means – what income do you have?

Dr Töben: I receive the disability pension, and from June on it will be an old age pension. I've reached 65.

Mr Perkins: You were asked some questions about an interview with a reporter by the name of Pia Akerman; is that so?

Dr Töben: Yes.

Mr Perkins: And do you have the report of that article in front of you currently?

Dr Töben: Yes, I have.

Mr Perkins: And would you have a look, please, at the last thing said in that report?

Dr Töben: This – the last paragraph?

Mr Perkins: Does the report refer to where you were going after you had the interview?

Dr Töben: Oh, yes. I'm – before meeting with this lawyer I was going to Melbourne, yes. That was before meeting you.

Mr Perkins: Do you have money in the bank?

Dr Töben: No. Maybe ...

Mr Perkins: Yes, continue, please?

Dr Töben: Maybe 50 or so whatever dollars, something like that, yes. I'm not sure.

Mr Perkins: In a previous affidavit you – well, I withdraw that. You've previously said within the four corners of these proceedings that you owned a library?

Dr Töben: Yes.

Mr Perkins: Does that have a value in money terms?

Dr Töben: I – I don't know. It – I don't know. A couple of rooms full of books, whether that's of value. My topics – I don't know. I would depend – anyone – certainly my son is not interested in any of these books, and so ...

Mr Perkins: No, I'm asking you about the value, please?

Dr Töben: I don't know. I don't know what they're – what they're worth, but it's – my lifetime's work is in the books. The money – the – whenever I could I would buy books. This has been my passion, and then, of course ...

Mr Perkins: Do you?

Dr Töben: ... writing in them.

Mr Perkins: Do you own a house?

Dr Töben: Yes, I do.

Mr Perkins: And whereabouts is that?

Dr Töben: That is in the western district in Victoria. It is the family home.

Mr Perkins: And who lives in that house?

Dr Töben: No one. It is a very small house.

Mr Perkins: And what condition is that in?

Dr Töben: Liveable. But there is a caveat on it, two caveats. Back in the days of the family court, when my marriage and family dissolved, the legal aid has a caveat on it. So, in effect, if it was sold there would be nothing out of it.

Mr Perkins: Yes. The address that you gave in Adelaide where you live, do you own that property?

Dr Töben: No, I don't.

Mr Perkins: Do you pay rent?

Dr Töben: No, I don't.

Mr Perkins: Do you live there at the licence of somebody who owns it?

Dr Töben: I do, have been for the last 15 years.

Mr Perkins: Do you own a car?

Dr Töben: I do.

Mr Perkins: And are you able to tell his Honour the value of that car?

Dr Töben: It is worth about \$5000.

Mr Perkins: When – if your Honour pleases, that's the re-examination.

HIS HONOUR: Thank you. That completes your re-examination, Mr Perkins?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Thank you. Mr Margo, do you wish to ask any questions in relation to Dr Toben's financial position?

MR MARGO: No, your Honour.

HIS HONOUR: Thank you. Dr Toben, that completes your evidence. Thank you.

Dr Töben: Thank you.

THE WITNESS WITHDREW [12.28 pm]

Chapter 5

CUI BONO - IN WHOSE INTEREST?

With instant communications, thanks to Google, I do not have to dash off to a library or newsagency to get information if I need to learn what's going on in the world. Information is available as long as I have a computer connected to the Internet and my e-mail account. Then in the comfort of my lounge chair I can read, read and read; flooding myself with information while I must make a conscious effort to select items of interest.

If I do not discriminate in sifting through my e-mail box, I will then become a victim of information overload; and then you have perhaps nine thousand e-mails sitting there waiting, waiting ... Dana Alvie reminded me some years ago, until there's an external intervention that saves you from making a choice: the computer system crashes and all your saved mails disappear without a trace - and wonder of wonders the world continues and no-one cares or is hurt directly by such a technical failure. Except, of course, the person who longingly and lovingly hoarded the mail because they could not bring themselves to deleting any of them for fear any one may contain a revelation of whatever nature.

A couple of days after the world was 'shocked' by the Auschwitz theft - something else happened that was more a case of pushing the 'shock' into the various communities which have been built up around the propagation of the Holocaust. Bearing this in mind, Moti Bassok, writing in Israel's Haaretz, on 20 December 2009, raises an issue that most acute observers of

human nature would easily understand because the build-up to it was perfectly timed:

Israel to seek another 1b euros Holocaust reparations from Germany

Finance Minister Yuval Steinitz will demand between 450 million to 1 billion euros in reparations from Germany on behalf of Jews forced into slave labor during the Holocaust, it emerged on Sunday.

Minister Steinitz will reportedly present German government with the demand on behalf of 30,000 Israeli survivors of forced labor in wartime ghettos, during a joint session scheduled to take place in early 2010 in Berlin.

Israeli officials estimate that according to a ghetto workers act passed by the German parliament in 2002, all of the 30,000 living forced labor survivors are entitled to a retroactive payment of approximately 15,000 euros each.

However, Finance Ministry officials say that according to the German government's calculations, the one-time payment is larger than that estimated by Israel, and reaches a total of 1 billion euros.

In addition to the one-time payment, the survivors are also entitled to a monthly allowance, which adds up to around 100 million euros a year.

In September, Germany's top court dismissed a claim yesterday for the return of land seized by the Nazis from its Jewish owner in 1933.

Jewish businessman Adolf Sommerfeld, who owned nearly 80 percent of a company building a housing estate in the Berlin suburb of Kleinmachnow, was beaten up and shot at by Nazi thugs and fled Germany in 1933, the year the Nazis came to power.

The Nazis later sold the homes to their occupants, who are now the owners. Seizures of property from Jews continued through the 1930s, culminating in the Holocaust.

<http://www.haaretz.com/hasen/spages/1136383.html>

If that was not enough, there was more to come two days before the sign was stolen, on 16 December, and Haaretz had reported it thus:

Germany to pay half the cost of restoring Auschwitz memorial.

DPA, Last update - 06:50 17/12/2009

Germany committed itself Wednesday to paying half the cost of restoring the leaky buildings and crumbling personal possessions of the former Nazi death camp Auschwitz.

The premiers of Germany's 16 federal states and Chancellor Angela Merkel agreed in Berlin to contribute 60 million euros, saying Auschwitz must be maintained as a monument to condemn the Holocaust and Nazi reign of terror.

Over 1 million people, the large majority of whom were Jews, were murdered at the Auschwitz-Birkenau extermination camp, spread over three sites. Birkenau, also known as Auschwitz II, was the site of gas chambers.

The Auschwitz-Birkenau International Memorial Foundation has appealed for 120 million euros to patch up 150 buildings and the ruins of 300 others. The money is also need to preserve victims' stored personal effects, including 80,000 shoes and 3,800 suitcases.

The camp was established by Germans in 1940 in the suburbs of Oswiecim, a city in occupied Poland that the Nazi occupiers called Auschwitz. The camp was built of low-grade materials and the Nazis later razed the gas chambers to cover up evidence of the Holocaust.

A former Polish foreign minister, the historian Wladyslaw Bartoszewski, led plans to set up the international foundation so that the remains will stay visible to future generations.

Juergen Ruettgers, premier of the state of North Rhine Westphalia and on the board of the foundation, has pledged to collect the funds. 'One of the most important things we can do is to keep up the memory of this rupture of civilization and of culture,' he said.

<http://www.haaretz.com/hasen/spages/1135731.html>

Let's recapitulate with an Associated Press article of 18 December 2009 wherein the Holocaust narrative, the story that the world has been fed for decades, is again presented, and one need not speculate why because this time the world alarm bells were rung a little too late. Usually requests for money are made after the 'horrible anti-Semitic, racist' event has taken place. This time the operators of this project know there is general weariness within Germans, especially among the third generation Germans who have their own boat to row. And so a global campaign ignited world pressure, and global media outlets feverishly ran with the non-event story. It's purpose? To soften up the German people's resolve, if there is any, to resist paying for the upkeep of the Auschwitz concentration camp. Vanessa Gera and Ryan Lucas write:

Thieves steal Auschwitz 'Work Sets You Free' sign

OSWIECIM, Poland - Thieves stole the notorious sign bearing the cynical Nazi slogan 'Work Sets You Free' from the entrance to the former Auschwitz death camp on Friday, cutting through rows of barbed wire and metal bars before making their escape through the snow.

The brazen seizure of one of the Holocaust's most chilling symbols brought worldwide condemnation.

‘The theft of such a symbolic object is an attack on the memory of the Holocaust, and an escalation from those elements that would like to return us to darker days,’ Yad Vashem Chairman Avner Shalev said in a statement from Jerusalem.

‘I call on all enlightened forces in the world who fight against anti-Semitism, racism, xenophobia and the hatred of the other, to join together to combat these trends.’

The 16-foot sign bearing the German words ‘Arbeit Macht Frei’ – ‘Work Sets You Free’ – spanned the main entrance to the Auschwitz death camp, where more than 1 million people, mostly Jews, were killed during World War II.

Working under the cover of darkness and timing their theft between regular security patrols, the culprits unscrewed the 90-pound steel banner on one side and tore it off on the other, then carried it 300 yards to an opening in a concrete wall.

The opening, which had been left intentionally to preserve a poplar tree dating back to the war, was blocked by four metal bars, which the thieves cut. Footprints in the snow led to the nearby road, where police believe the sign was loaded onto a vehicle.

Polish Prime Minister Donald Tusk, who spoke with Israeli President Shimon Peres about the theft, ordered authorities to do all in their power to recover the sign swiftly and catch the perpetrators. ‘I treat this as a priority,’ Tusk said. Police deployed 50 officers, including 20 detectives, and a search dog to the Auschwitz grounds, where barracks, watchtowers and rows of barbed wire stand as testament to the atrocities of Nazi Germany.

The sign disappeared between 3:30 a.m. and 5 a.m., a police spokeswoman said. Authorities were reviewing footage from a surveillance camera that overlooks the entrance gate and the road beyond, but declined to say whether the crime was recorded or if the suspects could be seen in the darkness.

However, Auschwitz memorial director Piotr Cywinski told reporters the camera broadcasts live images on the Internet and the footage is not recorded. He announced a \$34,000 reward for information leading to the sign’s recovery and the apprehension of the culprits.

German Foreign Minister Guido Westerwelle called the theft a ‘disgraceful act.’

Poland’s chief rabbi, Michael Schudrich, said he had trouble imagining who was behind the theft. ‘If they are pranksters, they’d have to be sick pranksters, or someone with a political agenda. But whoever has done it has desecrated world memory,’ Schudrich said.

He said the theft could have been committed by neo-Nazi extremists, or even people scheming to sell the sign on the black market.

British historian Andrew Roberts, author of 'The Storm of War' and other books about World War II, said the sign would generate huge interest on the burgeoning market for Nazi memorabilia.

'This is the biggest thing to happen in that sinister black market in a long time,' Roberts said. 'I fear that this being the ultimate image of the Holocaust that it's been stolen to order by a collector of Nazi paraphernalia.' He said the market for Nazi goods started in the 1960s and is centered in Germany, where it is illegal, Britain and the United States. 'When one thinks about what the medals and weapons of the Third Reich are worth, you can imagine what this would be worth to a seriously warped person,' he said.

An exact replica of the sign, produced when the original underwent restoration work years ago, was quickly hung in its place.

After occupying Poland in 1939, the Nazis established the Auschwitz I camp in the southern Polish city of Oswiecim, which initially housed German political prisoners and non-Jewish Polish prisoners.

In 1940, Nazi guards ordered the Polish inmates to make the sign with its cruelly ironic slogan, museum spokesman Pawel Sawicki said. Two years later, hundreds of thousands of Jews began arriving by cattle trains to the wooden barracks of nearby Birkenau, also called Auschwitz II, where most were killed in gas chambers.

The slogan 'Arbeit Macht Frei' appeared at the entrances of other Nazi camps, including Dachau and Sachsenhausen, but the long curving sign at Auschwitz is the best known.

Friday's theft was the first major act of vandalism at the site, which previously has suffered graffiti including spray-painted swastikas.

In Jerusalem, the International Auschwitz Committee said the theft 'deeply unsettles the survivors. The sign has to be found,' said Noach Flug, an Auschwitz survivor. 'The slogan and the camp itself will tell what happened even when we won't be able to tell any more.'

Other Holocaust memorials have suffered neo-Nazi vandalism. Sachsenhausen on the outskirts of Berlin was attacked in 1992, when two barracks were set on fire. That crime remains unsolved.

Lucas reported from Warsaw. Associated Press writers Monika Scislowska in Warsaw, Krzysztof Kopacz in Oswiecim, David Rising and Kirsten Grieshaber in Berlin, Aron Heller in Jerusalem and Gregory Katz in London contributed to this report.

http://news.yahoo.com/s/ap/20091218/ap_on_re_eu/eu_poland_auschwitz_sign_stolen

As a finale, the whole matter has to be legally hammered home to the Germans that pay-up time again is not liberation time for them from financial slavery, but that emotionally they must continue to feel guilty about what is alleged to have happened at Auschwitz and other concentration camps during World War Two.

Fortunately evil never knows when to stop oppression or extortion, and so the noose tightens around its own neck. This same scenario is happening with the absurd legal case playing out in Munich where John Demjanjuk is on trial for murder that allegedly happened over sixty years ago. Over the 19–20 December weekend Ben Knight and Robert Mudge put together this article for *Deutsche Welle*, which published it the next day, Monday 21 December 2009, informing the world that the current German government still holds itself accountable for the legal results that flowed from its unconditional surrender in 1945. What choice is there but to toe the line – to this date Germany still has no peace treaty with its former enemies, the Allies.

Without raising the specific 2005–08 Holocaust show trials surrounding Germar Rudolf, Horst Mahler, Sylvia Stolz and Ernst Zündel, the Demjanjuk trial is having a similar effect on the German judiciary. The two mindsets driving German legal thinking are again converging the absurdity of Holocaust trials and their legal entanglements, where it has become a matter of a victimless crime and no evidence of a factual nature can be presented in defence for fear of attracting an indictment for the defence counsel; the Demjanjuk trial will hear evidence from deceased witnesses!

Demjanjuk presents German law with an almost impossible problem

The Demjanjuk trial, which resumed Monday, has offered up some awkward moral questions for the German justice system. But compared with other Nazi trials, Demjanjuk represents a completely new legal challenge.

The trial of John Demjanjuk, a Ukrainian former prisoner-of-war turned concentration camp guard, has once again lifted the lid on questions about how the German justice system has dealt with the murderers of the Holocaust.

Not least among these questions is: ‘why now?’ Even by the glacial time-scale dictated by the law, the Demjanjuk trial has been a long time coming. The file of evidence against him has not changed since his identity was established in 1993, when an Israeli court cleared him of being a notorious Treblinka guard called Ivan the Terrible. A single identity card is the main piece of evidence: it shows that Demjanjuk was indeed a guard at Sobibor, probably between March and September 1943, and therefore must have helped murder at least 27,900 people thought to have died there in that period.

But the rest of the evidence against Demjanjuk is either circumstantial or mitigating. Most of the 35 plaintiffs are simply relatives of those killed at Sobibor, and the four actual survivors of the camp are too old to have a

reliable memory of him or his immediate actions. The defense lawyer Ulrich Busch has repeatedly argued that Demjanjuk is also a victim of the Nazi regime: as a Ukrainian prisoner of war, Demjanjuk became a *Trawniki* - one of the many local non-Germans trained as guards in the easternmost concentration camps - to avoid starvation.

Why now?

Busch also asked the question 'why now?' in court in the first days of the trial in early December. Demjanjuk has only been legally pursued for these crimes since 2001. Busch pointed to the trials of Demjanjuk's superiors that had resulted in acquittals - particularly that of Karl Streibel, a *Trawniki* recruiter, tried in Germany in 1976 and scandalously acquitted after his attorneys successfully argued that he did not know what the guards he trained would be used for. 'How can those that give the orders be innocent, when those that receive them are guilty?' Busch asked the court.

Angelika Benz, a PhD history student writing a thesis on the eastern Polish concentration camps, visited the first days of the Demjanjuk trial and described the central difficulty in blunt terms. 'Even though we know what happened at Sobibor, the problem is that this crime - the Holocaust - simply can't be dealt with by our judicial system,' Benz told Deutsche Welle, 'This becomes clear when we're dealing with someone like Demjanjuk - someone about whom we know very little.' With so many facts missing about Demjanjuk's actions and motivations, his judges are forced to redefine the law according to the general and abstract definition of the Holocaust itself.

The judges' answer to Busch's question of how Demjanjuk could be considered guilty when the man who may have trained him had been acquitted was simple - the past mistakes of the German judiciary need not be repeated. This signal that past judgements in Nazi trials are irrelevant, even flawed, is apparently necessary if any judgement can be passed on Demjanjuk at all.

The precedents are useless

The historian Joerg Friedrich became famous when he published two provocative books on the Nazi trials in the early 1980's - 'Freispruch fuer die Nazi-Justiz' ('Acquittal for the Nazi-Judiciary') and 'Die Kalte Amnestie' ('The Cold Amnesty') - in which he argued that the German judiciary had failed to bring the Nazi perpetrators to justice. Now he believes that the judiciary has come round to his point of view, and is attempting to correct its mistake by going after the last remaining perpetrators with new vigor. The trial of 88-year-old Heinrich Boere, a Dutch member of the SS, is also currently under way in Aachen after decades of legal prevarication and a tireless campaign to bring him to justice.

Friedrich believes that the Demjanjuk trial illustrates two important developments in the German judiciary's attitude to the Holocaust. Firstly, that it is rethinking, or being forced to rethink, its definition of a Holocaust perpetrator. Secondly, that it is prepared to lower the bar of required evidence in order to convict Holocaust perpetrators.

But Boere's crime is much easier to define than Demjanjuk's - he is accused of, and has admitted to, three specific acts of murder. By current German law, this is the crime that Demjanjuk will have to be found guilty of if he is to be convicted - of all the crimes that Demjanjuk may or may not have committed, murder is the only one that has not exceeded its time-bar limit. Germany lifted that limit on murder in the 1960s.

'This is a problem that judges in the 50's, 60's, 70's and 80's ignored,' Friedrich told Deutsche Welle, 'The majority of Holocaust-perpetrators were seen as abettors, those that helped the murderers. The actual murderers were always defined as Hitler, Himmler, Eichmann - those that made the decision to instigate the Holocaust - or those that showed a personal motivation in the act. Murder is not simply killing someone - you must prove intent and motivation to ensure a conviction. The abettors were those that helped Hitler, but had no motives of their own - they simply carried out their tasks.'

This narrow definition of the murderers of the Holocaust appears in almost all Nazi trial judgements from previous trials. Simply working in a concentration camp never convicted anyone. But this is all that can be established beyond doubt about Demjanjuk. In order to convict him, the judges will essentially have to redefine murder for the extreme and abstract circumstances of the Holocaust.

A long chain

'In previous Nazi trials, those that were convicted were the so-called 'concentration camp monsters' - people who had been seen tormenting, abusing, or beating Jews before their execution,' Friedrich explains, 'Such actions were considered 'personal contributions', and people were convicted not of being abettors to the crime but of being co-perpetrators.'

This goes some way to explaining why so few people were convicted of Holocaust crimes in Germany. According to an article in news magazine Der Spiegel on the legacy of German guilt, of over 100,000 investigations that were carried out in postwar Germany into Nazi crimes, only around 6,500 people were convicted. Thirteen death sentences were passed, 167 life sentences, and the rest received shorter prison sentences or fines. Only a fifth of those convictions were for murder.

'For the German judiciary, the Holocaust only ever existed within the camp gates,' Friedrich points out, 'But in fact the Holocaust was a long chain. The whole of society played dumb and those that did the bloody work appeared in court.'

The circus surrounding the trial of Demjanjuk, now 90-years-old, reveals what it is all about: Germany, now a so-called strong partner of liberal-free western democracies, is mounting a show trial that rivals anything the 1936–38 Stalinist-Moscow trials offered – a pre-determined outcome. About 300 journalists from around the world have arrived but not all will be accredited, using the excuse that there is not enough space; no doubt organisers will limit the number of observers by holding the trial in a small courtroom.

Already Jewish voices are warning Germans to ensure the outcome better be a favourable conviction, otherwise the world will not respect them. Such blackmail, of course, always falls on receptive individuals who actually care what the world thinks of them – as if that is important when the subject matter cannot be discussed in open forum!

What is most important now is for justice to be done in the Demjanjuk case. If one remembers his Jerusalem trial back in 1988, the court condemned Demjanjuk to death, deciding on what a ‘witnesses’ said: Demjanjuk stood outside the Treblinka gas chambers, and as the naked women approached he would slice off their breasts. This is where it is alleged that nearly 800 000 Jews were killed. Then in 1993 the Appeal Court decided that Demjanjuk was not ‘Ivan the Terrible’ and overturned the judgment. Demjanjuk was compensated with US\$380 000, and then returned to the USA where he regained his US citizenship.

Another fact of interest in that same year of 1988! Veteran Revisionist Ernst Zündel was also before the courts in Toronto, Canada where he introduced the sensational *Leuchter Report*. A jury found him guilty of ‘spreading false news’. This charge was negated in 1993 when the Supreme Court of Canada declared the law to be unconstitutional. He returned to his new home in Tennessee, USA, and was then hounded by international Jewry. Again, in March 2003 he was arrested on an immigration violation charge, deported back to Canada, where for two years he fought extradition to Germany, and then in 2005, he was flown back to Germany and put on trial at Mannheim where he received a 5-year prison sentence.

The Revisionist powerhouse, Germar Rudolf, published *The Rudolf Report* in 1993. It confirmed in-depth the Leuchter results of scientific research that at the so-called homicidal gas chambers at Auschwitz no Zyklon-B gas residual was found, proving beyond doubt that what was claimed to have been a homicidal gas chamber was never a gas chamber.

In November 2005 Rudolf was extradited from the USA to Germany. After a similar Zündel show-trial, Rudolf, on 15 March 2007, received a 2 year plus 6 month sentence. By not challenging the sentence and not making a closing address could explain why Rudolf's sentence was relatively lenient. He was released on 5 July 2009.

No doubt Zündel compounded his 'crime' by stating in his closing submission that if evidence of the existence of homicidal gas chambers was found, he would apologize to world Jewry. He also challenged his judge's decision, and that compounded his guilt – according to the logic controlling Germany's Holocaust justice.

Again, in 1993, Joel Hayward had written a Masters thesis that concluded there was no evidence of Germans having gassed anybody. In 1998 I submitted his thesis as evidence before the Australian Human Rights and Equal Opportunity Commission that the topic, which makes up most of what had been placed on the Adelaide Institute website, is indeed of academic value – thereby contradicting the submission made by my accuser, Jeremy Jones who claimed no-where in the world is there a university that considers 'Holocaust denial' as a legitimate academic topic. I need not state that basic concepts were never tested before the commission, or subsequently before the Federal Court of Australia. I should like an example of what is considered academic.

New Zealand's Jews raised a vicious campaign against Hayward and Canterbury University in Christchurch, which resulted in Hayward recanting. The university apologized to the Jews. What is most significant in this is that the university rejected their demand for his MA degree be reduced to a BA, on the grounds that Hayward did not lie!

And so the Holocaust industry, as it is correctly labelled, continues to push the limits of the German people's patience and goodness with false accusations that do not sound true when considering that the Jews are now perpetrating against the Palestinians a real and systematic brutal extermination.

An opinion story in the Californian-based *Jewish Journal*, on Monday, 21 December 2009 by Tiferet Peterseil grapples with the physical facts of the issue unsatisfactorily because his basic premise is wrong. This brings to

interest the following item only because it reveals a mind wandering about in a topic that has created its own mythology. It is a mindset, like lessons from Talmud, that will propagate revenge but not forgiveness, as only God can forgive. It is a world of base impulses where believers will sue you for creating hurtful feelings if you challenge their belief that Germany systematically exterminated 6 million Jews during World War Two (although they have corrected the number to 1.4 million including non-Jews), mainly in homicidal gas chambers, in particular at Auschwitz.

It is such reflection on matters Holocaust that enabled me to title my presentation at the December 2006 Teheran International Holocaust Conference: 'The Holocaust has no reality in space and time, only in memory'. I also stated: 'Don't blame the Jews, blame those that bend to their pressure'. This observation, of course, eliminates any move for anyone to use the scapegoat mechanism as a tool with which to explain why the Holocaust-Shoah dogma has lasted for so long.

Peterseil's reflections indicate how messy a mind can become when it is imbued with the Holocaust dogma:

HOLOCAUST SIGN FOUND – STILL TOO SOON TO CELEBRATE

Israel breathes a sigh of relief as news of the 'Arbeit Macht Frei' (work makes free) sign was found, although in 3 pieces. According to Krakow police, the sign was stolen for financial purposes, not as an act of neo-Nazism. Five suspects were arrested and further investigation is required. Last Friday, people around the world were furious to learn that the sign above the Auschwitz Death camp was stolen. But in Israel this was a 'sign of the times'.

Were the perpetrators attempting to erase traces of the Holocaust? Obviously, the theft of such an important historical monument was a statement against Jews, a provocative gesture insinuating that the war is not over, or an attempt to deny the war took place altogether.

Diaspora Affairs Minister Yuli Edelstein (Likud) referred to the theft as a 'critical failure of the Polish police.'

Germany was quick to raise their donations for the new Auschwitz-Birkenau Foundation, now holding at \$87 million.

But wait a moment! Isn't history – even Holocaust history – open to all sorts of interpretations these days? Could it be that there never was a sign over the entrance of the Auschwitz Death Camp? Clearly, much of the world believe that 'if it didn't happen in my lifetime it just didn't happen!'

Take my younger sister, #2. After seeing 'Inglorious Basterds' last week, I had to assure her that Hitler, Himmler and the rest of the Nazi vermin were not blown up while viewing a movie.

Don't get me wrong: I love Tarantino, and I really enjoyed the film. But at the end of the movie my father, who's mother survived two and a half years in Auschwitz, shook his head and smiled. 'I wish those inglorious bastards had existed. I'd probably have grown up with grandparents if they had.'

There's entertainment and then there's history. When you put them in the hands of someone like Tarantino you get entertaining history which most young people treat as historical documentaries. These people believe what they see, and why not? It looked realistic to me.

So I have to wonder: Are we placing our heritage in the right hands?

Although there were certainly many heroes during the Holocaust, both Jewish and Gentile, the catastrophic outcome of this madman's dream led to millions dead, despite the heroic efforts of some.

When my Grandmother went to see 'Life Is Beautiful' she really loved the movie, especially the way the barracks were so clean and the prisoner's outfits well-ironed.

'If only the Camps were like that!' she lamented. 'By the end of the War we were lined up in the snow totally naked for the 'counting', the final decider of who would live and who would die. Oh, I just wish the war was like the movies.'

As the years go by, more and more misinformation about the Holocaust blurs our understanding of the facts. Yes indeed, facts are sometimes stranger than fiction, but fiction can make mincemeat of facts. Movies, as important as they are for documenting real life events, still have to add the spices of love, adventure, action, etc. to make their concoction palatable to their audiences. Right now, the Nazis are always the bad guys. But what if a wealthy Holocaust Denier (and there are wealthy ones) decides to make a movie showing how dedicated the Nazi soldiers and officers were to the Fatherland and how it was the Jews' fault they were murdered? Sounds impossible? That's what they said about the Holocaust in 1933.

When I went to Poland with my Grandmother who wanted to revisit Auschwitz, she showed me the hard, wood bed she and 11 other women slept in. She pointed to the spot where she last saw her Mother torn from her arms. She relived the terrifying memory of the cries and pleas of those gagging to death in the gas chambers.

We heard our guide explain about the conditions in the Camp, about the tortures, about the kapos, and the sadism of the Nazis. After the lecture and tour, my younger brother turned to me and said, 'You know how the war ended, don't you? Hitler killed himself.'

'Yeah, so the rumor has it,' I confirmed.

He nodded solemnly. 'And do you know why he killed himself,' he asked me, daring me to know the answer, the answer he had learned in school, from a friend. 'It was because the gas bill was too high. He couldn't afford it.'

No, my little brother didn't realize he was joking.

Or the time my young sister took a practical joke literally, and on Holocaust Day in school, publicly announced that Chihuahuas were the number one killer dogs during the Holocaust, responsible for the murder of many Jews. To this day she shakes uncontrollably whenever she sees a picture of Paris Hilton and her pocket sized dog in her purse.

As a child someone convinced me that Hitler was responsible for inventing cigarettes, in order to give Jews lung cancer.

It all boils down to whether we even want to know the facts. You can create as many Holocaust museums as you want, but if the crowds are all lined up to see a bunch of inglorious basterds destroy the Nazis single-handedly, then there may, God forbid, come a time when entertainment becomes a place of reality and the museums become a home for the discarded relics of the past, things like the sign above the Auschwitz Concentration camp.

And Chihuahuas will take the place of Doberman Pinchers.

And Hitler will have killed himself because he couldn't 'afford' to keep killing Jews.

And, darn, if only the Master Race hadn't made those silly mistakes we'd all be demi-gods today.

It's time to give the Holocaust a reality check... today.

http://www.jewishjournal.com/hollywood_east/item/holocaust_sign_found__still_to_o_soon_to_celebrate_20091221

Chapter 6

HOLOCAUST PROPAGANDA BEFORE CHRISTMAS, LEGAL PERSECUTION AFTER NEW YEAR

Of interest to note is that the Holocaust propaganda before the festive season is not a new phenomenon in the western media. It always increases and serves well to stoke the fires of hate against Germans and anything German. So, when on 22 December 2009 Australia's ABC-TV screened a documentary that rested on the premise Germans systematically exterminated European Jews did not surprise me:

Hitler's Favourite Royal

Queen Victoria's favourite grandson, Prince Charles Edward, was forced at the age of 14 to leave Britain to head up the hugely wealthy Dukedom of Saxe Coburg and Gotha in Germany. The principality came under the royal title through the marriage of Victoria to Prince Albert, but due to a series of unexpected deaths of uncles and cousins in Germany in 1900, the young prince was the only viable contender.

His life was changed in ways neither he nor Queen Victoria could ever have imagined. At the outbreak of World War I, 14 years later, he was forced to fight for Germany against the country of his birth. On Germany's defeat, he was stripped of his British titles by his cousin King George V and declared a traitor peer by British Parliament. At the same time in Germany, with the declaration of the Republic, the Kaiser abdicated and all princes became ordinary citizens.

Charles then became a fervent supporter of Adolf Hitler and his National Socialist Workers Party. His involvement with the German Red Cross embroiled him further in the darker side of the Nazi regime and implicated him in their euthanasia programme.

At the close of war, he was arrested, interned and judged 'an important Nazi', shamed, heavily fined and he died in poverty and obscurity on 6 March 1954. This is the extraordinary and heartbreaking story of the man the royals dumped, banished and forgot.

<http://www.abc.net.au/tv/guide/netw/200912/programs/ZY9710A001D2009-12-22T203100.htm>

In this biased narration at one point it stated that Charles acted honourably because he was not aware the National Socialist regime committed any crime, but there was the euthanasia program and there were the concentration camp gas chambers!

Revisionists can relate to the prince's demise because his economic destruction – houses and estates confiscated – follows a similar pattern that I have experienced when facing those who continue to lie about German history and who refuse to open their minds to Revisionists who have solid proof.

Funny thing, I now say, that in 1996 Robert van Pelt and Deborah Dwork stated in their book *Auschwitz: from 1270 to the present* that Auschwitz Krema I was a symbolic representation of what happened at Krema II at Birkenau (pp. 363-64).

Another funny thing, in the May 2002 issue of the history magazine *Osteuropa*, Fritjof Meyer stated that there were no gassings at Auschwitz but that it occurred in two farmhouses called Bunker I and II. Germar Rudolf claims there has never been any proof that these bunkers actually existed.

And yet another funny thing, Richard Krege has taken Ground Penetrating Radar readings of many alleged mass graves; his results clearly show that where claims of mass graves are made, there is no ground disturbance down to 10 m.

Funny things keep occurring. On 17 December 2009 the Vienna Technical University conferred on its alumni engineer, Walter Lüftl, the Golden Engineering Diploma in recognition of his services to engineering. An outcry immediately filtered through the media that his university had

honoured a Holocaust denier. In March 1992 Lüftl wrote *The Lüftl Report: An Austrian Engineer's Report on the 'Gas Chambers' of Auschwitz and Mauthausen*, wherein, on technical grounds, he refutes the gassing premise. A month later he was charged, and in June 1994 all charges against him were dropped because his work was considered to be of an academic nature, and not part of a movement to rehabilitate National Socialism, a crime in Austria that is punishable up to 10 years in prison. But the pressure had been great on him and at the commencement of proceedings against him in 1992 he had resigned as president of the professional engineering society.

The response I posted on *Der Standard's* website to date has not been removed:

Fredrick Töben - antwortenpermalink21.12.2009 [2].Linientreue zur Wahrheit

Lüftls wissenschaftliche Arbeit ist was geehrt wird - weil die eigendliche Wissenschaft wissen schaft und nicht Ideologie, wo Hass und Verbote zum Denken die Tagesordnung bestimmen.

Darum sind die westlichen Demokratien in einer Legitimationskriese - und dazu zerstört das finanzielle Ausbeutungssystem die Gemeinschaften.

Es gehört Mut einen wissenschaftlichen Standpunkt zu verteidigen - eben mehr wo Gesetze sind die das Denken unter Strafe stellen, wie es ja der Fall in Deutschland und Oesterreich ist.

Die Gedanken sind Frei & Mut heisst überzeugt den kategorischen Imperativ der Wahrheit zu folgen, nicht Beliebtheit zu suchen. Giodarno Bruno opferte sich für die Denkfreiheit - wie Fröhlich, Honsik, Mahler, Stolz, Zündel, Rudolf, & Ich.

<http://derstandard.at/1259282272126/IKG-Forderung-Aberkennung-des-Ehrendiploms-fuer-Lueftl>

This vindictive attitude still persists in those who uphold the Holocaust lies through media propaganda. Almost 20 years ago, during the holiday period in 1991 on Christmas Day, the local *Advertiser* newspaper informed its readers that Adelaide had a 'war criminal' among its midst. Thus began the Adelaide War Crimes Trials that ended in farce. Never mind that Mark Aaarons et al. a couple of years earlier had gone to a small town in Ukraine to prime witnesses who later turned up in Adelaide ably assisted by a lady from the Kiev State Archives. Witnesses were flown from Ukraine and billeted at the Adelaide Hilton. Bizarre moments played out in the

Adelaide Magistrates' Court, especially when a witness, asked to identify the accused, pointed to a man in the public gallery. Unfortunately the man identified himself as an American tourist! The witnesses, upon their return to the Ukraine, soon began to build themselves lovely two-storey homes.

The Adelaide War Crimes Trials' failure still rankles those who would like to entangle the Australian judicial system in war crimes precedent cases. To date Australia has resisted this push but its legal system has been perverted through the Human Rights Commission's actions against Mrs Olga Scully and me. I can only say with some pride that I valiantly resisted the legal push against their attempt to silence me, I did last just on 13 years of this legal persecution and resisted the nonsense coming my way. However, I had to face the music and concede defeat on 13 August 2009, after an exhausting day in Adelaide's Federal Court of Australia. It was not at the hands of the Jews who brought the action into court, but the judges who bent to Jewish pressure.

Such cases are not exactly new. Centuries ago, it was the same for Galileo Galilei. It was not the Catholic Church that prosecuted him, but the civil authorities; as was the case with Giordano Bruno, and the most notable of all, Jesus Christ, whom the Pharisees handed over to the Roman civil administration – and then both washed their hands of the matter claiming they were only following what the law required of them.

Legal counsel for Jeremy Jones specifically informed Justice Bruce Lander when the trial began on 5 August 2008 that it would not make any submissions as to penalty but leave it up to the court. I can still hear Lander's words ringing in my ears: 'You will get justice in this court!'.

When on 13 August 2009 the Appeal Court's presiding judge, Spender (a larger and more bulldog-like version of Lander), executed the arrest warrant at 5 p.m. two Federal Police were waiting for me. I was pleased to see them dressed in civilian suits. This was unlike the dramatic scene that Lander had hoped for when my barrister, David Perkins, had thrown a spanner in the works of Lander's histrionics. Visibly shaking, Lander was furious for Perkins had stolen his thunder by announcing that we were going to appeal both the sentence and penalty. Lander remarked that Perkins' reasons for an appeal to be 'a late invention'.

Chapter 7

WHY WRITE ANOTHER BOOK ABOUT PRISON LIFE?

'In the national interest'

Over three months from 13 August to 12 November 2009 I made a brief journey through the South Australian prison system. As this was my third imprisonment in exactly 10 years for refusing to believe in the Jewish Holocaust-Shoah lies, my underlying reason for writing another book about this is quite specific: to highlight the moral and intellectual bankruptcy of individuals who legally pursue me. This includes the non-Jewish men and women whose job it is legally to enforce the will of those whose mind generated the impulse legally to persecute dissenters. It is these persecutors who fear a breakdown of their flawed world view – *Weltanschauung* – which is based on the premise that during World War Two Germans systematically exterminated European Jewry, in particular at Auschwitz concentration camp, in homicidal gas chambers.

My *Where Truth is no Defence, I want to break free* in 2001 details my Revisionist world trip and my imprisonment at Mannheim from 8 April to 10 December 1999. My second imprisonment in London, England, from 1 October to 17 November 2008, resulted in the newly introduced European Arrest Warrant failing before a London court on grounds that the Holocaust did not fall within the marked category on the arrest warrant – racism and xenophobia. This venture produced *50 Days in Gaol: Dr Fredrick Töben's Global Battle for Free Speech*.

Although my Australian prison term brought to mind similar patterns from the former incarcerations, it has been the most instructive. My being a repeat-offender enabled me to adjust to life behind bars relatively easily and quickly, without suffering any victimhood afflictions of a serious nature, and thereby to get on with the job of adjusting to a new environment – work on a prison farm without compromising my personal values.

This journey through the institutions was made possible by the similar mindset present in eleven judges of the Federal Court of Australia. Their severely restricted world view, dare I say, suggests a mutated sense of moral and intellectual courage that enabled them to interfere with my historical investigations, thereby not really condemning me but rather revealing their own personal blind spots. These ten men and one woman knew what they were doing when they supported the legal censoring of an important historical period called the Holocaust. They merely rubber-stamped a decision initiated by former Human Rights and Equal Opportunity Commission commissioner, and still law lecturer in the Faculty of Law at the University of Adelaide, Kath McEvoy, who on 2 November 2000 found that my work, as published on Adelaide Institute's website, because of its very nature being racist and anti-Semitic, was offensive to Jews.

All nine individuals, seven men and two women, thereby supported an outright censoring of this historical topic. In mitigating circumstances it is suggested they may have had a gun to their head and it is self-preservation that forced them to act the way they did. To that I say, no, that's not it at all. These individuals are ignorant of the facts, liars or both. I will not speculate on whether any of them nurture a hatred for things German. Also, my maxim holds: Don't blame the Jews but blame those that bend to their pressure! These women and men bent to Jewish pressure.

Interestingly, Catherine Branson, the former Federal Court judge, canvassed her particular brand of human rights compassion at the Feathers Hotel in the leafy eastern suburb of Burnside. The notice sent to parishioners read: 'Hear the sometimes controversial views of The Hon Catherine Branson QC, President, Australian Human Rights Commission at the Feathers Hotel on Monday 25 May, 6.30pm for 7.00pm.'. I did not attend because I was far too busy preparing for the appeal because on 13 May I had just been sentenced by Justice Lander to 3 months in prison and I needed to drive to Melbourne to liaise with my barrister, David Perkins, about that.

Branson claims to have a concern for human rights, yet when it came to according me some human rights, she handed down a 'summary judgment' that accepted the nonsense generated by McEvoy at the Commission. I remained legally unrepresented before Branson and she expected me to defend myself against Steven Rothman, QC. She even had the audacity to suggest to me that on account of my tertiary studies I should be able to mount a defence. I used this comment of hers to appeal to three judges that she be removed from my case, which did not happen. One of those judges specifically stated – and then nearly fell off his chair as he wiggled about while speaking – that I did not help my case by 'speaking in a measured tone' – whatever that meant.

In my Federal Court case Branson's reasoning presented the opportunity for the other judges to become lazy, indifferent, incompetent or purely vindictive, then to set her thoughts into legal concrete. The blatant dishonesty of her suggestion I represent myself is that the matter before her was of world importance and any judge would never feel secure in accepting any argument that I put forward – because I would only be arguing the matters of fact while for the judges matters of law would be of the utmost importance. Hence, the imbalance, the injustice of it all becomes so transparent when an unrepresented individual, hounded into the court system by an implacable pressure group such as the Jews have developed in Australia, attempts a non-represented legal self-defence. Only a fool would do such a thing. But there are always exceptions because in 1990 I conducted my own case and won an appeal in the Victorian Supreme Court – but the high-powered Sydney barrister, Clive Evatt, QC, had drawn up the appeal papers for that matter.

It seems symbolic of how far we have come in our battle of wills because in August 1998 the Adelaide Institute held its International Revisionist Conference reception at the Feathers Hotel. Jewish groups opposing us were angry, especially when they learned that the Ambassador of the United Arab Emirates – whom our associate Mohammed Hegazi had invited – was in attendance. Some time later the venue for our conference, Fernilee Lodge, was demolished and for years lay vacant as the owners tried to turn it into a housing estate.

On 1 October 2008, the day I was taken from the American Airlines plane at London's Heathrow Airport, another drama had played itself out in Adelaide's District Court:

'Incompetent' developer of Burnside's Fernilee Lodge jailed

Sean Fewster, *The Advertiser*

A 'breathtakingly incompetent' developer with an 'abysmal lack of business sense' who illegally raised \$4 million to demolish Burnside's Fernilee Lodge has been jailed. The District Court today ordered Robin Brian Poumako serve the first 12 months of a 30-month sentence behind bars, and the rest on a good behaviour bond. His 'stupid and naive' co-offender, Ann-Marie Donaldson, was released on an 18-month good behaviour bond.

In May 2008 a jury found the duo guilty of 44 breaches of Federal law relating to raising funds for a corporate entity. In sentencing, Judge Peter Herriman said the duo raised their first \$3.5 million in the mistaken belief they were acting lawfully. They sourced \$500,000 more after being told, by authorities, they had broken the law. 'You acted recklessly prior to (the warning) but, from that point onwards, you acted deliberately,' he said. 'There was an obvious motive for your surreptitious conduct - you needed to pay interest to your earlier clients.'

Poumako and Donaldson used the funds to buy and develop Fernilee Lodge - an 1880s mansion with no local or state heritage protection. It was demolished before Burnside Council was asked for permission to develop the site - permission it never gave.

Judge Herriman said the pair had blamed the council and others for their woes, but the responsibility was theirs. 'Your offending displayed breathtaking incompetence,' he said.

'Poumako, you have an abysmal lack of business sense and understanding of simple book and record keeping. 'Donaldson, you have an abysmal lack of business knowledge (and) you were stupid and naive in going along with Poumako.' He was satisfied good reason existed to give Donaldson a bond, but said Poumako's conduct was 'too serious' for anything other than jail.

<http://www.news.com.au/adelaidenow/story/0,22606,24430138-5012944,00.html>

That the Burnside Council is plagued with dissident residents has nothing to do with my having lived at Wattle Park for over 16 years. Nor has it anything to do with an immigrant developer called Popov, who changed his name to Powers, who is galvanizing residents into saving the Chelsea Cinema from demolition. This seems to be another re-run of the Fernilee Lodge's demise - and such bungling is merely an expression of the battle-of-the-will that goes on in the haggling world of real estate.

Wherever we turn in our daily comings and goings there is some issue demanding our attention - this way or that way, this thing or that thing, or

become directionless and flow with the stream, or opt out and shut up and remain silent while your inner life explodes with anger and self-destructive impulses that urge you to end your pain and confusion and desperation and exhaustion NOW! Self-destruction is sanctioned and encouraged because Common Law principles deem it a personal responsibility to save oneself from harm. A citizen does not have the legal duty to save, for example, a drowning person, but the moral duty would activate altruistic impulses in a person who thinks saving someone's life is a moral virtue.

In Australia's voluntary society it is a virtue to volunteer rather than to agitate for reform, better to go shopping than to attack the banking system that enables our dreams to be fulfilled at a price – financial enslavement to international predatory capitalism. It is my moral, social, and legal duty to proclaim that the Jewish Holocaust-Shoah is built on lies of such huge proportions that one finds it difficult to understand how this massive lie has survived for over six decades.

And now let's enter the world of South Australia's penal system.

Toben jailed as appeal fails

An Adelaide man found to have vilified Jewish people on his website has been jailed after he failed to overturn a contempt of court finding.

Dr Fredrick Toben was originally sentenced to three months in jail for contempt, for repeated internet publication of material in breach of the Racial Discrimination Act.

Federal Court Justice Jeffrey Spender today said the case was not about the Holocaust, but whether Toben had complied with court orders.

All three judges dismissed an appeal against the contempt finding and upheld the three month sentence.

Toben was immediately taken into custody by federal police.

http://www.abc.net.au/reslib/200904/r360354_1662119.jpg

Posted Thu Aug 13, 2009 6:11pm AEST; Updated Fri Aug 14, 2009 7:29am AEST

Chapter 8

MORAL TURPITUDE?

In my submission the effect of the orders is extreme and brings the appellant into a position where he is in effect living in an absolutist society. He is unable to express views which he, for better or worse, has about events which are matters of public importance. - David Perkins, barrister

Where do I to begin another prison story is my focus when after 7 days I finally have paper and a pencil to write with. Most of the world's prisons - with the exception perhaps of soon-to-be-closed Guantanamo Bay - house an expanding population. This creates a crisis for management, which in turn puts pressure on politicians and bureaucrats to fix these problems.

A factor hovering over the heads of those in charge is the World War Two horror of the so-called 'Nazi death camps.' While imprisoned in Germany I noticed prisoners - foreigners and Germans alike - were ready to abuse prison officers by labelling them as Nazis and racists. Prisoners could deflect from not coping with their own problems of coming to terms of why they were inside by scapegoating, by venting their hurt and frustrations at the prison personnel, much like some students challenge a teacher in class.

In England I noted a similar pattern of aggressive prisoner behaviour, which the administration attempted to diffuse by having a number of signs posted around the prison with a message: 'Any form of racist abuse will not be tolerated!'. To a certain point it offered prison officers breathing space, because then it occupied the prisoners by taking their frustrations out among themselves, which was much appreciated by the administration.

Today's prisons do not have too many serious or violent events, although there are verbal battles and an occasional stabbing, perhaps in a kitchen or a workshop, and there may even be killings. But the male-on-male gang rapes, a classic case of administration-tolerated-behaviour, generally has faded because prisoners have now been granted rights, and this means the administration has a duty of care. As it has been the case with wrongful imprisonments, such lack of duty of care costs the taxpayer dearly as courts do not hesitate to compensate generously when violations are proven.

Since the late 1960s, most of the prison population consists of individuals who have some kind of addiction involving drugs. Before drugs became the prison currency it was 'might is right', where the physically strong bully rules the roost. With the advent of drugs the purely physical has been augmented by softening mental processes. The direct consequence of this in prisons is that an easing of physical authority is all pervasive. So began the humanising of prison politics – prisoners are humans and they, too, have some rights.

A new non-aggressive politics of prisoner rehabilitation began, using Auschwitz and its legendary pornographic excesses as the example of pure evil. After nearly four decades of following such politics the result is clear: 7-8 out of 10 prisoners are inside because of drugs. As the Americans designate it, incidents of moral turpitude in that there has been some form of physical violence occasioned by drug consumption.

'Democratic' western nations spend huge sums on rehabilitation programs in prison, including daily dosages of prescription drugs that substitute for the real thing. This does not mean that the real stuff is not available inside. Wandsworth Prison outside London, Europe's largest prison, holds about 1700 prisoners at any one time: prior to assuming duty officers must sit in a chair to have their body x-rayed for any swallowed or inserted object.

While I was in Mannheim Prison in 1999 there was a court case involving a former female prison guard who had smuggled a mobile phone into prison in her private parts. She then handed it to a prisoner who then continued to conduct his drug business from within the prison, until he was sprung by a fellow prisoner who felt cheated out of a deal.

This episode alludes to another factor contributing to the softening of any prison atmosphere – the employment of female prison officers in all-male prisons. But as in all human interactions the battle-of-the-wills comes to the

fore and power games begin. The unwary, naïve, trusting and hurting prisoner often comes to grief as unfulfilled yearnings implode his soul when female officers snap back just at the most delicate moment of a prisoner's need for emotional comfort and understanding.

Escape from this hurt is found in reversion to infantile forms of behaviour – or back to medication time, the time to get those liquid handcuffs on again and be a good boy.

I assume that these reflections can only superficially touch on the complexity that beset all the world's correctional services. Some in the general population seek justice and retribution, if not outright revenge as is the want of Jews and Greeks, who maintain that only God has the right to forgive. It is held that those citizens who have transgressed against one of the many social norms that form the glue holding society together must be punished appropriately.

That word appropriately is a problem, of course, because in China, for example, drug dealers and users are shot; the family of the deceased has to collect the body afterwards. For example, the argument is that heroin addicts cannot be rehabilitated because they will leave a trail of destruction for over 20 years before the addiction finally subsides. A society cannot tolerate the luxury of nurturing individuals through this addiction period and hence capital punishment is appropriate. Not so, comes the cry from the liberal establishment holed up in western democracies, and so we see rehabilitation in various forms all over the free and democratic world, something that more intolerant nations around the world do not understand or do not wish to understand.

Tolerance towards drug addicts springs from the fact that within the whole argument of criminalizing drug use reeks of hypocrisy, namely, that the real criminals, the drug pushers, are protected by the system. As one prisoner jested to me, but the tone gave him away as being deadly serious: 'I know people in high places. I have connections in Corrections'. And that raises the issue of injustice.

Meanwhile, prisons in Austria, France, Germany, Italy, Holland, Great Britain and the most northern European prisons are relaxed institutions. In Italy prisoners receive wine because the argument is that prisoners otherwise addicted, to heroin for example, receive free substitution

medication and treatment programs. So why should prisoners who like their alcohol not receive their free glass of wine a day?

This matter of dividing a society into criminal and non-criminal does not ring true anymore, especially since the recent global financial collapse when the US government, among others, bailed out major banks. A common criminal who robs a bank is sent to prison for years while bank directors, who pay themselves millions in performance bonuses and continue to squander their shareholders' money, get a helping hand from governments thus enabling them to continue their immoral activities.

During the Great Depression in the 1930s, people picketed outside their banks with signs reading: Jump you f-----! Nothing like that happened this last time when the long anticipated collapse of American and others' financial institutions failed. Why not? It seems that individuals have no time to protest because they are trying to ensure their bank balance is not going to ruin their life by slipping into debt.

In Adelaide the newspapers do not report a growing tragedy and only through the Internet has it become well known. Every week the local courts grant about 100 foreclosure notices to banks; this means families are losing their homes as they default on their mortgages. The clever banks have built into the whole matter a deceptive mechanism whereby the 'fault' of such foreclosures is sheeted to the families concerned. It is maintained that such individuals should never have received a mortgage loan in the first instance; hence it is all the fault of workers who, for no fault of their own, lose their jobs because industry has been re-located overseas or closed down.

Small businesses are going into voluntary receivership because the world economy is closing down despite, or in spite of, government stimulus packages. The suicide rate in rural Australia is also rising beyond the norm. Recently a long-time administrative shire worker I went to school with at Edenhope hanged himself, then a Murtoa small café owner hanged himself because of his business failing. That is the tragedy of it all, when individuals end it all because they judge themselves to be failures and financial disasters - when, in fact, it is the financial system's fundamentals that cause it all.

Fortunately, there is some hope, as those in the financial sector who have also lost their jobs, realise that the economic downturn will end their lavish lifestyle. This hurts, especially those who have done nothing but seek to

fulfil their gratification, their quest to lead a fulfilled life by unashamedly embracing hedonism and consumerism.

Many of these people are highly intelligent. Perhaps they unwittingly used their intellectual prowess to justify an immoral usury system. But many knew what they were doing when they constructed schemes named after Charles Ponsi the Italian migrant to the US who made and lost millions, served time in prison, was deported back to Italy where he joined the Fascist Party, gained a job in Mussolini's government as the representative of LATI Airlines in Buenos Aires, Argentina and died there in 1949.

Then comes along Bernard Maddoff, an upstart in this business that Ponsi pioneered so successfully, to exploit the usurers love to feed their own usury affliction. Anyone with some knowledge of how money investments work would know that returns could not continue to maintain high returns without there being a wealth-generating enterprise as a backstop. One of Maddoff's clinching ploys was having investors clamour and literally beg him to take their money – and he would refuse them that pleasure because it was he who decided whom he would invite to be a part of his exclusive club of investors. Self-deception, delusions of grandeur and exclusivity seem to have been some impulses that propelled individuals to invest in his schemes. With some satisfaction it was noted by some Revisionists that the Holocaust fraudster guru, author, political activist and Nobel Laureate, Professor Eliezer 'Elie' Wiesel, KBE, lost over \$US15 million belonging to his Elie Wiesel Foundation for Humanity.

Revisionists can rest easy because the work they are doing is done mostly on a shoestring and thus has a firm foundation, while the Holocaust fraudsters base their work on financial incentive, a materialistic element that enables them to spend money at will – but perhaps not anymore.

I am still waiting for a person within the current global financial system to come out and clearly state that the national socialist monetary approach was beneficial to a nation's citizens and economy, and not to just a few greedy individuals. However, any focus on this aspect of solving a nation's problems is deflected by a cry that the evil Hitler regime led to Auschwitz and the homicidal gas chambers. End of discussion?

WRONG!

Chapter 9

FREE EXPRESSION TESTED IN COURT

A regime in which a person is prevented from saying what he or she thinks about matters of public importance is a totalitarian regime. - David Perkins, barrister

Let's digress to where I find myself at Yatala Labour Prison, pronounced Yatla, 1 Peter Brown Drive, Northfield, Adelaide SA 5185, Division G 1-Cell 6, prison number 160026. Is it here in Cell 6 and do I describe it in detail, or do I start with my last day of freedom - 13 August 2009?

Again, where do I start my story? It's still vividly clear to me this Thursday at the Federal Court of Australia, 1 Angas Street, Adelaide, where in Courtroom 1 three judges heard the appeal against the findings made and the sentence imposed by one of their fellow judges, Bruce Lander, on 16 April and 13 May 2009.

The three appeal judges - Gilmore, Graham and Spender - the latter presiding, arrived on Monday, 10 August, in Adelaide, and then three days later had acquainted themselves with the matter by studying the Appeal Book's more than 2200 pages - in theory that is what happened. The morning was taken up with my barrister David Perkins trying to convince them that Justice Lander erred when, among other things, he did not take into consideration Section 18D of the *Racial Discrimination Act* (RDA), which forms one of the exemptions under the Act, namely that material of an academic or artistic nature is not subject to the RDA.

The three judges upheld Lander's opinion, and so the paper I presented at the December 2006 Teheran Holocaust Conference, has been declared illegal and cannot be re-published. Justice Graham, for whatever reason, tried to suggest that my not having received the original 17 September 2002 Branson Court Orders, gave rise for concern. But this was a mere technicality to suggest his impartiality and objectivity could not be impugned.

The media present were the Adelaide reporters who had been following my case. I noticed they felt uncomfortable, which was so different to whenever they sought my comment for that night's newsbite. Especially Pia Akerman, who usually was chirpy and civil towards me, was a shrunken violet. Perhaps that's because counsel for the prosecution, Robin Margo, asked her in a voice for all to hear, 'How's your sister?'. I did not expect anything from the *Advertiser's* Shaun Frewster, who remained openly hostile towards me, and whose reports remain unbalanced. Perhaps he will mature some day and balance his reporting as had Channel 7's news team throughout the past year. SBS's Karen Ashford and ABC-TV followed a middle course, while Channel 9 and 10 were not really interested in the whole matter.

I sat at the solicitors' table with the Appeal Books at the ready whenever Perkins, sitting at the bar table, needed assistance - if at all. There was nothing I could assist with because the argument was a legal one and you need experienced individuals to handle that within the crossfire of three judges asking questions and doing their best to interrupt your train of thought. Perkins has the habit of operating with a laptop only and all case law, anything needed for his argument is before him and appropriately at the ready when called upon. He lives the paperless legal battle and the contrast was striking how the other side was snowed under with folders full of paper.

When Perkins valiantly tried to overcome Lander's sentence provisions, presiding Judge Spender in triumphant tone asked if he had the powers to increase the sentence. One could sense how Spender was playing to the court audience, calculating what would send a stern message to the community that Töben has been more than a naughty boy. Spender is a larger version of Lander, but more bulldoggy. His pugnacious nature came to the fore when he unsuccessfully tried, with an outburst, to bully Perkins into withdrawing the statement that Revisionist material is all over the Internet and that my contribution to the global debate on this topic is miniscule.

* * * * *

GILMOUR J: I don't think that anyone on this bench would agree that the vilification of a race by publication of material on a website is of insignificant importance. It is not the amount of revisionist history. It is the content of what your client has been publishing which this court has found to be a contravention of the Racial Vilification Act. So whether it is a public matter or the very core contravention of the Act, they are both matters of importance.

MR PERKINS: With respect, I have conceded a number of times that this is plainly – that the principle is an important principle. But, in my contention, the court is required to be dispassionate when weighing up what might be thought to be the actual effects. I am not putting arguments in favour of the arguments that the appellant may have put on his website. I am pointing out that these sorts of arguments, these sorts of views, beliefs are on the internet and are exposed to the world, and the actual harm, in my submission, in the website of the appellant is, in comparative terms, and I maintain that is a proper exercise to consider, it is small.

SPENDER J: But this case is not about views concerning the Holocaust or gas chambers or Jews and whether this view of those things is right or that view was wrong or whether this website's content is significant or miniscule compared with the rest of the material dealing with those matters. The case is not about that at all. This case is about whether orders of the court have been obeyed and undertakings given to the court have been breached. That's what this case is about.

MR PERKINS: If I may say so, my submissions haven't been about the correctness, or otherwise, of his views or anybody's views.

SPENDER J: No, but you are saying that these views that the applicant has published are minor compared with the quantity of similar views that's available on the internet.

MR PERKINS: Yes, I was.

SPENDER J: All right. Quite frankly, that matter doesn't seem to me to go to what this case is about. The case is not about the relative amount of harm done by the publication of these issues. This case is about the fact that your client deliberately disobeyed orders and undertakings given to the court. It is exactly the same as if a person in the Family Court disobeys an order of the Family Court in relation to custody of a child.

MR PERKINS: And if I may add, the question of how the court considers what punishment would be appropriate and, again, I have made some concessions about the principle and about the matter save for an actual dispassionate examination of what the effect of what he did was. I accept that this case is about the breach of an order and it is on that basis that one moves, then, to the question of how, as a matter of a proper sentencing discretion, one approaches it. Now, I want to refer – I don't propose to read grounds apart from the ones that I am referring to.

SPENDER J: Yes.

MR PERKINS: I want to refer to ground 18. In my submission, punishment must take account of the fact that

SPENDER J: A person doesn't have a civil right to breach the Racial Discrimination Act.

MR PERKINS: A person does have a civil right to say things that others disagree with or that may be considered to be wrong.

SPENDER J: Certainly. But in this particular case, the Federal Court – Branson J held that what he was prevented from publishing constituted a contravention of the Racial Discrimination Act. So it is not a question of stripping him of rights to say things that he is entitled to say. He is stripping him of rights to break the law.

MR PERKINS: In my submission the effect of the orders is extreme and brings the appellant into a position where he is in effect living in an absolutist society. He is unable to express views which he, for better or worse, has about events which are matters of public importance.

GILMOUR J: Mr Perkins

MR PERKINS: That is a huge

GILMOUR J: Mr Perkins, that may be some political speech. It can be made in some other place, but today, your client is here before this court and presently you are making submissions on the question of sentence in relation to his having been found guilty of contempt of court. Nothing you are saying, with respect, goes to the question of sentence.

MR PERKINS: If the court pleases. Ground 17, in my submission, is something that characterises totalitarian regimes that people are sent to prison for expressing views which they

SPENDER J: They are not being sent to prison for expressing views. They are sent to prison for breaking – for breaching orders of the court.

MR PERKINS: With respect, that is one step.

SPENDER J: Yes.

MR PERKINS: It is not to say that the step that I am urging on the court is not also a step. They are steps in the same process, if I may say so, with respect, and

SPENDER J: I want to repeat, you see, he is not being sent to prison for expressing views. He is being sent to prison because he deliberately breached orders of the court and he deliberately breached undertakings he had made to the court.

MR PERKINS: A regime in which a person is prevented from saying what he or she thinks about matters of public importance is a totalitarian regime.

SPENDER J: That is not the case.

GILMOUR J: Mr Perkins, that is not a submission.

MR PERKINS: In my submission, it should be

GILMOUR J: Mr Perkins, I, for my part, would be helped if you would stop making speeches and make submissions, rather, on the question of sentencing.

MR PERKINS: In my submission, it is inappropriate that the appellant should be sentenced to a term of imprisonment. I submit that, in the event that he was to be sentenced to a term of imprisonment, that it would have been appropriate to make an order concerning his imprisonment being served by home detention and

SPENDER J: There is no cross-appeal or notice of contention that the sentence was too light. Is that so?

MR MARGO: In the discretion of the court, your Honour, we have taken that position from the beginning. On the actual sentence, we have left that to the court.

SPENDER J: But there is no notice of cross-appeal?

MR MARGO: No.

SPENDER J: In that circumstance, is it competent for this court, Mr Perkins, to increase the sentence?

MR PERKINS: I believe not. I would submit not.

SPENDER J: Well, in criminal appeals, for instance, it is not unusual where a prisoner appeals against the severity of his sentence in respect of a criminal conviction for the court of appeal to advise the appellant that a possible outcome is that the sentence will be increased.

MR PERKINS: Yes. And that is done, if I may say so – I shouldn't – I can't do anything other than speak generally – but I believe that that is done because there are specific enabling powers in legislation which provide that on such appeals the Court of Appeal or a Full Court may increase the penalty.

SPENDER J: You may be right on that. I don't know. But in any event there is no cross-appeal and there is nothing said about the power of the court to increase the sentence.

MR MARGO: Your Honour, the analogy is with *King v House*, your Honours, where the primary judge exercised his discretion on sentencing. Your Honours would need to be satisfied that the sentence was so inadequate to achieve the object of a sentence for a contempt that you decided to substitute your own discretion. You could do that in my submission, but we make no submission about that. We do submit as we submitted to the primary judge that this is a very serious case

SPENDER J: We will

MR MARGO: and we have said in our written submissions

SPENDER J: Yes, I know. We will hear you shortly. I am just concerned at the moment with the analogy in relation to criminal matters in here and you can't take me to – Mr Perkins, you can't take me to any power which permits us to increase the penalty on your appeal against the severity of

MR PERKINS: No, and

SPENDER J: There is nothing that you are aware of which permits us to do that?

MR PERKINS: I think those are my submissions, if the court pleases.

SPENDER J: Very well. Mr Margo?

MR MARGO: I don't know if your Honours would be assisted by any further submissions on the evidence that there is of enmity. I think Gilmour J

SPENDER J: It's a matter for you to rob your own stage coach

MR MARGO: I'm sorry, your Honour?

GILMOUR J: Well, I raised it, Mr Margo, and I'm satisfied that it's not a matter that was weighed by his Honour in sentencing Dr Toben.

MR MARGO: On the Wayback machine, your Honours, I just mention that at page 2083, this is ground 5 that my learned friend addressed, is a cross-examination about that and what it showed was that Dr Toben went searching for this document on the World Wide Web and when he found it he put links to it. Ground 9 on the distinct - the orders make no distinction between publication of material of which Dr Toben is the author and material from other sources. May I take your Honours to page 1156 of the appeal book; this is a document to which Dr Toben, in his capacity as editor, made available through the website. It was seen there by Mr Jones on 24 April 2008. It's not the subject of a charge, but it's part of what the material his Honour had before him when he considered contumacious and defiance

SPENDER J: What page number again, please?

MR MARGO: 1156. And for the affidavit referring to this material it's paragraph 12 at page 930 if your Honours need to go there. All it says is that Mr Jones saw this on the website on 24 April 2008 and the day - shortly before - there had been a directions hearing before the court and Mr Jones has referred to the reference to world wide conspiracy against Frederick Toben, the Australian High Council of Jury and their revered leader with a picture of Mr Jones at 1157. The lawyer demands that Toben be imprisoned and at the bottom of page 1157 in a document lodged with the court was part of a plan to - and then a quote from Dr Toben which came from a written submission he had put on the web: This matter before the Federal Court of Australia is a Jewish conspiratorial matter designed to protect an historical lie.

It's said elsewhere: There's plenty of material that the Federal Court is being used as a proxy by Designer Racists. Lower on page 1158 he questions the Jewishness of the court and a quote again from his submission - he seemed to think that Rothman J was a judge of this court: Both judges give rise for concern that any kind of justice can emerge from proceedings that impact on a contentious interpretation of historical event.

At page 1159 is a reference to myself. Unfortunately, I'm not as handsome as the man in the picture – I don't know where he got that from. And then we have an invitation to vote on the web as to whether Dr Toben can get justice from Jewish judges when he comes before the court and you can just press a button and see how the voting goes. A Jewish – you can either vote 'Yes' – a Jewish judge cannot be questioned, or 'No' – the Jewish control of the judicial system is appalling. That's the kind of material that his Honour had before him and it makes no difference in relation to ground 9 that Dr Toben may not have been the creative genius behind this – he certainly, as editor, decided to publish it. And there's much more – which I won't take your Honours' time with – of the same kind.

Home detention – I've just checked the transcript with the assistance of my instructing solicitor during the break. The question of possible home detention was raised by my learned friend before Lander J on 28 April and it was raised again on – and at that time he knew that he was thinking – and then on 13 May – the day when the decision was to be handed down, he again asked for home detention, but he was completely unable to assist the primary judge with any information as to statutory power or what the regime was in South Australia or the like and, in our submission, even if he had been able to assist and put a constructive alternative proposal, the learned primary judge made it clear that he regarded imprisonment – custodial imprisonment – as the appropriate sentence. So, in our submission, there's no error shown in the exercise of the sentencing discretion. May it please the court.

* * * * *

Of course, Lander did not make the logical conclusion that the actual Court Orders lock up the topic Holocaust, or at least make it a legal minefield to venture into. But for him there is no need to discuss the Holocaust because it happened. Likewise with Gilmore and Graham.

In December 2006 the Iranian president had asked a simple question: 'Is the Holocaust not an historical event?'. The answer is obvious: 'Yes'.

Next question: 'Then, like any other historical event, why not investigate it?'. Answer: 'Hater – Holocaust denier – anti-Semite – racist – Nazi'. End of civilised dialogue.

These three judges, together with Lander, Branson, et al, are devout Holocaust believers, and Dr Mahmoud Ahmadinejad's wisdom has no home within their minds, and neither within their worldview.

When after a brief adjournment, during which I cleared the table and stacked away all books and carried them back into the interview room that had been our home for the day, the three judges returned with their verdict at the ready, it was just on 1630 hours. Justice Spender noted that Justice Besanko's order that had further suspended Lander's signed original 13 May 2009 arrest warrant, which had lain dormant in the Adelaide Registry of the Federal Court, be activated at 1700 hours. At 1633 hours he began:

Spender J: Adjourn the court, please.

Dr Toben: Your Honour, may I just say something to you?

Spender J: No. Adjourn the court, please.

... and the three judges scuttled off in apparent hurry, and I said something about so much for following blind orders.

I recall how Justice Bruce Lander on 13 May 2009 felt uncomfortable when Barrister Perkins announced there would be an appeal because, so it seemed, Lander saw the drama of this case designed for the media fading rapidly. When court resumed before lunch Lander lost his measured composure that he had held to date, and becomes impatient, something that indicates a level of frustration only control freaks - and idealists - experience.

HIS HONOUR: Yes, Mr Perkins.

MR PERKINS: Your Honour, Dr Töben instructs me that he desires to appeal against the sentence. I have looked at your Honour's reasons and will, of course, do so some more, but I understand the manner in which - I believe, with respect, I understand the manner in which your Honour has approached sentencing Dr Töben. The application which I made that Dr Töben serve his imprisonment in a way which would amount to what is described in some of the Commonwealth legislation as 'home detention' doesn't appear to have been considered by your Honour as a step in taking away my client's liberty, and, if I may say so with respect, an appeal may well be one in which your Honour's reasoning processes are taken into account but it may be - if I may say with respect that your Honour has not - whilst your Honour considered the option of a suspended sentence, your Honour did not, as your Honour indicated, consider any question allowing Dr Töben to serve the three month sentence by way of home detention.

I understand that there is - or, I understand that there will be a warrant, as a result of your Honour's decision, for Dr Töben's arrest, and it is on the

issue of that warrant that, it is my contention, there ought to be or to have been a consideration of whether it is possible for the sentence of three months that your Honour has imposed be served by way of home detention. Now, your Honour, it is my client's desire to appeal, and his intention. I, of course, understand what your Honour has said about the declaration and the time that has elapsed since that, and it may be that the declaration is, in one respect, interlocutory, leading up to the final process which is - or the final judgment, which is made today, and, your Honour, it sometimes occurs that in a criminal case there is a plea of guilty subject to a particular point being raised

HIS HONOUR: Subject to what?

MR PERKINS: To a particular point which is reserved for appeal. Now, of course, that is not what occurred, but, your Honour, if I may say so with respect, the fact that there is now raised a question which Dr Töben seeks to agitate on appeal, it is consistent, in terms of his apology, with the recognition that your Honour has made the judgment that your Honour has and, indeed, now, must be - it must be something that takes into account the force, if I may respectfully put it like that, of the views that your Honour has reached in coming to the task of sentencing. But, in my respectful contention, the things which your Honour has said in your Honour's judgment about the circumstances make it plain that your Honour has treated this as one of the most serious types of cases of this type that one might think about, and it is plain that your Honour has rejected many of the things which were said by Dr Töben.

HIS HONOUR: Yes.

MR PERKINS: But

HIS HONOUR: So what is the point you are making, Mr Perkins?

MR PERKINS: Your Honour, the point is simply this, that we seek to have a short period of time within which the judgment might be stayed and it is intended to appeal against the decision by which Dr Töben

HIS HONOUR: Now, Mr Perkins, what is it that you would intend to appeal against if I were to make an order that the warrant lie in the registry for a period of time? Is it that you would appeal against the declaration?

MR PERKINS: Your Honour, that - it is that we would appeal against the sentence that your Honour has imposed and the fact that

HIS HONOUR: Mr Perkins, can we do this in some sort of orderly fashion

MR PERKINS: Yes, your Honour.

HIS HONOUR: because when I adjourned you were talking about appealing against a declaration.

MR PERKINS: Yes.

HIS HONOUR: When I resumed you talk about appealing against a sentence. I'm asking you

MR PERKINS: Yes, your Honour.

HIS HONOUR: I'm asking you directly and if you don't mind address the question directly. Would you be intending to appeal, or seek to appeal or seek leave to appeal, against the declaration made on 16 April?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Thank you. And would you also be seeking to appeal against the penalty imposed today?

MR PERKINS: Yes, your Honour.

HIS HONOUR: And how long do you need to get your papers together to do that?

MR PERKINS: 10 days, your Honour.

HIS HONOUR: And how will you get over the time limit problems in relation to the declaration?

MR PERKINS: Your Honour, it would be contended that the time for appealing against the declaration should be extended and it would be said - I don't want to repeat the way I've put it - but it would be said that it is an unsatisfactory course to take to break up what is essentially a criminal or quasi criminal proceeding by the taking of interlocutory steps and it's contended that the courts have frequently said so much. And that it's contended that it would not - despite the considerations that I accept exist and that your Honour put to me earlier, it would not have been appropriate to break up the proceeding into a number of sub-proceedings or subsets.

HIS HONOUR: I don't know what the procedure is in Victoria or even New South Wales, but I do know the procedure here. It is often the case that an appeal is lodged against conviction prior to the sentence being imposed and it's often the case that the Court of Criminal Appeal will hear the matter in relation to conviction before a sentence is imposed. So I don't think the point you make is right. It is right to say that you should not break up the trial process by seeking interlocutory applications in relation to either rulings or determinations during the trial process, but once the trial is

MR PERKINS: That is what

HIS HONOUR: Once the trial is concluded it's often the case in the criminal law that the accused will seek leave to appeal against conviction prior to sentence being imposed. Why it might have been the appropriate procedure here is because your client apologised to me for his conduct. If I'd known that that apology was upon the basis he did not accept that he would be guilty of contempt, it might have given the apology a different flavour. But, anyhow, I understand that point. And what would be the grounds of the appeal against conviction - against the declaration?

MR PERKINS: Your Honour, the grounds of it would be the matters that were put to your Honour and, of course, your Honour has rejected the contentions which were put

HIS HONOUR: Sure.

MR PERKINS: and further

HIS HONOUR: And you would be rearguing matters such as the Citizenship Act, would you?

MR PERKINS: I beg your Honour's pardon?

HIS HONOUR: You would be arguing the matters such as the Citizenship Act which you put on the last occasion as being a reason why Dr Töben could not be guilty of contempt.

MR PERKINS: I decline to accept that they are matters such as that. They include - that was one of the matters that was put.

HIS HONOUR: Yes.

MR PERKINS: But I don't accept the adumbration of them as such matters.

HIS HONOUR: All right.

MR PERKINS: It would also - I'm sorry.

HIS HONOUR: You go ahead.

MR PERKINS: Your Honour, it would also be intended to put, by way of appeal, the matters that were put in the matter of Grigor-Scott v Jones and

HIS HONOUR: I can't see the relevance of those. But if they were relevant they should have been put to me.

MR PERKINS: Well, with respect, it wasn't open to put them to your Honour, but I

HIS HONOUR: Well, if it wasn't open to put them to me how could I have been in error?

MR PERKINS: Your Honour, your Honour made some rulings that certain things could not be gone into in Dr Töben's hearing and, in particular, your Honour declined to permit the full consideration of the question whether it was not merely correct, but open, to Branson J to make the orders that she did. And it's intended to raise that question - or to seek to raise that question

HIS HONOUR: The question being please?

MR PERKINS: I beg your Honour's pardon?

HIS HONOUR: I'm not following you, Mr Perkins. The question being, what, as to whether or not the Holocaust occurred?

MR PERKINS: It would be said

HIS HONOUR: Just answer the question straightforwardly, if you wouldn't mind? I have difficulty with the way you answer my questions.

MR PERKINS: I apologise. Would your Honour please ask that question again?

HIS HONOUR: Is what you're suggesting that you would seek, on appeal, to argue that it was not open to her Honour to find that the Holocaust had occurred?

MR PERKINS: Your Honour

HIS HONOUR: 'Yes' or 'no' will do.

MR PERKINS: -that was not - that was not the way that I ran the case for Dr Töben. That was not it at all. And the way that it was put, and what was - what the respondent desired to put went to the validity

HIS HONOUR: Please just don't go around in circles. What is the point you want to run? Just say - what is it?

MR PERKINS: That it wasn't open to her Honour

HIS HONOUR: To do what?

MR PERKINS: to deal with the matter as she did. And

HIS HONOUR: Mr Perkins, that's been dealt with by the Full Court. That can't be a ground now. And it can't be a ground seven years after the event. That would certainly be out of time.

MR PERKINS: Your Honour, it's accepted that that is the approach - the approach your Honour just mentioned is the approach that your Honour took.

HIS HONOUR: Mr Perkins, you can't now suggest that you would have any right - or Dr Töben would have any right to appeal against any ruling made by her Honour prior to September 2002. You can't suggest that, surely.

MR PERKINS: I'm not suggesting an appeal against her Honour's ruling. I am suggesting appealing the ruling that we were not to be permitted to advance the proposition that her Honour's judgment was invalid and not open. And your Honour - there was some discussion between myself and your Honour about the extent to which it was possible to use the Full Court decision which affirmed

HIS HONOUR: How is her - just - if you wouldn't mind getting to the point. How do you say her judgment is invalid?

MR PERKINS: Your Honour, it's invalid for the same reasons, albeit that the legislation is slightly different, as was the judgment which had been made in the case of Grigor-Scott v Jones.

HIS HONOUR: But that argument was never put to me. And I'm well familiar with the case of Grigor-Scott v Jones. I was one of the judges in it.

MR PERKINS: I understand that, your Honour.

HIS HONOUR: And that was a point you've never raised.

MR PERKINS: Your Honour, it's quite

HIS HONOUR: And, in fact, I can't see the point would ever be available to you.

MR PERKINS: After - I beg your Honour's pardon?

HIS HONOUR: I can't see how, on the way that the matter was conducted, the point is available to you. The point in *Grigor-Scott v Jones* was that he was never a respondent to the proceeding in the Human Rights and Equal Opportunity Commission. That was never put to her Honour or to me.

MR PERKINS: Your Honour, I was putting this morning that the way in which, in fact, this pleading commenced had been that it was against Dr Töben representing the Adelaide Institute

HIS HONOUR: Mr Perkins, this morning you put a suggestion how the title should be amended; you didn't put that point. You didn't put it, and you've never put it, and nobody has ever put it to her Honour; nobody ever put it to the Full Court. It's a very late invention. Have you got any other points you'd want to say in relation to the grounds of appeal you might have?

MR PERKINS: Those were the ones that I would put, your Honour.

HIS HONOUR: Right. And on penalty, what would you say about penalty; how have I gone wrong there?

MR PERKINS: Accepting that your Honour treated the matter as deserving a sentence of imprisonment and I think I have to say that paragraph 67 through to 71 show that your Honour has reached a view that this is a case of the most serious category of cases, and with the least suggestion of circumstances that your Honour would find extenuating, but nonetheless, your Honour, when your Honour considered as your Honour referred to in paragraph 84 that you conclude that a sentence of imprisonment is required, your Honour considered the question of a suspension in paragraph 86. Your Honour, there are what I submit is that there is one significant way of dealing with Dr Töben which recognises everything that your Honour has said, and it is that the sentence of imprisonment and the warrant that brings it about be served by way of what is known as home detention.

HIS HONOUR: Very well. Did you put that to me at the penalty hearing?

MR PERKINS: Your Honour, I didn't put that specifically. Alternatives

HIS HONOUR: Secondly, what power does this court have to order home detention? It's not a criminal court. This is a sentence of the court in relation to contempt, not exercising a criminal jurisdiction; what power does the court have to make such an order?

MR PERKINS: In my contention, it is open to the court to make

HIS HONOUR: But why?

MR PERKINS: such an order

HIS HONOUR: But say why.

MR PERKINS: It is – I would respectfully say that it is incumbent on the court to consider, it having imposed a sentence of imprisonment, what other ways the sentence of imprisonment may be served and accepting

HIS HONOUR: But how, for example, Mr Perkins, would this court supervise home detention?

MR PERKINS: Your Honour, that is something – the notion of home detention

HIS HONOUR: Just answer the question, please.

MR PERKINS: It is referred to in Commonwealth legislation.

HIS HONOUR: It might be, but just answer the question, if you wouldn't mind. How would it do it?

MR PERKINS: The way it would be done would be that there would be a form of electronic bracelet which would trigger an alarm

HIS HONOUR: Where does the court get electronic bracelets, and where does it get the power to make someone wear an electronic bracelet, and who does the recording of it?

MR PERKINS: Your Honour, the matter of imprisonment is a state responsibility and the states provide prisons for the Commonwealth.

HIS HONOUR: I see. Isn't there authority against your proposition that this court can order home detention?

MR PERKINS: I am not aware of such authority if there is. No, I can't put it higher than that, but I

HIS HONOUR: Have you looked?

MR PERKINS: I have looked. I can't really add to that, your Honour. There is authority concerning the failure of a court to consider home detention once it has decided that a sentence of imprisonment is, in itself

HIS HONOUR: We're talking about a criminal court; there's no doubt about that. We're talking about a criminal court. I'm talking about the Federal Court which is not exercising a criminal jurisdiction.

MR PERKINS: In my contention, the sentence – the discretion for sentence is one which amply permits and in appropriate circumstances may demand that alternatives to serving a sentence inside a prison be considered, and that is the way that I put it, your Honour.

HIS HONOUR: All right. And you're asking then for the warrant to lie for 10 days so that you can put submissions to me as to – or to lodge an appeal or seek leave whichever is necessary?

MR PERKINS: Yes, your Honour.

HIS HONOUR: Can you tell me one last thing? Why is that Dr Töben hasn't sought either leave to appeal or appeal from my declaration since the penalty hearing?

MR PERKINS: The reason – I'm sorry, your Honour said 'since the penalty hearing'?

HIS HONOUR: Can you tell me one last thing? Why is that Dr Töben hasn't sought either leave to appeal or appeal from my declaration since the penalty hearing?

MR PERKINS: The reason - I'm sorry, your Honour said 'since the penalty hearing'?

HIS HONOUR: Since the penalty hearing. It would not have meant that the appeal would have been heard before the penalty was imposed, but why hasn't he appealed?

MR PERKINS: Your Honour, the reason that he hasn't is that I was of the view that it was not appropriate that an appeal breaking up the trial be commenced.

HIS HONOUR: Well, no, that wouldn't have broken up the trial

MR PERKINS: I'm - it's possible that I was quite wrong.

HIS HONOUR: it would certainly have been the appeal and I would have gone ahead and imposed the sentence.

MR PERKINS: I beg your Honour's pardon?

HIS HONOUR: That wouldn't have broken up the trial. There was no reason why your client couldn't have appealed but allowed the penalty to have been imposed.

MR PERKINS: Your Honour has mentioned what the position in South Australia is

HIS HONOUR: I'm not talking about that; I'm on a different point, if you'd please follow. You said that your client has an appeal because you took the view that you ought not to break up the trial process; I'm asking why didn't you appeal - why didn't you lodge a notice of appeal or lodge your application for appeal after the penalty hearing which would not have, in any way, impeded me from imposing the penalty which was imposed today, and you would have been within time.

MR PERKINS: Your Honour, that, in my view and it may have been a wrong view, but in my view, that would have been inappropriate in the sense that it broke up the process

HIS HONOUR: Well, I'm saying to you it wouldn't have. It would have had no impact upon me. It wouldn't have stopped me imposing the penalty this morning, but your client would have been within time if he had a right of appeal. Why did he not exercise his rights?

MR PERKINS: Your Honour, I've explained it in the only way that I can, and that is

HIS HONOUR: All right. Thank you. That's the best you can

MR PERKINS: It was because of a view that I took, and that view may well have been incorrect, but that is the reason that it wasn't done.

HIS HONOUR: Thank you, yes.

That's the time His Honour, Justice Bruce Lander, loses the plot and eats his own words of August 2008 that I would receive justice in his court.

Lander's mental blind spot is evident in the above exchange, and if it is not a blind spot, then he is worrying about the fact that Perkins has robbed him of reaping Jewish praise for not having sent Töben to prison on this day, 13 May 2009. It was on 12 May that in Perth Brendan O'Connell was raided, and in Sydney and Melbourne Indian students 'rioted', thereby making Australia a haven for the anti-racists who had finally found individuals before the courts whom they could label 'racists'.

Chapter 10

A FRIEND OF THE COURT

What surprised me most in these whole proceedings is that the following matter came to my attention only on the day of the Appeal, 13 August 2009.

Further, I perused the court transcript for this day and cannot find the remarks the presiding judge, Spender, made concerning this Amicus Curiae Brief submitted by Dr Mary Maxwell. After my release Dr Maxwell advised me that initially the court Registry did not wish to accept the filing fee, and only after the appeal was she asked to pay the fee.

I recall that Spender refused to accept Dr Maxwell's submission on the grounds that my defence counsel could have made it. This reasoning does not make sense because an Amicus Curia Brief is supposed to come from an independent source, someone who has not taken sides in this adversarial contest.

Dr Maxwell's submission is worthy of consideration, something that trio of Federal Court judges refused to do.

AMICUS CURIAE BRIEF

In the Federal Court of Australia, South Australia district registry,
in the appeal from the decision of JUSTICE BRUCE LANDER
in Fredrick Toben v Jeremy Jones

AMICUS CURIAE BRIEF, SUBMITTED IN THE PUBLIC
INTEREST

BY MARY MAXWELL, Ph.D., widow

1. Mary Maxwell is a final-year law student at the University of Adelaide, a former president of the South Australian branch of the Independent Scholars Association of Australia, former president of Australian Institute for International Affairs (South Australian branch), former member of the policing subcommittee of the Liberal Party of South Australia Policy Committee.

2. She is the author of *Human Evolution* (Columbia University Press, 1984), *Morality among Nations* (State University of New York Press, 1990), and other books and journal articles, editor of *The Sociobiological Imagination* (State University of New York Press, 1990), and has given public lectures in cities throughout Australia, and overseas.

3. Mary Maxwell is the widow of George Maxwell, M.D., founding professor of paediatrics at the University of Adelaide, who inspired and encouraged her to support high standards of academic and scientific research. She holds a Ph.D. in Politics from the University of Adelaide. Her qualification to compose this amicus curiae brief consists of many years of research in science, politics, and law.

4. In *United States Tobacco Co v Minister for Consumer Affairs and Others* (1988) 20 FCR 520, the Full Federal Court stated (at 536): ...there is an overriding right of the court to see that justice is done. An amicus may be heard if good cause is shown for doing so and if the court thinks it is proper. Nothing in these reasons should be understood to delimit or restrict the availability of or effectiveness of this valuable tool.

5. In *Attorney-General (Cth) v Breckler & Ors* (1999) 197 CLR 83, the High Court (per Kirby J at 134) stated: [i]n many proceedings, especially in recent years, [we have] granted leave to governmental and non-governmental organisations to make submissions as amici curiae where their interests have suggested a capacity to provide submissions from a specialised viewpoint, an industry perspective or in the public interest.

6. *Toben v Jones* is being watched worldwide because it could be precedent-setting, and because there is a growing community of scholars working on a revisionist view of many aspects of World War II history. This amicus seeks to point out, for the Court, two effects that the ruling may have on Australians who are not parties to the case, indeed on all Australians. Thus, it is a public-interest submission.

7. The issues to be dealt with, in two parts of the amicus brief, are as follows:

Part One – the need, for schools and universities to continue to impart students the traditional rules governing scientific and historical research, and

Part Two – the way in which a jail sentence for a scholar will chill free expression in Australia, mainly by engendering self-censorship.

PART ONE STANDARDS FOR SCIENTISTS AND HISTORIANS

It Is Valuable to a Society To Have a Consensus As to What Constitutes 'Science.'

8. It is well established that scientific research is a particular endeavor requiring disciplined thought. One is expected to 'follow the rules of science.' The acceptance of the results of a scientist's research is dependent, in the first instance, on a showing that she, for example, used a properly selected a control group for comparison with the subjects of her experiment, or that she made scrupulously careful measurements.

9. It is also undisputed that a person can start with any theory about the world, marshal facts and arguments in support of it, and draw a conclusion as to whether he has proved his point. Others will then agree or disagree with his methods or his conclusion; they may offer an alternative theory to explain the same set of empirical facts.

10. The integrity of the existing body of science, and the validity of yet-to-be-produced scientific work, are protected by a culture within the scientific community that jumps at sloppiness of research and erroneous conclusions, and praises careful work.

11. Young students need to be made aware of how science works. In a famous case in Louisiana, United States, concerning so-called Creation Science, 72 Nobel laureates (31 in physics, 13 in chemistry, and 28 in physiology and medicine) submitted an amici curiae whose key paragraph is as follows:

12. *This case is crucial to the future of scientific education in this nation. As researchers in many different branches of advanced science, amici share a concern for the basic scientific education of this nation's public-school students. Scientific education should accurately portray the current state of substantive scientific knowledge. Even more importantly, scientific education should accurately portray the premises and processes of science. Teaching religious ideas mislabeled as science is detrimental to scientific education: It sets up a false conflict between science and religion, misleads our youth about the nature of scientific inquiry, and thereby compromises our ability to respond to the problems of an increasingly technological world. Our capacity to cope with problems of food production, health care, and even national defense will be jeopardized if we deliberately strip our citizens of the power to distinguish between the phenomena of nature and supernatural articles of faith. [emphasis added]*
– Don Aguillard v Edwin Edwards, No. 85-1513, 1986 US Court of Appeals for the Fifth Circuit

A Welcoming Environment for New Scientific Ideas Has Helped Australia

13. Today, Australia is among the leaders in many fields of science and technology.

14. Looking back a century and a half we can see that ‘a people’s science,’ as historian Ann Moyal calls it, was the source of much new work. She writes, in her 1986 book, *A Bright and Savage Land*, ‘By the mid-1850s several colonies boasted a scientific museum of their own. Men, women, and children flocked to these repositories of natural science.... During the 1830s and 40s the egalitarian Mechanics Institutes sprang up in the eastern colonies [including] in such country towns as Goulburn in New South Wales and Ipswich in Queensland.... The Sydney School of Arts and Mechanics Institute was founded...by a group which included a saddler, John Reilly, a bootmaker, William Hipkiss, a builder, David Taylor and J.R. Fenwick, a boy.’ P.82-3.

15. As for the reaction to Charles Darwin’s controversial 1859 publication, *The Origin of Species*, there was room in Australian society for critics on both sides. Moyal reports that Frederick McCoy, in two public lectures in Melbourne, supported design rather than natural selection. McCoy ‘asserted the immutability of species and declared that his own palaeontological researches in the colonies confirmed... the sudden disappearance of species and clearly suggested a ‘separate creation’ for Australian mammals.’ P. 143.

16. By contrast, Moyal continues, ‘the New South Wales geologist, the Reverend W. B. Clarke was greatly impressed with the array of evidence Darwin had marshalled, and sent off his early congratulations....Later, as vice-president of the Royal Society of New South Wales, Clarke took the lead in urging his fellow members to an unbiased investigation of Darwin’s scientific views....’ P. 142.

17. ‘In South Australia,’ Moyal notes, ‘the Chief Justice, Richard Hanson, gave the most explicit and cogent contemporary examination of the Darwinian thesis in Four Papers read before the Philosophical Society of Adelaide in 1864.’ P. 143.

18. As there is no reason to assume that scientific discovery has now ended, it is vital for Australia that citizens feel that their ideas will be listened to. Very few individuals have the self-confidence to insist on an insight that has been declared heretical or taboo. Students need to be told that the ‘popularity’ of an idea is not what really counts.

The Discipline of History, Too, Has Rules, and Is Permanently Open to Revision

19. Historiography, the writing of history, has its own rules. Academic historians guard their field, as scientists do, by teaching students to follow certain protocols of research and writing.

20. A person who publishes a history, of any period or place, is expected to justify her writing by presenting the sources on which she relied. She is explicitly not allowed to make something up, nor is she allowed to take a

wild guess. Even an 'educated guess' will be greeted with plenty of criticism by colleagues.

21. Thus 'good history' is cautious. It states as historical fact only that for which there is substantial evidence. Typically, colleagues – who are competitors, actually – publish criticism of history books, pointing to errors or to inferences that cannot be supported.

22. Moreover, as every political scientist knows, the rulers of a society prefer that their version of history be the one learned by the people, so that people will not gain power over them via, say, anger. Often a government denies having done something that it shouldn't have done. For example, for many years South Australians were assured that no one was harmed by the nuclear explosion conducted by the British at Maralinga. Later it was admitted that that assurance was incorrect.

23. Both because new historical material is always turning up, and because there are revisionists with an explicit mission to correct wrongly-told history, it is important that the public know that there are standards by which various histories can be judged.

To believe otherwise is disruptive of rationality in general. It would be a throwback to the days of prejudice, and could be expected to impinge on fairness.

Conclusion to Part One of This Amicus Brief: Relevance of the Toben Case to the Standards of Science and Historiography

24. The public hears only bits and pieces of the Toben case. Australians are likely to get the mistaken impression that Dr Toben is being punished for something he said or wrote and that we all had better start biting our tongue. Indeed Mr. Margo, the barrister for Mr. Jones, said at the May 28, 2009 hearing of the Toben case that he may bring charges of contempt against an additional person, Peter Hartung, despite the fact that Peter Hartung was never under any orders from the court.

25. The mainstream media in Australia is deliberately attempting to create the impression that 'denying' the holocaust is a crime. The anchorwoman of Channel 7 News, on May 13, 2009, opened the segment about the case with the words 'Adelaide's notorious holocaust denier Fredrick Toben...' in the way one might say 'Infamous rapist So-and So' or 'Notorious embezzler So-and-So.' The audience could hardly fail to form an impression that a person who denies the holocaust could thereby become 'notorious' – something no one wants to be.

26. Similarly, a headline in the Adelaide Advertiser – and at www.news.com.au – on May 13, 2009, said HOLOCAUST DENIER FREDRICK TOBEN JAILED. Many people read only the headlines, and from that headline they may unconsciously 'learn' that you can go to jail in Australia if you deny the holocaust.

27. This case could therefore become the launching pad for a revolutionary view that racial discrimination laws can obviate proper science and proper historical research

28. Hence, this amicus calls the Court's attention to the fact that one consequence of a jail term for Toben will almost certainly be a reluctance on the part of history and science teachers to handle any question from students as to how the World War II gas chambers functioned, or how the number of civilian deaths was arrived at.

29. Such reluctance would deprive students of being reminded that long-standing rules of science and of historiography are still current and in need of respect. To repeat the words of the 72 Nobel Prize winners: *Scientific education should accurately portray the current state of substantive scientific knowledge. Even more importantly, scientific education should accurately portray the premises and processes of science.*

PART TWO: Free Speech as essential To Australian Politics

Australia Takes for Granted That Citizens Should Be Able To Speak Freely

30. The right of every person to think freely and speak freely is a modern idea. No mention of such a right appears in the otherwise very prescient Magna Carta of 1215, as people in those days understood 'tradition' to be their guide. Only after Martin Luther started the protest-ant reformation of the Church in Germany did the public debating of accepted truths become (relatively) commonplace.

31. Still, by the time of the English Bill of Rights of 1689, the only 'talk' that was guaranteed to the subjects was talk to the monarch. 'And thereupon the said Lords Spiritual and Temporal and Commons...do... for the vindicating and asserting their ancient rights and liberties declare...That it is the right of the subjects to petition the king, and any commitments or prosecutions for such petitioning are illegal.'

32. By 1791, the First Amendment to the Constitution of the United States provided 'Congress shall make no law...abridging the freedom of speech, or of the press....'

33. The International Federation of Library Associations and Institutions calls upon libraries and library staff, today, 'to adhere to the principles of intellectual freedom, uninhibited access to information and freedom of expression....' www.ifla.org/faife

34. Australia follows common law to protect freedom of speech. Also, the High Court has ruled that a right to freedom of political communication is implied by the sections of the Constitution that guarantee representative and responsible government, and that those sections 'preclude the curtailment of the protected freedom by the exercise of legislative or executive power.' - *Australian Capital Television v Commonwealth* (1992) 177 CLR.

35. Enforced silence about the doings of the powerful is quite foreign to Australia.

There Is a New Chill in the Air

36. Since 2001, and usually with reference to the terrorist incident of September 11th, the governments of various countries have legislated to restrict free speech.

37. In the United States, Bob Barr, a Libertarian, notes the difference between going to a protest rally in the period of the 1968 to 1988 - when you could wear a Nixon mask and actually have fun, and the period under Pres. George W. Bush when you are made to feel like a criminal. He writes in 'The FBI's Pre-emptive Interrogations of 'Possible Demonstrators: Chilling Political Speech' (www.Findlaw.com, August 25, 2004):

38. *Now, things are very different.For example, people with T-shirts that hint at disagreement are not allowed anywhere near the events, nor even on the route traveled by the presidential motorcade. ...E[vidence has been mounting that special agents are showing up at the homes and offices of potential protesters - casting suspicion upon them in front of bosses, colleagues, family, friends and neighbors.[T]he final question the FBI agents ask is this: Does the interviewee know that withholding information on whether they know anyone else who might be planning a demonstration or 'disruption' is itself a crime?...This is of course pure intimidation.*

39. Worldwide, citizens appear to be losing their civil liberties more and more every year.

40. In Australia, the Anti-Terrorism Act came into effect in December 2005. It provides up to 7 years jail for anyone who urges 'disaffection against the Government or Constitution of the Commonwealth....' This opens the door to the controlling of free speech.

Conclusion to Part Two of This Amicus Brief: The Relevance of the Toben Case to the Chilling of Free Speech

41. Toben v Jones is a unique case. The defendant was initially not charged with a crime. Certainly there is no law in Australia against denying the holocaust. Rather, the plaintiff brought a civil action against Toben, as is provided for in the Racial Discrimination Act, claiming that Toben published things on his website that offended an ethnic group. In failing to clean up his website, Toben then committed the quasi-crime of contempt. He will be jailed for undermining the court's authority, not for offending an ethnic group.

42. The problem is that very few people understand that distinction, and so the jailing of Toben will have a more chilling effect on free speech than is actually warranted.

43. The media are contributing to this problem in a manner that looks well-planned. For example, journalist Selma Milovanovic in *The Age*, May 29, 2009, states that Justice Bruce Lander ‘rebuked’ Dr. Toben for adding material to the website on the morning of the sentencing hearing (April 28, 2009). That is simply false. Although at one point Justice Lander quite justifiably told the defendant to stop lecturing and just answer the questions, he did no rebuking – His Honour was meticulously tolerant of both parties.

44. Also, *J-Wire*, an internet magazine, stated, on May 28, 2009, that the plaintiffs in *Jones v Toben* ‘have also requested that action be taken against [Adelaide Institute’s] current director, Peter Hartung.’ The implication is that the plaintiffs can ask the court to prosecute, but in fact the plaintiffs attorney merely said he might bring an action himself.

45. Part One of this amicus pointed out, concerning the standards of science and historiography, that the media is playing an active role by insinuating that holocaust denial is the kind of thing that ‘notorious’ persons do, rather than the sort of thing that is quite ordinary among scientists and historians. Here in Part Two it is said that media are trying to increase, rather than decrease, the chilling effect of the Toben case on free speech.

46. It is beyond this amicus to reflect on the media’s motive in trying to chill free speech.

47. In the past, if any scholar were to be punished for statements, no matter how offensive, it would be met with an uproar from academia. Yet today, at Adelaide’s three universities, we see evidence that self-censorship is already taking hold: silence reigns.

48. For example, a Google search for ‘adelaide university, fredrick toben’ conducted on 2 June, 2009 (Exhibit A) and a yahoo search for ‘university of Adelaide,’ Toben’ conducted on 3 June, 2009 (Exhibit B) failed to bring up, on their first page, any reports of local discussions of free-speech issues related to Toben.

49. Very likely each person says to himself ‘It is not worth jail, or loss of a job, or getting smeared by the media, or possibly risking one’s health or that of his loved ones, to help a man who could easily avoid jail just by shutting up.’ Anyone can read, at 13.1 of Toben’s May 25, 2009 affidavit, the allegation that his local Internet provider has received death threats – and that no police investigation appears to have resulted from that.

50. The chilling of free expression in Australia also encompasses consideration of what may happen when one travels outside Australia. After all, Dr. Toben, who is Australian, was taken off a plane at Heathrow in 2008 while he was transiting from United States to Dubai. He was kept in a London jail, with threat of extradition by the European Union Arrest Warrant. No mention was made in the press of any intervention by the Australian government.

51. Also, anyone can see, at www.rense.com, the complaint to the United Nations Human Rights Committee that was filed by solicitor Barbara Kulaszka on behalf of Ernst Zündel stating that he was kept in solitary confinement in Toronto for 2 years, with no charges presented, other than 'national security' charges conducted in secret. Earlier, Zündel had been cleared of charges for publishing a book by Robert Harwood, *Did Six Million Really Die?* questioning the number of holocaust deaths.

52. Then, according to Kulaszka, Canada deported Zündel to Germany, despite the fact that he had lived in Canada since 1958. In 2007, a German court convicted Zündel of the crime of holocaust denial, and sentenced him to five years in prison. Canada's legal system being comparable to Australia's, it is not unreasonable for people in this country to panic, rightly or wrongly, about the portent of the Toben case.

53. In conclusion, this amicus draws attention to the fact that Toben v Jones has implications for persons that are not parties to the case. Those persons can be liberally identified as all Australian children and all Australian adults.

Respectfully submitted by Mary Maxwell, Ph.D.

* * * * *

It was, of course, the wider implications that from the outset of my defending myself before the Human Rights and Equal Opportunity Commission-HREOC in 1996, which impacted upon my desire to have a lawyer competently present the matters of fact. But no-one was to be found, and as is the case in so-called Holocaust cases around the world, the matters of fact stage is fudged over quickly so that the matters of law can be dealt with in such a way that guarantees a conviction.

The Brendon O'Connell case in Perth, Western Australia, appears to be heading towards such a pattern of injustice. Still, the fact that his role as a whistleblower on Israeli activities within our security agencies, should enable him to move beyond the racial discrimination parameters of the state's legal system. He has still not been hoodwinked through the matters of fact stage of the proceedings in the District Court.

I had over 20 witnesses and HREOC's McEvoy ruled nearly all of them as irrelevant, as she ruled irrelevant my presenting matters of fact. For example, both Professor Arthur Butz's *The Hoax of the 20th Century* and the Hayward thesis were silently swept under the carpet.

Chapter 11

OBSERVERS IN COURT

It is still not compulsory to believe in the Holocaust – not yet!

Outside Court 1 two plain clothed Federal Police Officers waited for me, and I appreciate how this arrest is done in a civilised way with no handcuffing because like the proverbial lamb I go quietly to the slaughter. Even the judge in my German case in 1999 ordered prison and police authorities I not be handcuffed while being transported from prison to court. What a weakling I am – no fear of flight; but that's because the world is my prison and where could I hide? In any case, I have always been above board and transparent and now at 65 to get into the mystery mongering and secrecy lifestyle would be a burdensome worry with which I could not be bothered.

I still see the friends sitting in court all day watching the procedure, with the barristers at the bar table and my sitting at the solicitors' table on a swivel chair, on which I occasionally swing around to face the individuals in the public gallery, most of whom knew what the outcome would be and therefore could only hope and pray for the best outcome.

There before me I saw Mohammed Hegazi, a teaching colleague from my days with the Victorian Education department from which in January 1985 I was dismissed on the grounds of incompetence and disobedience. Mohammed, likewise, had problems with principals and individual teachers who pushed Jewish matters into the curriculum, especially matters pertaining to the Holocaust, something we instinctively resisted, not to mention matters Israel and hatred towards Palestinians and Germans! I

certainly did not at that time have the awareness to understand this whole complex bundle of issues – but they, meaning the administration – was aware that I could one day threaten their worldview when I became aware of the lies they were feeding into the education system.

Mohammed became Adelaide Institute's Victorian associate and in December 2006 he attended the Teheran Holocaust conference where he presented his paper: 'Israel the failed Zionist dream'. As he is fluent in Arabic, Mohammed's Revisionist message is read all over the Arabic-speaking world.

* * * * *

Next to Mohammed sat Peter Hartung who, on 13 May 2009, became the new director of Adelaide Institute. Jeremy Jones and his legal team have had difficulty coping with this change in administration and wish to categorize Peter as an 'agent of Töben'. They fail to grasp the fact that Adelaide-born Peter Hartung is a son of the soil and his own man who at 45 has become a full-time student of history. Peter has the ability to cut through the proverbial bulldust, any obfuscations, with such clarity that anyone dissembling is soon spied out. In this respect Peter can see right through the Holocaust fantasists and with clear logic ask for proof and the truthfulness of any verbal assertions made.

In the next row sat long-time friend Christopher Steele whose sensitivity to the proceedings was so evident in his eyes. Like Peter, he is a man who deeply reflects before he speaks, much befitting the diarist that he is, expressing his innermost thoughts within a cultural context. But I hasten to add that he is also a man of action. It was Christopher who, in 1983, set up an exhibition at Adelaide's Constitutional Museum, which featured the Auschwitz homicidal gassing claims as a fraud. Years later, Spike Milligan who had visited Adelaide during that week, could still recall coming across this 'anti-Semitic exhibition' and the protest outside the museum.

The curator of the museum and Christopher Steele stood firm against Jewish pressure – just as his mother, Joyce Steele, OBE, former Minister of Education of South Australia, stood firm against Alan Goldberg, now Justice Goldberg of the FCA, when he wrote her a letter urging her to disendorse John Bennett's 1984 book, *Your Rights*.

I used this letter in my matter before the FCA and I also wished to have Justice Goldberg as a witness, hostile no doubt, to show how Jewish pressure operates within Australia's society. Justice Lander denied my request, and so I could not illustrate the truth of my maxim: Don't blame the Jews, blame those that bend to Jewish pressure! Joyce Steele did not bend to Jewish pressure and did not dis-endorse Bennett's book. What happened to her as a consequence to not bending? Nothing – she called their bluff, and to this day her portrait graces the wall in the House of Assembly in the South Australian Parliament. She upheld the moral and intellectual virtues of truth, honour and justice.

Why was Bennett's book to be dis-endorsed? Within his legal primer he dared to mention the Holocaust, Butz's *The Hoax of the 20th Century*, and other matters. Bennett was thrown out of the Victorian Civil Liberties Council, which he founded with two other friends during the late 1960s, all because he touched on the Holocaust topic; and so he began his own Australian Civil Liberties Union (ACLU). Such was the pressure on individuals when they began to open themselves to the Holocaust controversy during the early 1980s.

The Goldberg letter goes down in history for two reasons. Firstly, John Bennett formally introduced Revisionism to Australia when in 1979 Willis Carto invited him to become a member of the newly-formed Institute for Historical Review-IHR in California, USA. The destruction of the IHR in 1993 through legal means is symptomatic of non-Jews bending to Jewish pressure. Bennett's publication is a concise legal primer ideally suited for students. Jewish interests did not like him including Revisionist material that questioned the veracity of the officially sanctioned Holocaust narrative, never mind that this was full of inconsistencies and contradictions. For a civil libertarian like Bennett it was of paramount importance that free expression not be criminalised, as was happening in Germany when in 1983, for example, the University of Göttingen stripped Judge Wilhelm Stäglich of the doctorate it had conferred on him during the 1950s. This act sent a chill through German academia especially because the reason given for this action stated that Stäglich's 1979 book *Der Auschwitz Mythos* discredited the academic title. A similar move was made in 2000 when New Zealand's organised Jews tried to force Canterbury University to withdraw its 1993-conferred Masters of Arts degree from Joel Hayward and turn it into a BA because Hayward's thesis concluded that there was no evidence

to prove the existence of homicidal gas chambers at Auschwitz. Secondly, the letter is an example of extreme persuasion, perhaps even a threat, which is not at all exclusive Jewish behaviour. It was said that Australian media magnate Kerry Packer had an army of lawyers ready to slap defamation writs on anyone who dared criticise him. Paul Barry could only write his expose of the Packer mindset after Kerry died, as he did in *The Rise and Rise of Kerry Packer*. This is how the book is publicised on the Internet:

Paul Barry's THE RISE AND RISE OF KERRY PACKER is a classic piece of Australian non-fiction publishing. Originally released in 1993 when Packer was still alive, it has sold well over a quarter of a million copies and is widely seen as the definitive book on a man who throughout his remarkable life mystified, inspired and challenged those around him. Since Kerry Packer's death Barry has unearthed a substantial amount of new testimony from those now prepared to come forward. This new edition of the book - THE RISE AND RISE OF KERRY PACKER UNCUT brings the true Packer story to Australia in a way that was never possible for the first edition. This is the real deal about Kerry Packer: unvarnished, uncut, more astonishing than you ever could have imagined. ISBN: 9781863253314.

Bennett is now a retired senior Revisionist who would rather travel the world and sun his butt on some Greek island, though in 2009 he could not attend this trial because he had other exploratory things to do in Australia's north-west, around Broome. What that was, that will remain a mystery-secret for a while yet.

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Then there was Victor Harbour resident Tom Dolling who had come to Adelaide to attend the League of Rights Frank Bowden Annual Dinner where I was guest speaker. He decided to stay on for those extra few days and attend the appeal hearing. When I was imprisoned in Mannheim in 1999 it was Tom who moved into my Adelaide home and held the fort, staying on for an extra year after my return. Coming from a long line of Dolling's, Tom has researched his family tree. His ancestors were part of the German migration to South Australia from the late 1830s, to settle in the Barossa Valley in particular. Like most Germans, basic values of personal cleanliness and hard physical and mental work enabled them to carve a future and flourish and prosper in South Australia and Queensland.

Germans flourished in Australia until World War One and World War Two put a stop to this kind of mindset and broke its spirit. Now any German who wants to get ahead in Australia has to *mea culpa* about matters Holocaust – a refusal to believe in the Holocaust is essentially a professional death sentence. But as stated above, it is only a professional death sentence because the battle of the wills is so finely attuned to prevailing opinions – meaning that the media determines its contents, and media control in Australia is practically absolute, with the Internet remaining the only avenue of informed dissent, hence our battle’s importance for free expression, which the Holocaust believers realized a long time ago!

If there were more individuals strong enough to resist the media onslaught, then the whole Holocaust lies would crash into oblivion. So, again, the responsibility rests with individuals and it is unhelpful if we begin to blame Jews for this state of affairs.

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Doug and Jean Holmes, directors of the Adelaide Conservative Speakers Club, were also in court to watch proceedings, and they did not return after lunch because they know the pattern of legal persecution so well. Their knowledge of the Holocaust gained through Revisionist literature enables them to see through the charade. And the past and present imprisonment of individuals such as Ernst Zündel, Germar Rudolf, Horst Mahler, Sylvia Stolz, Gerd Honsik, Wolfgang Fröhlich, Siegfried Verbeke, Günter Deckert, David Irving et al. has ignited in their minds that scepticism which is so important if we wish to learn how to think independently about world events, and then be prepared to defend our worldview against those worldviews that seek to destroy national independence – autarky, if you wish.

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To my left in the Respondent’s side sat all the journalists who have been covering the matter for some time, and none wanted to speak with me, as was the case during earlier court appearances. Even Pia Akerman looked gloomy – understandable for they are still young, and who wants to back a loser. But that’s just the essence of the battle of the wills, and the lesson from it is not to fall into the elementary mindset of scapegoating, of projecting ones frustrations on to the judges. After all, these judges are also

prisoners of their own self-constructed mindset, which reflects their moral and intellectual values, and these are again reflected in the detailed judgments they make – and they speak for themselves as an example of objectified opinion.

Shrouded in the veneer of legal language the thought-pattern controlling it is clear: they believe in the Holocaust, and they have used legal training to express their opinions, making their judgment as water-tight as possible. Thus Holocaust debates in Australia are now one-sided narratives that rest on premises, which lack any critical analysis and testing. It is fitting that one of the world's greatest agitators for the Holocaust belief is religious Professor Deborah Lipstadt who holds a chair at Emory University, Atlanta, Georgia. The Holocaust is thus a belief system and not an historical event that individuals can physically explore for truth content. It has become an abstract matter, all in the mind, so-to-speak. Hence my Teheran 2006 presentation was titled 'The Holocaust has no reality in space and time, only in memory'.

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Back to court: Australia still prides itself in being a society where voluntarism is a principle that unites citizens in activity – and not some kind of Holocaust imperative from above, not yet, not yet. In Australia it is not compulsory to believe in the Holocaust – not yet, though there are forces which, for a couple of decades now, have pushed Holocaust studies into schools and universities.

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For example, the latest intimidation and attempt to enshrine the Holocaust into law has begun in earnest in the US where a teacher was suspended for doubting the Holocaust. Note the link is made with a perceived rise in 'anti-Semitic incidents' and 'Holocaust denial'.

LAS VEGAS TEACHER ACCUSED OF DENYING HOLOCAUST

Friday, December 18, 2009 Associated Press

LAS VEGAS — A Las Vegas teacher has been told to stay home while district officials investigate a claim that she denied in class the Holocaust happened, a newspaper reported Friday.

Clark County schools spokesman Michael Rodriguez said Northwest Career and Technical Academy teacher Lori Sublette was assigned to

remain home, and appropriate action would follow an investigation. Student Katie Piranio told the Las Vegas Review-Journal that Sublette said during a Nov. 25 class that history books were inaccurate and Nazis in World War II lacked the technology to kill millions of Jews. Sublette did not immediately return a message left by The Associated Press seeking comment. The Review-Journal said she did not answer when a reporter reached her Thursday and asked if she had denied the Holocaust happened.

Sublette said she was not in a position to respond and would have to talk to her principal. Sublette is a full-time gym teacher. The district says she was teaching a 30-minute weekly class designed to prepare students for life after high school.

<http://www.foxnews.com/story/0,2933,580627,00.html>

Teacher at center of uproar not in class

James Haug jhaug@reviewjournal.com 702-374-7917

Las Vegas Review-Journal, Dec. 19, 2009

Lori Sublette, the teacher at Northwest Career and Technical Academy accused of denying the Holocaust in a class, did not come to school Friday. Instead, the teacher 'was assigned home,' according to Michael Rodriguez, a public information officer for the Clark County School District. 'There is no timetable on how long the employee will be assigned to home,' Rodriguez said. Friday was the last school day before winter break. Classes resume Jan. 4. Sublette, 51, is still being paid by the district. She earns about \$41,000 a year as a gym teacher for Northwest, located on Tropical Parkway near Durango Drive. She has been employed with the School District since 2001. A student has accused Sublette of disputing the Holocaust in one of her classes, arguing for instance that the Nazis did not have the technology to kill so many people. Students say the comments have contributed to a rise in anti-Semitic jokes and threats against Jewish students. School District police are investigating a threatening text message. The school is considering ways to address the controversy, including inviting speakers and organizing special assemblies on Holocaust education, officials said.

There are now blatantly open and direct social programs with a Holocaust message pushed into Australia's communities, especially into farming communities because rural Australia is having a difficult time with natural disasters such as floods, drought and bush fires. All too often the accompanying economic and financial tragedies are accompanied by a lost instinct for survival and self-destruction results. In fact, this has occurred in

Australia since the time of settlement – rural Australia is not a paradise. Psychological program content, which thrives on creating the victim mentality, suggests that catastrophes must have a devastating effect on a person's sensibilities when, in fact, it is a mere fact of life, albeit a very harsh fact of life.

Farmers suicide, shopkeepers suicide, bureaucrats suicide, housewives suicide because they have never learned to self-reflect on the causes of the hardships, of whatever nature, that come their way. One way of understanding such personal, social and economic problems is to look back to the past. There it is clearly evident that the current economic meltdown is nothing new. We are again in the 1930s period that gave rise to the National Socialists who simply had had enough of being tossed about by international predatory capitalism – but dare we go along that road? Does it not lead directly to the Auschwitz gas chambers? That's what Holocaust believers and international media outlets would like us to believe.

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In July 2009 the Jewish lodge of B'nai B'rith sent its exhibit 'The Courage to Care' into Victoria's Wimmera where a large German-origin population lives. The *Wimmera Mail-Times* had given my October 2008 London imprisonment good coverage and that, of course, could not be tolerated.

The media notice for this event stated that the Governor of Victoria would open the exhibition. I sent out a media release that I would also attend the exhibition and I was immediately confronted by Counsel Margo making an application to have me restrained from attending. This was granted by Federal Court Justice Besanko on account of my having only permission, since 13 May 2009, to visit Perkins in Melbourne and other compassionate visits but certainly not to attend a public meeting in Horsham.

Retired Police Commissioner Christine Nixon opened the exhibition in Horsham Town Hall in her new role as co-ordinator of the Post Black Saturday Bushfire Assistance Program. Perhaps the Governor thought it wise not to open a contentious exhibition that directly spread hatred against Germans.

It is clear that Jewish organisations now wish to piggy-back on the bushfire tragedy that befell Victoria in December 2008-January 2009, in the same

period that Jews in Israel began to exterminate more Palestinians. Their Holocaust narrative, of untold suffering and victimhood, was to be matched with the suffering of the bushfire victims – and perhaps Victorians could learn something from the miraculous Jewish Holocaust survival when the Germans spared no effort in exterminating European Jewry during World War Two.

Students from all surrounding schools in the Wimmera were pushed through the exhibit, a guilt-trip show if ever there was one. The exhibit showed how some non-Jews saved a number of Jews because they had the courage to care. It was not mentioned in any of the panels telling a story of Jewish grief and suffering that about 150 000 Jews served in the German Army under Hitler. But such facts do not fit the Holocaust narrative. I personally know individuals who still had Jewish neighbours after the war ended.

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Seated behind the journalists, and away from trusted friends – as he usually does whenever we seek clarification at public meetings – is former Adelaide Institute associate David Brockschmidt. It seems he does not realise that the perceived enemy knows him very well and that, in any case, guilt by association – were it to grip in his case – is rejected outright by anyone in the honest media. If we let ourselves be publicly intimidated by this principle of guilt by association, then we may as well give up any sort of public engagement because our free expression is thereby totally compromised. If we lose our freedom to think and to express our opinions on matters that any concerned citizen must express in order to function properly within our society, then we may as well be dead.

Heinrich Brockschmidt, David's father, was instrumental in placing his trucks at the disposal of Oskar Schindler, and transported the 'Schindler Jews' from Poland to Czechoslovakia, where they continued to work in Schindler's armaments factory. Australian author Thomas Keneally obtained the story from Leopold Pfefferberg living in Los Angeles, then in 1982 wrote *Schindler's Ark* about it. Hollywood film producer, Steven Spielberg, in 1993 turned the novel – which initially was categorised as a true story – into *Schindler's List*. In 2009 Penguin Books has produced a book and a DVD of the same name and is aiming it at the school market.

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David's numerous presentations of the story is of interest because he shows how Spielberg lies about the actual storyline. As David says, in the film version Spielberg pulls out all stops, and then some more, to ensure the film will one day be regarded as a factual account of what happened. Hence its production in black and white, which makes it quite authentic, and even a documentary of sorts.

This naturally angered David who, like any normal person, wants the truth to be told about this whole matter. Both Keneally and Spielberg did not mention the role played by David's father and this among other historical fabrications annoyed David. It was when the *Advertiser* in 1994 featured David on its front page holding his father's Bundesverdienstkreuz medal and a note about the Brockschmidt family having been declared 'righteous Gentiles' and having a tree planted in the Avenue of Honour in Jerusalem, that I made contact with him. We met at the cinema where the film was screening and where David was handing out leaflets exposing Spielberg's distortion of historical facts.

We met again at an event for which David had been invited by the University of Adelaide's Catholic Club to be the speaker. A week after the invitation he was advised that the discussion would involve a Holocaust survivor, Fred Steiner, whom David knew quite well. Steiner had belonged to the right-wing Zionists while in Palestine. Then another letter arrived informing David that Dr Paul Bartrop and Steiner would discuss *Schindler's List*. David had been dis-invited.

Together with Christopher Steele we all went along to the talk and revealed to the audience of about 50 students what nonsense and distortions were to be found in the film. I asked Steiner if he saw the gas chambers at Auschwitz. He replied, 'No, but I could smell them'.

After that we decided that we should follow the example set by Dr Gerard Henderson of The Sydney Institute, a so-called right-wing think-tank that believed in the Holocaust and is obedient to Australia's Zionist wishes. We re-badged Truth-Missions, our organisation of loose-affiliates of like-minded individuals, and adopted the Adelaide Institute title. Our 250 supporters liked what we were on about – but they also kept us on our toes and in typical German fashion, of which I still have some inkling despite being exposed to the Australian ethos for 55 years. We began to deliver the

goods on this Holocaust topic, among others, of course. In fact, the challenge facing us was to touch any topic the so-called mainstream intellectuals and media personalities would not touch. To this day, though, the Holocaust still seems the big daddy of them all. The latest indication of this is how climate change advocates are beginning to label the climate change sceptics as climate change deniers!

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Throughout these past 15 years, David Brockschmidt has also provided us with food, specifically food from dumpsters outside supermarkets. He has made this aspect of his social conscience a priority and had to face court where a supermarket wished to have him condemned as a violent man.

For David the horrendous wastage of produce, both food and goods, by supermarkets is a massive crime. He does the bin-run, then provides Adelaide's charities that look after the homeless with perfectly good food that supermarkets have discarded. This wastage is built into the system, something that was not the case a few decades earlier. Then a supermarket would send in the order to head office and would in return be serviced according to demand. Now head office determines what quantity of goods supermarket shelves carry. If stock is sent out and the shelves are still full, then the shelves are emptied and the new stock put in its place, thus filling the dumpsters outside the supermarket with perfectly usable goods.

David's food shopping run helps the charities help Adelaide's unfortunate individuals who cannot look after themselves – and it has also helped Adelaide Institute put aside money for things than other just covering its running costs.

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During the lunchbreak David expressed his concern that Justices Gilmour and Spender were generous on commenting about Jews being a race, which they are not, though the National Socialists gave them a racial status on which they developed their Zionist ideology and therewith to develop the State of Israel. It is because of this false premise that the Zionist state of Israel is doomed to fail. A while ago Israel had its first home-grown 'Nazis', young men originally from Russia who are trying to implement a racist policy in this multi-faith land called Palestine.

Unfortunately Australia's Jewish activists were successful in persuading legislators that being a Jew is a matter of race. This deceptive act will, in time, become more noticeable as Israel's general population reverts to its ethnic roots – and then Jews whose ancestors had responded to the Zionist in-gathering call will return to Europe where their grandparents came from. The Jewish attempt to breed-up to blond and blue-eyed will also have been a failure and the true Jews of Palestine, the real Semites and both Arabic and Hebrew-speaking will form the viable State of Palestine where Jerusalem/Al Quds will be the capital of Jews, Christians and Muslims.

The Masonic dream of re-building King Solomon's Temple may well then become possible, but only for tourist purposes, as a curiosity of another Jewish myth becoming reality. The latest research and Shlomo Sand's latest book *Israel the making of a myth* clarifies what the contentious issues are that drive the current Middle East conflict.

While I am on the Freemasons, it must be said that in Germany it is illegal to give the Hitler salute. Yet the injustice of having and applying such a law is that judges who are Freemasons punish youngsters who give the Hitler salute, while these very judges once a month salute their Worshipful Master with an outstretched arm, as did the Romans, of course.

It also appears to me that the problem of defending the state of Israel is further burdened by the Jews upholding the Holocaust-homicidal gas chamber narrative at all costs, including the legal persecution of individuals who refuse to believe or adopt such a narrative. This badly clashes with the Jewish desire to identify with the persecuted, with the social underdog, with the politically oppressed, as does Israel's extermination of its Palestinian population. The Jewish claim that they are champions of multiculturalism, ethnic diversity, internationalism, opposition to racism rings hollow in Israel where there is a celebration of victimhood on account of the Holocaust.

This self-serving victim status is now not gripping anymore because of what the Jews are doing to the Palestinians. What the Jews claim the Germans did to them – systematic extermination, which is a lie – the Jews have been doing to the Palestinians since the establishment of Israel in 1948.

It is quite clear for researchers who have looked at the physical evidence that the Palestinians have suffered because politicians in western democratic

nations are imbued with the Holocaust narrative that protects them from condemnation. Unfortunately, there are many Jews who do not know when enough is enough, and when to stop persecuting the Palestinians. The December 2008-January 2009 attacks on Palestinians in Gaza was one such breaking point.

The world media did not sympathetically report on Prime Minister Netanyahu's drawing on the 'Hitler-Nazi and the Holocaust' in order to attempt to justify Israel's attack on the Palestinian people.

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The only countries whose political establishment openly funded political activity in Palestine was Iraq under Saddam Hussein, and in a deeper and more humane way the Islamic Republic of Iran. When Hamas won the election in Gaza – and it was a free and fair election because Hamas had worked hard on basic humanitarian projects for a number of years – the US and Israel panicked and rejected the outcome and set up the fatally flawed alternative Palestinian Authority in the West Bank, thereby dividing the Palestinian people. After all, this kind of division had worked in the past with Germany, Cyprus and Korea.

Perhaps fortunately for the Palestinians, the global financial crisis from October 2008 still reverberates. Former charitable organisations and non-government organisations (NGOs) – in the US and elsewhere that had been sending millions of dollars to Israel have been bankrupted and the funds have dried up. This has caused many Israelis to re-locate to the US, Europe and Australasia.

Perhaps, again, this global financial crisis merely will hurry along the inevitable – the establishment of a single Palestinian state. Yet even during the 1970s, when I spent time in Israel at Kibbutz Kiriath Shmona, near the Lebanese border, it was Shmuel from Russia who informed me that the kibbutz system was breaking down because young Israelis, especially the women, did not like physical work anymore because the bright lights of Tel Aviv were more enticing. Today they rely on migrant workers from Asia.

Then I participated in a debate at Tel Aviv University. Discussing the problem facing Israel, one man from New York said, 'I know how to solve the problem: America in Israel, Russia in Egypt.' A Sabre, a native-born

son of the soil, said, 'We don't need any outside or foreign interference. We must solve it ourselves. The Palestinians are our brothers - they feel like us, they think like us, they speak like us'. The New York fellow stomped off in a huff. What was my contribution to the discussion? I agreed with the Sabre's contribution because both Arabic-speaking and Hebrew-speaking peoples are Semites.

This one-state solution is the only solution, unless we wish to create another Cyprus - but then some Orthodox Jews would feel quite comfortable to have an enlarged *eruv* rather than Erez Israel.

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And that brings me back to the 'Final Solution', the National Socialists' solution to the 'Jewish Problem' - the expulsion of Jews living in Germany not their extermination. However, it is still in the interest of several political power structures, at the expense of the German people, to push the line that Germans systematically exterminated, rather than systematically expelled, Jews from their territory.

But as I stated before, don't blame the Jews, blame those that bend to their pressure. As Judge Stäglich said to me in 1997, if only a dozen German judges refused to apply Section 130 of the German penal code, then the whole Holocaust persecution would grind to a halt. He said this after outrage was expressed in the world media that two Mannheim judges had given Günter Deckert, a teacher and community leader, a good character reference by stating he was a good family man. This intensified the legal persecution, and even while in prison it was a young woman, Klepner-Kressbach, who sentenced Deckert to a further 3 months in prison because he had written a letter to a Holocaust survivor who was doing the rounds at German schools talking about his having survived the Auschwitz 'extermination' camp. Deckert had asked the Mannheimer twelve questions and the asking of these questions was considered to be offensive and in contravention of Section 130.

My case has helped the Holocaust believers because now, acting as a precedent, judges can on a mere legal technicality use it to introduce so-called 'Holocaust denial laws' through the legal back door, much as what would have happened in London last year had I been extradited to Germany.

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It was a numbing farewell as outside Court 1 two Australian Federal Police officers waited for me, flashing their badges, then showing me the written arrest warrant, which I didn't bother to look at. I had seen the earlier warrant signed by Justice Lander that directed South Australian Police to arrest me at 23 Caloroga Street, and the second warrant for Yatala Labour Prison authorities to hold me for 3 months. The actual duration was a calendar month, which means more than 12 weeks from 13 August to 12 November 2009.

The suited young gentlemen were polite and contrasted with the way Lander had planned it where two police officers were waiting to handcuff me, take me to the station just around the corner from the court, and then send me off to Yatala.

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On 13 May 2009 I recall Lander's visible annoyance at barrister Perkins informing him that we would appeal his decision. Lander appears to be a sensitive man but this day his demeanour reflected fear masked by his angry outburst, almost as if he feared upsetting his political masters by not having achieved the desired dramatic result of my arrest in court.

Police Officer Barrett was relieved when he did not have to handcuff me. We shook hands after I exited the courtroom because he had been following this matter since my London arrest made news in Adelaide in December 2008. He had problems accepting my 3 months imprisonment because I refused to believe in the Holocaust. For him the idea of criminalising opinions made no sense, and he clearly refused to accept that this was not a matter of contempt of court, but that it served as a mere pretext on which to hang the prison sentence.

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On 13 August 2009 my walk to the court lift is leisurely but I stop and walk back quickly to Peter and the others lingering a little outside the courtroom for a final farewell. The lift takes us down into the court basement car park where I saw a parked unmarked new sedan car, and begin to follow one of many orders that comes my way – without questioning them in any way!

As the garage door opens we emerge from below and turn left into Angas Street where I saw Christopher and Tom sitting outside next to the café

entrance. The Channel 7 cameraman recognises me in the car and gets to work. We stop at the King William Street–Angas Street intersection and as the lights turn green I give my usual hearty salute to the camera, which is not shown on the news that night. What is shown is my earlier no-deal sign given while Perkins and I had a coffee in the café.

Our journey through the 5 o'clock traffic is surprisingly smooth and all traffic lights we encounter are on green. I take the opportunity of informing the two young fellows what the actual issue is all about. One of them has a German background and I assure him that he can give the Holocaust guilt-trip a miss because this is merely one of the greatest wartime propaganda lies. I notice they are both ambivalent towards me.

They have to do a professional job of taking me to prison, something they have done many times before. Then they have to digest the reason why I am actually going to prison because even to them the contempt of court charge does not ring true. That refusing to believe in the Holocaust leads to a prison sentence just doesn't make sense, but I let it go because I can feel them becoming uncomfortable as their minds begin to comprehend what is going on within the legal system that has begun to criminalise thoughts and opinions. When I told a couple of jokes the tension eased somewhat.

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Fredrick Toben jailing 'lesson to others' ABC News

The man who has pursued Fredrick Toben in the legal system for 13 years over his vilification of Jews on his website hopes others will be deterred from similar actions now that Toben has been jailed. Toben has been sent to jail for three months by the full bench of the Federal Court, after losing a contempt of court appeal over offensive website material which breached a court order.

Jeremy Jones, who is a former president of the Executive Council of Australian Jewry, has been battling Toben since 1996 and launched contempt action three years ago. He says the case serves as a valuable lesson for others. 'It's not something that you could ever be sort of saying 'This is a good thing or you're happy or whatever', he said. 'I'm glad that it showed that the Australian law does take these matters seriously. 'It's not simply a matter of saying that 'Here's the law, you're breaching the law, you've done something wrong and that's the end of it'. It shows that there can be some consequences for your action and I think that has to be good for the entire Australian community.'

<http://abc.gov.au/news/stories/2009/08/14/2655759.htm?site=local>

Chapter 12

CHARACTER-BUILDING DISCIPLINE

'Why are you not wearing shoes?'
'I made a mistake, Sir!'

When we arrived at Yatala Labour Prison reception around 5.30 p.m., the Federal Police turn me over to prison officers. Then the routine check in begins with the physical examination which is swiftly executed. The rule is to just follow the commands and no backchat.

Except for my glasses I have nothing on, and this makes it easier for them to get me into prison overalls. The basic physical check is non-intrusive, not like during the 1960s when males having a medical check-up even for a simple government job were checked to see if they still had their 'full complement of two balls'.

It's a matter of following procedure, a basic pattern designed to spy out any hidden matter, especially drugs. The check-up begins: open mouth and tongue up; run a finger over top gum; hold out hands - up and down or palms up-down; run fingers through hair - back and forward; with hand expose left ear, right ear; left, right arm over head, then stretch out to side; squat - over a mirror; stand to attention - put on overalls.

Then it was off to see a nurse who had a list of questions to ask which I answer as quickly as they are asked:

‘Yes, I don’t take any drugs and I don’t need to be placed on a substitution program’.

‘Yes, I do have a problem – my legs. I need to wear compression stockings’.

After the physical examination, I, with another fellow, aged about 22, were handcuffed and taken to a van; it then drove about 100 m across the road, so to speak, and deposited us outside an entrance where officers awaited our arrival. The reception officer led us into the building and down a long hallway, joking about his Italian background, even jesting that German tanks were more efficient because Italian tanks had one forward and four reverse gears. Then he spoke advisedly about my going into Protective Custody: ‘You are a high profile prisoner and it is a problem’, he added.

As my personal belongings were being catalogued and priced, I noticed a severe tone prevailed. I was asked how much was my tie, my shirt, my suit, my belt, my compression stockings, socks and shoes? I was even relieved of my glasses: ‘You won’t be reading anything for a while’, one officer grumped at me as he placed them with my other possessions.

I requested to keep my compression stockings with me into the cell. An officer, in no uncertain tone, snapped, ‘You have no request to make at this stage! Take off your overalls and put this on’. I was thrown a beige linen smock, much like the one made famous by the Guantanamo Bay prisoners, and then half-a-dozen sturdy officers herded me into Cell 6.

Once inside the cell, these men formed a scrum around me, and then a hundred times worse than on the football field I was verbally blasted. I had not heard such a torrent of foul language for a long time, if ever. A couple of the officers were so revved up that they sprayed me with their spit. At the same time they physically unobtrusively prodded, so much so that I could not decide which man was doing it; I just stood still and calmly looked the fellows in the eyes, scanning each one and wondering if they were under orders to give me this work-over. Then as suddenly as it began it stopped.

One of the officers began to speak, ‘Now, I’ll be saying this only once. This is how you fold the blankets ... Stand correctly when officers enter the cell’.

After another torrent of strong language the men exited, slamming shut the cell door after them. It took me a little while to recover from this situation,

and to realise that normal instincts had to be controlled. You must always keep still when the fellows try to unsettle you and never raise an arm as is normal for protection when individuals get too close to you – even when you wish to re-adjust your smock because an officer had grabbed you and pulled you towards him. Any lifting of an arm is immediately understood as a threat to officers, and they eagerly await that opportune moment where they can throw you on to the concrete floor and hog-tie you, legs and arms behind your back, to be left there for a few hours.

As they began to leave, one commanded, ‘Don’t lean against the table’.

It amazed me how warm the smock turned out to be because later in clothes I felt colder, and even not wearing shoes and just being barefoot was good because I could lie on the bunk and elevate my legs.

I looked about the cell that would be my living quarters for the next 3 months. A blue-painted steel-framed table and stool were fixed to the barren walls painted a cream colour. The toilet bowl, washbasin and mirror were stainless steel. On the concrete bed-base lay a canvas covered mattress with two canvas blankets, but there was no pillow. The fluorescent light resembled a 2-m streetlight. There was nothing else in this windowless cell where daylight projected through a triangle-shaped ceiling shaft with three rows of 1 x 1½-inch thick-glass window panes.

There was an intercom system on the wall and upon closer inspection I noticed a screw missing in the plate holding it in the wall, where there should have been a screw, there was a slight protrusion – it was an electronic pin-size glass eye, which watched over me as I lay on my bed. It was the prison administration’s way of ensuring it fulfilled the duty of care towards all resident prisoners. Some prisoners commit suicide when they are snapped out of courts, off the streets, even from their homes, and thrust into the harsh reality of penal solitude.

A little later, around 9 p.m., I heard a rustle in the corridor and quickly stood to attention near the table. The door trap clanked open and in a quite civilised tone an officer said to come forward and read the paper before me.

‘I can’t read without my glasses’.

'It's about where you want to stay. You're a high profile prisoner and if you want to stay in protective custody sign this form – you don't have to sign it, but you're a high profile prisoner'.

'Yes, I understand. It's OK here'. I signed the piece of paper. I understood this kind of discipline and regarded it as character-building discipline. Anyone seeking protective custody is, after all, usually someone a little wimpish who needs to have his backbone strengthened. But once you get used to it all is well. Besides, it's a nice single cell. At Wandsworth Prison I had to share a cell. Only if you bashed up your cellmate would you, as a disciplinary measure, be given a single cell. I had my single cell.

* * * * *

Somehow I dozed off to sleep. Around 6 a.m. I woke up as the door trap opens and an officer whose face I cannot recall from the evening before asks, 'Tea or coffee?'.

'Tea, please'.

'Sugar?'.

'No sugar'.

He took a styrol foam cup from the tray, drops a teabag into it, walks a few paces across the corridor to a recessed kitchenette in the wall, turns on a tap, fills the cup, then walks back, places it on the trap, and then I take it.

'Toast?'.

'No, thanks'.

But he handed me the paper bag containing two pieces of toast together with a 500 mL carton of milk, then shuts the trap.

I thought of the funny German saying I heard while in Mannheim Prison about shutting a trap and the monkey inside is dead: 'Klappe zu, Affe tot'.

Taking a couple of pieces of paper towel from the bucket I pretend they are plate and serviette. Because I want to have nothing but water in my body, and before I poured the milk down the toilet, without my glasses I managed to read what was on the carton:

Produced and packed by:
PRIME SA
Cadell Training Centre
Boden Road
Cadell SA 5321

I sat down on that fixed chair and sipped the tea. I made up my mind to stop eating anything at all and survive just on liquids. The opportunity now exists to be unsociable and not eat, to lose some weight. I recall that whenever I planned an overseas trip I would deliberately reduce my food intake a month before because a large part of travelling and meeting people is taken up with socialising – and that means eating especially local foods that have a high calorie intake.

I assume that the call at the door is the breakfast call because in all prisons I have been in the prisoners have breakfast in their own cell.

When Radio Mix FM 7 a.m. news came on I knew the time: and then I heard, ‘Adelaide Holocaust historian Fredrick Töben is behind bars’. True, true! The radio with its incessant commercials cannot be switched off and so I was pleased around 7.45 a.m. when central control did it for me.

Literally, I am flying blind because I have no sense of time or my glasses; and I don’t know anything about this prison’s daily routine, rules and regulations yet. Newcomers are inducted usually. I was not. I certainly did not regard that scrum welcome as an induction. But then again, it set the tone to which I should adapt – no questions asked!

It had to be about 8 a.m. The sun’s rays reflecting through the shaft on the ceiling penetrate through the prism glass panes then reflect un-contoured against the cell wall – wafting in and then out of the cell as the sun sets for the day, should give me a possible time clue. As I watch the rays I hear the noise outside the entrance to the corridor about 30 paces from my door and I ready myself to stand to attention. The blankets I’d folded properly a long time before, as soon as I woke up.

There seems to be a conversation going on, a banter, a form of laughter I would call cackle, and the opening of the other five cell doors – but no barking at all, almost soft responses so that I cannot hear what is happening to the prisoners in Cells 1–5.

Then there is the noise of the key in my door and I balance out into body-mind-soul to face morning inspection. Half-a-dozen men crowd in on me again but only one man spoke, firmly, severely, snappily. My blankets are faulted and I am shown how to do it properly. I am also advised how to clean the cell spotless – walls, stainless steel sink and toilet, and floor. I am asked to

collect a bucket, dustpan and brush, toilet brush, cloth and polish, and five arm-lengths of paper towel ... 'Get to work!', he said as they marched out.

I began by tearing the paper towel into cleaning cloth-sized pieces, dipped a piece into the toilet bowl water and begin to wipe the walls as far up as I can reach, and then the floor. And on to polishing the stainless steel items to perfection. What a delight! I am able to clean up a place that has no dirt or dust anywhere that I could find. This is a beautifully tidy cell.

About an hour later, I heard chatter and the rustle of keys in the corridor. I guessed it was cell inspection time – and stand to attention well before the officers approach my door. This time, however, it was only a brief wait before they appeared – as if the other cells were not inspected and I was the prime target for inspection.

I was asked to take my rubbish, as if I had any, to the bin outside at the end of the passage, which I did. Barefooted I walk along, trying to get back into the marching style that I had learned more than 30 years ago. Then, as I approach the standard plastic rubbish bin I lift the lid and drop the paper bag containing the toast into it. As I replaced the lid a sharp command comes from one of the three officers watching me, 'Do it properly – shut the lid!'. Without hesitation and in silence I go through the procedure again, successfully!

The fellows seem to have a wild look in their face as though I am the devil incarnate! I suppose this is the first time they have come across someone who refuses to believe the Holocaust propaganda. I march back and stand against the wall outside the cell. Inspection is still continuing within. Then I hear from within the cell a voice, 'Yes'.

The officer guarding me outside motions and commands me, 'Get inside'. Silently I obey and enter the cell.

'Reasonable, blankets pass the test but you missed a spot on the basin'.

I am shown a little thumbprint on the bottom of the basin.

'Can't be! Can't be!', I exclaim. That was my first big mistake.

A torrent of verbal abuse rains over me, and a warning that afternoon inspection had better be perfect.

As the cell door slammed shut one of the officers shouts out, 'You Nazi scum!'

Soon after I listen to a ‘conversation’, well a rather basic ‘Are you there?’ between fellow prisoners, initiated by Pete in Cell 5 next to me.

‘Hey, Woody, Woody! Did you hear that? A Nazi. We’ve got a Nazi here’.

From Cell 3 comes a muted response: ‘Yea’.

‘What’cha doin’?’.

‘Watching TV’.

Pete then starts on the fellow in No. 4. I can tell from the voice volume where they are located:

‘Hey, Chris?’.

‘Yea, what?’.

‘You alright?’.

‘Yea – sleeping’.

‘Hey, Paul? Paul, are you there?’.

I hear a faint voice respond about watching a TV program, and Pete falls silent, and then the section of six cells falls silent.

I enjoy the peace, and I am at one with the universe, with my God, and no disturbances from outside. These moments are precious; I am totally free from any wants just as the monastic life is much needed for many individuals who have been driven or who let themselves be driven into consumerism and the predatory financial system’s enslavement. At this moment because freedom means nothing now, and only because with reflection would I have to ask that further question: Freedom from what and for what?

Lunch is served around noon, but it seems as if it is only a little after 11 a.m. It is passed through the door trap by one of those barking officers. I take the paper bag and look at its contents – a spring roll. I again consign the contents of the paper bag to the rubbish bin, something I hate doing because to throw food away is a criminal matter to me; and then take the tea in a styro foam cup.

I like not having any cutlery, because that is one thing I learned in Iran where only a spoon and a fork are used generally. After all, using cutlery for eating rather than using your fingers is like making love through an interpreter.

Lying down on my mattress I begin to wonder what will happen. Not wearing the compression stockings is beginning to affect my right ankle, which is now swelling, and the skin is beginning to crack. It’s the stress of it all – that’s how I try to understand and console myself when I see what hasn’t happen to my legs since regularly wearing these compression stockings.

I must have dozed off; suddenly I hear the usual commotion in the corridor – the fellows are coming for afternoon inspection, I jump off the mattress, fold the linen blanket and stand to attention, and await the rattle at the door and its almost simultaneous opening, to reveal a couple of officers purposefully marching in.

‘Take your rubbish to the bin!’.

‘Sir!’.

I pick up the small bag and carry it along the corridor and then drop it in the bin at the end of the corridor where three officers observe me like hawks. It is a kind of observation because I see in their eyes an almost fearful, frightening, wild look, perhaps even an angry look – difficult to understand. My task must have satisfied them because they remain silent. I return to my cell, standing outside against the wall awaiting the command to enter and hear the inspection report.

The basin and toilet bowl are not mentioned so I must have cleaned them to perfection. I don’t think the fellows know that for me cleanliness is a basic virtue and that it can never be punishment for me to clean anything at all. That was one of the reasons why I was not liked in some schools – I never imposed cleaning up the school as a form of punishment, as so many teachers would do as a matter of course. To celebrate any form of dirty bohemian lifestyle as a virtue is not with me.

One of the men began to speak, ‘The blankets aren’t folded properly – take them out, take the mattress out into the corridor, then have your shower!’. The severe tone is reinforced by close physical proximity. I was about to inform the officer that I am not yet deaf and I don’t like him almost physically touching me, and to back off – but I bit my tongue. ‘Freddie boy’, I thought, ‘This is like the army, except here there are half-a-dozen sergeant majors who, if they were subjected to it, would perhaps not cope with their own generated stress. They had the body mass but something didn’t quite ring true. Years ago I had a sergeant major, a wiry man who was about 5 foot 2 inches, who commanded respect because he led by example. But here, I am a prisoner deserving of punishment.

I walked to the shower situated diagonally opposite the rubbish bin at the end of the corridor.

‘When you’ve finished, press the button!’.

‘Sir!’

During the morning I had heard other prisoners having showers –I think it was Pete who must have spent half-an-hour under it. It is not the usual prison model but has regular taps and not the press-kind that gives you a half-minute flow of water before you have to press it again. I have my usual 1-minute shower – something that prison life has taught me. I see no sense in standing there, especially in community showers where there are up to six cubicles and a row of men waiting their turn. That was the case at Mannheim where Klaus, who was my age, delighted in standing in the recess facing the men waiting for a shower and soaping his whole body ever so gently. No one ever took him on, but his guitar playing was much appreciated by all.

After my minute was up, I pressed the intercom button and announced I was ready. Within a brief moment officers arrive to unlock the shower door. ‘You didn’t have a proper shower!’, one barks while the other two are seething like dogs at the tether.

‘But ...’.

‘Shut-up. If you don’t have a proper shower, we’ll scrub you down properly!’.

The door slammed shut. I was going to respond but had no opportunity. What about saving water, I mumbled to myself, ever thought of that? I dutifully opened the taps again and just let the water pour out – let it run, let it run, never mind that South Australia is one of the driest states in Australia – let it run. I said nothing – a good and wise thing to do!

Counting the seconds in slow motion until I guessed 5 minutes, I press the button again. The gang of three arrive and without a word take me to my cell. I get on to the stone slab, cover myself in my smock and let my mind wander.

The temptation to feel sorry for myself and to become angry at the judges and others who have placed me in this situation began to hit me. But then I snap out of this emotional self pity and think of the individuals who seek out such solitude, who deliberately spend weeks, months, even a lifetime in a cell as part of a religious calling – to be at one with their god. For that experience some of these individuals pay money to monastic orders that specialise in such extracurricular activity. Well, so much for our mental wellbeing. I close my eyes and try to sleep. I must have dozed off when I snapped back to the harsh reality of lying on the concrete slab that my body had now warmed. I hear the boisterous banter and know it is time for me to get up and stand to attention. I like this activity – to lie down, to get up. The door opens:

‘Good, you’re standing to attention – get your mattress and blankets!’.
‘Sir!’.

I do as I am commanded. The afternoon fades and food arrives again, which I don’t even look at, but I have my usual cup of black tea. As the sun’s reflected rays begin to move out of the cell I lie down and have no problem falling asleep, and like my first night it is peaceful without any remarkable dreams. I feel safe!

* * * * *

That first day in prison was an opportunity to lose weight, to regenerate my eyes by not reading or looking at a computer screen, and by reflection without being distracted by the proverbial hustle and bustle of our noisy civilisation.

The second day goes well. Although a spot is found on the toilet bowl, which I did not dispute although I know I didn’t miss it, my folded blankets pass the test with the remarks that it is evident I took time to get them right, which I did. My afternoon shower goes well and I am handed my new prison clothes – jeans, T-shirt, briefs and socks and commanded to put them on when I get to the cell.

An officer had already placed a large brown paper bag on my table. It is the breakfast ration bag: seven small packets of cornflakes, 42 tea bags and as many sugar bags, half-a-dozen coffee satchets, three small tubs each of jam and peanut butter and about 40 margarine tubs. The temptation is there but I resist devouring any of them.

* * * * *

Sunday morning begins well. I am out of my smock and I pass the inspection with flying colours. I’m still barefooted. I am given the command to collect my shoes from outside the door and put them on. But a problem arises. From previous prison experience I know that basic sock issue is bad because they cut into my ankles.

‘Put on your socks and shoes’.

‘Sir, permission to speak!’.

‘Yes’.

‘Sir, I have a medical condition. My legs ...’.

‘Put on your socks and shoes’.

‘Sir, I...’.

‘Answer the question: Are you refusing to put them on?’.

‘Yes, Sir!’.

‘You! Complaining about your legs, then gallivanting around the world in your three-piece suit. Ha!’.

A whirlwind of activity ignites the small cell space. Five men take everything out of the cell and I am asked to strip – do the usual check up that ends in the squat position – put back into the smock, to rest again on the concrete bed base.

Bad, bad mistake!

During late afternoon, because I stood so well to attention, I am permitted to collect the mattress. As I carry it inside a tall young fellow viciously kicks the end of it, indirectly helping me carry it inside the cell.

That night was again a restful sleep, and Monday passed uneventfully. I am getting used to the atmosphere and begin to like my smock.

Tuesday morning the cell door opens, a tall elderly man, flabby and a bulging middle, in civilian clothes stands in the entrance: ‘Good morning, prisoner. I am the prison visitor. Any complaints?’.

‘No, Sir!’.

The door slams shut. I hear the fellow do his rounds of the cells. Mine was the first so he must have the habit of starting from the end. Pete wasn’t in his cell, neither were the other two. I heard him talk with another prisoner who responded by complaining about the harsh tone and foul language used by the officers. Bad mistake, I thought.

That afternoon, after a good cell inspection, and just before closing the door, an officer asks, ‘Why are you not wearing shoes?’.

‘I made a mistake, Sir!’

Another officer standing next to him asked, ‘What’d he say?’.

‘He said he’d made a mistake’.

Wednesday morning begins with my taking the rubbish to the bin where the tall young fellow waits for me. As I drop the rubbish into the bin he half-whispers in slow measured tone, ‘I know someone who wants to inflict pain on you’.

I smiled at him. 'Thanks for that, Sir, but I've lived with constant pain in my legs for over 40 years. A little more or less doesn't bother me'. I smiled again and give him that good old Australian eye wink as I march back to my cell where the inspection is not good. Dust is found on the floor.

'See that on my finger?'

'Yes, Sir!'. This time it has no consequences

The next day, Thursday, two things happen. As I stood outside the cell waiting to be called in to receive the inspection report, the guard fellow who called me 'Nazi scum' kept his bulging eyes glued to me. I expected him to say something to me, but he remained silent while continuing to stare at me. Funny fellow, I thought. I was called into the cell. I stood to attention against the table and the four men crowded around me again. Then the bearded fellow with bulging eyes shouts at me, 'You eyeballed me outside the door! If you do that again I'll knock you through the wall'.

I could see the other three officers falling back and I sensed that what was about to happen was not scripted. I reply: 'What do you mean?'

'You stared at me!'

'You looked at me and I was taught to be polite and looked back. What do you expect me to do?'

'Look down!'

'But that's rude'.

Another officer comes to the rescue and begins with the cell inspection report. A tiny black hair is found at the top end of the concrete bed base, between the mattress and wall, and a spot is found on the washbasin.

'See this hair?'

'Can't be, can't be ...', I softly protest.

'Are you telling me I planted that hair?'

'No, Sir - no Sir!'

But we both knew that I knew he knew I knew - the triple contingency at its best. Why the cell was not inspected with me present is now clear to me. This was one reason that as a teacher I would always try to do mark essays with the student present; and if that was not practicable, then at least be there to justify my marking system to anyone who contested it.

Friday morning an officer finds some dust near the one, cold, water tap in the basin. As I re-enter the cell the officer comments, 'You've done a very good job but you missed some little sprinkle of dust, most likely from the cloth used to put on the polish'.

‘Yes, Sir’.

I do not disagree with the fellow because I had not touched the basin since the night before. As I make my way to the shower I’m asked, ‘Are you going to wear your shoes today?’.

‘Yes, Sir’.

One of the officers responds softly but loud enough to ensure I hear his comment, ‘That’s a good start for the day’.

As I enter the shower the officer handing me a razor says, ‘Here’s your shaver, and use it!’. I was about to respond that I like my week’s beard because I could turn out to be the wild man of Yatala – but the dream shatters.

After a week in this solitary place I receive my clothes, and I’m invited to go for exercise after lunch from 1 p.m. to 3.30 p.m. The gym, if it can be called one, is along the well-worn corridor past the rubbish bin, then turn right, up against the wall for frisking, and then through a door and into a wire cage that is about 10 m². There are five other cages like it and gradually each fills with a single prisoner. I do my rounds – 100 clockwise and 100 anti-clockwise. The others walk, smoke and talk. Some manage to catch a little sunlight, which is disappearing fast as the afternoon progresses.

Pete, from Cell 5, is in the cage next to me and we begin a conversation. Although it is not wise to be asking any prisoner why they’re inside, I have never felt I should not ask, and usually the response is informative for me.

‘Why are you here in protective custody?’.

Pete is a bikie and the many tattoos that grace his whole body attest to his membership in one of South Australia’s clubs that Premier Mike Rann wishes to proscribe: his media announcements state he is tough on crime.

Pete looks at me in a funny way, and with his hands strokes his goatee and long ponytail at the same time. ‘Mate, this isn’t protective custody, this is the punishment unit’.

‘What?’.

‘Yea, didn’t you know? Why are you here?’.

‘Contempt of court’.

‘What didn’t the judges like? How’d you upset them?’.

‘I refuse to believe in the Holocaust’.

‘One of those things’.

Pete was familiar with legal procedures and he didn’t quite believe my story about not knowing I was in G Division, the punishment wing of Yatala.

'You must have done something to upset them otherwise you wouldn't be in here. Anyway, you look a bit like Liddy's brother. Liddy's in protective custody and so is von Einem'. (Liddy was the magistrate who was involved in child sex matters and von Einem had killed a boy. Both were part of what is often referred to as the dark underbelly of Adelaide.)

'Hey, mate, you don't want to be going into protective custody. It's full of weirdoes, paedophiles and rapists and child molesters. You better apply for mainstream - it's better'.

'Yea. I'll do that'.

And there I was thinking on the first evening here that I signed that piece of paper, that I had taken the advice of the officer who handed it to me, and also of the reception officer who upon admission advised likewise, that on account of my being a high profile prisoner I may find protective custody more suitable than mainstream.

That night I laugh to myself about the whole situation. A couple of weeks later someone suggested that G Division acts as an overflow when all the other divisions are full. Another suggested that a high profile prisoner without a prior conviction needs to be risk assessed for possible suicide or violence. Whatever the reason for my stay in G Division, it has been instructive.

I pass the cleaning test on Saturday morning, though again a small blemish is found on the washbasin. But my response satisfied the officer, 'Yes, Sir'. When I dropped the rubbish into the bin outside, an officer stood next to the trolley that holds pens and paper. I ask for both and also for a Prisoner Request Form.

'What for!'.

'Sir, yesterday during exercise I learned that I am in solitary confinement, in the punishment unit. I thought I was in protective custody. I signed a form on the first night I arrived, thinking this was protective custody. Now fellows have advised me otherwise and I would like to withdraw that application and be placed in mainstream'.

The officer, an ex-military type who was evidently at home within himself, handed me a form.

'Thank you, Sir, and if possible I would like to see out my 3 months prison sentence here in G Division'.

'What?'.

'Yes, Sir. I've experienced too much madness outside and this unit seems a haven of sanity, something that I would appreciate. It's quiet, the cell is

clean, there is no TV or radio and I need a rest from all that hustle and bustle outside’.

The officer visibly blushed and a half-smile escaped his lips.

Before lunch an administrative fellow came to my cell door, I guess so because he is not wearing a uniform. He collected the request form I had filled in. I wrote:

1. I arrived on 13 August, and that evening signed a form to stay in Protective Custody.
2. Yesterday, 20 August, I learned this is the Punishment Section.
3. I wish to withdraw the request for Protective Custody.
4. If possible, I would like to serve my sentence in G 1-06.

During afternoon inspection, two virile officers inspected the cell as I emptied my rubbish bin. At the end of the passage the officer who gave me the form asks me to sign another form.

‘I haven’t got my glasses. What’s it about’.

‘You signed a form when you arrived here. This reverses the whole process. Take this laundry basket back with you’.

I signed the page, pick up the basket and return to my cell where I am advised that I have passed my cleaning test with flying colours again. I am asked to strip, place the clothes in the basket and handed overalls to put on. I must be going somewhere; I wonder why this indecent haste. I have just settled into a routine and now I am asked to move off to where?

I feel cold in the overalls because the canvas smock kept me rather warm. After a couple of hours a whole contingent of officers appears at the cell door. I am asked in a polite tone to walk to G Division reception, hold out my hands with thumbs up and click go the handcuffs. Then it’s out the door and into a van already holding two prisoners.

The van starts to drive off, then stops, and the driver alights and walks back to a closed door and rings the bell. An officer appears and I hear her inform the officer that I had asked for my glasses that had been taken from me upon entry. The officer disappears for a couple of minutes before re-emerging with a small plastic bag for me. I am relieved that I am again in possession of my glasses – though I managed to do without them for a whole week, without reading!

And so I depart Yatala’s G Division, which a government website claims:

Is the highest security unit of all South Australian prisons. It accommodates special needs prisoners and high security protectees. Prisoners who are in need of high supervision are also held in this unit. Occasionally prisoners from other prisons who are in need of this special accommodation are transferred to G-Division. Some of its cells are constructed to permit continuous observation of prisoners at risk.
<http://www.corrections.sa.gov.au/prisons/photos/photo5.htm>

Indeed, my special needs were well attended to; how fortunate I am in understanding the logic behind this kind of treatment: character-building, a concept that today is considered to be a cruel form of a pedagogical ideal. Even army training instructors worry how many recruits burst into tears as harsh words are hurled at them during basic training – that’s how delicate and hypersensitive many individuals have become.

We drive just a few hundred metres to E Division, Yatala Labour Prison’s Induction Section –a bit late for my induction, surely?

Let me make a general comment about G Division personnel. The men who staff this section have a difficult task in trying to tame those prisoners who still think their enemy is the prison system, when in fact the enemy is the person who sends them to prison – the judges themselves. Judges would protest and claim they are merely interpreting the parliament’s laws while the government implement the outcome. Such a view fails to accord personal responsibility to those who make decisions. But we are advised that our elected members can be voted out of office – implying that until the next election grin and bear the injustices.

Was it not the essence of the Nuremberg War Crimes Trials, the World War Two military tribunals, that merely following orders was not a defence? I wished to make a similar comment in court to the three judges when Spender denied me to address the court. Are the absurd Branson 2002 court orders to be followed blindly?

Chapter 13

A LATE PRISON INDUCTION

As the latest prison recruits assemble to collect their new pack of bedding and toiletries I notice that discipline is markedly relaxed with officers jesting and cajoling among themselves and with new prisoners. Somehow I team up with McArthur, or Gekko, one of the wise old Aborigines who has seen it all before. We hope that we can share a cell because we are both non-smokers. We collect our gear and then march off to Unit 3 or K Wing, but Gekko disappears into Cell 12 and I am ordered into Cell 18.

To my disappointment, and also to Gekko's, we both have cell-mates who smoke. Do I protest? No. Why not? My cell mate is a lookalike of Claus Nordbruch and he is not short of telling stories of what he has done in life as a metal strapper on building sites all over Australia. His latest project had been working on a huge tower complex at Maroochydore on Queensland's Sunshine Coast.

I settle in quickly and although I am still following my self-imposed reduced food intake, I note the food is good and plentiful. I don't touch bread, meat, milk, sugar, potatoes but yield to fruit and some vegetables and, of course, black tea. All this is done in the hope that serious weight reduction will help my aching legs.

On this Friday night of my second week in a South Australian prison, I can sleep between sheets with real blankets covering my body, and my head resting on a real pillow instead of a rolled-up canvas blanket. The night is like the other nights, restful and no disturbing dreams.

Saturday morning begins not at 6 a.m. but around 7.30 a.m. Cell inspection is satisfactory but my second blanket was not uniformly folded as was the first. The officer commented on it almost apologetically, then noted he could see I had gone to some trouble to get it right.

What came to mind after one week at Yatala is that any woman who wants her husband to be a clean and toilet-trained individual should make certain he has spent time in a military force or prison where most individuals learn how to be tidy and generally look after themselves.

After all, cleanliness is next to godliness, says Dave Slingsby, my new cellmate. How many men – and women – do not keep their toilets spotless? How many individuals do not care about basic body hygiene?, Dave points out that not only are the young fellows who work with him unfit, but they also don't care about basic cleanliness. On building sites he has seen it all, how they lack stamina and how they don't have a sense of pride in attaining a balance between the mind and hand of attaining the mastery of a skill, then basking in the glory and beauty of a job well done.

My few days in Yatala's E Wing repeat what I experienced at Mannheim, Wandsworth and Bedford. So I shall quickly pass over the period by mentioning just a few matters.

* * * * *

Saturday, 22 August: After the cell allocation it is out of overalls and into a T-shirt and soft flannel pants, like the ones I wore at Wandsworth and Bedford last year. The fellow who brings me the new clothes and collects my old ones almost screams out in fright when I inform him that my socks have a little blood on them from my ankle wound – 'Blood! Get a separate plastic bag ...'. He puts on rubber gloves and picks up my socks, places them in a small separate plastic bag, then tapes it shut. 'This is just a precaution because we don't want to get infected'.

I am called to Ms Parker's office, slightly to the right of central control office, within the central area of the first floor unit from which the two wings protrude. A kindly middle-aged lady, Parker reminds me of those devoted spinster teachers who give their life to a cause, then still maintain a compassionate and understanding demeanour, which comforts those who

find themselves behind bars. I receive basic induction information, more like her wanting to know something about the new prisoner who is settling down in E Division, Unit 3, Cell 18. I have no addictions, I do not need any medication, but I have a problem with my legs.

‘We’ll see if we can get the compression stockings for you, but it won’t be before Monday or Tuesday because Property closes over the weekend’. We have a general conversation about life and when I inform her I’ve just come from G Division and why I am locked up she smiles and says, ‘You shouldn’t be here at all and we’ll get you into F Division’.

I ask her whether it was in this E Division, in the debtors wing, that some years ago a group of young men broke into the prison, there to be with their mates for New Year’s Eve celebrations – but the phone rang and she was called away and I never found out whether this story was true. The *Advertiser* certainly reported on it – so it must have been true.

Sunday, 23 August: Dave spends time outside the cell for association and I just relax and return to my own addiction – writing. What a delight it was to be free of that for a whole week while in G Division!

In the evening we watch TV but only until about 8 p.m. because Dave is an early-to-bed and early-to-rise man, which suits me fine. As soon as the wing is settled down, though, the messages start flying about. There is a story told about a woman officer not yet out of the wing and the fellows begin their trade, and she shouts back at them before closing the wing door, ‘Can’t you wait till I’m out of here?’.

I am impressed by the skill, artistry and ingenuity of those fellows with their fishing lines – some can get around corners with ease, not only around corners but to the end of the corridor, making a stop at most cells on the way! Such matters, and my observations made during previous imprisonments, lead me to conclude that the drug trade should be legalised but, of course, within the context of severe government control. The way the drug laws are applied serves only to reinforce a questionable social hierarchy because most prisoners on drug-related charges have not had the money to find a competent lawyer, have no ‘Establishment’ connections and/or lack education.

Monday, 24 August: After ten days in prison I receive my first letter, from CentreLink, advising me that my age pension has been stopped because of my being in prison!

It is time for inmates to have a shower. I am let out of my cell and walk to the shower block, have my quick shower, then press the intercom button. An officer arrives and informs me not to do this again because it is only for emergency. I protest, 'But that's what I had to do in G Division'.

'You've come from G Division?'.

'Yes, Sir, spent a week there. I'm in here for contempt of court because I refuse to believe in the Holocaust. I thought I was in protective custody'.

'Let me give you a little advice. Don't mention protective custody here, and you'd be wise to talk less'.

I am a fast learner and respond appropriately, 'Sir!'.

Mr Elal and Mr Smith, the latter from New Zealand, interview me. I mention my teaching time at Rongotai College, something Smith can relate to, especially if I add to that Lumdsden in the South Island and Te Awamutu College in the North Island. Yes, I am informed, at the moment my security clearance is set to high, but I will be re-classified to L2, which enables me to be transferred to Cadell Training Centre, a prison farm - 'It's like a holiday camp'.

It is raining outside and it is rather cool inside the cell, more so as the day merges into night.

The PA system informs us that the director and the general manager are coming through the wing; it is requested to have a tidy presentation.

For tea it is chicken - I do not like chicken because it tastes foul!

Tuesday, 25 August: It is a cold day with showery weather. Wearing my G Division smock was much warmer than the overalls I had to wear after my transfer. At 8 a.m. there is a call of 'Töben' outside the cell door and through the door trap I receive another set of overalls. I am going somewhere, surely.

The prison visitor is about again, but he cannot help me because I do not really have any complaints. The rules are clear: 'Prisoners are required to comply with all directions/instructions from officers. Failure to do so may result in your regime being changed and/or loss of privileges'.

Privileges? What is new in 'rehabilitation'? Presumably personal cleanliness and in the cell; behaviour adapted to the prevailing norm of the division. That is what the Kantian Categorical Imperative is all about. This has

served me well – act in such a way that your actions can become a universal law. It is a system of ideals and principles that enables civilised association. Mentally I compare the atmosphere of the Mannheim, Wandsworth and Bedford prisons and find a similar pattern. Socially immature individuals have a problem in submitting to such rules and regulations that need to operate within a prison system.

The problem is that all too often the prisoners are the fall guys while the real criminals are in government and other institutions where they receive protection. Most prisoners lack education, money and social connections. I recall my woodwork teacher at Kyneton High School, ‘Hock’ Somerville, who never tired of reminding the class that he would rather associate with a lowly paid person than with a criminal in a high position.

It is funny how my past life, school and other events of my childhood come flashing through at this time, and how I appreciated individuals such as Somerville. I recall visiting him during lunchtime when he was in hospital. Like Kitty O’Shea, my English teacher, Somerville was a man who had dignity. I forgive him for those occasional remarks he made about the Spitfires and the Messerschmidts going into battle because I did not really know what he was talking about. That is how little I knew about wartime Europe when 15 years old, but the Germans were the baddies. Still, Somerville was always kind to me.

In any case, I was more interested in sneaking away to meet the girls in the long grass at the back of the hockey field during lunchtime. Although a state school, Kyneton did have a gender separation barrier, mental and physical, which made it all the more exciting to transgress and hide in the grass.

I spend the morning in association, where prisoners meet in a common room. That is a room across from the cells where prisoners walk around, talk, have coffee, tea or soft drink, and make phone calls to their loved ones or their legal representatives. I again make contact with Gekko, who will remain in E Division for little while longer. He informs me that I will be out of Yatala because I am wearing overalls – he knows the routine.

After an hour or so I return to my cell, say farewell to cellmate Dave and I am off to a holding cell where five other prisoners sit around in almost silence. One by one we are called out and taken to reception where we

receive our civilian clothes, and I receive mine, including my much-needed elastic compression stockings – I breathe easy again!

Mr Ho appears and he takes three prisoners to a waiting minibus. I ask him, ‘Are you the gentleman from G Division?’.

‘Yes, I am the Chinaman from G Division, the only one’.

‘You were one of the few gentlemen there whom I found to have a sensibility that showed wisdom – must be because you come from a 7000-year-old culture, and consciously or subconsciously you’re carrying that burden with you on your shoulders, much like the Greeks and Italians carry their civilisation with them – and Germans carry only a 12-year civilisation but that was so monumental that the world is still worrying about it.’

He smiles and bids us enter the minibus, which soon begins its trip through the prison gates, turns right towards the new freeway that follows the road to the Gawler-Freeling turnoff where we trundle along the Freeling-Kapunda road, have lunch at Kapunda, then cross the Murray River at Morgan and after more than a 2-hour drive arrive at the Cadell Training Centre.

* * * * *

In E Division I again had pen and paper, and began to record my thoughts and impressions, thereby trying to make sense of my current situation:

1. Snapshots: Smoke-free environment exists in common rooms and corridors outside, and so there are cells for smokers and non-smokers; barter trade flourishes, as it does in prisons all over the world; the pettiness of it all – ¾ of inmates in here for trivialities: 5 days for resisting arrest – yet in the news I hear an off-duty policeman was attacked in Melbourne – definite level of social frustration accelerating – lost souls, gangs Association Laws against Bikies in South Australia and now also in Queensland = dangerous precedent. Will association laws against Revisionists be next? Communist hunt of 1960s – the logic of it transparent: racism – revisionism – nationalism = concepts carried by the enemy of what groups/organisations? Individuals who are outside of the in-group. Max Weber’s insights, but question: in politics is there the need for a friend-foe divide? It’s the win-lose dialectic of Marx/Talmud, rather than the win-win dialectic of Hegel where the opposites come together to conserve their differences in a new synthesis rather than one destroying the other. It’s the battle of the wills all over again and if, for example, the police are not there to be the whipping boys, then groups turn upon themselves, husband against wife, brother against sister, etc.

2. Local politics: atmosphere in cell - reflects tone of division - where there is laughter in the wings it's a sign of inmates' acclimatisation, of adjusting, of not despairing - especially among those who can see an end to their sentence; more problematic for those who are looking forward to spending years, decades, life in prison. For them there is no end to it and nothing to look forward to. What about being a prisoner in one's own mind? The power of imprisoning individuals with guilt-trip concepts - sin? Belief system criminalized - minds then controlled. The enemy becomes the one who brings a message of freedom, liberation from oppression, from deprivation of basic needs to character-building experiences, both physical and mental. The clearest example of this is what happened to state education in Victoria during the 1980s. The Marxist/Feminist value system proclaimed that the system should deliver 'value-free' education, and when the inevitable breakdown occurred, a 'new and democratic value system' was imposed where teacher accountability disappeared: students who failed in the system, failed because it was their fault for whatever reason; students who did well, did so because the teachers were good. It was a win-win situation for teachers only - they survived.

3. Choke on own hate: - choke on own hate - wish evil on others - the hate-filled Talmud speaks for itself and stands alone as a dialectic program fuelled by hatred. Basic concept such as 'common humanity' cannot flourish where it is a life-death confrontation with a special escape clause - if it at all falls apart for the proponents they can pull out the victim card and plead special needs - special anything and declare it as an 'antisemitic' attack, whatever...

4. The physical world of Division E-3 Cell-18: daily routine 0725 hours wake-up & breakfast; Work: 0800-11.30h & 13.00-15.45h.

Cell Rules: 54 points; infringement - punishment; damage - pay; diet; 10 minute showers; phone calls, shopping, medical care, support staff; Tuesday visiting inspector cf week 1 - only on request & in writing; infirmary - 'Prisoners are required to comply with all directions/instructions from officers. Failure to do so may result in your regime being changed and/or a loss of privileges.'

5. Privileges: - what's new in rehabilitation? Presume cleanliness - personal/cell; behaviour adapted to prevailing norm of Division. I think about the benefit of operating under the Universal Categorical Imperative, the system of principles and ideals, whereby civilized association is made possible; c.f. Week 1 in G Division, and Wandsworth. Therefore, as a repeat offender I am able to make prison comparisons, e.g. Mannheim = similar pattern operates in all prisons. The socially immature find it difficult to submit their personal needs to a strict disciplinary system that is supposed to 'punish' a guilty person's

transgression of some generally accepted social norm c.f. greed is good applied to the small-time criminal but not to the big time, e.g. bankers. I recall my student days at Kyneton High and woodwork teacher Mr Sommerville – Hock – always came out with words of wisdom; visited him in hospital: ‘Better to be a cleaner than a crook in a high position’, c.f. value-free education in Victoria – and all those who went along with it – stand condemned for failing students who needed guidance. I think of my former principal of Edenhope High, John Collins, who became Staffing Officer and looked after me while I was a part of the Victorian system; he gave me job after I return from Nigeria – but then he retired and soon after suicided, and then Labor and the VSTA moved in. Collins blamed every ill on teacher unions ... many prison inmates lack basic schooling. The government schools, not private schools, are run down because basic values not taught. Citizens are confronted by value systems when they join social/service clubs where basic polish is offered, but within a political context. For example, when English teachers were permitted to do their job, the now world-wide Toastmaster club, would have had no recruits because public speaking was taught in schools. Elocution lessons, debating, précis and essay writing, not to mention basic spelling and dictation, set up students for life. Is it coincidental that the German school system still prepares students a little more in basics and hence the club life – through Toastmaster, Lions, Rotary, et al, – is not really that popular, and by some are seen as a vehicle for US cultural imperialism, which is not necessarily a bad thing. Certainly the predatory monetary system has reached its ultimate corruption stage and one wonders how US financial advisers are still taken seriously as they lecture to so-called third-world countries about corruption.

6. The repeating pattern: – the pattern repeats generally with specific variations = local adaptations What principles/ ideals operate? Making sense of G Division – one week – easy = no rules = I did ask for cell rules and regulations but was advised none existed! But after one day a pattern emerges as hourly/daily/weekly routine. We are creatures of habit because habit is the flywheel of society. In E Wing no-one calls officers screws – gentler tone – Miss or Boss, I say: Sir or Madam. Language use by inmates and staff = liberal use of swear words; the f-word is common currency, but not other words; generally conversations are jesting but not vicious or offensive towards prisoners – a civilized tone, so long as the prisoner behaves and does not abuse his privileges – helpfulness evident; basic life’s wisdom maxim applies: fit in and don’t rock the boat, don’t whinge, don’t be too selfish but look after yourself first; Bro is used as address or first name if known...

7. Medication: times for intake: 0730 hours and 1830 hours – most important for most prisoners – liquid handcuffs – methadone program –

but that's when I begin to wonder why these individuals are in prison in the first place: an addiction is an illness that lasts for some time - heroin about 25 years - just like eating is an addiction - shared by all of us - some become fat some stay thin etc.

Obesity: This is the first time in human history that we have poor fat people. Again the concept/principle/ideal of balance is not applied by those who are out of balance, for whatever reason. In the world of engineering, if something is not running smoothly, then extra persuasive force may be applied in order to bring the machine /building human activity into balance/harmony, etc. construction.

Q: What happens when natural processes-nature is out of balance? Cf. climate change/global warming/greenhouse effect = basic premise that humans cause it = nonsense = done by motor that runs system = sun, and not footprint, which suggests that man-made processes effect natural processes/ forces. Control weather through HAARP?

Such hypothesising is fine if it stops there but it has become political - and financial costs - and collection of new taxes - managed by IMF World Bank?

Would shut down sectors of human activities - carbon sequestration - shutting down farming areas - protest in New South Wales - farmer on hunger strike - Level a tax on air passengers - madness - need protection from this kind of madness - we don't wish to be sucked into the maelstrom of another scam.

* * * * *

Prison Services Transparency

I have always wondered whether it is better to read up matters before exploring them, in this case, should I have looked at the Internet and found what there is about Yatala Labour Prison? Except perhaps in broad outline, most of my world travels have occurred without my planning and reading up on what someone else had found and recorded about a particular place. It is after the event I would read up the impressions of those who had gone before me. Hence I obtained the following after my release by going to the Internet:

Yatala is a high to medium security institution but it also accommodates low security prisoners who are in transit to another prison. Yatala can accommodate up to 468 prisoners all in cell blocks.

The entire prison is separated into distinctive units

B-Division accommodates high and medium security prisoners and protectees. Protectees are prisoners who need protection from the general prison population because of their crime or they are known to be an informant; or close supervision for their own safety. [Protective custody, for example, sex offenders – ed]. Extreme cases are accommodated in G-Division.

E-Division is the assessment and induction unit. All male prisoners are initially accommodated here where they will be interviewed by experienced staff for their needs such as health and education or their potential to work.

E-Division also has a small wing to which fine default prisoners are allocated.

F-Division is the working division of Yatala. The unit is in close proximity to the main industry facilities of Yatala which are the largest in the SA prison system.

G-Division is the highest security section of the entire prison system. It accommodates the most notorious and dangerous prisoners and those protectees who are considered in need of constant supervision. [- high media profile prisoners, also known as isolation or solitary confinement – ed].

Yatala also is the base of the Prisoner Assessment Committee which sets case plans and adjudicates on all prisoner movements regarding accommodation. This committee also sets security ratings for prisoners.

Chapter 14

A RIGHT OF REPLY

It did not surprise me to see the enemy of free expression continue its hypocritical behaviour by utilising the media to express its view on me. That form of behaviour is the result of Talmudic-Marxist non-reflection where the dialectic of them-us is writ large and where the battle-of-the-wills is one to the death, figuratively speaking of course, until legal means do not give them the satisfaction of silencing me – then it is time for Mossad to do its work and the figurative silencing becomes a literal fact!

The *Advertiser*, South Australia's state paper, led the prime ugly media pack, as it had done over past years. Its current editor, Melvin Mansell, let the following item through as an editorial on Saturday, 15 August 2009:

Jail a price Töben should have to pay

The views of Holocaust-denier Fredrick Töben have received considerable publicity throughout the world in thousands of media outlets.

Nearly 100,000 Internet pages are devoted to his defiance of the historic fact that Nazi Germany killed millions of innocent Jewish civilians because of their religion, and his alternative view that the killings were on a smaller scale.

Töben this week was taken into custody to serve a three-month jail term for his contempt of the Federal Court in relation to his publication of offensive material on the internet.

In the end it was the refusal of Töben to follow the instructions of the court which led to his jailing, rather than his outlandish and unsubstantiated views on World War II.

The jailing was succinctly summarised with the statement by the judges that 'obedience to the court is not optional'.

In the parlance of the common man, everyone is entitled to their opinion but they are also responsible for the consequences.

Jail is not censorship of Töben, it is a message from the community in which he seeks to live that his unfounded statements of fact are not only historically incorrect – they are offensive, unacceptable and denigrates not only the memory of the millions who had their lives snatched from them but also the daily struggle of those who survived the horror.

Never let it be said that there has been some conspiracy to silence Töben.

Jail does nothing to diminish the marketability of any message and never has.

The soap opera that is Schapelle Corby has become more widespread because of her incarceration.

Nelson Mandela secured a global audience for his struggle against apartheid because of his 27 years in jail.

The rise of Adolf Hitler – who penned his Nazi manifesto *Mein Kampf* while in prison – is another example.

Jail will enhance Töben's ability to appeal to the marginalised minority which, for whatever reason, feels excluded by society and history and seek an alternative reality.

Rather than censorship, the further dissemination of Töben's message on the back of his incarceration is a burden society will have to endure in order to do what is right by those he has damaged.

The only censorship involved in the Töben case was that inflicted by the Nazis on the millions of lost souls who didn't live long enough to have their opinions heard.

What Töben ultimately will have to contend with on his release is that his views will never receive the widespread acceptance that he must crave.

His alternative view of history will only ever be accepted by the extreme minority, either unable or unwilling to digest the overwhelming evidence left by the marauding and murderous regime which decimated the Jewish population of Europe during the war.

I sense an infantile and desperate tone in this item; that emphasis of wanting popularity, of flowing against the stream. The writer of this item lacks a profound appreciation of fundamental ideals that give our society, our very existence, meaning: TRUTH. The writer does realise that if there is a choice to obey the law or tell the truth, I would chose both, while he would chose obeying the law, and damn the truth.

I was rather surprised to see the solicitors for Jeremy Jones during the action before the HREOC and in the FCA, Peter Lewis and Peter Wertheim, given prominent space in the national newspaper *The Australian* of 18 August 2009 to put their case against me – as if the prison sentence was not enough of a message to the general public that any public discussion about matters Holocaust were now out of bounds. Is it a kind of gloating on their part or is it what I suspected all along that their compulsive behaviour prevents them from knowing when to stop? Prime uglies never know when to stop because they lack a basic foundation on which they can relax and find a home within their mind.

That I will not remain silent goes back to the basic fact that the Holocaust for me is a matter of identity as someone born in Germany, of German parents, who have been accused of having perpetrated some horrendous and unique crime against the Jews; no, a crime against humanity.

This is what Lewis and Wertheim penned:

Voice to be held in contempt. Freedom of speech should not be freedom to vilify, argue Steven Lewis and Peter Wertheim.

1. In a legal first, Australia's most notorious Holocaust denier Fredrick Töben, has been jailed for three months following the failure of his appeal this week for contempt of court arising from breaches of Australia's anti-vilification laws. The sentence follows seven years of Töben repeatedly ignoring court orders requiring him to remove racist material from his Adelaide Institute website.

2. His journey to prison began in 2002 when the Federal Court found Töben's website breached the racial-hatred provisions of the Racial Discrimination Act.

3. According to the court, material on the site suggested the Holocaust did not occur, that there were no gas chambers at Auschwitz, that Jewish people who believed in the Holocaust were of limited intelligence and that they have exaggerated the number of Jews killed during World War II to profit from what he described as 'a Holocaust myth'.

4. But it's not these claims, no matter how offensive they may be, that have landed Töben with a prison term. There are no criminal sanctions under the act.

5. Töben is going to jail for contempt of court. He was ordered to remove the offending material and he didn't. He promised to remove the material and then reneged. He apologised to the court but then recanted. True to form, he all but invited the court to lock him up.

6. Töben referred to judges as 'the Jewdiciary' and, again true to form, accused them of bias without a shred of evidence. We all have to obey the law and court orders. There are no special rules and privileges for the Tobens of this world.

7. While the decision to jail Töben will be welcomed by most fair-minded people, questions will rightly be asked about free speech and turning Töben into a poster-boy for racist fringe groups.

8. The suggestion that Töben, and others like him, should be able to say whatever they like regardless of how hurtful, inaccurate and ugly it might be, goes to the heart of our dearly held belief in freedom of expression.

9. But does this sort of commentary, publicly attacking people because of their race, ethnicity or religion, really constitute community debate? Is it an exercise of free speech, or an abuse of it. When Jews in Australia

are targeted, these questions take on a very sharp edge. Australia has the world's second highest percentage of Holocaust survivors after Israel.

10. Like all freedoms, the proper limits of free speech are exceeded when it is about causing harm. The basic question is whether vilification is sufficiently harmful to justify an intrusion by the law into this fundamental personal freedom.

11. Whether it's Jews, Muslims, homosexuals or women, the public vilification of entire groups of people can only undermine, and ultimately destroy, their sense of security, the birthright of every Australian.

12. Being constantly vilified as a member of a group, instead of being judged on one's social relationships. One is put on the defensive with workmates, friends, neighbours and anyone else with whom one interacts. Such is the power of modern communications. And vilification is the invariable precursor to violence against members of the targeted group.

13. The Racial Discrimination Act protects innocent people from this sort of harm.

14. But harm has to be proved in court according to objective criteria. The act makes it clear that it is not unlawful to publish material in good faith as part of a genuine academic, artistic or scientific debate, whether anyone takes offence or not. What's clear in the Töben case, and what the court found, was that his material is not part of a genuine debate about history or politics, as he claimed. The real thrust of his material is to use the internet to stoke up hatred against Jews as a group.

15. Some argue that if Töben had been left alone to spruik from his Adelaide-based hate website he would have remained an obscure failed school teacher talking to like-minded nutters. Not so. Töben is a determined publicity hound. In 1999 he travelled to his native Germany and was convicted in Mannheim of incitement to racial hatred and Holocaust denial. In Germany, for obvious reasons, trying to whitewash the Nazis' crimes is a criminal offence. Töben spent seven months in jail.

16. In 2006, Töben went to Teheran for an anti-Semitic hatefest, hobnobbing in the media limelight with a cavalcade of some of the world's most notorious racists including Iranian President Ahmadinejad and US Ku Klux Klansman David Duke.

17. The publicity around the legal proceeding against Töben in Australia has been a mere zephyr in his international media whirl.

18. For reasons that defy conventional analysis, Töben has spent most of his adult life vainly working to rehabilitate the universally disgraced reputation of Nazi Germany. And for Töben 'the Jews: are the principal obstacle'.

19. If Töben and his patsies confined their activities to ranting among themselves in private, few would care. But using our cherished freedoms and easy access to the mass media as a way of striking at the security of an

entire group of people on racial grounds tears at the fabric of our community and ultimately threatens those very freedoms.

20. History has vividly demonstrated that the relentless infusion of racism into public discourse is like drip-feeding poison into the democratic body politic. And in the words of American philosopher George Santayana: 'Those who do not remember the past are condemned to repeat it.'

Steven Lewis and Peter Wertheim are lawyers with Slater and Gordon who ran the racial vilification and contempt cases against Fredrick Töben.

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Here is my right-of-reply to the editor of the Australian on 28 August 2009:

Ugly minds at work demanding their Pound of Flesh

Sir,

Today I enter my third week of a 3-month prison sentence for contempt of court. This morning in the Cadell Training Centre's library I read a copy of *The Australian* of 18 August 2009 and, to my surprise found at page 12, in the Opinion section 'Voice to be held in contempt. Freedom of speech should not be freedom to vilify, argue Steven Lewis and Peter Wertheim'.

Permit me to respond in [point-form to the 21-paragraphs and to correct some of the nonsense these two well-known legal Zionists have put in print.

1. **#1:** It suggests that I have 'repeatedly ignored court orders' since Justice Branson handed down her 2001 Orders. Anyone who studies the so-called Holocaust-Shoah knows these orders to be nonsensical on account of their generality. Mr Anthony Grigor-Scott, who received the same-worded court orders from J von Doussa, had them dismissed on appeal to the Full Court of the FCA, which could not have pleased Mr Jeremy Jones, the then mouth-piece of Australia's Zionist Jews.

2. **#2:** The whole matter began in 1996, and not in 2002 as stated in the article. Rabbi Abraham Cooper of the Los Angeles-based Simon Wiesenthal Centre agitated Canberra's Attorney-General when Adelaide Institute went on-line on 1 May 1996. Jeremy Jones then localised the matter and lodged a complaint with the Human Rights and Equal Opportunity Commission. He refused to enter into any conciliation, this being the first step in an attempt to resolve a dispute before HREOC. Kirsty Gowans, who later left HREOC, informed me this matter was 'international politics' at work - which it was, and is to this day.

3. By using the Racial Discrimination Act, Australia's Zionists claim racial status for being Jewish and so claim protection from racial discrimination.

The truth is that Judaism is a religion, and by claiming it is a matter of race, and not belief, Lewis and Wertheim have adopted the National Socialist definition of Judaism. Hence the claim by opponents of the Zionist State of Israel that this is a racist entity in the Middle East, which acts/implements racist policies against Palestinians.

4. #3: The four-listed orders capture the material referred to as 'Holocaust denial', which is a nonsense because in any discussion Revisionist historians do not deny anything. What a Revisionist does is look at the material produced by so-called 'Holocaust scholars', evaluate it, then contextualise the material into a broader historical perspective. It is not the Revisionist historian's task to prove anything - whether something happened or not. The Revisionist can only expose the exaggerations, distortions, fabrications and outright lies, which makes so many of the 'official' Holocaust-Shoah narratives a jumbled mess of contradictions, emanating from a feverish mind.

5. Never in any of my writings have I suggested that the 'Holocaust believers' are of 'limited intelligence'. This order was authored by Catherine Branson, now president of Australia's Human Rights Commission - and from the Canadian experience with its Human Rights Commission, we know where ours is heading towards.

6. The problem with these court orders is that the factual material on which they rest was never tested for truth content in court. At no stage in the proceedings before HREOC and the FCA could I obtain legal counsel because I lacked the financial resources, and there were no barristers who would assist at this matter of fact stage. Branson thought my overseas trips indicated I had money to spare, and she would not accept my assurance that such trips are paid for by sponsors interested in having matters Holocaust clarified.

7. The Branson judgment was a summary judgment where the matters of fact - on which the four court orders rest - were never tested for truth content. For example, in 1996 van Pelt/Dwork de-commissioned at Auschwitz I Krema I as a homicidal gas chamber, and in 2002 a German, Fritjof Meyer, in *Osteuropa*, published his article wherein he claims there were no gassings at Auschwitz, and the actual gassings occurred outside of the camp in two farm houses. The four million deaths figure was orthodox up to 1988, but by the early 1990s the 20 plaques with that figure on them were removed and replaced with new ones on which is stated that 1.-1.5 million people died at Auschwitz-Birkenau. I could go on like this and show how the narrative continues to change.

8. Just this week in a media article it is reported that israel's Prime Minister Netanjahu's visit to Germany will see him presented with Auschwitz plans - Blueprints - that were recently found in a city

dumpster. The article then states that 1-1.5 million were killed at Auschwitz, not the original 4 million, without explanation, of course. Netanjahu will also visit Wannsee Villa where the 'final solution' was planned. This is contrary to what Prof Jehuda Bauer told me in 1991 on a visit to Melbourne. He stated that this Wannsee meeting was 'hardly' the beginning of the extermination process now called 'the final solution'.

9. It is instructive briefly to reflect on the two 'spreading false news' court cases Ernst Zündel fought in Toronto, Canada, in 1984/5 and 1988, where Prof Raul Hilberg had to admit under oath that his stated two Hitler written orders that began the 'final solution' – as stated in his *The Destruction of European Jewry* – did not exist!

10. **#4:** How can a questioning of historical events be offensive? That was the draw-card the Iranian President threw out to the world in December 2006 when he asked just before the International Holocaust Conference: 'Is the Holocaust not an historical event?'

Answer: 'Yes.'

Dr Ahmadienjad: 'Then, like any other historical event, let's investigate it, let's ask questions about it.'

The Response is always a vicious labelling of anyone who dares question the official Holocaust narrative as 'hater', 'Holocaust denier', 'antisemite', 'racist', 'Nazi', 'xenophobe', even now 'terrorist'. Mature enquiry is thus blocked. I ask: What have the Holocaust believers to fear from an open debate on this topic?

11. Further, under the Racial Discrimination Act, there are defences, such as work done for academic and artistic purposes. It appears that the material I and others produced and published had no redeeming qualities. Branson never defined what is and is not 'of academic value'.

12. The 'offensive material' claim is, of course, a mechanism of censorship, a one-way street for those who take everything literally, then feel hurt and aggrieved when they come across an opinion they do not agree with, then litigate. What amazes me was the tenacity with which Lewis and Wertheim kept on looking at the material posted on Adelaide Institute's website that could be used as evidence against me. Obsessive-compulsive behaviour would be an apt description. In would have thought that in a mature social democratic society anyone who comes across material found to be offensive and hurtful, would cease and desist from reading it and switch off. In legal terms it is the push-pull or the publish and purchase argument. Internet material is not pushed on to anyone but it has consciously to be pulled down or downloaded.

13. **#5:** My matter is one of persecution through legal prosecution. At this stage of legal argument the matters of fact that gave rise to the orders became irrelevant, and hence my statement about this matter that the

court acted as a proxy for Australia's Zionist Jews. Lewis and Wertheim can now claim the matter has become a contempt of court matter, which is now a new fact. The matters of fact of the Holocaust are now legally protected from any further public debate, except where officially sanctioned. Note the parallel that exists between Prof Ian Plimer now being labelled a 'climate change denier'. The same totalitarian mindset operates in this field as it does in Holocaust narratives that aim to protect interpretive orthodoxy – and that is totally unscientific because science teaches us that in the physical world there are no absolutes – only that which we create in our own minds is absolute, this being the essence of our belief system.

14. There were two apologies:

a. In November 2007 I indeed apologized to the court and removed all so-called offensive material, except a link to the Wayback Machine, which was not part of the agreement that gave rise to the apology. In a headline the *Australian Jewish News* gloated about my giving a 'Holocaust denial' apology, again a typical way of discrediting me. How could I ever change my views and opinions, if I have not received information on which to base such a change? The headline spelled out I had re-canted as did David Irving in 2005 in Vienna in the hope of getting a lighter prison sentence, which did not happen.

b. When I realized the trick involved in that written apology of November 2007, I publicly withdrew from it, but did not re-upload the removed material. I again submitted a written apology in April/May this year, which the court rejected, and which I now formally also withdraw. Jewish media reports indicated it was not enough of an apology, but as far as I was concerned it was a sincere apology to the court in the light of the Bishop Williamson apology made to the Pope earlier this year. I apologised to the court for upsetting it by my matter reaching it. Of course, such an apology does not contain a re-canting of my beliefs/opinions about matters 'Holocaust-Shoah'. To date Common Law does not criminalise firmly and sincerely-held opinions and beliefs.

15. **#6:** I published material, most of which I did not author because Revisionism is an international, multi-racial movement. In fact, anyone who thinks independently is a Revisionist because as new information becomes available, an active mind absorbs it and adapts. Hence the totalitarian mind's fear of the Internet, which has become our weapon of mass instruction.

16. It is a problem for me to tell the truth and to obey the law, and simply to obey absurd court orders is an insult for anyone who still nurtures some sense of justice. Wertheim and Lewis make fools of themselves by suggesting there is no evidence of bias in our FCA judges. The prime

example was Marcus Einfeld and Alan Goldberg who never tired of promoting matters Holocaust.

17. Anyone familiar with the hunt of Revisionists in so-called western democracies can observe a pattern that enables individuals to conclude this is a Jewish thing. However, I have always maintained that such a perspective has to be tempered with further insights into how human nature operates. Hence my maxim: 'Don't blame the Jews, blame those that bend to their pressure'.

18. It becomes instructive here to focus on what is going on in Palestine, where one soon realizes that such a small minority of individuals that make up Israel, has global power. But only the prejudiced would sheet home the blame to the Palestinian tragedy to only Jewish activity. On my visit to Israel during the early 1970s, I participated in a debate at Tel Aviv University. We had the typical New York Jew advocating the US settle in Israel and the Soviet Union in Egypt. To that a locally-born 'Sabre' objected: 'We don't need outside interference. The Arabs/Palestinians are like us - they feel like us, they speak like us, we are their brothers and sisters'. Needless to say the New Yorker stormed out of the meeting.

19. As an Australian of German descent I am particularly sensitive to this matter of blind obedience to any kind of orders, something the Allies at the Nuremberg War Crimes Trials claimed was a typical German mindset problem. According to this, Lewis and Wertheim would make excellent Roland Freislers.

20. **#7:** Sadly, the use of the term 'fair-minded', 'poster-boy' and 'racist fringe groups' reflects the pathological Lewis/Wertheim mindset and its values - puffery and guff and minds in vicious mode, perhaps filled with delusional grandeur.

21. **#8:** I smile here in my cell when I read on: 'dearly held beliefs in freedom of expression'. Hence we reach the fulcrum of their hypocrisy because anyone who worries about our human existence will inevitably ask questions, in a civilised way, of course - and that is something these fellows fear because for them the truth will bring down their world view because it is based on factual lies.

22. In a civilised debate all matters are discussed, often in a most delicate way so as not to upset those individuals who love to let themselves be upset so that they can then play the victim of whatever and so thereby sabotage critical talks. In 1994 Prof Deborah Lipstadt stated on ABC TV *Lateline* 'There is no debate on the Holocaust', which is an outright lie because the debate has been raging for over three decades, and my contempt charge is only the latest attempt to shut it down. No wonder that at no time since 1996 did any Australian Zionist attempt to debate with me any of the matters concerning the topic on which I have written four

books. My latest one co-published with Peace Books and *The Barnes Review* in the USA contains a Foreword by Gerard Menuhin, son of Lord Yehudi Menuhin. Were I what Lewis and Wertheim make out I am, then Gerard Menuhin would have pulled the plug on this venture a long time ago. Lewis and Wertheim would have difficulties fitting such information into their Talmudic-Marxist Weltanschauung.

23. **#9:** This nonsense premise, that my commentary is attacking someone because of 'race, ethnic or religion', serves to neutralize the basic Common Law Principle that shies away from criminalizing opinions. When I was arrested at Heathrow Airport on 1 October 2008, the German Civil/Napoleonic/Roman Law principles came into effect and thereby rejected a criminalizing of opinions. The flawed aspect of Australia's RDA has ruthlessly been used by Australia's Jews to silence debate on matters 'Holocaust-Shoah', thereby aligning Australia's legal system to that of Civil Law. Further, the concept of free expression has been split into free speech and hate speech. We can see how this tactic is, especially in the US, used in an attempt to stifle free speech in all our western democracies. There is no defence against hate-speech, and we have now reached the witch-trial mentality where dissenting minds were sentenced to death!

24. Although Lewis/Wertheim claim my conviction has nothing to do with the Holocaust, see above, here we have the lie to that - special pleading, special legal protection for Holocaust survivors. I have a German background and I take it as my right to enquire into the allegations that my father was part of the 'murderous war machine' that allegedly 'systematically exterminated European Jewry in particular in homicidal gas chambers at Auschwitz'.

25. **#10:** Again, here the premise is that asking questions - and not blindly agreeing, dissenting from the orthodox version of events - is an act of vilification. I reject this outright because the dictatorial shroud of the Holocaust-Shoah is not only found in Australia but in all western democracies. Fortunately it is cracking, as the Bishop Williamson matter showed when Sweden refused to assist German prosecutors in their follow-up of the matter. The fact that Revisionists, such as Germar Rudolf, Ernst Zündel, Wolfgang Fröhlich, Gerd Honsik, Sylvia Stolz and Horst Mahler are in prison for refusing to believe in the Holocaust, is reason enough to doubt the Lewis/Wertheim premise. In any case, for Zionists the 'Holocaust-Shoah' narrative is a powerful propaganda tool used to justify the Jewish state's extermination of the Palestinians.

26. **#11:** Why is it that the claim of vilification of minority groups rings hollow? Why does Lewis/Wertheim not include the vilification of Christians in this list, which is a regular occurrence? Why does he not include Germans who are constantly vilified in the media and elsewhere

by the 'Holocaust-Shoah' narrative? What about 70 per cent of Australians of Anglo-Saxon-Celtic origin who are ceaselessly vilified by all sorts of minority groups?

27. **#12:** Again, the hypocrisy of it all speaks for itself. My 'individual merit' has been disregarded outright - but then I forget, anyone in our society can get legal aid for whatever matter in order to get justice before our courts, except those labelled by Jews as 'hater', 'Holocaust denier', 'antisemite', 'racist', 'Nazi', et al. Such vilification is now legally state-sanctioned, all because the 'Holocaust-Shoah' narrative needs to be protected. Since when has an historical truth needed protection, alone legal protection? Of course, the well-spring of this hatred is never looked at - read the Babylonian Talmud.

28. **#13:** The RDA does nothing of the sort, and it's suspension in the Northern Territory to get problems resolved within Aboriginal communities reflects the legal fact that the RDA has serious flaws, certainly if we in Australia wish to live in a robust democracy where the plurality of opinions and voluntarism are cornerstones of our justice system - and where truth-telling remains a virtue and lying is a vice.

29. **#14:** This guff from Lewis/Wertheim about my work not being 'in good faith as part of a genuine academic, artistic or scientific debate' speaks for itself. These terms were never defined at the HREOC stage where Commissioner Kath McEvoy - and still law lecturer at The University of Adelaide - overrode all my protestations and material that went towards establishing the matters of fact of this case. She was even secretly involved with a process that led to the University of Canterbury, Christchurch, New Zealand, to initiate an enquiry into the Hayward Thesis, a copy of which I submitted to HREOC in defence of my legitimately producing material of an academic nature. With some satisfaction I note that Sir Karl Popper taught at Canterbury University just after the war and that I in 1976 I completed my thesis on his theory falsification principles. I need not mention, but will do so, that in 2006 I also enrolled in law at The University of Adelaide and actually failed Kath McEvoy's subject by 4 marks!

30. **#15:** Typical of the Marxist agitation propagandist, both Lewis and Wertheim reduce my motivation for enquiring into historical events as a mere quest for publicity. Such a comment reflects the poverty of their personal value system. I would have thought by the time a person matures it is a far deeper and more serious impulse that propels me, rather than the typical Hollywood-type of fantasies, namely a search for truth in history. Even now at 65 years of age and having survived my fifth prison stint, I view such a comment from Lewis/Wertheim as self-serving, perhaps reflecting upon their own shallow self-reflective powers and lack

of a universal value system, which indicates their moral and intellectual bankruptcy.

31. My travelling to Germany in 1999 there to speak with a public prosecutor, as I had done in 1997, aimed to clarify how German law initially used defamation law to silence individuals who question the Holocaust narrative. The first serious shot was fired in Germany in 1983 when the University of Göttingen withdrew the doctorate it conferred on Judge Wilhelm Stäglich. Why? During the war he spent time at Auschwitz concentration camp, and then wrote about it, *The Auschwitz Myth*, published in 1979 (need to check...date) The university considered the book did not meet academic standards and thus Stäglich was not worthy of retaining his doctorate. It was during the 1990s that Germany specifically enacted Holocaust denial legislation in its Section 130 of the Criminal Code, which forbids the defamation of the dead! Usually in defamation action the death of a person stops any kind of legal action, not so in Germany where the matter is handled by the Public Prosecutor and treated as a victimless crime. To date I still have not been convicted by the German courts because the matter is set for a re-trial in May 2010, but Lewis/Wertheim do not care much for the truth, otherwise they would be ashamed of plugging their pet lies of the Holocaust.

32. The use of the shut-up term 'race-hatred' and 'Holocaust denial' is used to suppress dissenting opinions from emerging in this politically correct western democratic world. It has nothing to do with the rehabilitating National Socialism, though obviously since October 2008 the parallels of banks crashing with that of the 1930s and the rise of National Socialism, cannot be denied. The fact that last year the US government bailed out banks invites historical comparison. But how can anyone 'whitewash the Nazi crimes', when we are not even permitted, for fear of legal persecution, from looking into them and evaluating them?

33. **#16:** Had I not left early, three weeks before the Teheran Holocaust Conference began, then the legal action against me, set down in Sydney for 5 December 2006, would have prevented my attending the conference. I escaped the legal clutches of this Jewish-inspired witch-hunt just in time – and they will never forgive me for making it to Teheran, and with a model of Treblinka concentration camp that illustrated how this particular narrative is a myth.

34. The fact that the Iranian President, Dr Mahmoud Ahmadinejad, is to date the only world statesman who has asked that the Holocaust narrative be reviewed – not revised – speaks volumes on the demise of our ideal of democracy in action. The Iranians cannot understand how democratic Germany, for example, and now Australia, imprisons individuals who dare question the veracity of the Holocaust-Shoah narrative. For them it

signifies a vibrant democratic world dying at the hands of a dogma that also spells out the death and extermination of the Palestinian people.

35. Using the racist tag does not grip in this instance because the Iranians would never feel comfortable with racist thinking!

36. **#17:** Some would say the Jews need me but I don't need them to lead a contented life. Even here in prison, first in Yatala and now at Cadell, inmates cannot grasp the reason why I am here inside. The contempt-of-court charge is laughed away and they maintain there must be a deeper reason. I inform them that I refuse to believe in the Holocaust, to which they start to laugh, sometimes responding rather puzzled, 'But I saw it on TV - it must be true.'

37. **#18:** I have never read such an analysis of what is supposed to motivate me. This paragraph is possibly a reflection of the writers' moral and intellectual bankruptcy because their state of mind seems so impoverished that they have become totally absorbed with things Jewish, a Judaic worldview - whatever that may be. In his quest to find the truth, Zionist Barry Chamish influenced my thinking. He confirmed what I noticed while visiting Israel in 1971 that those Jews who took up the call to populate Israel were themselves the target of deception. Israel was not a land without people and so its settlers were outright conquerors and replacing the Palestinians living there.

38. Nazi Germany is 'universally disgraced'? Far from it because the term 'disgraced' does not operate within an analysis where objective historical facts are analysed for truth-content. It appears the writers are delusional and stuck in the rut where Germans are still the world's whipping boy.

39. Poor Lewis and Wertheim for thinking I think Jews are the obstacle in my life. I don't need things Jewish but I do wish to know about German things because that the tradition from which I emerged - and there is this nonsense about Germans having systematically exterminated Jews in homicidal gas chambers - and it is my moral, social and legal duty to pursue such questioning. The Lewis/Wertheim thinking pattern is typical of parasitic thinking that enshrines Talmudic-Marxist dialectics where it is a win-lose contest because nothing springs from within such persons, and hence their belief of being God's Chosen People, has become a pathological myth. I know a number of Jews who have joined our common humanity, and they do not push their 'Jewishness' as obsessively as do Lewis and Wertheim. Think of Rabbi Joseph Gutnick who, while president of the Melbourne Football Club, wanted to ban Saturday football matches. When he was challenged by the club committee he did pull out the 'antisemitic' card, but it was all in vain because he had just overstepped his mark in pushing things Jewish on to the non-Jews. Think of Marcus Einfeld who was the guru of Holocaust propaganda in the

Federal Court of Australia, and who lied because of a \$77 traffic infringement. I shall not mention the matter of circumcision because periodically that is pulled out as a health issue, if not a necessity on religious grounds.

40. **#19:** The thought in this paragraph reflects what Lewis and Wertheim and other 'Holocaust-Shoah' promoters are on about. They don't have 'patsies' doing their work for them but rather use the court system as a proxy and then by deception they persecute through legal prosecution. We have numerous individuals who have experienced such legal persecution so what I experienced is nothing new because their unimaginative approach to solving problems remains primitive. They know that in open court their Holocaust-Shoah narrative will crumble, much like we have the climate change fear-mongers who unwittingly or knowingly are attempting to establish another unifying principle that will bring in some money, which the world bank or the IMF will administer. The new paradigm is needed because the Holocaust is losing its grip and the post World War two political order is falling apart, and a new universal Weltanschauung framework is needed.

41 This legal action has cost them dearly and this is an indication how important the Holocaust myth has become for these men, so much so that they have honed their legal argumentation to a fine art where the actual subject matter is discussed away and becomes irrelevant, and were the individual who refuses to go along with their nonsense is crucified. Again, their tactics are nothing new - though it may be new for the individual who first meets up with such mechanism of elimination. The whole action against myself, against Mrs Olga Scully, et al, has cost them perhaps a million dollars, if not more. This seems to confirm what Prof Norman Finkelstein called the 'Holocaust Industry', though he still remains a believer in the gas chambers' existence. Recently Prof Deborah Lipstadt of Emory University, Atlanta, USA, received a \$7 million grant to continue with her Holocaust propagation. And to think that for almost 14 years I had only a simple website hosted by a local Internet provider who supported free expression on the Internet - all financed through donations that never reached the dizzying heights of millions of dollars!

42. **#20:** In this final paragraph the kettle calls the pot black. As the Jews are not a race, this whole argumentation is spurious because they are the actual haters, as can be found in their moral primer called Babylonian Talmud. They have used the term 'racism' to their own advantage but never did they extend such protection to Palestinians - that's what history teaches us.

* * * * *

I could not let this article stand without my replying to it and so I wrote a covering letter addressed to the *Australian's* editor on 3 September 2009:

Dear Mr Whittaker,

With reference to the Lewis/Wertheim Opinion piece, The Australian, 18 August 2009, I would like to respond and hope you will offer me a Right-of-Reply after I exit the prison system on 12 November 2009. I shall certainly feature this item in my book on this matter.

Still, it's only an opinion, something my fight has been all about. I shall be judged by history, much like teachers are judged, not on immediate popularity but on long-term effectiveness, and such a judgment/opinion is usually reached after spending some time self-reflecting, i.e. the process of getting some wisdom, with which you as editor are quite familiar.

What I would like to ask of you is whether you are aware of SC Robin Margo having approached the Attorney-General about expediting, through new legislation any future cases of similar nature to mine.

It appears that US reports in Jewish media outlets mention such moves, of which nothing has as yet been reported in Australian media outlets.

Then there was a concise voice from the USA that augmented this matter:

Amelia Aremia says: Time To Fight Back!

Re: The Executive Committee of AustraliaJews asks Attorney General to streamline racial vilification

Back in August 18, 2009, Steven Lewis and Peter Wertheim wrote *Freedom of Speech should not be freedom to vilify*'. Although it has its certain merits; however, when it comes to those who question or deny the Holocaust, the word is grossly overused...denying freedom to those who question. Instead of debating the issue, these people are vilified and their good character is assassinated by instilling and reading into what the Jews twist to believe the questioners had written. To the average reader the questions do not sound offensive, racial hatred, racist or anti-Semitic but are logical questions when one considers that a Holocaust did not occur as such, for the killings not only included Jews.

Pulling a 'Holocaust' out of World War II, is, in itself, a racist act, ignoring millions of other minority or ethnic groups who met the same death. To question the Holocaust did not occur, or that there were no gas chambers at Auschwitz, that Jewish people who believed in the Holocaust have exaggerated the number of Jews killed during World War II to profit from what he described as 'a Holocaust myth,' are reasonable, not racist, anti-Semitic, or hatred. Many facts and stories were later proven wrong, or actually did not happen- even the 6 million supposedly killed had been reduced to a little over one million.

The floods of publicity for the alleged Jewish holocaust has never ceased, and seem totally out of balance when compared with the immoral silence about the Christian Holocaust in Bolshevik Russia, the Chinese massacre of nearly 80 million.. And now, Israel and the Zionists have made a criminal offense for anyone to inquire or to seek answers to this era of history—their Hate Crime Law, which they have become the biggest offenders of.

Even if the 6 million dead is correct, why is it that millions of words, dozens of books and movies, and oceans of tears have been poured on that one event, while nothing has been done to enshrine and memorialize the horrors of the methodical slaughter of 17 million Christians by Russian Bolshevik leaders, and top secret police officers, many of whom were 'Jewish?' Are not 17 million Christians worth the same moralization and sorrow as the alleged 6 million Jews?

There never was a storm of protest when 'Heads of States' wined and dined with some of the very men of the Soviet Union who played roles in the Christian Holocaust. Why? Why is Germany made to suffer guilt and continue to pay and pay for a 'war crime' after all these years? And finally, why haven't the allies signed a peace treaty with the Germans after more than 64 years, while keeping an army of occupation at great cost, all these years in Germany?

Why isn't there a memorial, also, in Washington, D.C. to the Christian holocaust? Why is there not one in Russia? Why are there no required courses in schools on this tragedy, as one on the Jewish Holocaust is being made mandatory? This is not an attack on the Jewish people; it is seeking to bring before the world's conscience the greater crime of murder of far more Christians than that of any number of Jews who died in the 'Jewish Holocaust.' Why are these questions not put before the courts and the major news media to answer??

No Christian, or other public affairs groups have ever made criminal charges against the public vilifying of Jesus Christ by Jews from the time they insisted that the Romans crucify him.....No non-Jewish groups have ever taken to court Menachem Begin who made a speech to the Knesset (the Israeli Parliament) that was published in The New Statesman in June 25, 1982. when he said: 'Our race is the master race. We are divine gods on this earth. We are different from the inferior races as they are from insects—other races compare to us as human excrement.'

Neither did any group speak out against Golda Meir, who was Israel's Prime Minister in 1969 when she said: 'There is no such thing as a Palestine people. It is not as if we came and threw them out and took there country. They did not exist.' For more than 60 years they have been wiping out the Palestines whom she claimed did not exist. (Is not a denial of an ethnic group an act of racism and hate?)

Like all freedoms, the proper limits of free speech are exceeded when it is about causing physical and mental harm or monetary loss.... But harm has to be proved according to objective criteria. The questions raised by the historian/revisionists were never debated, or proved wrong or harmful ...simply questions of a 'genuine academic group seeking clearer facts and scientific debate. The real thrust that such questions are to use the internet to stoke up hatred against Jews as a group, is an unproven statement that has never been clarified or actually been part of a genuine debate about history, but only distorted politics.

'It is the Jews who originated biblical exegesis (a critical analysis of the Bible), just as they were the first to criticize the forms and doctrines of Christianity...Truly has Darmesteter written: 'The Jew was the apostle of unbelief, and every revolt of mind originated with him.'" (Bernard Lazare, *Antisemitism: It's History and Causes*, London: Britons Publishing Co., 1967, pp. 149-151).

The Anti-Defamation League, the Jewish Congress, and many other Jewish organizations are 'watchdog groups' around the world, seeking to condemn anyone for any statements that can be twisted into a 'Hate Crime,' turning people into 'criminals' and having them imprisoned. History shows that ever since 'Jews' were finally dispersed from the promised land of Milk and Honey by their God for not obeying his commandments, they have sought revenge wherever they migrated, and not assimilated. 'The Jews claim to be the torchbearers of civilization, but through their parasitic habits have deteriorated or destroyed every nation in which they have existed in large numbers.' (Charles A. Weisman, *Who is Esau-Edom?* -p 28)

'Ever since the Jews invented the libel charge of 'anti-Semitism' in the 1880s. It was first printed in the Jewish Encyclopedia,(1901 Vol. I , p. 641), and has been built up with Jewish money, organizations, propaganda, and lies (such as the Holocaust- Holohoax), so that now the word is like snake venom which paralyzes one's nervous system. Even the mention of the word 'Jew' is shunned unless used in a most favorable and positive context.' (Charles A. Weisman, *Who is Esau-Edom?* - p. 63).

There is no concerted effort by any group to fight free speech vilifying non-Jewish races, or ethnic groups by their smears and gross insults. While there is still some freedom of speech, the world needs to counter the Jewish influence that is being inflicted through this 'Hate Crime Law' being foisted upon the governments of still independent nations, and superceding the United Nations Resolutions.

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and

fundamental freedoms for all, without distinction as to race, sex, language or religion, that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations, that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination as based on This Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Article 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practices and teaching.

2. No one shall be subject to coercion, which would impair his freedom to have a religion or belief of his choice.

Article 3

Discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

This makes no need for the 'Hate Crime Law' that has been instigated by the Jewish organizations, and being foisted on individual nations to supercede the UN and their own government laws... such a law will, and can only encourage more hatred.

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Chapter 15

SUBMISSIONS TO THE FEDERAL ATTORNEY-GENERAL

Letters about my case were sent by Peter Hartung, the new director of the Adelaide Institute, to Robert McClelland, the Federal Attorney-General in Canberra.

5th September 2009

Dear Sir,

As reported in the Jewish Australian Online News, I note that you have recently met with a delegation from the Executive Council of Australian Jewry. I understand from this report that what was discussed concerns the following points:

1. The Government to consult with ISP providers in Australia, suggesting to them that they should impose a voluntary code of conduct banning sites found to be promoting racial hatred.
2. That once the Australian Human Rights Commission publishes an opinion upholding a racial vilification complaint, such a ban could come into effect pending any final determination by a court.
3. That the current legislation be amended to allow for the total removal of a website should there be repeated offences.
4. That the law be amended to deal with whichever persons were involved in the contravention.
5. That any new convention should obligate the individual States to enact legislation to require ISP operators within their borders to ban hate-sites.

I wish to bring to your attention some points, which are relevant to the above:

1. That the Australian Jewish community were among the most important backers of the racial vilification bill, when it was introduced (see attached article - *Racial vilification bill: the real agenda*, **News Weekly**, July 2, 1994)
2. That prior to the introduction of the bill, concerns were voiced that it would be used to prevent anyone from the free expression of ideas. It was predicted that 'It is equally possible, indeed likely, that once a racial hatred law is on the Federal statute book it will be misused at the behest of some lobby group which has successfully stacked a few branches of the Labor Party and wants to silence views which it finds offensive, even if they are expressed moderately and in the course of ordinary debate. (see attached article *Lying by legislation* , **The Australian**, 12 November 1994 (The same inference of course applies also to the Liberal Party)
3. With reference to the above; 'remarkably, the Liberals' Deputy Leader Peter Costello who was also in attendance at the conference refrained from distancing his party from Mr. Keatings's bill.' (ie they also supported the bill)
4. That the Act has, in fact, been used by a very small, but influential lobby group, namely the ECAJ. (Australian Jews represent approximately 0.5 % of the population)
5. That no other religious group has influence of the same order as this group.
6. That the ECAJ are the main beneficiaries and end-users of this legislation. (see attached - ECAJ Cases under the Racial Hatred Act.
7. That the ECAJ has persecuted a Christian Group, an elderly widow, and of course the intellectual, Dr Toben, all for having views which do not coincide with their own, under the guise of racial hatred.
8. That the courts have a standard formulated order that was used in all of the above-mentioned cases involving 'Holocaust Denial', and, that includes the following: "The respondent be restrained from publishing or republishing to the public by himself or any agent or employee and whether on the World Wide Web or otherwise:
9. (iii) any other material which conveys the following imputations or any of them:
 10. there is serious doubt that the Holocaust occurred;
 11. it is unlikely that there were homicidal gas chambers at Auschwitz;
 12. Jewish people who are offended by and challenge Holocaust denial are of limited intelligence; and
 13. some Jewish people, for improper purposes, including financial gain, exaggerated the number of Jews killed during World War II and the circumstances in which they were killed.'

14. That 'Holocaust Denial' is the major 'offence' which is pursued by the ECAJ under the Racial Hatred Act.
15. That Australia does therefore, in fact have a de-facto 'Holocaust Denial' Law
16. That no other historical event is in need of protection by law
17. That the veracity of the respondent's claims are never investigated, and under the Act are irrelevant.
18. That the proper academic course of understanding History, is research, discussion, debate, and irrefutable scientifically documented proofs.

In relation to the Jewish religion, please consider the following:

1. The Jewish religion as it is today, traces its descent, without a break, through all the centuries, from the Pharisees of the New Testament
2. The Babylonian Talmud is the sole Authority of the Jewish religion.
3. The widespread 'Judeo-Christian' notion that the Old Testament is the supreme book of Judaism, is false. The Pharisees teach for doctrine the commandments of rabbis, not God.
4. Whatever laws, customs or ceremonies that Jews observe — whether Orthodox, Conservative, Reform or merely spasmodic sentimentalists — all follow the Talmud. It is their common law.
5. That the teachings of the Talmud are not generally known to Gentiles.
6. That through the ages, in European history, when the laws of the Talmud became commonly known, it was burned over and over by order of the Popes, excoriated by Martin Luther, denounced everywhere, and its followers exiled from one country after another down through the centuries
7. That the Talmud reverses every one of the Ten Commandments, the teachings of Moses and the Prophets, and enshrines their opposites under a 'whited sepulchre' which is a disguise for murder and 'all uncleanness,' as Jesus Christ charged.
8. According to the learned Jewish historian, Bernard Lazare, in his book 'Antisemitism: Its History and Causes, 1894', 'Wherever the Jews settled after ceasing to be a nation ready to defend its liberty and independence, one observes the development of antisemitism, or rather anti-Judaism; for antisemitism is an ill chosen word, which has its *raison d'être* only in our day, when it is sought to broaden this strife between the Jew and the Christians by supplying it with a philosophy and a metaphysical, rather than a material reason.
9. If this hostility, this repugnance had been shown towards the Jews at one time or in one country only, it would be easy to account for the local causes of this sentiment. But this race has been the object of hatred with all the nations amidst whom it ever settled. Inasmuch as the enemies of the Jews belonged to divers races, as they dwelled far

- apart from one another, were ruled by different laws and governed by opposite principles; as they had not the same customs and differed in spirit from one another, so that they could not possibly judge alike of any subject, it must needs be that the general causes of antisemitism have always resided in Israel itself, and not in those who antagonized it.
10. That Jewish individuals, who have been raised with the Talmudic mindset, hold extraordinary World-wide influence through their substantial control of much of today's mass media, including most of Hollywood, most Television networks, newspapers and magazines, and impose their moral view of the world, which is inspired by the Talmudic traditions of their ancestors.
 11. Attached extract from the book 'The Talmud unmasked - The secret rabbinical teachings concerning Christians', is a good introduction (but by no means comprehensive) to the laws and customs of Talmudic Judaism.

In addition to the above, and in relation to Dr. Töben's case, I would like to state the following:

1. That questioning the veracity of any historical claim is the basis for a free and healthy society, and is allowed in all cases except with reference to the 'Holocaust'
2. That Dr. Toben's case dragged on for thirteen years. It was partly because no action was pursued against him for 6 years, that the case dragged on for so long.

In light of the preceding, and taking into consideration the fact that myself, the Adelaide Institute Website, and Dr. Toben are at least initially the principal ones (but by no means the only ones), whom the ECAJ has targeted in their submissions to you, I ask that I be given the opportunity to meet with you at a convenient time and place for further discussions, and submissions.

I invite you to visit the Adelaide Institute Website, www.adelaideinstitute.org

* * *

9th November 2009

Dear Sir,

I refer to your letter of 30 October 2009, and thank you taking the time to reply. There are some points of my letter to you dated 5 September 2009, which remain unanswered, and some further issues which I bring to your attention.

1. I asked to be given the opportunity to meet with you at a convenient time and place for further discussions and submissions. You have not responded to that request. To reiterate, I ask that you grant me and my associates the same privilege that you granted to members of the Zionist/Jewish community.
2. In your reply to me, I quote; ‘Thank you for taking the time to bring your views to the Government’s attention’. This needs clarification on my behalf. The issues that I have raised are not the ‘views’ or opinions of myself or anyone else. They are historical and religious facts!

History has shown that the causes of anti-Semitism, in relation to Judaic law, culture and religion, are nearly always based on Jewish supremacist attitudes. The Jewish illusion of being ‘God’s chosen ones’, has led to their unwillingness to integrate/intermarry and assimilate into our multi-cultural/multi-racial society in Australia. Their anti-Gentile hatred, as prescribed in the Babylonian Talmud, is sickening, racist and inhuman. (I refer again to the attachment to my previous letter, entitled ‘The Talmud unmasked’).

I bring to your attention the fact, that these very Talmudic laws and traditions are taught in Synagogues and Jewish religious schools and institutions, which are subsidized by Australian taxpayers money! A synagogue is a public place of worship, free for anyone to attend, Jewish or non-Jewish. (Similarly, anyone may attend Christian churches, Hindu or Buddhist temples or Islamic mosques). Will your government condemn this offensive behaviour based on racial hatred? I quote again from your letter; ‘The Australian Government strongly condemns offensive behaviour based on racial hatred.’

Your government has addressed the anti-Gentile hatred of some Imams of the Islamic community in Australia, and they have been subjected to the full force of the Australian Racial Vilification Act. However, your government has been very quiet when it comes to the excesses of the Jewish religion. In fact, your government behaves as though it is unaware of the situation, even giving the Jewish community a preferential status.

I bring to your attention also, the fact that the horrible and inhumane Jewish (and Halal) ritual animal slaughter methods, as practiced here in Australia, are against the Law in this country! No animal is allowed to be killed in Australia without being first stunned. Your government (and previous governments) have ‘turned a blind eye’ to this situation.

I look forward to your reply, and again ask for the opportunity to meet with you at a convenient time and place for further submissions.

* * *

Hartung's submission included the following articles:

Lying by legislation

Padraic P McGuinness, *The Australian*, 12 November 1994

The art of political lying has received considerable public attention recently. But one form of it has been raised to a high point by the Federal Government virtually without notice. This is the legislative lie, whereby a piece of legislation is introduced into Parliament and pushed through as if it were of great urgency, while all the time the Government keeps on reassuring us that all the critics of the legislation are exaggerating or being paranoid and alarmist. If there should prove to be problems, why then, amendments will be introduced to deal with them.

Much the same argument has operated when new international conventions and treaties have come into force - there is nothing really to worry about. We are just doing what any good international citizen would do. The fact that very few other 'good international citizens' in fact give international obligations the domestic force that we do, or use them to change the distribution of power laid down in a federal constitution, is airily dismissed. Indeed, most of the 'good international citizens' who have happily signed international conventions have done so with not the slightest intention of implementing them domestically.

The racial hatred bill is the latest example of this. It was never given to the Opposition to read, and yet it is being told that there is really no threat to free speech in it. Why not then have discussed it with the Coalition in draft? Those critics of such legislation who cannot be categorised as being part of the Opposition are told that they are making far too much fuss, that the bill will really not prevent anyone from the free expression of ideas, especially if they are sincerely held. Whoever thought that racists were insincere?

The Government really has no justification for legislating in this way, by promise and reassurance. Careful legislative drafting and thorough parliamentary and public examination of any proposed law are needed before anyone can say with any reasonable assuredness what its effects might or might not be.

Even then nobody can predict exactly how the courts will construe the legislation when it is in force, and what parts of it they might find to be valid or invalid on constitutional grounds. It may indeed emerge that an act of Parliament could turn out to have quite draconian implications whatever the bland reassurances given by the Government. And without proper examination of the law in draft, it is difficult to know exactly what the Government really does intend as well as what the actual effect of the law will be.

There is a certain cavalier evasiveness which has become the stock in trade of the Attorney-General, Michael Lavarch, and his colleagues responsible for various laws. Lavarch does not have the legal knowledge, training or experience to know what most of the laws his department produces for him in fact mean. So we do not know, and no private-sector lawyer is allowed to know in good time, what the effect of any law is likely to be. It often takes months or years to work this out.

When the Government is caught out in its various grubby attempts to interfere with civil liberties it pretends that it is quite happy about it.

Thus the Political Broadcasting Act was intended to muzzle those critics of the Government who felt that their views were not adequately reported by the media, and who therefore would buy advertising space or time to present their views as they wished. This was a cynical device intended to save the Labor Party money by preventing the presentation of the views of its non-party critics. It would also have greatly magnified the powers of the media, especially TV, where Labor is notorious for bestowing favours on those who favour it. Fortunately, for free speech, the High Court decided that this was just not compatible with democracy.

What happened? The minister responsible immediately said that this was a wonderful thing, and pointed the way to a Bill of Rights, guaranteeing free speech and political liberties.

What happened to the Bill of Rights? A Human Rights (Sexual Conduct) Bill was introduced to prevent interference in the bedroom antics of Tasmanians. What did the rest of the community gain by way of extension and protection of their rights? Nothing at all.

The mealy-mouthed Lavarch began by saying that prosecutions were unlikely under his new racial hatred legislation. If so, why introduce it?

Yet he also conceded that somebody of American origin might have a case for compensation if he was called a 'septic tank' in public. But he also claimed that the law would have a mainly educative function, even while proposing that the accused might be faced with hearings by the Human Rights and Equal Opportunity Commission. He argued that the fact that there has been no prosecutions under the NSW act meant that there was no evidence that free speech had been stifled.

Well, there have been few prosecutions under the Tasmanian law, which is supposed to have such a terrible impact on homosexuals in that State - none at all in recent years. In fact even full and graphic confessions by homosexuals have failed to evoke prosecution. By his own logic, therefore, the Attorney-General would have to admit that there was nothing to worry about in the Tasmanian law. It is just there to educate people.

Of course the urgency of action against the Tasmanian law did not spring from the dishonest determination of the UN Human Rights Committee,

but from the hope of gaining the support of the gay and lesbian lobbies and fomenting dissension in the Coalition, particularly in the Liberal Party, where there is an active gay lobby. However, there is indeed a danger that a less civilised Tasmanian government of the future, or a government stirred into action by populist extremists, might misuse the law if it is on the statute book.

It is equally possible, indeed likely, that once a racial hatred law is on the Federal statute book it will be misused at the behest of some lobby group which has successfully stacked a few branches of the Labor Party and wants to silence views which it finds offensive, even if they are expressed moderately and in the course of ordinary debate.

The only guarantee which can be believed in the good faith concerning civil liberties of a party which has tried to censor political free speech, which has tried to introduce a national identity card, and which recently commissioned a report (of the committee on the centenary of Federation chaired by Joan Kirner) which blithely proposed the establishment of a complete photographic record of the whole population.

What wouldn't a future authoritarian government give for a database like that!

* * *

Racial vilification bill: the real agenda

Editorial, *News Weekly*, July 2, 1994, pg. 3

(added emphasis underlined)

The Keating Government's planned Racial Vilification Bill is one of the worst pieces of legislation ever put up in this country. Not only is it unnecessary for achieving its stated purpose - which is in the words of the Prime Minister, to 'safeguard our record of tolerance' - it is also a direct threat to the rights of Australians to freely hold and express their own political opinions.

The bill has been widely condemned in the press. That is not necessarily a valid reason for opposing it - journalists are frequently as prejudiced in their own ways as any other interest group - but the arguments raised in relation to this particular piece of legislation are overwhelming.

The concept of incitement to racial violence or hatred - which the court wants to outlaw - is an extremely difficult one to enshrine in law. Unlike clear-cut anti-social acts like destruction or defacement of property, or creating a public nuisance in the streets (all of which are already illegal, and rightly so), the concept of incitement relies 'as much on intention and attitudes as on spoken words'. In other words, what is to be outlawed under this legislation is certain kinds of ideas. It is a thought control bill.

INTIMIDATION AND CONTROL

This is the real agenda of those who are promoting racial vilification legislation - to use the law to intimidate, and thus to control the expression of opinions with which they disagree. No credibility can be placed in the claim by supporters of this bill - because no evidence has been advanced for it - that there has been any recognisable increase in racial vilification of ethnic groups which might justify a new law. The Minister for Immigration and Ethnic Affairs, Senator Bolkus has made an unsupported assertion that the offences to be outlawed by the bill 'are of such magnitude that the criminal sanction is the most appropriate one'. But remarkably he did not say what these offences were.

It is true that at the time of the Gulf War there was a brief spate of attacks on some Islamic communities in Australia. Nevertheless it is notable that it is not the Arab or Islamic communities which are the strongest proponents of the racial vilification bill. Where Australian Arab community representatives have publicly addressed the issue of Mr. Keating's bill, they have generally emphasised the importance of education, not criminal sanction, in overcoming racial prejudice. Mr A. Elkotrib, chairman of the Australian-Arabic Brotherhood Charitable association, went further: 'We are concerned that the proposed legislation will limit the democratic right of freedom of speech that is accepted as the foundation of Australia's multicultural society.'

According to former Labor Cabinet Minister Peter Walsh, impetus for the racial vilification bill comes from a 'cell of social engineers in the Attorney-General's Department who, with a few other fringe groups, have been pushing for such legislation'. He also says the bill is aimed at limiting what it is permissible to think, rather than what it is permissible to do. Criticising the Prime Minister for his support of the bill, he wrote:

- 'Both violence and incitement to violence, racial or otherwise, is already a crime - a fact acknowledged in Keating's May 28 speech by reference to long-term jail sentences handed down in Perth. He went on, however, seemingly to deplore the fact that these people were prosecuted only for what they did, not for what they believed.'
- A further important argument advanced by Peter Walsh was that whatever little racial conflict or violence does exist in contemporary Australia, most of it is 'between ethnic groups, rather than immigrant groups and the mainstream population, against which the social engineers are aiming this legislation.' The conflict over Macedonia is a prime example of this point.
- What's more, responsibility for some of this conflict can fairly be sheeted home to the very Government which is promoting racial

vilification legislation. This was pointed out by Monash University political science lecturer Max Teichmann, in a further attack on the bill:

- ‘The only real threat of racial violence here was created by the Federal Government when it played off the Greeks and the Macedonians and then welshed on them’, he said. ‘The Immigration Minister, Senator Nick Bolkus, was a key factor in that fiasco.’
- ‘The main occasion for racist utterances here was when 50,000 Greeks charged down Bourke Street looking for Bolkus, with important sanctions in mind, only pausing occasionally to slag the Macedonians’
- Luckily, they ran into our Jeff [Victorian Premier, Mr. Kennett], who promised them sunshine right through Winter and a mini-GP in every back yard. otherwise the souvlaki could have hit the fan.’
- Max Teichmann said it was ‘either obtuse or insulting’ to Australians to suggest that events that took place in Germany after 1930, and in parts of Europe since, could happen here. ‘To use the new lingo of Mark Liebler, it is on the edge of a racial slur
- It is significant that Mr. Teichmann chose to mention Mr. Liebler in this context because it is Mr. Liebler and other prominent representatives of the Australian Jewish community who have been among the most important backers of the racial vilification bill. Nor is it co-incidental that when Mr. Keating chose recently to re-ignite debate on the bill, he did so at a conference of the Zionist Federation of Australia. Remarkably, the Liberals’ Deputy Leader Peter Costello who was also in attendance at the conference refrained from distancing his party from Mr. Keating’s bill. Thus it appears to have bipartisan support.
- Those who have cause to publicly disagree with these Jewish representatives - as this newspaper did in criticising certain aspects of the push for war crimes legislation a few years ago - have in the past found themselves unjustly castigated as ‘anti-Semitic’. If those who are willing to toss around such labels without just cause are to be allowed to enshrine their own political agendas in Australian law, we are all in trouble.

* * *

Excerpt from *The Talmud Unmasked:*

The Secret Rabbinical Teachings Concerning Christians

Rev. I.B. Pranaitis, Roman Catholic Priest, St. Petersburg, 1892

Chapter II: Article II. - What the Talmud Teaches About Christians

In the preceding chapter we saw what the Jews think of the Founder of the Christian religion, and how much they despise his name. This being so, it would not be expected that they would have any better opinion about

those who follow Jesus the Nazarene. In fact, nothing more abominable can be imagined than what they have to say about Christians. They say that they are idolaters, the worst kind of people, much worse than the Turks, murderers, fornicators, impure animals, like dirt, unworthy to be called men, beasts in human form, worthy of the name of beasts, cows, asses, pigs, dogs, worse than dogs; that they propagate after the manner of beasts, that they have diabolic origin, that their souls come from the devil and return to the devil in hell after death; and that even the body of a dead Christian is nothing different from that of an animal.

1. IDOLATERS

Since Christians follow the teachings of *that man*, whom the Jews regard as a Seducer and an Idolater, and since they worship him as God, it clearly follows that they merit the name of idolater, in no way different from those among whom the Jews lived before the birth of Christ, and whom they taught should be exterminated by every possible means.

This is best demonstrated by the names they give Christians, and by the unmistakable words of Maimonides which prove that all who bear the name of Christian are idolaters. And anyone who examines Jewish books which speak of the ‘Worshippers of the Stars and Planets,’ ‘Epicureans,’ ‘Samaritans,’ etc., cannot but conclude that these idolaters are none other than Christians. The Turks are always called ‘Ismaelites,’ never idolaters.

2. CHRISTIANS WORSE THAN THE TURKS

Maimonides in *Hilkoth Maakhloth* (ch. IX) says: ‘It is not permitted to drink the wine of a stranger who becomes a convert, that is, one who accepts the seven precepts of Noah, but is permitted to gain some benefit from it. It is allowed to leave wine alone with him, but not to place it before him. The same is permitted in the case of all gentiles who are not idolaters, such as the Turks [Ismaelites]. A Jew, however, is not permitted to drink their wine, although he may use it to his own advantage.’

3. MURDERERS

In *Abhodah Zarah* (22a) it says: ‘A Jew must not associate himself with gentiles because they are given to the shedding of blood.’

Likewise in *Iore Dea* (153, 2): ‘An Israelite must not associate himself with the *Akum* [Christians] because they are given to the shedding of blood.’

In the *Abhodah Zarah* (25b) it says: ‘The Rabbis taught: If a Goi joins an Israelite on the road, he [the Jew] should walk on his right side. Rabbi Ismael, the son of Rabbi Jochanan the nephew of Beruka, says: if he carries a sword, let the Jew walk on his right side. If the *Goi* carries a stick, the Jew should walk on his left side. If he is climbing a hill or descending a steep incline, the Jew must not go in front with the Goi behind, but the

Jew must go behind and the *Goi* in front, nor must he stoop down in front of him for fear the *Goi* might crack his skull. And if he should ask the Jew how far he is going, he should pretend he is going a long way, as Jacob our Father said to the impious Esau: *until I come to my Lord in Seir (Gen. XXXIII, 14-17)*, but it adds: *Jacob set out for Sukoth.*'

In *Orach Chaiim* (20, 2) it says: 'Do not sell your overcoat (*Talith*) with the fringes to an Akum, lest he should join up with a Jew on the road and kill him. It is also forbidden to exchange or lend your overcoat with a Gentile, except for a short time and when there is nothing to be feared from him.'

4. FORNICATORS

In the *Abhodah Zarah* (15b) it says: 'Animals of the masculine sex must not be left in the barns of the Gentiles with their men, nor animals of the feminine sex with their women; much less must animals of the feminine sex be left with their men and of the masculine sex with their women. Nor must sheep be left to the care of their shepherds; nor must any intercourse be had with them; nor must children be given into their care to learn to read or to learn a trade.'

In the same tract a little farther on (22a) it is explained why animals must not be allowed in the barns of Gentiles, and why Jews are not permitted to have sexual intercourse with them: 'Animals must not be allowed to go near the *Goiim*, because they are suspected of having intercourse with them. Nor must women cohabit with them because they are over-sexed.'

In fol. 22b of the same book the reason is given why animals especially of the feminine sex must be kept away from their women: '...because when Gentile men come to their neighbors' houses to commit adultery with their wives and do not find them at home, they fornicate with the sheep in the barns instead. And sometimes even when their neighbors' wives are at home, they prefer to fornicate with the animals; for they love the sheep of the Israelites more than their own women.'

It is for the same reason that animals are not to be entrusted to *Goi* shepherds, nor children to their educators.

5. UNCLEAN

The Talmud gives two reasons why the *Goiim* are unclean: because they eat unclean things, and because they themselves have not been cleansed (from original sin) on Mount Sinai. In *Schabbath*, (145b) it says: 'Why are the *Goiim* unclean? Because they eat abominable things and animals that crawl on their belly.'

Likewise in *Abhodah Zarah*, 22b: 'Why are the *Goiim* unclean? Because they were not present at Mount Sinai. For when the serpent entered into Eve he infused her with uncleanness. But the Jews were cleansed from this

when they stood on Mount Sinai; the *Góim*, however, who were not on Mount Sinaim were not cleansed.'

6. COMPARED TO DUNG

'When ten persons are praying together in one place and they say *Kaddisch*, or *Kedoschah*, anyone, even though he does not belong there, may respond Amen. There are some, however, who say that no *dung* or *Akum* must be present.'

In *Iore Dea* (198, 48) *Hagah*, it says: 'When Jewish women come out of a bath they must take care to meet a friend first, and not something unclean or a Christian. For if so, a woman, if she wants to keep holy, should go back and bathe again.'

It is worthy of note that the following list of unclean things is given in *Biur Hetib*, a commentary on the *Schulchan Arukh*: 'A woman must wash herself again if she sees any unclean things, such as a dog, an ass, or People of the Earth; a Christian (*Akum*), a camel, a pig, a horse, and a leper.

7. NOT LIKE MEN, BUT BEASTS

In *Kerithuth* (6b p. 78) it says: 'The teaching of the Rabbis is: He who pours oil over a *Goi*, and over dead bodies is freed from punishment. This is true for an animal because it is not a man. But how can it be said that by pouring oil over a *Goi* one is freed from punishment, since a *Goi* is also a man? But this is not true, for it is written: *Ye are my flock, the flock of my pasture are men (Ezechiel, XXXIV, 31)*. You are thus called men, but the *Góim* are not called men.'

In the Tract *Makkoth* (7b) he is said to be guilty of killing 'except when, if intending to kill an animal he kills a man by mistake, or intending to kill a *Goi*, he kills an Israelite.'

In *Orach Chaiim* (225, 10) it says: 'He who sees beautiful creatures, even though it be an *Akum* or an animal, let him say 'Blessed art thou Our Lord God, King of the Universe, who has placed such things on the earth!''

8. THEY DIFFER ONLY IN FORM FROM BEASTS

In *Midrasch Talpioth* (fol. 225d) it says: 'God created them in the form of men for the glory of Israel. But *Akum* were created for the sole end of ministering unto them [the Jews] day and night. Nor can they ever be relieved from this service. It is becoming to the son of a king [an Israelite] that animals in their natural form, and animals in the form of human beings should minister unto him.'

We can quote here also what is said in *Orach Chaiim*, 57, 6a: 'If pigs are to be pitied when they suffer from disease, because their intestines are similar to ours, how much more should the *Akum* be pitied when thus affected.'

9. ANIMALS

In *Zohar*, II, (64b) it says: ‘...People who worship idols, and who are called cow and ass, as it is written: I have a cow and an ass...’

Rabbi Bechai, in his book *Kad Hakkemach*, ch. I, beginning with the word *Geulah* - redemption - referring to *Psaln* 80, v.13: *The boar out of the wood doth waste it*, says: ‘The letter *ain* is dropped [suspended] the same as these worshippers are followers of him who was suspended.’

Buxtorf (*Lex.*) says: ‘By *wild pig* the author here means the Christians who eat pork and, like pigs, have destroyed the vineyard of Israel, the City of Jerusalem, and who believe in the ‘suspended’ Christ. Else the letter *ain* is dropped in this word because they, as worshippers of Christ who was hanged, are also dropped.’

Rabbi Edels, in commenting on *Kethuboth* (110b) says: ‘The Psalmist compares the *Akum* to the unclean beast in the woods.’

10. WORSE THAN ANIMALS

Rabbi Schelomo Iarchi (Raschi), famous Jewish commentator, explaining the law of Moses (*Deuter.* XIV, 21) forbidding the eating of meat of wounded animals, but which must be given to the ‘stranger in thy gates,’ or which, according to *Exodus* (XXII, 30) is to be thrown to the dogs, has this to say: ‘...for he is like a dog. Are we to take to word ‘dog’ here literally? By no means. For the text in speaking of dead bodies says, *Or thou mayest sell it to an alien*. This applies much more to the meat of wounded animals, for which it is permitted to accept payment. Why therefore does the Scripture say it may be thrown to ‘dogs?’ In order to teach you that a dog is to be more respected than the *Nokhri*.’

11. THEY PROPAGATE LIKE BEASTS

In the *Sanhedrin* (74b) *Tosephoth*, it says: ‘The sexual intercourse of a *Goi* is like that of a beast.’

And in *Kethuboth* (3b) it says: ‘The seed of a *Goi* is worth the same as that of a beast.’

Hence it is to be inferred that Christian marriage is not true marriage.

In *Kidduschin* (68a), it says: ‘...How do we know this? Rabbi Huna says: You can read: Remain here with the ass, that is, with a people like an ass. Hence it appears that they are not capable of contracting marriage.’

And in *Eben Haezer* (44, 8): ‘If a Jew enters into marriage with an *Akum* (Christian), or with his servant, the marriage is null. For they are not capable of entering into matrimony. Likewise if an *Akum* or a servant enter into matrimony with a Jew, the marriage is null.’

In *Zohar* (II, 64b) it says: ‘Rabbi Abba says: If only idolaters alone had sexual intercourse, the world would not continue to exist. Hence we are

taught that a Jew should not give way to those infamous robbers. For if these propagate in greater numbers, it will be impossible for us to continue to exist because of them. For they give birth to sucklings the same as dogs.'

12. CHILDREN OF THE DEVIL

In *Zohar* (I, 28b) we read: '*Now the serpent was more subtle than any beast of the field, etc. (Genes. III, 1.)* 'More subtle' that is towards evil; 'than all beasts' that is, the idolatrous people of the earth. For they are the children of the ancient serpent which seduced Eve.'

The best argument used by the Jews to prove that Christians are of the race of the devil is the fact that they are uncircumcized. The foreskin on non-Jews prevents them from being called the children of the Most High God. For by circumcision the name of God - *Schaddai* - is complete in the flesh of a circumcized Jew. The form of the letter *Isch* is in his nostrils, the letter *Daleth* in his (bent) arm, and ain appears in his sexual organ by circumcision. In non-circumcized gentiles, therefore, such as Christians, there are only two letters, *Isch* and *Daleth*, which make the word *Sched*, which means devil. They are, therefore, children of the *Sched*, the devil.

13. THE SOULS OF CHRISTIANS ARE EVIL AND UNCLEAN

The teaching of the Jews is that God created two natures, one good and the other evil, or one nature with two sides, one clean and the other unclean. From the unclean side, called *Keliphah* - rind, or scabby crust - the souls of Christians are said to have come.

In *Zohar* (I, 131a) it says: 'idolatrous people, however, since they exist, befool the world, because their souls come out of the unclean side.'

And in *Emek Hammelech* (23d) it says: 'The souls of the impious come from *Keliphah*, which is death and the shadows of death.'

Zohar (I, 46b, 47a) goes to show that this unclean side is the left side, from which the souls of the Christians come: '*And he created every living thing*, that is, the Israelites, because they are the children of the Most High God, and their holy souls come out from Him. But where do the souls of the idolatrous gentiles come from? Rabbi Eliezer says: from the left side, which makes their souls unclean. They are therefore all unclean and they pollute all who come in contact with them.'

14. AFTER DEATH THEY GO DOWN TO HELL

The Elders teach that Abraham sits at the gate of Gehenna and prevents any circumcized person from entering there; but that all the uncircumcized go down to hell.

In *Rosch Haschanach* (17a) it says: 'Heretics and Epicureans and Traitors go down into hell.'

15. THE FATE OF DEAD CHRISTIANS

The bodies of Christians after death are called by the odious name of *Pegarim*, which is the word used in Holy Scripture for the dead bodies of the damned and of animals, but never for the pious dead who are called *Metim*. Thus the *Schulchan Arukh* orders that a dead Christian must be spoken of in the same way as a dead animal.

In *Iore Dea* (377, 1) it says: 'Condolences must not be offered to anyone on account of the death of his servants or handmaids. All that may be said is 'May God restore your lost one, the same as we say to a man who has lost a cow or an ass.'

Nor must Christians be avoided for seven days after they have buried someone, as the law of Moses commands, since they are not men; for the burial of an animal does not pollute one.

In *Iebhammoth* (61a) it says: 'The *Nokhrim* are not rendered unclean by a burial. For it is said: *Ye are my sheep, the sheep of my pasture; ye are men*. You are thus called men, but not the *Nokhrim*.'

* * *

Mr Hartung advises that 4 months after making his submission, and a month after sending a reminder letter, Dr John Boersig PSM, Assistant Secretary, Human Rights Branch, Attorney-General's Department responded on 2 March 2010:

Dear Mr Hartung

I refer to your letter received on 1 February to the Attorney-General, the Hon Robert McClelland MP, regarding racial vilification in Australia. The Attorney-General has asked me to respond on his behalf.

I acknowledge your request to meet the Attorney-General. Unfortunately he is unable to meet with you.

The Australian Government's position is that it strongly condemns offensive behaviour based on racial hatred, whether aimed at (sic) Jews or other groups. As you are aware, racial vilification is prohibited under 18C of the Commonwealth *Racial Discrimination Act 1975*. This law applies equally to all Australians.

I trust this information is of assistance.

* * * * *

In Defence of Dr. Fredrick Toben

Founder and former director of Adelaide Institute, and the first prisoner of conscience in Australia's legal history.

David Brockschmidt, October 2009

Truth in History must never be decided in courtrooms. To use the Racial Vilification Act against Dr.Toben - Adelaide Institute by Jeremy Jones, a prominent figure within Jewish-Zionist circles in Australia, is plainly wrong, because Jews are not a race.

Australia has other laws to deal with slander and defamation which could have been used by Jeremy Jones if he felt slandered and/or defamed. If the Legal system in Australia includes Jews into a racial category, then Australia indirectly agrees with Adolf Hitler and the National Socialists of Germany who declared and classified Jews as a race. Any anthropologist anywhere in the world, including the State of Israel will state clearly that Jews are not a race. According to the ABC1 Compass program of Sunday, 16th August 2009, 9.35 PM Titled 'Mazal Tov, Mazal Tov! ' (which means - Good Luck, Good Luck!), let me quote a Rabbi from this program, who said 'Judaism is not a religion, and not a culture, but a way of life' This statement surprised me because in my understanding Judaism is indeed a religion and a culture, and not only a way of life.

If this Rabbi would be correct, neither the Racial nor the Religious Vilification Act could have been used against Dr Fredrick Toben - Adelaide Institute.

In regards to our Toben-Adelaide Institute judgement, let me make the following points:

Firstly, as we all know, Justice is blind and so are many politically correct Judges these days. Dr Toben put it into one sentence after these judges were sending him to jail, and denying him a last word. He said loudly and clearly for everyone to hear, addressing the judges on their way out of the courtroom 'You are following blind orders Gentlemen'.

Secondly, The Toben-AI case shows Australia and indeed the World, that Australia has abandoned common Law and common sense.

Thirdly, the court procedures against Dr Toben-AI within the last several years, make it crystal clear that there is no freedom of speech, no freedom of scientific and historical research in this country, if this research collides with the taboo mantra of so-called Holocaust studies. These studies are not identical with the research regarding the Shoa. The old Marxist dialectic applies to Holocaust research today in Australia, which is 'it cannot be, what is not allowed to be'. Anything what does not fit this brave new world order framework, expressed either verbally and/or in print, is classified as hate speech. The law-

makers in this country, and indeed the whole Western world, decide what is love and what is hate speech. The rules are simple, hate is what affects the national interest and love is what serves the national interest of the country.

Let me give you an example here, Love, is if we go into Afghanistan or Iraq with our freedom loving allies and having a 'smashing time' there. Destroying their infrastructure and loving innocent Afghani and Iraqi civilians to death, plundering their antiquities sites, which means destroying their history. Helping to establish permanent US army and air-force bases. Corrupting the people with pornography and other toxic sludge, produced in our freedom loving Western world, which will one day destroy us too. We all do that because we love Iraq, for example so much, not their people of course, but their oil. Anybody who opposes our 'giant love-in' in Iraq and Afghanistan, not only acts against the national interest of our Nation, but is classified as a Hater and Terrorist sympathiser. To repeat George W Bush's sentence here, who said 'If you are not with us, you are with the terrorists'.

So what has that to do with the Toben-AI case here? Dr Toben has been classified as a 'Hater', not only by the system Media, employing thousands of conformist intellectual prostitutes, poison-pen artists, and ink-pissers. There are, of course some shining examples within Journalism who have protected their personal and professional integrity, in not prostituting themselves to the media czars worldwide. I am especially thinking here of the British Journalist - Robert Fisk, the Australian Investigative journalist - Chris Masters, and the late Paul Leinem. Also John Pilger, and Greg Palast come to mind. Classifying Dr Toben as a 'Hater' surprises me also personally because the feedback that I got when he was still teaching was that he loved his work, he was a good educator- teacher with a good sense of humour. Dr Toben hold two BA's and a Doctorate in Philosophy. He has not only taught in Australia, but in other parts of the World, visited and worked in many countries, including the State of Israel, and taught for a lengthy period in Nigeria. When he asked his students in Nigeria what they thought about corruption in their country, one student answered ' Sir, yes we have corruption here in Nigeria. The difference between ours, and your corruption is simple. Your corruption is more sophisticated than ours. You are not only financially corrupt but morally and intellectually too. Your corruption is driven by your greed for money and by the plundering of our resources. Our corruption is based on poverty caused by your ruthless exploitation of our workforce and our country as a whole. Every dollar you invest in our country, you make sure you get three to four dollars back, Sir. This imprisons us in your debt-trap which is based on your usury, speculation and financial system. We are not as

cunning and conniving as you are Sir. But don't worry Sir, Africans, at least us Nigerians are fast learners. One day we will beat you at your own game. This is the eternal law of Karma.'

Lets go back to the Toben-AI case, thanks to the three Federal Court Judges, Dr Toben has now checked-in to Hotel Yatala, South Australia's University of crime, proudly sponsored by the government of South Australia. Let's hope that Dr Toben will lecture revisionist history to the other 'guests' because every thinking person must revise in order to find out what is the Truth, and what are Lies. It is always said that Dr Toben is not in jail because of his beliefs, his research and his studies of history, but for his contempt of court. That of course in my honest opinion is utter nonsense. The World knows why Dr Toben is in jail ! I personally have also a problem with giving unlimited respect to our legal system and our courts, which of course includes the judges. When the whole legal actions against Dr Toben started, in front of the Human Rights and Equal Opportunities Commission in South Australia, Dr Toben asked the then Commissioner Kathleen McEvoy, 'Is truth a defence in my case here?'. The Commisioner answered, 'Not Necessarily'. This left me speechless, because if truth is no defence, then the system is morally bankrupt. It is B.E.A as we said in the army, which means Beyond Economical Repair, ready for the scrap heap. So we might as well call HREOC - O'HREOC which means, the Orwellian Human Rights and Equal Opportunities Commission. As George Orwell said in his brilliant book, 1984, 'Truth telling is always a revolutionary act.'

Last, but not least, let me comment on Dr Toben's critique regarding our legal system and the rule of law in Australia. Let's have a look if his critique has some merit.

Very few Judges apply the principle of Common Law today. It is generally agreed that the legal system in this country has failed the people of Australia, Justice is blind and indeed so are more and more Judges today. It seems that these Judges are totally disconnected from the realities of real life. Their judgements are sometimes very strange indeed. this raises the question, are these judges living in a different world than us?, or are they completely off the Planet?

Judges are supposed to uphold the rule of Law, but more and more exceptions are made here. Judges allow tribal law to be applied in disputes between Aboriginal people, for example.

Dr Toben's accusation, that Judges and the legal system in this country are influenced and infiltrated by powerful Jewish-Zionist groups needs some closer examination. Dr Toben believed that some judges in South Australia have lost their independence. According to Dr Toben, they still uphold the rule of Law, but it is not the law of the land, but Talmudic

Law, the religious Law of Judaism. Let's hope that Dr Toben is wrong here, because according to Talmudic Law we Gentiles are not even classified as Human beings, but as animals. So, if Dr Toben is right, and we are ruled by Talmudic Law, then we might change the name of this country from the Commonwealth of Australia, to Talmudistan. We also have to make sure that our legal counsels representing us in case of conflict come from the Animal Rights movement.

The laws of the Commonwealth of Australia based on the Westminster system, must never ever be replaced, nor supplemented with any tribal and/or religious laws, for example Talmudic Law and/or Sharia Law. If we want to survive as a nation which is united, we must stop the erosion of common law and Habeas Corpus in Australia, otherwise it makes the law of the land look like Swiss cheese. How far we have gone down this road of legal spiritual and intellectual self destruction, is shown in two articles entitled: 'What! Jewish Law comes first?' by Betty Luks, and 'The legal system out of control?' by Ian Wilson LL.B

WHAT! JEWISH LAW COMES FIRST?

by Betty Luks

Rabbi Moshe Gutnick, brother of mining magnate 'Diamond Joe' Gutnik, went to the New South Wales Supreme Court to stop his congregation, the Mizrahi Synagogue, from making him redundant. The 'congregation' argued that Rabbi Gutnik is just an employee 'who is made redundant in difficult financial times'. If the Rabbi's salary were not cut, the synagogue would have to be placed in administration. But Rabbi Gutnick argued that he has life tenure and even if his position was to be terminated, he would be entitled to a payout of over \$1 million. He argued that a Jewish tribunal should determine the matter.

The NSW Supreme Court held that 'the balance of convenience favours this dispute being determined by a Jewish tribunal in accordance with Jewish law.' The court rejected the argument against this that the Jewish principle of life tenure 'could not overwrite the ability on the part of the employer to make a position redundant,' particularly where that might lead to the synagogue trading 'while insolvent, which is a breach of the Corporations Law' (The Australian, 1/4/09, p.5).

This seems to place the synagogue in the position of having to go into administration. If so, I believe that Rabbi Gutnick will have to wait in line while the administrator sorts out the liabilities. The court's decision, in my opinion, is flawed and it does not follow that Rabbi Gutnick is 'not an ordinary employee because of the spiritual nature of his employment.' Where does it say that 'spiritual nature(s)' matter in employment relations? Would the court's decision be the same if they were deciding a parallel matter involving a Christian minister? What precedent has been set?

IS THE LEGAL SYSTEM OUT OF CONTROL?

by Ian Wilson LL.B.

In this article I will discuss two books which argue that the American legal system – and by implication the common law systems in other parts of the world – are out of control. The two books are Catherine Crier, ‘The Case Against Lawyers: How Lawyers, Politicians and Bureaucrats Have Turned the Law into an Instrument of Tyranny – and What We as Citizens Have to Do About It’ (Broadway Books, New York, 2002) and Philip K. Howard, ‘The Death of Common Sense: How Law is Suffocating America’, (Warner Books 1994).

Crier argues that the rule of law ‘has become a source of power and influence, not liberty and justice’ (p.5). First off, she laments about the massive awards delivered in some celebrated American tort/personal injury cases – one accident at an amusement park that led to a girl dying of burns injuries – led to an award of US\$1.2 billion. Excessive she says (p.9). Tobacco litigation is in her opinion ‘ridiculous’ for illegal drug users go to prison but ‘cigarette addicts get money instead’ (p.10).

Worse: ‘Lawyers are making out like bandits as we litigate the most inane conflicts’ (p.13). These include our arguments over ‘potential’ problems in products. Indeed, Crier cites a book by Norman Augustine, ‘Augustine’s Laws’, which allegedly shows that the more lawyers a country has, the greater the drain upon the country’s economic growth (p.14).

I am not impressed by these arguments as some type of critique of lawyers. We can grant that the accident case yielding \$1.2 billion is excessive but only because we have come to value money over a life and are quite prepared to put a low monetary value on a life. The comparison between cigarette smokers and illegal drug users does not hold because illegal drug users have not been able to promote their products through manipulative advertisements and, after all, tobacco is legal, not illegal.

And finally Crier’s attitude towards lawyers seems to me ‘over the top’. She quotes Shakespeare in Henry VI: ‘First thing we do is kill all the lawyers’ and says ‘we applaud this suggestion today’ (p.180).

The reason apparently is that lawyers ‘now dominate our government’ and ‘have taken their ‘rightful’ place at the helm, issuing and executing orders in the name of stability over anarchy and structure over freedom’ (p.181).

Philip K. Howard in ‘The Death of Common Sense’, an earlier published book, covers much the same ground as Crier’s ‘The Case Against Lawyers’. In my opinion it is a better argued book because Howard begins his discussion with the real legal problem of modern society: the massive bureaucracy and regulations and laws that run modern life, crush freedom and individual creativity, resulting in what sociologist Max Weber

described as the 'iron cage of capitalism'. Crier does mention this problem throughout her book, but she puts the blame on lawyers per se.

To my mind, this confuses cause and effect. Maybe, just maybe, lawyers are maggots, but they are only present in the meat of society, because society has become so rotten! The causes of this rot must be sought at a deeper level and the popular 'blame lawyer' books are too superficial in my opinion to go to the heart of things.

The growth of laws and bureaucracy in modern society is a dual product of population expansion and centralisation. More people means informality goes. Once upon a time one could leave one's car unlocked, but today we need electronic security alarms.

There is also the ethnic factor that goes with population increase: homogenous Western societies have been deliberately broken down by multicultural and multiracial immigration policies. In turn, social capital and trust have been lost. Thus only law and the power of the state - an authority with the monopoly of violence, holds things together. As Major Douglas also showed, with increasing centralisation, there is a decrease of individual freedom.

In conclusion, blaming lawyers for the expansion of oppressive laws is a rather superficial critique. The 'problem of law' is just another version of the 'problem of economics' discussed weekly in these pages and has the same origin and solution.

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Dear reader, after reading these two articles, you make up your own mind, if Dr Toben is right or wrong here. The walls which incarcerate Dr Toben now, will come down like the Berlin Wall has come down. Political correctness which is nothing else but intellectual terrorism, according to Dame Leonie Kramer, will disappear. The walls of fear have come down already. Leaders pay attention, the masses are becoming restless and angry. Globalism will end up where it belongs- onto the scrap heap of History. Nations will again be Masters in their own houses, and not run by corrupt politicians, Multi-national corporations and the parasitic criminally insane tribes of Wall street, including their misfit off-springs around the World. The Bernie Maddoffs of this World will be locked up in Loony-bins, and the keys thrown away. Usury, speculation and pornography will be outlawed. The value of money will again be based on the principle of social credit which was the founding principle of the Commonwealth Bank of Australia, a true people's bank. The value of our currency will be based not any more on criminal monetary manipulation and so-called rating agencies, but it will be based on what is in the ground, on the ground, in our muscles, in our heads and our production. The way we live

today with the principle of live now and pay later is not sustainable and the road to disaster. Otherwise this will lead to a nation of tribes, a truly disunited country, which will turn in times of war and hardship into another Yugoslavia. Let's stop the one-World loonies now, we are not puppets on their strings. The real power must go back to the people, the people of Australia. We must stand up and fight for our rights in order to ensure the future of our children.

* * * * *

Maurice Horsburgh of Palm Beach in Queensland sent letters to the judges of the Federal Court of Australia, the Federal Attorney-General and the media on 1 September 2009:

Jones v Töben. Federal Court Fiasco.

Dear Sir,

I am appalled at the Federal Court's outrageous decision to send Dr Töben to prison for three months. The 'spin doctors' claim that Dr Töben was jailed for 'contempt of court'. This is an absolute distortion of the truth. Töben was ultimately jailed for refusing to be gagged by the court. The court order itself was a denial of free speech.

The Australian judiciary, like Kevin Rudd, his predecessor John Howard and the Australian media, has finally surrendered its autonomy to the likes of Jones and his Zionist lynch mob at B'nai B'rith/Anti Defamation League, (ADL.)

The ADL is nothing short of a world-wide 'terrorist' organisation. Their methodology may differ somewhat from that of Al Qaeda but they, nevertheless, are also waging a form of asymmetric warfare against Western democracies. Just as a computer worm virus may eat the heart out of a computer, so the ADL does likewise to society. The only difference is the ADL believes that the pen (or the computer) is mightier than the sword.

The Federal Court should be the front line of defence against this subversive '**Fifth Column**'. ASIO should be called in to investigate its nefarious activities. However, like most government departments, it too would appear to have been infiltrated.

The Israel Lobby in Australia is a mirror image of its American counterpart which is eloquently described in the following document:

THE ISRAEL LOBBY AND U.S. FOREIGN POLICY by John J. Mearsheimer and Stephen Walt, Working Paper Number:RWP06-011
This document in .pdf contains 82 pages. [http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06011/\\$File/rwp_06_011_walt.pdf](http://ksgnotes1.harvard.edu/Research/wpaper.nsf/rwp/RWP06011/$File/rwp_06_011_walt.pdf)

Anyone who dares to question the Holocaust or Israel's ethnic cleansing activities will be either denigrated, bankrupted, threatened with court action, have promotion blocked (if an academic), funding to the university will be curtailed, or they will be sent to prison. Therefore, it is only natural that passengers on the Oriental Express (the judicial Gravy Train) would not risk the wrath of their fellow travellers.

The most recent case of Zionist manipulation was that involving former US Ambassador to Saudi Arabia, Charles Freeman, who had his appointment as Chair of the National Intelligence Council in the Obama government terminated due to pressure from the ADL 'Thought Police'.

To fully understand the threat the Zionists pose to this country, the Jones v Töben case cannot be looked at in isolation. On July 9, 1998 another ADL lynch mob member, Mark Leibler, editor of the Australian/Israel Review published the One Nation membership list. This in itself was a gross infringement of Human Rights but HREOC, the 'Friends of Zion', rejected all complaints.

The largely Zionist-controlled media lead by Neo-con warmonger Rupert Murdoch joined the fray; vilification plunged to new depths. Pauline Hanson was subsequently sent to a top security prison for three years on the most blatant and atrocious trumped-up charges this country has ever seen. The Queensland government infil-traitors and judiciary had finally done their dirty work.

On the 23rd June 1999, four judges of the High Court of Australia, Chief Justice Murray Gleeson, Justice Bill Gummow, Justice Ken Hayne and Justice Mary Gaudron ruled that Britain was/is a 'foreign power'. The issue was the election of a Queensland senator, Ms Heather Hill, a British migrant.

Ms Hill was an Australian citizen, but had failed to 'renounce' her British citizenship. The criminal machinations of the judiciary were finally exposed; the judges who made this ludicrous decision had also taken oath of allegiance to the 'same foreign power'. Thirty sitting members of the Federal parliament had also taken oaths of allegiance to the same 'foreign power', but this was conveniently ignored.

It is tragic that a majority of our 'inflatable dolls' who masquerade as MPs are besotted with the evils of Zionism; their main parliamentary activity seems limited to a slight head movement so as to appear 'in focus' on Parliament's TV cameras.

How ironic that the only method of defending Australia from the vitriolic attacks by Jones, Rubenstein, Lapkin, Leibler et al in Murdoch's 'gutter' rags is via the overseas media!

It appears that the integrity of the judicial system has been seriously compromised by operating under the dictates of the Zionist 'Hydra' viz the ADL, Christian/Zionism, B'nai B'rith. Any citizen who dares to exercise his/her democratic right to free speech will, at the 'drop of a Yarmulke' receive the full Töben type venomous treatment from the 'Police State' Police.

Having spent 13 years wasting police and the court's resources, the 'Quisling' Jones should now exchange places with Dr Töben but for a much longer period.

In return for 'services rendered' the Federal Court should soon receive a generous supply of first class air tickets and details of the all expenses paid trips to Israel from the 'Kosher Nostra' HQ in Israeli occupied Melbourne. This is de rigueur for all our MPs and should also apply to 'compliant judges'.

Whatever has happened to 'government of the people, by the people, for the people'? The diggers of Gallipoli, Fromelles and Kokoda must be turning in their graves.

I SUPPORT JEWS AGAINST ZIONISM (jewsagainstzionism.org)

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A copy of Horsburgh's letter to the Attorney-General on 26 July 2009 had been sent the Judge Lander too.

Dear Sir,

Regarding the statement by Judge Bruce Lander, hearing the case, he said 'any evidence tendered arguing that the Holocaust did not occur would be ruled irrelevant'. See attached copy of an article published on *The Australian* newspaper's website Monday, 11 August 2008.

This alleged pre-judging of a case defeats the whole purpose of a fair trial and I am of the opinion that this trial should be aborted and the Judge replaced.

Has the Australian judicial system dispensed with Habeas Corpus? Have we now established a Guantanamo type of Justice? More than half of the Zionist controlled European Parliaments have passed legislation which enables a person to be jailed for questioning the Holocaust. Is this the aim of Jeremy Jones? If so, the spelling of Judiciary must be altered to Jewdiciary’.

It is worth noting that the only event in the whole World War II which one cannot question is the Holocaust. It is therefore pertinent to ask: is there something to hide? Has the Australian judicial system become party to a ‘cover up’ a ‘conspiracy’ or whatever you like to call it?

I had a very close relative in the advanced party which entered one of the concentration camps, and as he surveyed the scene, what he thought was a corps was being removed on a stretcher, the hand of the ‘corps’ grabbed his hand and said ‘Thanks soldier’. So, I have no doubt about the Holocaust having happened.

If one Jew was murdered it was one too many. However, even ‘The Simon Wiesenthal Centre’, which is the internationally recognised authority on the Holocaust has revised its figures downwards. Any aspect of a war in which over 50 million perished should be open to scientific and historic analyses, anything less is governmental manipulation by the Zionist Thought Police. Is this the new Australian ‘democracy’?

Even Wiesenthal’s reputation and his cohorts in the B’nai B’rith/Anti Defamation League – an oxymoron – are well known for their vicious attacks on any Australian who wishes to exercise their increasingly diminishing rights to free speech.

As for Zionist influence over Australian politicians it is a well documented fact, but generally not reported in the Murdoch press, that former Prime Minister John Winston Howard was committed to the Zionist cause and had a plethora of awards and medals for services to Zionism and Israel.

Prime Minister Kevin Rudd is quickly following in his predecessor’s footsteps. Soon after being elected to office he moved a motion on 12 March in the Australian Parliament honouring Israel’s 60 years of independence. The motion was seconded by the Opposition Leader Dr Brendan Nelson. This event was nothing less that a celebration of the 60 years of ethnic cleansing of Palestine carried out by the Israelis many of whom claim to be Holocaust survivors.

No doubt Prime Minister Rudd’s medals will be in the post.

Hypocrisy is alive and well Downunder

The Southeast Asian Times, Thursday 20 August 2009

When will Australians wake up to the fact that on August 13, 2009 they took their first step in becoming part of a totalitarian regime? This came about when Dr Töben, a quiet, non-violent, free-thinking historian was sent to prison in South Australia by Justices Spender, Graham and Gilmour simply for questioning some aspects of the Jewish Holocaust.

The case was brought by Jeremy Jones a leading Australian Zionist who pursued Töben with a fanatic fervour bordering on pathological vindictiveness. At the end of the trial, Jones' senior counsel Robin Margo told *The Australian Jewish News*, 'It's the end of a 13-year saga.' Robin Margo is president of the Jewish Board of Deputies. Is this a government within a government? Nice to keep it in the family.

Violent crime in Australia is almost out of control with murder, muggings, stabbings, gang warfare and illicit drug dealing, yet many culprits leave court without a conviction being recorded. In any society not under the Zionist jackboot, Jones would be charged with the malicious use of police and judicial resources over a period of 13 years.

Initially, Jones brought the case before the Human Rights and Equal Opportunity Commission (HREOC). This organization is run by a bunch of un-elected, prejudiced, largely dysfunctional, pro-Zionist New World Order busy-bodies. Their main concern is nothing to do with Human Rights; especially if you are a white Australian Christian heterosexual. Isn't free speech the most basic of human rights? Not, it seems, in a HREOC/ADL 'dictatorship'. HREOC, along with Jones' ADL, are oxymoronic; the latter has taken defamation to new heights.

Jones is not the only member of B'nai B'rith/ADL attempting to usurp power in Australia. Pressure from the Jewish Affairs Council forced Australia to cancel its delegation to the Durban II Forum in Geneva. Zionist MP Mark Dreyfus is part of the organisation that is attempting to topple the Australian Head of State; is this all part of the planned NWO?

Despite opposition from China, Zionist MP Michael Danby enthusiastically promoted the Australian visit of Rebiya Kadeer leader of the World Uighur Congress. Danby stressed the point that Australia was a democracy and she should be heard. Danby also belongs to B'nai B'rith/ADL which pressured the government to ban British historian David Irving from a lecture tour of Australia?

Hypocrisy is alive and well Downunder!

There is now a widely held belief that the Zionist state of Israeli would never have come into existence without the, 'Six million gassed' version of history. Even the Simon Wiesenthal Institute has greatly down-graded this figure. So people must question what makes the Zionists so paranoid?

Where is the media outrage? Where has free speech gone? Who next will quietly 'disappear' for expressing a 'revisionist' view? Remember, the price of democracy is eternal vigilance. Töben asked if he could say something to the judges. He was cut off by Justice Spender who simply said, 'No.' Australia is part of a coalition that is trying to introduce democracy to Iraq, Afghanistan, Iran, North Korea et al. Surely charity begins at Home!

What does Oberfehlshaber Jeremy Jones now have in mind for Australia, a Zionist Guantanamo Bay, or a concentration camp similar to that run by his Zionazi mates in illegally occupied Palestine?

Any day now I expect our Mandarin speaking, Christian/Zionist Prime Minister Kevin Rudd, and his puppet government to recommend Jones for an award for services to human rights. Are HREOC and the ADL the enemy within?

I support Jews against Zionism (jewsagainstzionism.org)

Maurice Horsburgh

Palm Beach, Queensland, Australia

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More about the persecution of historians and the denial of free speech

The Southeast Asian Times, Saturday, 22 August 2009

The letter here on 20th August, about the fate of Dr Töben; an Australian Historian; provides a frightening perspective on the efficient regularity of Zionist reminders of '*The Holocaust*'.

In the first place it is incorrect to state that '*Dr Töben denies the holocaust*', for he fully agrees that exterminations did take place in Germany during the Second World War: his complaint is that the number of claimed deaths is being exaggerated. In History and worldwide, there are records of mass murders from both before and after the terrible events under Nazi tyranny.

It is an Historian's business to question facts that are presented, especially when they might be ill-founded through being influenced by partisan propaganda.

To deny such questioning is a very serious breach of the right to free speech, and even the right-wing British Press has raised deep concern over the case of Dr Töben in just those terms.

According to the 'official' figures; which Dr Töben questions; during WW2, 5.7 million Jews were murdered by the Nazis. wikipedia.org/wiki/Shoah

'Lest we forget', we are regularly reminded of those figures by the media, yet surely by the same token we must also not forget that the total number

of those exterminated [including all ‘undesirables’, within the variously-coloured, triangle Nazi categories – such as Poles, Soviet civilians and PoWs, the disabled, petty criminals, homosexuals, Jehovah’s Witnesses, and regime opponents], is estimated by the same source as having been somewhere between 11 million and 17 million persons.

Yet we do, and as time elapses we are increasingly left to infer, from accounts of ‘regurgitating, potting Historiology’, that the then-murdered Jews were the only victims worthy of endorsement in the historical records.

So, it is clear that insistence upon remembrance from biased, Zionist, media magnates might well be, itself, a ‘*racist*’ strategy: and it seems, to many analytical critics, that Zionist brainwashing about ‘*The Holocaust*’ is exclusively to shield themselves against any adverse criticism of their misconduct.

Like Maurice Horsburgh, I believe in encouraging the majority of the Jewish people in their resistance to the excesses of Zionist extremism.

Such excesses are leading to close mimicry of the economo-political circumstances that provoked Hitler’s policies as he initially outlined them in ‘*Mein Kampf*’ - which, unfortunately, is a ‘*banned*’ Historical document.

Meanwhile, judging from recent events in the Gaza-Strip-Ghetto alone, the way in which ‘*The Holocaust*’ is being remembered is neither preventing further holocausts, and nor is it curbing anti-Semitism; for, after-all, the Palestinians are themselves Semites.

From that might we therefore often justifiably describe Israel as an ‘*anti-Semitic*’ nation?

Raymond Groves

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Jail for holocaust denial or contempt of court ?

The Southeast Asian Times, Saturday 22 August 2009

The letter from Maurice Horsburgh, Queensland ‘*Hypocrisy is alive and well ‘Down Under’*’ in *The Southeast Asian Times*, 20 August surely reveals a nihilistic element within the political administration of the Australian judicial system? Daniel Lewis, the (very) regular contributor to *The Australian* newspaper, attempts to refute the argument that Dr Fredrick Toben was not imprisoned on a guilty charge of ‘*holocaust denial*’ but for ‘*contempt of court*’.

Now, maintaining consistency is vital in every rational debate so, as Mr Lewis’s credibility disappears down another aberrant Zionist abyss he may care, in passing, to glance at *The Jewish News* report 13 August 2009 which states viz ‘*Toben jailed for holocaust denial*’.

Surely, Australian's have urgent need to be seriously concerned when malicious minorities capture and control the very structure of the national judicial system?

Harry A. Boniface, Currumbin, Queensland, Australia.

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**Like the Holocaust Lie of today, the Katyn Massacre
was once legally protected**

The genocide Britain hushed up: A new film tells the terrible story of Stalin's own Final Solution - and Churchill's shameful complicity
Jasper Rees <http://www.dailymail.co.uk/home/> Last updated at 12:43 a.m.
on 25 June 2009

A blindfold is ripped from a soldier's eyes. Looking up to get his bearings, he notes that he is in a forest. Looking down, he sees a long, deep pit, its floor carpeted with dead bodies in khaki uniform. He has moments left to live. He feels for his crucifix, but a bullet interrupts the conversation with his Maker. His lifeless corpse topples into the hole in the ground.

After him another man is shunted forward, the blindfold removed. The same ritual. Another bullet whistles through another brain. Then another. And another. The gruesome procedure is repeated until the hole fills with the bodies of hundreds and hundreds of innocent men.

This is the harrowing scene of a devastating new film, *Katyn*. It takes its name from the village in western Russia where the bodies of more than 4,000 Polish prisoners of war were dug up in 1943.

But these bodies were by no means the only ones to be disinterred. Near the Soviet city of Kalinin, now known as Tver, another 6,000 bodies were unearthed. Near Kharkov in Ukraine there were 4,000.

In all, more than 22,000 Poles - roughly two-thirds of them officers and policemen, the rest political prisoners - suffered the same appalling fate: to be executed, without trial or even warning, and thrown like carcasses into mass graves.

Their murderers were the NKVD, the Soviet secret police. Indeed, the chief executioner of the NKVD personally pulled the fatal trigger no fewer than 6,000 times in just 28 days.

The first genocide of World War II has become known as the Katyn Massacre. It took place in April 1940, 21 months before the Nazi regime devised the Final Solution at the Wannsee conference in January 1942.

The whole world knew that a large group of Polish officers had mysteriously disappeared soon after the Soviet annexation of eastern Poland on September 17, 1939.

The invasion came after the infamous Molotov-Ribbentrop pact which allowed Germany and the Soviet Union to carve up Poland between them. But the fate of the officers remained unknown until the bodies were discovered after the German invasion of the Soviet Union.

Even as the Nazis were liquidating Jews in the Warsaw ghetto, Goebbels's propaganda machine trumpeted the atrocity as evidence of Bolshevik brutality. Stalin counterinsisted that the mass murders had been committed by the Nazis.

Churchill knew the brutal truth, but it made sense to keep quiet. Stalin was our ally in the epic fight against Nazism, and his nose was not to be put out of joint. British silence remains one of the worst stains on our country's war record.

Even by the grisly standards of the 20th century, the Katyn Massacre was a crime of appalling enormity: a concerted attempt to wipe out an entire stratum of a great European nation. Behind the slaughter was a grisly piece of forward planning.

Stalin's long-term intention was for Poland to become a friendly neighbour under the Soviet sphere of influence. The fewer bourgeois enemies of Communism to oppose him, the better. So he started liquidating those Polish officers who, in long, punitive interrogations, could not be coaxed into taking a pro-Soviet stance.

The butchery of the cream of Polish manhood was characterised by a breathtaking lack of fuss. In the Katyn forest, the soldiers were frogmarched to deep, open pits. As his blindfold was removed, each officer would have seen the corpses mounting at his feet, and then heard the trigger.

In other locations - PoWs from camps at Starobilsk, near Kharkov, and Ostashkov, near Kalinin, the extermination took place indoors.

One by one, the officers were dragged to a prison cell, their hands tied behind them with wire, and then shot from behind. To drown out the noise, the cell door was lined with felt, and the drone of loud machines masked the incessant sound of gunshots-The bodies were unceremoniously lugged out through another door to a line of waiting trucks.

On that first night of killing, the NKVD butchers managed to dispatch 390 men. In subsequent days they confined the nightly tally to 250.

The grim cargo was then driven to the site of the mass grave in the forest, and its contents dumped. It was a function of Soviet efficiency that, to make use of every cubic inch of space, the corpses were neatly stacked. (When the pits were exhumed, some were found to contain the bones of murdered Poles up to 12 deep. One pit had 1,200 corpses). Only one detail was unvarying: there were 22,000 holes in 22,000 Polish skulls.

Yet for some reason, the name of Katyn has never entered the global consciousness as other atrocities have.

Former Nazi concentration camp guard John Demjanjuk has just been extradited from the U.S. to Germany to stand trial as accessory to 29,000 deaths in the Holocaust. Bosnian Serb leader Radovan Karadzic awaits trial in The Hague for his part in the mass murder of 8,000 Bosnian Muslims at Srebrenica. But no one has ever stood in the dock for their part in the Katyn massacre.

The new film is the work of the great Polish director Andrzej Wajda, whose father, Jakub, was one of the murdered officers. As well as telling the story of their deaths, *Katyn* dramatises the aftermath of the war when, in communist Poland, it was forbidden to mention the dead officers.

For those who did, prison awaited. As a result, ignorance of the crime spread throughout Poland over 40 years. For decades, it fell to emigre Poles to keep the name of Katyn alive.

Among them are British Poles for whom Katyn remains a wound which refuses to heal. It's not just that their fathers were murdered - the officers' families also felt the blunt instrument of Soviet oppression. As part of Stalin's larger plan to weaken Polish opposition to Communism, 1.6 million Poles were deported to far-flung corners of the Soviet Union.

One of those British Poles is Andrzej Polniaszek. Now 81, he was 12 in 1939 when his father Franciszek, a doctor of law and an officer, was captured when the Soviets moved into Poland.

Soviet documentation has revealed that his father was taken to the camp in Starobelsk, where, over a long, bitterly cold winter, he would have been subjected to intense political agitation.

By March 5, when Stalin signed his execution order, he had been condemned to death as one of 22,000 'hardened and uncompromising enemies of Soviet authority'.

By April 13, Andrzej's father may well have been already dead. It was on that date that the young Andrzej, with his mother and sister, heard a knock on their apartment door.

'At three in the morning the soldiers came. We had an hour to pack only the things we could carry. They even warned: "Take warm clothes. You'll be there for some time."

Meanwhile, in the Polish countryside, Wacław and Janusz Gasiorowski, aged ten and seven, were rounded up with their mother and sister.

Their father Tadeusz, a lieutenant in the Pomeranian infantry, had been taken prisoner the previous September, and they feared the worst.

'There had been regular letters from our father,' recalls Janusz. 'And then it abruptly stopped. Not only our correspondence, but that of everyone who had someone in those camps.'

Andrzej Polniaszek ended up in Kazakhstan - 'a godforsaken part of the country with a Siberian climate'. When Wacław and Janusz got off an

overcrowded train carriage after 27 days, they were in Uzbekistan, 100 miles from the Chinese border.

They were sent to live in stables spattered with manure, which was the only source of fuel. Waclaw still has the cheerful advice of a Soviet soldier ringing in his ears: 'Don't worry. You will get used to it. And if you don't get used to it, you will die.'

The boys were lucky. Their aunt was a dental surgeon whose skills were valuable. 'If she pulled out the tooth of a Russian, she got half a kilo of butter, a chicken or a bag of potatoes and this kept us going.'

Others were not so lucky. Of the 1.6 million Poles deported into far-flung outposts of the Soviet Union's gulag system, approximately a million died of cold, starvation and disease.

There was a seismic mood swing when news broke of the German invasion of the Soviet Union in June 1941. The Soviets suddenly needed their captive Poles, so they were freed to join a Polish army mustering under General Anders, who was released from the Lubyanka prison in Moscow, where he had been tortured, to fight with the Red Army.

For young Polish deportees, the only problem was how to join up. Railway carriages were clogged with wounded Soviet soldiers, permission to travel was hard to secure and distances were unimaginably vast.

Anders made things harder by taking the first wave of volunteers to Persia. Among them were the Gasiorowski boys, who travelled through Uzbekistan and Turkmenistan. On the way, Andrzej was separated from his mother and acknowledged that it had known all along who had been the true perpetrators of the Katyn Massacre.

Most, though not all of the graves in Ukraine, have since been exhumed. In 2000, Andrzej went to Kharkov to see the opening of the mass grave where his father was believed to have been buried. The bodies there had been buried in clay and failed to decompose.

To hide the atrocity, the NKVD returned to the grave with massive drilling devices and punched holes in the ground to aerate the grave and encourage decomposition. In the process, they destroyed the bodies.

'You can imagine how I felt when it was opened,' says Andrzej softly. 'The only way they could tell how many dead there were was by counting the skulls which had remained intact. Out of the 4,500 buried in Kharkov, we were only able to find 150 bodies. The rest was a mess.'

Andrzej has spent more than 60 years in his adoptive country. He married an Englishwoman and had three children who speak only pidgin Polish. He thinks he survived the hell of two Siberian winters because 'someone above decided that I could do something useful'.

Twenty years ago he founded the Association of Katyn Families Abroad, which has about 2,000 members. Now that the mood is changing towards

the dark Soviet style of old in Putin's Russia, it becomes ever more certain that the murder of thousands of men such as Franciszek Polniaszek. Tadeusz Gasiowski and, indeed, Jakub Wajda will go unpunished. So the task that remains is clear.

'One of the last things we have to do,' says Andrzej, 'is to keep the memory of what happened to our fathers for future generations. With my son and daughter I went back to Kharkov where my father was killed.

'In the cemetery there is a big bell half-submerged underground, so when it rings the sound goes into the ground where they are still buried. My son and I rang it and listened. And both of us cried.'

And as he recalls the knell clanging dolefully among Polish bones, Andrzej Polniaszek cries again.

Chapter 16

THINKING ABOUT CADELL TRAINING CENTRE

An 1880 encounter with South Australian justice

In many ways South Australia has always been at odds with the other Australian colonies that federated into the Commonwealth of Australia in 1901. It was never a penal colony. And a large percentage of its migrants were German. The Germanic influence of hard physical and mental work and personal cleanliness was a characteristic noted by visitors who reported their impressions as they travelled throughout Australia.

In 1886 the Leipzig publisher, Wilhelm Friedrich, published Reinhold Graf Anrep-Elmpt's *Australien. Eine Reise Durch Den Ganzen Welttheil* in two volumes. In his foreword the author stressed that his aim in writing about his 3-year sojourn in Australia was to be truthful and humane. Truth telling requires objectivity and being humane in judgment requires disciplined compassion where there is no claim for infallibility. Indeed, he admitted that some impressions might not be accurate because as a reporter and not a moraliser he attempted to be a 'Berichterstatter der Humanität'.

At Stawell, Victoria Anrep-Elmpt avoided the bar rooms and declined to accept 'Come have one drink', which caused locals to distrust him. At Horsham Railway Station he saw many German blonde faces but tailored in Australian cut, tanned and colonial demeanour and 'bushman' posture, which he described as often being a combination of sensitivity, pedantic sense of duty and inherited sentiment with raw decadence and bestiality.

There was then a jealousy between German farmers who made a go of things and those of other nationalities who did not work as hard nor endure the hardships in order to succeed at growing wheat in the area. Likewise in hotels, such as Fechler's, where German efficiency and 'Gemütlichkeit' prevailed – nach echt deutscher Art und Sitte, i.e., to sit at a table and not stand at a bar.

Anrep-Elmpt made a comment that astounded me somewhat because what he observed is relevant today. In spite of the apparent wealth generated by the farmers' production all of them complained about the lack of money. During harvest time the wheat market was in decline through speculative price reduction set in motion by colonial administrative incompetence. Then, if measured against the cost of production, transport costs and consumer goods rise, so that farming returns decrease significantly.

He noted the Australian-born German's tendency to consider oneself an 'aboriginal Australian', who denies their German heritage, thereby adapting to the Anglo-Saxon ways. He wondered if typical German characteristics would be evident in following generations, and if Australia's development would be determined by which nationality gain an upper hand.

The Graf stayed at Südholz's Natimuk Hotel and visited Mr Böhm at the Lutheran Church there. He walks on before catching a Cobb & Co. coach to Apsley and walks from there to the Victorian-South Australian border. In the central colony he visits Naracoorte and then takes a coach via Penola, Mount Gambier, Port MacDonnell, Beachport, Millicent, Kingston SE, Robe, Meningie, Milang, Strathalbyn, Macclesfield and Echunga to Glen Osmond from where an omnibus took him to Adelaide. At the Temperance Hotel on North Terrace opposite 'Port Adelaide Railway Station', Mr Grayson offered a quiet no-bar accommodation.

The planned Adelaide impressed the Graf in 1880. He admired the city greatly; for its squares and parklands, and the grandeur of its buildings, especially along North Terrace where he saw the railway station, Parliament House, Governor's residence, library and museum, university, and the building that is the Adelaide Club, which has been in existence since 1864.

While waiting for his luggage to arrive from Melbourne he travelled inland to Salisbury, Gawler, Freeling, Kapunda and Burra where he stayed at the

Bushman's Arms. That hotel was run by a Chinese man, Mr Williams, who was married to an Irish woman. He noted their children looked much like their father. During a visit to the Burra Institute to read newspapers, he observed a group of youngsters who deliberately misbehaved because it was all too obvious that he was a stranger in town. He gave them the silent treatment and this annoyed them so much that they left the room with as much commotion as possible. An elderly gentleman who witnessed the incident remarked, 'The youths of the time!'.

His country tour took him on to Hallett, Jamestown, Gladstone, Crystal Brook and Port Pirie, and from there by the steamer 'Euro' to Moonta, and on to Wallaroo, Kadina, Port Wakefield, Balaklava, Hoyleton, Auburn and Saddleworth on his return to Adelaide.

The disappearance of his luggage, which he had consigned by sea from Melbourne to Port Adelaide, caused him to seek justice in South Australia. The German Reich Vice-Consul, Mr Mücke, informed the Graf that his luggage was properly sent on the steamer 'Leura' but it was nowhere to be found upon the vessel's arrival. Anrep-Elmpt appointed Mr Wallace of Port Adelaide, a solicitor, to sue the owner of the 'Leura', Howard Smith & Sons, for damages. He wanted the matter dealt with expeditiously in the Supreme Court of South Australia, because he could not afford a long-drawn out legal case as his plans demanded that he continue his journey.

He commented that the legal system in the Australian colonies, as with most legal systems in the world, rested on deception, sophistry and money to determine an outcome rather than any consideration of justice. So he hoped that his God would help him as on numerous occasions before. He took comfort at Dr Mücke's residence at Semaphore, the father of the Vice-Consul, who ran South Australia's German newspaper.

Before the court case proceeded the Graf set off inland again, to Kapunda, Greenock, Angaston, Eden Valley, Gumeracha and Inglewood in the Adelaide Hills. At Inglewood he noted that for 3 days the papers had been full of news about Ned Kelly and his brother Dan, whom he had met on 29 December 1879 in the Beechworth forest. Reports recounted how 50 police set the wooden house alight wherein the brothers and their companions Joe Hart and Dan Byrne were holed up. Only Ned was not burned alive, but he subsequently would meet his fate on the gallows.

Continuing his travels to Bridgewater, Grünthal and Hahndorf he came to Mount Barker where he criticised the local newspaper, the *Mount Barker Courier*, severely. He scoffed at the ‘freedom of the press’ concept because, in my view, journalism should influence the moral development of public opinion, which means ensuring the mental development of society.

At Nairne he noted the much-anticipated construction of the intercolonial railway line between Adelaide and Melbourne. Other settlements visited included Kanmantoo, Callington, Woodside, Balhannah and Oakbank. He returned to Adelaide via Grünthal, Bridgewater, Stirling, Glen Osmond and the zig-zag Mt Lofty pass.

On 20 October 1880 Graf Anrep-Elmpt attended the Supreme Court at Adelaide where Chief Justice Samuel Way, a diminutive figure with an alert mind, and the Attorney-General, W.H. Bundy, together with 12 members of the jury, were ready to hear his claim over the lost luggage. The defendant, Howard Smith & Son, wanted a closed hearing and so the court was closed to the public. Messrs Stewart and Downson were the barristers in the case, which Anrep-Elmpt wins. An advance from his solicitor, Mr Wallace, enables the Graf to continue his travels through Australia.

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Parliamentary Musings about Implied Justice

Fast forward from 1880 to the House of Assembly on 9 May 1956 when Members of Parliament are in a question and answer session. Tom Stott, as is the custom, makes a statement, then follows it up with a question:

Recently a country district council took action against a farmer for having vermin on his property. The thought he had removed all vermin from the property, but the case went to the court and his defence was that he had done everything possible to remove rabbits on the property. The farmer won the case in the lower court and a high court subsequently ruled in favour of the district council because, as the Act was worded, the inspector was within his rights. Obviously, there is a grave anomaly if a farmer does everything possible to remove vermin, but because a few rabbits may climb over the wire netting or jump a fence an inspector may find one or two on the property and take action. Will the Minister of Agriculture investigate this matter, and does the government intend to amend the Act to make its administration more flexible so that both farmers and inspectors may work together more amicably?

Minister of Agriculture G.G. Pearson requested that Sott 'direct his question to the Minister of Lands, who administers the Vermin Act, and who, I am sure, will discuss the matter with him'.

The fact that finding two rabbits on a farm leads to an expensive court case gives rise for concern: political action may resolve it only to the extent that such matters should not arise again. It would have been better to have had conflict resolution in place before court proceedings tested the battle-of-the-will between unproductive bureaucrats and a wealth-producing farmer.

Bearing in mind that during the 1950s many Australian country roads remained unsealed, Mr Goldney asked:

The road between Port Wakefield and Balaklava has carried much traffic over the past few years and it is now carrying much more heavy wheat traffic *en route* for Adrossan. Will the Minister of Works take up with the Minister of Roads the question of sealing this road with bitumen and also see whether the Highways Department intends to seal it in the near future?

Sir Malcolm McIntosh responded, 'I will confer with my colleague and bring down his reply as early as possible'.

Another question of interest was directed at Sir Malcolm by Mr Hambour:

For some time workers at Cadell have been employed on the north of the River road and, as there will be no other avenue of employment for them shortly, will the Minister of Works try to expedite the construction of the proposed prison farm to be established between Morgan and Cadell?

Sir Malcom McIntosh: I shall make whatever inquiries are necessary in regard to any expedition of the work. This does not come under my direct prerogative, but as the question has been directed to me I will accept it as my responsibility to follow it up.

For some time backroom policy makers and concerned South Australians had expressed their dissatisfaction with the antiquated Adelaide Gaol. Although Hambour was interested in securing work in his electorate for his constituents there was also within him an ideal of seeing a new prison model established in the district, with fences and walls replaced by mental discipline, a process of that might be called 'character development'.

On 18 September 1956, Hambour pressed on: 'On May 9 I asked the Minister of Works a question concerning work on the proposed Cadell Prison Farm. I realize he has been on the sick list for some time, but will

another Minister obtain a reply to that question?'. Premier Thomas Playford curtly responded, 'Yes'.

Two days later Hambour questioned the Premier for the information regarding the establishment of a prison farm at Cadell. Playford replied, 'The question of construction of a prison farm at a site along the River Murray between Morgan and Loveday is the subject of investigation by the Public Works Committee. Until it has reported on the project, the Government is debarred by statute from taking any further action thereon'. The premier might feel a slight unease because he had not done anything to determine what was happening because he did not expect Hambour to ask him so soon again about the matter. Playford leaves Parliament House with a colleague, walks down the steps, then briskly walks the 100 m across the North Terrace-King William Street intersection to the Adelaide Club.

Not many Members of Parliament are members of this rather exclusive club because there is this a perceived notion that a parliamentarian serves all sections of his community, and to belong to such a club could easily bring about that class-thinking divide within a liberal democracy where a lack of discretion becomes political dynamite.

The three-storey building with that pronounced first floor street balcony is now somewhat dwarfed but during Graf Anrep-Elmpt's sojourn in Adelaide it looked imposing, as were its members. To this day it has a good membership of around 1000, which speaks for its ability to retain basic values while other clubs suffer declines in membership. When an Adelaide businessman, Albert Bensimon, announced that his application to join the club had been rejected on account of him being a Jew and club members being anti-Semitic, a media release quickly clarified the matter by pointing out that a number of members are of the Jewish faith. Jeweller Bensimon, as so many who pull out the racist or anti-Semitic card if they lose in a battle-of-the-wills, did not realise it was his noisy and abrasive manners that excluded him from an exclusive club where some members pride themselves in being social fossils!

'Mr Premier, how delightful to see you here. Are you coming in?', says a slim grey-haired man as they meet on the footpath at the steps to the club.

'Yes, Ian, we haven't lunched, and if you'll do the honours'.

So Thomas Playford and his colleague lunch as guests of a club member who comes to the rescue when they meet outside the building. This is not

Playford's first time in this British colonial-style appointed club, and he always delights in climbing the stairway to the left of the large palm tree in the internal open courtyard that creates a soothing and refreshing ambience much appreciated by frayed nerves.

Afterwards, downstairs in the large smoking room, where a number of individuals are chomping on cigars or sucking on their pipes, he discovers one of the Public Works Department heads whom he casually knew but did not think he would ever meet here. Those who witnessed the meeting between the two could not recall what was said, but the premier personally felt obliged to move the matter on.

The public knew a little more of what was going on when on 6 February 1957 Hambour asked, 'Can the Premier say what progress has been made on the New Era prison farm and whether the preliminary work can be expedited so that plantings may be made this year?'. With satisfaction Playford answered, 'The Government is anxious to proceed with this project, which has been reported on by the Public Works Committee and approved by Cabinet, and I believe it will be possible to do what the honourable member suggests'.

On 26 June Playford responded to Hambour's request for a progress report on the work on the New Era Prison Farm with another curt, 'Yes'. On 4 September the same response to the same question is given in the House. Hambour refused to let matters rest, and on 31 October he asked, 'Has the Premier received a report from the committee investigating a plan for the New Era prison farm at Cadell? If Cabinet has not come to a decision on this matter will he inform me of any decision made in the future?'. The premier replied:

A decision to provide the farm was made some time ago. The details are being worked out, and they involve the question of a building and an organization to maintain the institution. I will get the honourable member a report setting out the present position and telling him when he may expect the farm to be equipped and ready.

Nine months later, on 18 June 1958, Hambour questioned no-one in particular: 'I should like some information about the New Era prison farm project which I believe was referred back to the Public Works Committee. Will it be necessary for evidence to be taken at the site or only in the metropolitan area, and will it be a prolonged inquiry?'. Mr Shannon, the Chairman of the Public Works Committee, answered:

This is another project which has been referred back - we have had a number in recent years - for further inquiry and report because of alterations to departmental plans in the field. On this project the committee will take further evidence, mainly from departmental officers. The principle involved remains the same. There is no necessity to take any further evidence from people in the area concerned, at Morgan or Cadell, but we propose to visit the area again to consider what the amended plans will involve the State in. I am of the opinion that this project should be carefully examined for it is important to the State. We do not want to make a mistake, if we can avoid it. I would not suggest exactly how long the inquiry will take, but if the Government is urgently needing a report from my committee to put this matter on the coming Loan Estimates, we shall not delay it unnecessarily.

On 13 August Hambour's now somewhat tired question, 'Will Cabinet give early consideration to a prison farm at New Era?', received positive information from the Premier:

As the honourable member probably knows, a project was submitted to the Public Works Committee and was reported upon favourably, but the department subsequently decided that the activity originally submitted should be increased in size. Consequently, matter was referred back to the committee and was the subject of a report furnished to the House this week. I hope this matter will be dealt with in time for this year's Loan Estimates.

But on 11 November 1958 to his question, 'Will the Minister of Lands obtain a report from the Chief Secretary on what progress, if any, has been made on the New Era Prison Farm?', Hambour received from Cecil Hincks the monosyllabic response, 'Yes'.

The parliamentary records for the House of Assembly and the Legislative Council have nothing further to report until 20 October 1959 when Assembly members are privy to the following exchange:

Mr Frank Walsh: The proposed salary for the Superintendent of the Cadell Training centre is £1,403, whereas the salary of the keeper at the Gladstone Prison is £1,704. Is there much difference in the duties of these two officers to explain the difference in the salaries paid?

The Hon Sir Thomas Playford: Under the Public Service Act officers are appointed on a salary range, and on appointment a new officer is paid at first the lowest salary in the range and then receives yearly increments until he reaches the top salary. This applies to the Cadell officer who has been transferred from another position.

Mr Shannon: Mr Allen, the Sheriff, is greatly interested in the Cadell Training Centre and the Deputy Leader of the Opposition can rest assured that what the Treasurer said is correct. The salary of the officer is fixed by the Public Service Board. When the Public Works Committee investigated the establishment of this centre much evidence was given by Mr Allen and other expert officers. The centre will be not only an adjunct to our prisons but also a farm training school. It is intended that the persons sent to Cadell shall be specially selected in the hope that they will gain some benefit and some back into the community as useful citizens. I have no doubt that the centre will be a success and that Mr Allen will see that the staff there is the right type. The superintendent will have fewer men to handle and there will be a farm manager on the staff, whereas the prison at Gladstone will have a larger staff to control and will have no farm manager.

I commend Mr Allen for the work he has done in the establishment of block C at Yatala prison for men who have served the major part of their sentence and who are approaching the time for release. In my opinion conditions there are first class for the rehabilitation of prisoners for civilian life. The clothing and sleeping and arrangements, and the freedom of action have a vital bearing on the reaction of the men on their release. The men in the block realize that they have privileges and it all helps to make them useful citizens when released. The Sheriff saw the scheme's operation elsewhere and recommended to South Australia. Although the block has been in existence for about one year only one prisoner has escaped. I understand that this is regarded as an excellent result because the block accommodates 60 men and is full at all times. The men who leave there will probably readjust themselves successfully to civilian life. I have a high regard for the Sheriff.

Mr Hambour: I hope that the prison farm at Cadell opens soon. I am concerned at the amount of land that will not be developed immediately. Although 1,100 acres is available, in the first stage only 200 acres will be used. Persons nearby have complained about rabbit infestation. It is an offence to have vermin, but unfortunately, the neighbours have to suffer from rabbits on Government land. I join with the member for Onkaparinga (Mr Shannon) in expressing my appreciation of the work done by Mr Allen.

Mr Nakivell: Is there any justification for maintaining the Kyeema Prison Camp?

The Hon Sir Thomas Playford: It will probably be closed down. I am not informed whether a decision has been reached, but when Cadell was considered by the Government it was anticipated that Kyeema would be closed down.

Mr Dunstan: I appreciate the plans made and the development that has taken place but from time to time prisoners committed to Yatala could benefit by psychiatric treatment. Sometimes persons on the Bench tell them they will get psychiatric treatment, but they do not get any. Some people could be called kleptomaniacs; they seem to suffer from some kind of mental disease which, without rhyme or reason, makes them light-fingered. They ask for treatment but none is available at present. Others, subject to alcoholism, while they are forcibly driven off alcohol for a period in gaol, would benefit from psychiatric treatment. I know a tragic case of a man who undoubtedly has some diminished responsibility and seems to be alcoholic. As soon as he consumes alcohol he commits an offence connected with stealing. Time and time again he has gone to prison, yet no psychiatric assistance is given to people of this kind. It is essential that psychiatric help be available to those who can benefit from it. In addition to the class I have mentioned, there are sexual offenders imprisoned who could benefit during their imprisonment from psychiatric assistance but it is not provided while they are in gaol. It is something that is vital, but lacking in our present prison system. What plans has the Government for giving psychiatric assistance to prisoners in gaol?

The Hon Sir Thomas Playford: From time to time, as appears necessary, officers make recommendations in this matter, which are always given effect to. It is not easy to know whether a person is really requiring psychiatric treatment or whether he is merely pretending that he has a particular deficiency at the moment.

Mr Dunstan: A psychiatrist is the best person to find out.

The Hon Sir Thomas Playford: He cannot always find out. He may express an opinion, which may be fairly accurate, but I do not think he would be at all certain that he could pick him out. When it appears desirable, reports are made and the Chief Secretary gives these matters great attention and the necessary approval for whatever course is decided upon. At present it is not easy to get trained officers for that particular branch. Other mental institutions require technical staff, so we cannot be lavish with officers. However, we try to give such matters prompt attention.

Mr Clark: I was pleased to hear, and agree with, the remarks of the member for Onkaparinga (Mr Shannon) about the Sheriff who, on every appropriate occasion, has been of great assistance to me. Although these men are offenders against society, the Sheriff is always prepared to regard them as human beings. He knows their history and he is only too anxious to help them. His decision in a recent case was of great advantage to the family of the man concerned. He is filling a very difficult job and doing it perfectly.

The next interesting report on the matter in the parliamentary record is a back-slapping exercise on 7 April 1960 in the Council chambers. Ross Story reports, among other things:

I was interested recently to inspect the new bridge at Cadell and the Cadell Prison Farm. I was quite alarmed to learn that several prisoners had left the farm. I cannot imagine why anyone would want to do that because the facilities are so good and the conditions should be ideal. I should not mind if I were incarcerated there myself. The dining rooms are nicely decorated with bright colors. There are very nice dormitories with a steel locker to each person. Everything is conducive to people rehabilitating themselves if they want to. All I should be frightened of would be that some people living outside would want to break in to live there. The Government should be complimented, firstly on having set up this rehabilitation centre, and secondly on having made such a good job of the project. When the irrigation scheme associated with the farm is under way, I am hoping that it will be a payable proposition. Many Government institutions will receive some benefit from the produce grown there.

The Hon F J Condon: Do not forget the Public Works Standing Committee.

The Hon C R Story: That committee played a very big part in recommending the scheme, and members of the committee were very interested in the matter. I should also like to mention the advisory committee, of which Mr Tom Miller is chairman.

Paragraph 23 of the Lieutenant-Governor's Speech deals with the Magill Boys Reformatory and the placing of destitute and orphaned children in individual homes. The home appeals to me. When I see large institutions with 100 children or so in them, I cannot imagine anything more pathetic or pitiable whereas suburban type homes with eight or nine children in them would be much better. I cannot visualize that there would be more difficulty in getting foster mothers for these children. I should think that a widow with two or three children who was having a fairly difficult time to keep her own children could give a bit of motherly love to five or six other children. This would be not only a convenient arrangement, but a very rewarding one. I should like to think that this scheme would pay off.

The Hon Lyell McEwin: it has been in practice for the last 40 years. It is not an experiment.

The Hon C R Story: I am quite certain of that, but it has not stopped many children from being placed in big institutions. I am afraid I am not one who is always completely in agreement with some of the good Christian friends who are bringing children up properly in institutions,

because I believe they should be in small units where they can get the one thing they need, and the one thing they are most starved of, a bit of love. And I think they can get it on a more intimate basis than being housed in big institutions

In Question Time in the Legislative Council on 12 April 1960, just weeks before the official opening of the Cadell Training Centre, Mr E.J. Condon asked, 'Has the Government considered giving members of Parliament an opportunity to inspect the new Cadell prison Farm established for the purpose of rehabilitating prisoners, as it seems to be an excellent proposition?'. The Chief Secretary, Sir Lyell McEwin, replied:

I have not yet referred anything to Cabinet officially. I am investigating the possibilities of finding a suitable time for a visiting day, or such function at which members of the Government - and perhaps others - would have the opportunity to see what has been done there as regards the rehabilitation of prisoners.

That afternoon Sir Lyell made his way from Parliament House across King William Street, past the Adelaide Club and along North Terrace towards East Terrace, where opposite the School of Mines he entered the imposing building housing the Freemason's Grand Lodge of South Australia. As was the case with Sir Thomas at the Adelaide Club, it was time for Sir Lyell to make his connection with parts of the security police system of South Australia, and word needs to be spread that the Cadell area requires special attention when the new prison farm is opened officially. He wants to ensure that this day is a success - it will be!

Chapter 17

A COMMEMORATIVE BOOKLET

Reproduced here is the text of a now rare booklet that was printed at Yatala Labour Prison for the guests who attended 'The Official Opening of the Cadell Training Centre, South Australia by the Chief Secretary the Honourable Sir Lyell McEwin K.B.E., M.L.C. on Tuesday, 31st May, 1960'.

FOREWORD

It has been said that the test of a prison system is what happens when the prisoner is released.

Modern methods of prison treatment seek the social rehabilitation of the offender, endeavouring to prepare him to take his place once more as a normal member of society and helping him feel that he is still part of the community.

The Cadell Training Centre is the modern approach to one of the problems of rehabilitation. Here conditions more closely resemble those of normal life than is possible under traditional prison systems.

The aim is to waken in the trainee the will to lead a good and useful life on release by the development of character, self-control and a sense of personal responsibility.

A. Lyell McEwin
Chief Secretary
31st May, 1960.

THE BEGINNING

During 1952 the Government recommended the establishment of an open institution where selected young prisoners could be employed and trained in open conditions.

This should not in any way resemble a prison but should be designed so that a young man would not be held in captivity as in a prison, but be able to lead a free and corporate life where self discipline would prevail.

The provision of an open institution is most important and necessary in the development of a modern penal system, providing the training for men in self respect and a sense of personal responsibility with a view to their rehabilitation and social readjustment.

THE SITE

It was realized that there would be difficulty in finding a suitable place in the country not so isolated as to obstruct the purpose of the institution or cause excessive inconvenience to staff and families. It was necessary to have fertile land of sufficient acreage, an ample water supply, electricity, and within reasonable distance of a town, school and shopping centre. The latter is essential to enable the staff to have normal every-day amenities.

Inquiries extended from north of Adelaide to pine forests and virgin country in the South-East, thence to areas adjoining Lake Albert and Lake Alexandrina and finally along the River Murray.

After extensive investigations a report was submitted recommending the establishment of an open institution on the Murray River.

The matter was referred to the Parliamentary Standing Committee on Public Works who commenced their inquiries on 30th August, 1955.

The Committee visited the Upper Murray and inspected a number of sites commencing with land east of Renmark and adjacent to the Victorian Border. Evidence was taken from a number of Government officials and others concerning suggested areas at Loveday and Cadell. Representation was made to the Committee by the Chairman and Councillor of the District Council of Morgan who submitted a proposal for an alternative site near the Cadell township.

During this visit, and in Adelaide, evidence was taken by the Committee which reached the conclusion that the two most suitable sites were at Loveday and near Cadell on the River Murray lands.

Further inquiries were made and it was agreed that an area of 1,059 acres comprising Sections 210 and 211 with a river frontage near Cadell was most suitable.

The site at Cadell was selected on the following grounds:—

- (1) The area could be developed into a valuable asset.
- (2) A locality with a river frontage where an abundance of water was available for irrigation at a reasonable cost.
- (3) Sufficient fertile land to enable dairying and pig keeping to be a success.
- (4) Suitable for growing vines, citrus trees, stone fruits and vegetables.
- (5) Growing lucerne and pasture crops.
- (6) Provide employment throughout the year.
- (7) Suitable for erection of staff quarters and other buildings.
- (8) Electricity from Adelaide on property.
- (9) Reasonably close to Cadell, Morgan and Waikerie, thus providing shops, schools, churches and amenities for staff.
- (10) Chaplains, doctors, dentist, etc., available.
- (11) Within four miles of railhead and town of Morgan.
- (12) A site suitable to permit efficient rehabilitation of offenders.
- (13) Morgan District Council, also residents of Cadell, Morgan and Waikerie were pleased with the proposed scheme.
- (14) The effective co-operation of the public.

WHAT HAS BEEN PLANNED

On the recommendation of the Parliamentary Standing Committee on Public Works the Government appointed an Advisory Committee for the purpose of preparing complete plans together with costs of both establishment and operation.

This Committee made inspections and met frequently and after careful consideration submitted plans, together with estimated costs for the construction of staff quarters, administration block, dormitory block (this includes kitchen, dining hall, recreation centre, sleeping quarters and bathrooms), laundry, implement sheds, dairy and piggery.

It was necessary to plan the area in preparation for the planting of vines, citrus trees, stone fruits, lucerne and pastures. Provision was also made for irrigation and a domestic water supply.

The plans and estimates were approved.

The area set apart for buildings was sandy and undulating, and covered with stunted mallee. This was cleared and graded and work commenced on the formation of main roads and internal roads. Immediately the roads were formed, prefabricated buildings, and other building materials were delivered.

During March, 1959, foundations were prepared and work commenced on the administration and dormitory blocks.

Shortly after this the erection of eighteen staff houses was under way.

By October 1959 all buildings were nearing completion and almost ready for occupation. Roads had been constructed, electricity installed including street lighting. Overhead tanks were erected and water was pumped from the river giving a domestic supply of 30,000 gallons per day.

An area was planned for the planting under irrigation of approximately 85 acres of citrus trees, vines and stone fruits, 13 acres for vegetables, 80 acres for lucerne and the balance of the other land utilized for pastures. The lucerne and pastures will be required for the dairy herd of approximately 80 cows and pigs.

When completed, 5,000 ft. of overhead sprinklers will operate from this system providing ample supplies of water from the River Murray for the irrigation of cover crops, lucerne, fruit trees and vines.

Work is now nearing completion on the laying of 12,000 ft. of 26 in., 18 in., and 10 in. mains.

STAFF

With the establishment of an open institution at Cadell it was necessary to provide a specially trained staff.

It was also necessary that they were qualified to gain the respect of the trainees through their own example and leadership, also to guide and assist them to be useful members of society on release.

The staff have had the benefit of specialized training and they will seek to influence the trainee by their own example and leadership and so enlist their willing co-operation. It will be part of their duty to encourage and assist the trainee to maintain happy relations with his family and friends, to understand his character and any special needs that he may have and at the same time to be capable of exerting a moral influence.

Senior officers with special qualifications were selected for executive positions.

All officers at Cadell have a thorough knowledge of their duties; they are efficient and work together as a team.

THE TRAINEE

On 18th January, 1960, the first draft was transferred to Cadell Training Centre.

This was a new experience for the trainees as they would now have to accept self discipline, self control and responsibility.

To most of them it would be a new way of life and presented a challenge. They all realized there was a lot of hard work ahead, also that it would be some time before there were any results.

The trainees accepted the challenge. One commenced duty as a cook, another became his assistant. One started in the laundry and two others commenced cleaning the dormitory section. The remainder moved out into the fields.

The trainee is treated as a person with a life and character of his own. He is given free access to Chaplains and encouraged to receive visits from friends and relations.

All were determined to make a success of this venture.

CONCLUSION

Through careful planning, co-operation and many months of hard work, an area previously covered with sandhills and stunted mallee has been cleared and graded and replaced by a centre incorporating modern buildings.

Since 18th January, 1960, four months ago, a transformation has taken place. The land surrounding the staff quarters and other buildings has been prepared and is now covered with lawns and landscape features.

Adjoining the buildings a vegetable garden and cover crops of barley and pastures were established, the growth of this being dependent on the domestic water supply.

This discloses a scheme the finest and most modern of its kind in Australia.

The system is based on self discipline and designed to encourage a sense of responsibility from the trainees. It also encourages them to use the freedom accorded them without abusing it.

The conditions generally at the Cadell training Centre resemble closely those of a normal life and play a most important part in the social readjustment of the offender.

This Department has played its part, therefore the success of the scheme will depend on the co-operation of the trainee.

* * *

THE YEARS BETWEEN

(31st May, 1960 – 1st November, 1962)

Foreword to 'The Years Between', this being a supplement to The Cadell Training Centre distributed at the opening of the Cadell Training Centre. The supplement covered the period from the opening to 1 November 1962.

The Cadell Training Centre is situated on the River Murray adjoining the town of Cadell, a distance of approximately 106 miles from Adelaide.

The buildings were prefabricated at Finsbury by the Public Building Department, transported to Cadell, and erected on the site. These include dormitory sections providing accommodation for sixty trainees.

During March, 1962, the cell block of sixty cells was opened. This building is adjacent to the dormitories and under the administration of the Superintendent. This area is distinct having no connection with those accommodated in the training division. It is used to detain those apprehended in the River Murray area instead of confining them in the Police Prison at Renmark and H.M. Gaol, Adelaide.

The trainee is, in the first instance, moved from Adelaide Gaol or a Country Prison, to the Yatala Labour Prison. Here he participates in group counselling, this being considered the first and most important step towards his rehabilitation. He then appears before the Classification Committee and is classified. This is followed by vocational training, guidance, and assistance towards his rehabilitation.

After a period he again attends a meeting of the Classification Committee who may recommend his transfer, this depends on his development of character and the acceptance of authority, discipline, and a sense of self responsibility.

He is then transferred to the Training Division or "C" Division at Yatala Labour Prison, this being outside the walls of the prison, and a place of minimum security,

After further training in this section he is moved to Cadell.

The Cadell Training Centre was officially opened by the Chief Secretary, the Honourable Sir Lyell McEwin K.B.E., M.L.C., on Tuesday 31st May 1960. The opening was attended by the Honourable the Premier, Ministers of the Crown, Members of Parliament, and distinguished guests.

On this occasion a booklet was distributed. Included in this is a "Foreword" by the Honourable the Chief Secretary.

This is followed by brief particulars relating to the Training Centre, the first article being "The Beginning", the last part appearing under the heading "Conclusion". This booklet briefly explains something of the origin of the Cadell Training Centre, also its aims and objectives.

It is now considered that those interested should know something of what happened during "The Years Between", or the progress made and accomplishments since the official opening on 31st May, 1960, to 1st November, 1962 - a period of two years and five months.

At this stage it is acknowledged that we had some teething troubles at Cadell at the beginning, this being brought about by those transferred not prepared to accept responsibility.

JP Allen
Sheriff & Comptroller of Prisons
November 1st, 1962.

*

During the Official Luncheon at the opening of the Cadell Training Centre the Honourable the Chief Secretary, when addressing those present said:-

“Cadell Training Centre is an open institution and marks a very important step in the development of a modern prison system. Here men will live and work in comparative freedom under the guidance of qualified personnel determined to influence the trainee by their own efficiency, example, and leadership.

At Cadell trainees receive vocational training under supervision of skilled instructors. This training is so designed that on release the trainee will have no difficulty in obtaining employment.

The release of an inmate is a very important day in his life, therefore a pre-release programme is arranged. This includes planning for release, pre-release instructions, advice relating to community adjustments, and problems that may arise. It is often necessary to arrange suitable accommodation and employment and at times some adjustment in the home—this is all part of a modern system”.

The staff and trainees realised that there was still a considerable amount of hard work ahead involving a lot of planning and preparation.

An adequate water supply throughout the area was most important, therefore the work in order of priority was the laying of the necessary irrigation mains. This project commenced and rising mains from the river, 26” steel main, was laid by the Engineering and Water Supply Department. The staff and trainees laid the remainder using a front end loader tractor.

The biggest proportion of the trenches were excavated by hand. In all 13,000 ft. of concrete mains ranging from 19” to 10” diameter were laid. As an indication of the willing co-operation of the trainees 72 pipes 19” diameter and each weighing 12 cwt. were laid in a day. Professionals at this work consider 40 pipes an excellent day’s work. The quality of their workmanship was excellent, and no trouble has been experienced with the mains.

Such good progress was made that by July, 1960, approval was given for the planting of the stone fruit orchards and vineyards. At this stage the development of the Centre was 12 months ahead of the planned time table. In all 22 acres of peach trees consisting of nine varieties of canning, and two of freestone, making a total of 1,800 trees planted in July of 1960. Five and a half acres of apricots consisting of five varieties and totalling 440 trees and six acres of grape vines—sultanas and gordos, were also planted at the same time. During August, 1960, 20 acres of lucerne and 14 acres of pasture were cleared and sown. A small vegetable garden to serve the Centre's own requirements was established.

With the advent of lucerne, pasture, and cover crops which were planted as the land was cleared, the way was open for the establishment of a dairy herd. Three Jersey cows were transferred from the Yatala Labor Prison, and eleven Jersey cows and one bull were purchased from breeders to form a nucleus for the establishment of a stud herd of Jersey cattle. All this progress was made under most difficult conditions, in particular, irrigation water supply. The irrigation was carried out by means of a temporary pump, at least 40 years old, with a capacity of approximately 15,000 gallons of water per hour. Again is demonstrated the tenacity of purpose of both staff and trainees, to win against most adverse conditions. At the same time excellent progress was being made on the farm itself, a beautification plan for the surrounds of buildings and houses was proceeding, and drifting red sand and outcrops of limestone were converted to lawns and shrubs. So much for progress during 1960.

During 1961 the task was to hold what we had. This proved very difficult because of inadequate water supply. Little progress was made on further development of the farm area which required water. Before the land could be cleared water was required to enable cover crops to be grown, thus preventing sand from drifting and soil erosion.

Owing to lack of water the planting of 40 acres of citrus trees had to be deferred for 12 months.

Attention was then turned to fending the property, establishing yards and paddocks for cows and pigs. During May, 1961, six stud breeding sows and one boar were purchased.

During January, 1962, the permanent pumping stations were completed. A further 20 acres of lucerne were planted, and 2,000 citrus trees.

Twenty-four acres of land were cleared for temporary vegetable plantings to be used at a later date for pasture.

The following gives some indication of the area now under cultivation.

Apricots—5½ acres - the first crop will be harvested in December, 1962.

Peaches—22 acres - the first crop will be harvested in December 1962.

Sultana grapes—the first crop will be harvested in December 1962.

Gordo grapes—4 tons harvested during 1961, main crop expected in December, 1962.

Vegetable garden—24 acres - all types of vegetables produced.

Lucerne—45 acres established.

Pasture—20 acres established.

Citrus—16.4 acres.

Total area under irrigation, 174 acres.

Dairy

A stud Jersey herd is being established. Since the purchase of initial stock 13 heifer calves have been born. None of these have as yet produced progeny. The dairy has been the subject of very favourable comment from the Department of Agriculture, and visitors to the Centre. This is now a registered Stud bearing the name “WUKAIN JERSEY STUD” (WUKAIN is an aboriginal word meaning, “A Place of Training—To Teach”).

Piggery

The establishment of the piggery has been the most successful. On one occasion pigs sold at the Eudunda market received top price and on two occasions second price. The herd of breeding sows has been enlarged. It is anticipated that next year the piggery will produce at least 300 pigs for market.

Poultry

Houses have been erected (Dryden type). These will accommodate 400 head of poultry.

Hay

Stacks of lucerne hay have been established. It is expected this season to cut and bale lucerne at least every six weeks. This fodder is conserved to allow for distribution to our other institutions in the event of a dry season.

Pumping Station

Two Thompson pumps were installed in the pump house for irrigation purposes. They are: (1) 180 h.p. capacity 200,000 gallons per hour. In addition, a pump of capacity 3,000 gallons per hour was installed for domestic water. The water supply is now adequate.

Beautification and Wind Breaks

Approximately 4,000 trees have been planted for beautification of area and wind breaks.

Future Plans

Approximately 30 acres of undeveloped land has been equipped with irrigation mains. This will be cleared and prepared for cultivation at

some later stage. For the present it is proposed to further develop the area now under cultivation.

The Trainees

Since its inception on the 10th January, 1960, a total of 777 have passed through the Cadell Training Centre. Of that number only nine trainees have absconded. Six of these young offenders were previously in trouble as juveniles, and the remaining three had committed other offences. They were given every opportunity, but failed to respond to training. They were subsequently apprehended, and on release committed further offences.

The modern approach to training has proved most successful at Cadell. This has been brought about by an efficient system, together with competent staff specially trained, each having a devotion to study.

A careful check has been made in this State, and as far as can be ascertain, at least 95 per cent of those trained at Cadell have responded, and are now leading good and useful lives in the community.

* * * * *

The material above indicates to me that a group of individuals, concerned South Australian citizens, who had become public servants, seriously thought through the problem of prisoner rehabilitation. A thorough planning stage that discounted the inevitable vagaries of a trial-and-error approach implemented a plan, knowing that, as the Muslim world knows so well, nothing is perfect in this world, only God. Or as the Germans are wont to say, 'where work is done, mistakes are made'.

Now 50 years later I have the privilege to be a guest for almost 11 weeks at this innovative model prison farm located in South Australia's eastern region, the Riverland, just on a 2-hour drive from Adelaide.

Welcome to the world of ideal reality!

Chapter 18

CADELL TRAINING CENTRE

Someone placed the following on Wikipedia's website:

Cadell Training Centre is an Australian prison located in Cadell, South Australia, approximately 180 km north-east of Adelaide and 10 km from the town of Morgan. The prison is a publicly run institution and has a capacity of 170 inmates. The centre lists its main function as having a major restorative justice focus. The centre also operates a specialist program targeting young men who have had limited exposure to the adult prison system, and another program that targets young offenders with drug and alcohol problems.

Cadell is a town situated near the north western edge of South Australia's Riverland on the inside of the large southward bend in the Murray River. The town is named after Captain Francis Cadell, who was the navigator on Charles Sturt's exploration of Murray River. Cadell lies in the middle of a citrus growing area and is also home to a low security prison for men, the Cadell Training Centre.

* * * * *

AT CADELL TRAINING CENTRE

Tuesday, 25 August: My departure from Yatala Labour Prison is swift. Mr Ho arrives, the gentleman who showed particular sensitivity towards me while I was not wearing my shoes in G Division, and two of us walk out of the reception area and along a path that leads to a car park where a minibus awaits us. Three of the five prisoners who settle into their seats are returning to Cadell – only Cliff and I are new prisoners.

The driver smokes as does her co-driver. Throughout the trip they do not hesitate to light up. They settle into their respective seats and off we go – along the Yatala drive, then a right turn into Grand Junction Road and heading where? I suppose chain smoking comes with the territory, a sign of the stressfulness of transporting prisoners not handcuffed. It is a totally unpredictable situation. Then again, most prisoners themselves are heavy smokers and so there is a shared vice that unites drivers and passengers.

Cliff tells me he had not paid his fines and so has to spend 2 months inside.

We drive along the new freeway towards Gawler and exit at the Freeling turnoff, which is Kausch territory, then towards Kapunda where we stop for lunch. Then it is off again and we pass St Mary's pub where Robert Lockett lives, then through Morgan and in another few minutes cross the Murray River on a punt. A pedestrian who had just alighted and was about to walk to Cadell township sees the bus, then smiling returns and takes a trip back all the while chatting animatedly with driver and co-driver.

And then it is a full stop at Cadell Training Centre (CTC) where we alight at Reception. The returnees disappear through Reception while the newcomers are processed individually and become inmates of CTC.

Peter, an elderly fatherly figure, kindly welcomes each one with a smile, then Dante, a young jovial inmate at CTC, issues our allocated clothing. I shed my suit, go through the routine that ends up in the squat position over a mirror, then dress in standard prison clothes of shirt and jeans and I opt for suede shoes that are light to wear.

Then it is off to the Case Management Centre where Morray Grant welcomes me, issues me with my Prisoner ID that I am instructed to carry with me at all times, then allocates Cell 17 on the ground floor of the Cell Block: it is referred to as 'Bottom' while the first floor is called 'Top'. That is the usual procedure and only when a clear urine test is offered will a prisoner move to the Dormitory or one of the numerous houses or cottages that make up the accommodation complex at CTC.

I am allocated a cellmate, Craig, who is a non-smoker, and that is good. The Japan Airlines pen that I had in my suit pocket is my handy instrument so I can begin to write my first letters to Christopher and Peter.

Wednesday, 26 August: I had a surprisingly restful night's sleep and I am already dressed and ready to get my cup of coffee when at 7 a.m. the cell door is opened. I head to the kitchenette where Jim, sitting at the table with his cup of tea, gives me a cheerful greeting.

At 8 a.m. it is 'assemble for the count'; officers walk along the passage, taking count of each prisoner standing next to his cell door. It is amazing how slovenly the inmates stand while the parade of officers go by. I seem to be the odd one properly standing to attention with eyes focused on the opposite wall a little upwards. I make no contact with the officers, and do not feel tempted to make a noise or a nervous twitter as we are dismissed with, 'Thanks fellows', or some provocative cat-calls from the younger ones now hiding at the end of the passage. Officers do not respond to such indirect provocations, which is good, and proper. It is like a boarding school full of naughty boys, where a few more mature boys are unofficially selected as prefects to keep the younger ones in line.

I take the walk, our voluntary exercise, which is not in a yard but in the open along a sealed road from the Cell Block, that goes beyond the Dormitory and the Farm Office, turning left along the road past the workshop on the right and the cottages on the left, and then into the orchards, where it turns left to an unsealed road. To continue onward leads to the dairy, which is out of bounds for those who are not working there.

At the intersection of the unsealed road there is work going on; I find Jim Earley working hard at fixing a broken pipe. He is the man who on his green tractor sets the pace for good solid work, setting an example to all newcomers to CTC that work is good for you because it keeps you fit.

The unsealed road leads to the orange groves where sign posts identify the navel, navelina, valencia and common oranges. All look tattered; the posts need a coat of green paint, and the signs need to be freshened with white paint while the printing should be done in black paint.

The T-junction leads to another left turn where I spot a work shed to the right, also needing attention. It seems here too, a little maintenance has to be done to tidy up the shed.

On my return to the Cell Block, I pass the Pottery and Music Shed to the right, then the Gym where fellows are pumping iron and whatever needs to

be done to strengthen those muscles that ordinary work would do just as effectively; I then come to the Maintenance Shed where Grant runs his enterprise of willing workers.

My walk comes to an end at the Library where I find Noel who looks after newspapers and book borrowings. He has been an inmate since 2000 and according to media reports his Christian faith has sustained him. Together with Tom they run the weekend church service as well as a nightly outreach program for anyone who is seeking solace. He has obtained two university degrees while inside from UniSA.

I flip through the *Advertiser* noting the editorial, and in the *Australian* I see the Lewis and Wertheim article about my case. These writers who believe their own propaganda are fools, and their eyes betray something I have always noted in liars: a fear of the truth. That I dismember their worldview is entirely their problem because it is they who have to adjust to the truthfulness of my worldview, if they care about nurturing such concepts as truth telling, which I doubt. Their twisted and contorted faces speak for themselves (see Chapter 14).

At lunchtime I again avoid the meat and rely on the abundance of vegetables and fruit (apples, pears and oranges; and bananas which I trade for apples). Although my weight is down to 85 kg, it is still high and so I must limit my food intake by eating only a third of what is offered. I hate to throw away food that will be discarded, so I try to give it away. Craig, who has to be careful because his diabetes readings are up, takes the chicken.

That night I feel my legs are stabilising, the sting and hurt are receding. I am not playing the victim in this matter, for there is always someone worse off. Again, I reminded myself of our Associate Peter Rackemann who has spent 40 years as a quadriplegic and still remains cheerful.

Thursday, 27 August: Routine begins to set in: wake up 6:30 a.m., 7 a.m. doors open for breakfast, by 8 a.m. out for the three laps which is just on 1 km. After lunch to the Library to read the day's newspapers; in his Menzies Lecture in Perth last night John Howard rejected a Bill of Rights as 'buck-passing'. My sentiment also because Catherine Branson, now Human Rights President, lost the plot with me when she imposed those ridiculous court orders that lock up an historical period from scrutiny and caused me

to be locked up by the injustice of a 'Hate Crime Law'. She foolishly lacks the intellectual capacity to fathom the depths of cultural endeavours, although she has a keen sense of what power is about and uses it wrongfully, a classic example of emotional and intellectual mutation at work.

This reminds me of my sister who, after a failed marriage, embraced radical feminism as a reaction to justify what she had done. When I stayed with her in December 1976 I flippantly advised her not to sharpen her mind on this intellectual rubbish called Marxist-feminist ideology, but she insisted on embracing a dialectic that, so she thought, would get her to a power base where winning was all the rage; such winning and losing drove her to the point where she concluded all humans are motivated by greed and envy and there is no such thing as love and truth.

After 3 days a pattern is kicking in: I do my walks after breakfast and before lunch and again after lunch and again after tea. At mail time I receive a most welcome message from Peter who is planning to visit on the weekend, and I need to place him on the visitors' list.

Friday, 28 August: At the Case Management Centre, the office block between the Cell Block and the Laundry, Mr Lodge advised me of the procedural matters related to receiving visitors on the weekend. That things must be in writing confirms my view that rules here are no different to other prisons, and how the Auschwitz extermination stories are absolute false propaganda to merely slander a civilised German nation!

At night I work on my reply to Lewis and Wertheim's article in the *Australian* and count myself lucky in finding the story in the library. I send a copy to the editor, Paul Whittaker, and another to Dagmar, just to ensure that it is safe for later use. I am permitted to send seven letters a week post paid, which is good.

Saturday, 29 August: I begin the morning by cleaning the toilet thoroughly. I think of the individuals I know who shy away from cleaning their own toilets. Basic matters come to the fore when held in a small room with a stranger.

The office advises that Brockschmidt, Hartung and Steele are on the visitors' list. After the 12.50 p.m. muster I make my way to the Cell Block

Office area, to await the frisking and then walk to the visitors' area where my friends will be waiting. The warm welcome is hearty as I greet Senior Rabbi Steeleberg, Chief Rabbi Davidovich and Junior Rabbi Peterschmuel.

Sunday, 30 August: I relax today because my sniffles need as much rest as possible, which is the best thing to do to overcome a cold besides to drink pure lemon juice. A cold is the body's way of slowing you down, of refilling itself with energy that is needed so that it can heal itself. After all, we must never forget that the body is an autark unit, one that has a godly impulse in it, that looks after itself, if not interfered with by this terrible addiction of wanting a quick fix by just swallowing some cold-curing tablets.

Jim talks about the South Australian Parole Board travelling to Canada to seek inspiration. He fears this, and so do I if my instincts, based on what the Canadian judiciary did to Ernst Zündel, are right – not much good can come out of that country's twisted judiciary. Compassion and mercy are needed in order to rehabilitate criminals, not some watered down rationalisation that merely implements the Talmudic mindset that celebrates vengeance, as expressed by the current South Australian premier.

Monday, 31 August: At 7 a.m. I awake with the unlocking of the cell door, the sniffles have receded, and I feel more relaxed without taking any drugs to combat the cold. Cliff and Corey talk about drug use and how the methadone program does compensate a little, while Jim laughs at those who voluntarily submit to liquid handcuffs. Time to think.

* * *

A news story about a bullying death at Mullumbimby High makes me recall at Kyneton High School how sad I felt to see Humphrey bullied by Jim Showler and others and how I intervened because Humphrey was getting hit on his arms and all he did was whinge 'Aoua', and then reported the matter to Mr Gatehouse who protected him as if he was his son. Generally, teachers like Mr Thompson would have the feuding boys put on the boxing gloves, and that usually settled the matter.

When Remikis (also known as Zukas) took on my brother the whole school at lunchtime flooded on to the football oval, where my brother was prepared for the showdown. Thompson, a sane manly man, put a stop to it. That night on the school bus Remikis sneered and snickered at the Tobens, 'the Nazis,

the German pigs'. We alighted at Mather's newsagency at Macedon, and as my brother and I were about to walk home Remikis taunted us again. My brother, who was stronger than me looked at the fellow who was also taller than us, lunged at him and brought him down in one of his special headlocks. Usually among normal individuals, when a person is down the aggressive instinct recedes, which happened in my brother. It was enough for him to see the all huff-and-puff pretty boy lie there defeated. But this fellow needed to be taught a lesson and so I urged my brother to hit him so that evidence of the battle would be carried over into the next day. That night my father received a call from the local police because the Töben twins had been reported for assault. When my father explained the verbal abuse that had preceded the fight no further action was taken by the police.

This was a time when police could settle petty disputes without having to do a report. Police had discretionary powers and that was good because they lived within the community they had been ordered to protect.

The next day Remikis sported black eyes and from then on he left us alone and no-one ever again bothered us about our German background.

* * *

The next day, before lunch, I walked to the Farm Office to meet with Mr Fairley and to suggest I could paint the various signs that line the walking track. He promised to give it consideration and that I would be advised.

That evening we watched ABC-TV's '4 Corners' program, which featured Dr Kallestrom, who spoke about 7/7 and the other conspiracy theories, making the obvious comment that the official 9/11 conspiracy theory that a bunch of Arabs did it, cannot be sustained anymore. He thought Britain's Public Order Act coming into force would make it possible to quell dissenting views on the pretext that any counter theory would disturb the public peace. Germany has a similar law, which is used to stifle dissent about Holocaust matters. That Kallestrom is a danger to public order stems from the fact he challenges the official Holocaust narrative's truth content.

Tuesday, 1 September: Apparently I terrorise my cellmate with my snoring. I showed no mercy, because when someone who snores disturbs me I wake them up to the point where it is not a dream for them. I expect to be treated in the same way!

My legs are feeling much better. At the Cell Block Office I check on my release date – 12 or 13 November? It is the 12th.

Jim has a second parole hearing soon. In talking about his situation he tells me that he is 5 years overdue for release, but there is no release date although the Parole Board had recommended his release.

Wednesday, 2 September: Cell Block is locked for the morning, as the desire is to have all prisoners outside doing something. I am in the Library where I read a comment by John Goldberg about Mosaic Law being the best. Goldberg is locked in this trial-by-ordeal mindset, for his article indicates to me that he has problems and that it must be his Talmudic training that gets into the way of clear and humane thinking.

Thursday, 3 September : Today I have a large stack of mail. David Perkins rang to see how I was. I informed him all is well, and that another packet of reading material came from Brockschmidt.

Friday, 4 September: Again all have been sent out of the Cell Block into the sunshine. Noel has gone to Adelaide for medical reasons, and so the Library is opened much later by Peter.

After walking the track and lunch, we collect our mail – again many letters from trusted friends. There is a football match in the afternoon so no-one is working. After tea it is early to bed to watch the Crows beat Essendon.

Saturday, 5 September: Adelaide Show Day! Peter comes to visit again with Dave and Jock – it is nice to see my old mates who do not shy away from visiting me, though I understand some have this hesitant feeling in thinking about visiting anyone in prison. After all, being locked up is the expression of society's displeasure with one's behaviour. It is not society as such because there is no such thing as 'society' but rather individuals who have the power to impose their will on others who will then act on their behalf to carry out an action against a person who is regarded as a threat to them.

Sunday, 6 September: A fellow did 'a runner' and is in the punishment cell next to ours, a double cell that has been turned into a single cell and subjected to early lock-up. This is like Wandsworth where, if you want a single cell, you have to bash up your cellmate or break a rule. Mannheim was more civilised because it was realised that most prisoners wished to

have their own cell. That was the original plan for Cadell, but the crowded prison now means shared cells.

Monday, 7 September: While having coffee I am thinking about the ugly minds of prime uglies such as Jones, Lewis, Wertheim, Rothman, Lander, Spender, Branson, McEvoy et al. who defend lies and deception and terrorism, and whose battle-of-the-wills are so puny that they cause me to be here. That sounds as if they are becoming the new suppressive persons who need to spend some reflective rehabilitation in this place. This makes me think of a book title, *By Proxy the Sequestration of Liberty*. A good title for my next book?

I now have work, which is a good start to the week. My job is to paint white the oval posts – there are 112 sets of them. Initially I am with Cliff, but he takes off and does other things, leaving me to be the post painter at Cadell.

Later, Juan, who has given prison matters some thought, offers me a read of his ‘How can the prison system be improved’, where he postulates a better approach than currently practised – the government’s ‘rack, stack and pack ‘em’ policy!

Tuesday, 8 September: Up again early, watching TV without sound so that Craig can continue snoring. A 7 a.m. cuppa and Happy Birthday to Corey who turned 30.

I continue my painting. Shaun Edwards, the deputy manager, asked me if I would be interested in doing community service work outside of the prison. In principle, yes, but I would also like a single cell mostly because of Craig’s snoring, which I know he cannot stop. This means that I have to pass clean urine before anything happens, then I have to apply for transfer out of Cell Block and into a cottage because community workers start at 7 a.m. Only the dairy boys start earlier, around 4.30 a.m.

All this hustle and bustle reinforces my knowledge about the alleged gassing story that is not possible for anything like that to occur when there is no written order. Edwards has to obtain permission to have me reclassified from L2 to L1 before I am allowed to leave the prison. That is done at the head office.

Imagine millions of people murdered, gassed, without a single written order? It’s all too far-fetched and fanciful, but there are gullible individuals

who do not have the strength of character to admit, when confronted with physical evidence, that they have for decades believed in rubbish. Their world then comes crashing down and they will turn on the messenger; in this case it is those who refuse to believe in rubbish. In this instance, it is this nonsense about Germans having systematically exterminated European Jews in homicidal gas chambers! What distorted propaganda misleading naïve people who want to believe in it, when it suits their disposition, in this case to project hatred at Germans, for whatever reason.

Nice mail from many individuals: Gerard, Neville, Mary, Mohammed, Spencer, Nigel, Amelia, Dagmar, Lila, David Murray, Helga, Michael, Simon, James, Bert, Brett and Wifey Bryant. It appears that my mail load is taxing the strength of the officers who have to deal with it in the office.

Wednesday, 9 September: The usual daily beginning, and off to continue painting posts. At 10 a.m. there's a call through the PA system for me to come to the Cell Block Office: if community service is granted, then I need to live in cottage, so I must apply. Before lunch I go to the Visitor's Centre for a DNA sample test conducted by a Morgan police officer, Mark. If I refuse he is authorised to use all necessary force to extract my DNA - do I resist? No, of course!

After lunch more painting - only 40 posts to go but I need more paint. So, I knock off work and go to the Library where I find the three fellows who see themselves as CTC's nerds - Noel, Juan and Ronnie.

Before tea I am taken to the Green Room for my urine sample. The same procedure applies to all, naked into the cubicle and fill the small jar in your own time. It is not easy to urinate on command!

Thursday, 10 September: Early to rise, 6.15 a.m.. Painting job continues with afternoon termination at 2 p.m., hot and blowy weather, too dusty for painting, but 32 posts to go. So I watched the footy match.

Friday, 11 September: Today an early northerly wind is whipping up a dust storm that is reddening the morning sky. Just after 8 a.m. when 'commence movement' has been announced, only a trickle of inmates emerges from the Cell Block. I am one who is off to work. Abdul informs me that the dust storm today would turn the posts painted into sandpaper before they would dry.

Having participated in the Lebanon-Israel war Abdul is well aware of military discipline. But he has difficulty taking this somewhat artificial 'You are stood down' military environment seriously.

I am off to the Library where I read Sally Neighbour's article 'Seeds of Destruction' about the bin Laden camp in disagreement over 9/11. What nonsense she prattles off, all based on the false premise that a bunch of Arab terrorists did the job when it was an obvious insider job, as the Danish scientists confirmed by analysing the nano-thermite found in the dust, which explains what happened, especially to Building 7.

It reminds me of the Auschwitz nonsense. For example, the so-called blueprints of the gas chambers found recently in a dumpster in Berlin, which were ceremoniously presented to the Israeli government. It hurts to see such a contrived event reported in a serious newspaper without anyone critically commenting on such corny nonsense. Imagine, after 60-plus years the 'lost' blueprints are found in a dumpster? I wonder why Prime Minister Netanyahu is not ashamed to accept such trash.

On this day five years ago I was best man at Germar Rudolf's wedding in the USA. Much has happened to both of us since then.

Saturday, 12 September: Again it is blowy outside, and there is the smell of fire from a possible bushfire somewhere in the region. The Cell Block is nice and cool and remains so with air conditioning at full blast.

Since the weather is not favourable to painting, I go to the Library where it is pleasant and quiet. The *Advertiser's* CSI section is headed 'Missing drifter linked to kill plot. Hitman murder mystery'. Collingwood won over Adelaide!

Sunday, 13 September: A good rest, then a good walk along the usual path; but because of visitors it is only the L-shape walk today.

Monday, 14 September: Not long painting in the afternoon because the paint tin is empty. I have time to think of another title for my book, 'Arbeit Macht Frei'. Then I sent Jim's material to Peter for forwarding to Perkins.

Tuesday, 15 September: I receive notification from the Institute of Medical and Veterinary Science, Toxicology Laboratory, Frome Road, Adelaide

that my urine test was negative. Tested for benzodiazepines, opiates, methadone, amphetamines, cannabinoids, tricyclic antidepressant, ethanol and buprenorphine, I would have been very surprised if any kind of drug was found within my body.

At 11.15 a.m. the local ambulance crew and others walk through the Cell Block. Anyone with a complaint of a serious nature could use this opportunity to get a message out, but here at CTC there is nothing to complain about.

In one conversation about why I was here, I jokingly said that I can smell the gas chambers at the back of the farm, 'I can't see them, but I can smell them'. That's what Holocaust survivor Fred Steiner claimed in 1994 when I asked him to describe the gas chamber at Auschwitz to me.

I receive my pay sheet and note that I get \$6.23/day - is that slave labour?

After lunch it is time for pottery making where I now have a new mug on the go. Charles Southwood, the former ABC-Radio Classic FM presenter and now a chaplain, is the pottery instructor here.

Wednesday, 16 September: Painted until 11 a.m. but then the overcast sky slowly gave way to light rain, so it was off to pottery where Joe assists with instructions. I learn how often to apply the paint before firing overnight. Lunch with Craig and then to Cell 119 on the first floor of the Cell Block to clean out toilet and all that needs cleaning.

Thursday, 17 September: It rained overnight and so no post painting. Again off to the Library. A fellow who joins me at the table begins to complain about not being liked in prison, after he did everything that would please anyone. He offered to serve and give his body as well! Sad, sad, sad.

Friday, 18 September: Good painting because the posts were slightly moist - only six to go. At lunchtime I was transferred from Top 119 to Bottom 15 where I get back into routine with Jim and our chatter about justice and injustice that he has to bear. I do not have a cellmate so I can write easily and do not have to be considerate. Likewise when I watch TV.

My pottery items have come up well with the nut bowl tempting me to fill it with goodies. Craig gave me his salted nuts as I transferred back downstairs.

He will continue to play the guitar, even if someone complains they cannot sleep because of his playing.

With my own CTC homemade bowl full of nuts, it will be nibble, nibble, nibble. After all, I have reached 83 kg and that is pleasing. But the coffee mug is slightly annoying me because I misspelt 'Arbeit Macht Frei', with 'Arbet', and it is too late to add the 'i'.

Saturday, 19 September: At the library I find an interesting article in the *Weekend Australian Magazine* on the Bhutto assassination. In his article Bruce Loudon calls it 'a conspiracy so malevolent and so complex that its tentacles have yet to be fully revealed ... that suggests a conspiracy way beyond the wit and capability...'. Well, well, what's new! Let's look at 9/11, 7/7, Madrid and Bali bombings, Port Arthur, Oklahoma, and the list is long. One common denominator is that after such events there is always a reaction that is justified because of the initial event. For example, the weapons of mass destruction or the 1991 incubator story. At the UN Security Council meeting a young girl relates how Saddam Hussein's forces in Kuwait are ripping babies out of their incubators, and so his invasion of Kuwait, which indirectly was sanctioned by the USA, becomes a staging post for the free and democratic western forces to invade and 'liberate' Kuwait from an evil dictatorship, which in 2003 is finally overthrown, much to the joy of Israel and Iran that both wished to see this secular Sunni government disappear.

After a month's residence at CTC my general pattern has emerged. As with any human group activity, the newcomer adjusts and re-adjusts to prevailing conditions. Jim Earley sets the tone with his uncompromising attitude towards work. He struts across the oval as a person who has seen the newcomers come and go, so much so that this place is for him like a backpackers hostel. I like Jim's attitude because he refuses to feel sorry for himself, and he refuses to be crushed by those who wish him to breakdown after 20 years inside! Ecce Homo - what a man!

After waking around 6 a.m., I do my basic toiletry. At 7 a.m. when the cell is unlocked I am ready to emerge. In the kitchenette I fill my mug with three Weet-Bix, a couple spoons of coffee, hot water and a dash of milk. Sometimes I while away at the table on my own or if someone else is up we chit-chat. Otherwise it is back to the cell to watch the news on Channel 7, 9 or 10.

At 7.50 a.m. it is muster or parade time: 'Assemble for the count', where we all stand outside our cell while one officer with list in hand walks by and ensures we are still present. This happens again at 11.50 a.m., 12.50 p.m., 16.45 p.m. and 19.00 p.m. The final count at 20.30 p.m. is lock-up time when we should be in our cells.

The wing's door opens at 8 a.m. and we are expected to be at work by 8.30 a.m. We work until 10.30 a.m., then return to the Cell Block and visit the canteen that is open during the week (except on Wednesday) from 11 a.m. to 1 p.m.

Mail usually arrives between noon and 1 p.m. but if delays occur then it is available at 2.15 p.m. or around 5 p.m.

Afternoon activity begins at 1 p.m. and continues until about 3.30 p.m. That gives individuals time to clean up and be ready for tea at 4.45 p.m.

The dairy boys start work at 4 a.m. and again at 2.30 p.m. to milk the 51 cows which supply us and other prisons with fine milk.

Gangs of workers are picking oranges while I am here. Those fellows keen to work can fill about ten 'joeys' as the apron pouches that each one wears are called.

General maintenance is such that the place is self-sustaining. For example, if there is a sewerage problem, then the experts get to work and fix it, as was the case one night when the shower block flooded.

Prisoners can do their washing in the Laundry at any time. There are five small washing machines and two driers, as well as a couple of larger industrial-type washing machines that fellows who get really dirty make use of.

The Cell Block has a telephone in a room which is also used for cutting hair. Prisoners are permitted to make calls at any time, so long as their telephone account is topped up with credit. I do not make use of this facility, perhaps because I am still in a huff for G Division not returning my telephone list on my exit from there. But anyone receiving a call from here will be familiar with:

This call is coming from Cadell Training Centre. It is subject to recording and monitoring. If you do not wish to receive this call, hang up now. If you have any concerns about a prisoner's well-being, contact the prison immediately. Go ahead, please.

There is a Prisoners Consultative Committee. The minutes of its 11 August meeting are on the notice board outside the Cell Block Office. The staff representatives are S. Edwards and R. Wilksch, with the following prisoner representatives: Bottom Floor – C. Nolan; Top Floor – J. Schultz; Cottages – H. Papaioannou; Houses – R. Mussolino; 2 Dorm – C. Toepfer; Cadell Courier Editor – P. Wiskich; Minutes taker – J. Crescenzi.

The agenda is routine business: inmates should be allowed new Playstations because the current models are outdated; poor television reception; showers not working to the full and need to be fixed; the Visitor's Area needs heaters during winter and umbrellas need looking after; Cell Block air conditioning set at 22°C; lock-up time is not consistently applied with 5 minutes not being enough time – M Wallace is to stay on top of this!

Then there are details on other business. There are complaints about the blue-coloured lighting system that is supposed to reduce irritability (CTC is the first prison in South Australia to test it); a request to extend phone calls from 20 minutes to 30 was rejected because it would cause friction among inmates; clothing problems for those on community work gangs who want to change into casual attire after work (Edwards advises that moves are afoot to introduce cargo pants and shorts because jeans are not suitable and are hard to work in); the Gym needs equipment (Grant in Maintenance is the man to see on that); transparency is needed involving prisoners and incidents so that they know when they have transgressed some rule, written or unwritten; Crescenzi asks that a telescope be purchased because 'many prisoners appreciate the sky and would like to learn basic astronomy'; Edwards advised of a new agreement on budgies, which are allowed only in houses and cottages but no longer in the Cell Block.

One item is of special interest:

Kerri Pashke: No older style TVs available, i.e. 34 cm standard as manufactured are now only producing Flatscreen/LCDs TVs. There is a GM meeting today and this issue will be tabled. Appears to be a political issue of the body politic not wanting to look like 'soft on crime' as poor public opinion of giving prisoners Flatscreen/LCDs TVs may mean a delay or lag between their availability (now) and their approval (later). 51 cm appears to be the only available size for LCD TVs.

The political slant is there influencing policy towards prisoner rehabilitation. What someone outside perceives as being 'soft on crime' is a crying shame inside.

Chapter 19

ARBEIT MACHT FREI!

‘Work makes free’ is the literal translation of the rather famous German words ‘Arbeit Macht Frei’ that in December 2009 received world media attention on account of someone stealing the sign at the former Auschwitz concentration camp. Interestingly, this theft occurred two days after the German-Jew Holocaust Claims Conference began, where Jewish interests demanded Germany continue to pay compensation to Holocaust survivors. That Germans are paying compensation to Holocaust survivors rests on a simple fact that Germany is technically still at war, just as legally the German Reich still exists but is technically not functional.

It seems as if this theft was more than orchestrated because it fitted in perfectly for the Holocaust lobby to ride on top of the theft and again propagate its Auschwitz lies: 6 000 000 dead, systematic extermination of European Jews, and the gas chambers as a murder weapon.

I prefer to translate the words as ‘Work liberates’. That the meaning of the three words has systematically been perverted over six decades is a tragedy for ordinary language use and for humanity because it has ruptured the normal balance between our physical and mental nature in favour of an obnoxious slave mentality. CTC’s administrators are subconsciously burdened by the Arbeit Macht Frei legacy because any so-called disciplinary action is immediately interpreted by the culture destroyers as an aggressive act of authoritarianism, something that does not go down well with those who fought in World War Two for ‘freedom and democracy’. It is a Nazi act to imbue anyone with a minimum of discipline because it is far better to

give an individual ‘enough rope’ with which he can hang himself out of pure ignorance of matters that come his way. In fact, penal institutions in the ‘free and democratic societies’ are faced with a crisis that the men and women who established CTC 50 years ago anticipated: a legitimacy crisis.

By firmly enshrining an historical narrative that establishes Hitler’s Germany as the absolute evil, as the pinnacle of an authoritarian system where the original celebration of physical work is linked to the fictitious extermination process, it was possible to destroy traditional relationships in favour of Jewish supremacism that had only one goal, world domination through enslavement to financial materialism-consumerism and the establishment of the Zionist homeland Israel in Palestine.

When CTC was established there was talk about character development and how prisoners would be subjected to programs that enabled rehabilitation that prepared them to be re-integrated within a society which had subjected them to punishment. Any kind of victim mentality musings on behalf of the convicted did not arise because it was their responsibility for being inside in the first place. This assumed the prison sentence was a just one, not like mine which expressed a political will dressed up as legal restraint.

Today many prisoners see themselves as victims of some form of power, and medication time attests to that where liquid handcuffs enable administrators to develop punitive measures on a softly, softly rationale – any physical form of punishment, a flogging for example, is dealt out only to those prisoners who offer a physical pretext by lifting an arm, which officers, especially at Yatala’s G Division, would interpret as a physical threat to their well being.

I found all this of interest because especially during the 1980s the government education systems in Australia, and elsewhere in the ‘free and democratic western world’, moved through a similar mindset of deconstruction.

But then even in music there is this destructive impulse that masquerades as innovative. For example, Greenaway celebrates his opera where at the end the singers are bucketed with water from above. That is ugly and a clear perversion, and not at all innovative nor worthy to be called an artistic creation. Even the Greenaway musical score is full of screeches that cannot express anything but the inherent empty wilfulness in the composer’s mind as to what he considers to be innovative. There is no spark of genius nor any other redeeming value in such barrenness sold as an artistic creation.

It reminds me of those individuals who frequent restaurants for want of celebrating a civilised meal at home. Such individuals popularise one restaurant, then when familiarity sets in, as it always does, it is time to move on. Such nomads cannot establish a viable society, just as pure consumerism cannot sustain a viable society because one essence of a healthy society is its ability to nurture and maintain itself and think in generational terms and not merely in immediate sense gratification.

This means that instead of throwing things away and buying new items, there is the impetus to maintain, to repair, to create – rather than simply to discard and get a new thing. Such an attitude to self-preservation recalls how Adolf Hitler and the National Socialists disconnected from the international monetary system that had created an inflationary situation where billions of Marks became worthless pieces of paper. Hitler also rejected the gold standard and proclaimed the principle of autarky where the value of work done by a person was the measure for a nation's wealth creation.

Such thinking threatened the international financial system that at one time supported both major ideologies of communism and national socialism, but then dropped the latter when it realised what autarky implied if applied to the economic and social sphere.

I recall how the Christian Zionists, who support the Zionist state of Israel, were once warmly embraced by the Zionists until the Jews started rejecting their support when it became apparent that at the second coming of Christ these Zionist Christians expect the Jews to convert to Christianity – an unlikely event.

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When I arrived at Cadell I walked the track which other inmates advised was the legal limit of my walk. On that walk I saw the orange grove with the first sign that needs painting. What struck me was how dilapidated the signs were: posts with the paint flaking off and needing fresh black lettering.

And so it came to pass that on Monday, 7 September I align myself with Abdul who had already collected his brush and paint tin, as had Cliff. We walked towards the oval where only a few years ago grapes grew in abundance, but now with water shortages a serious problem, the vines made way for grass, and the sprinkler system was adapted to an automatic one, thus ensuring the oval was always reasonably green and ideal for Aussie

Rules football and soccer matches, which were usually played on Friday afternoons. The sprinklers, as elsewhere, also came on when it rained (as it did on a few days during the month).

There were about 112 sets of pine posts, two vertical and one horizontal. They had not been painted for about 5 years – and it showed. Abdul ventured off to paint the Stobie poles with a roller while Cliff and I began to apply our brushes to those dry and cracked posts. I was worried that by lunchtime I had only done a set of three posts while Cliff completed seven.

To top it Cliff chastised me for using too much paint and said I should go faster. At lunchtime I reflect on the matter and conclude I would do a proper job, just as I would do at home. Cliff is at CTC for only a few more weeks and then he would have paid off his time and had his traffic fines wiped. He is still annoyed by the magistrate's decision to send him to prison. He had the money and could pay the fine but there was a principle, of justice, involved in the matter and the magistrate played power politics to the full. Cliff is not interested in getting acclimatised at CTC – he had been in before a couple of decades ago, and the daily methadone program here at CTC was what kept him functioning throughout the day, not any kind of ideal about the hand and mind working as one. That was just my nonsense idealism, which was good enough for me and most likely not for others.

Cliff gives it away, but I front up at 8 a.m. on most days. Stopping for lunch around 11 or 11.30 a.m., I would resume at 1 p.m. and end usually around 4 p.m., if not a little later – it all depended on how much paint remained in the tin – I do not wish to pour paint back into the supply tin. That was the plan but I had to adjust it to the weather. For example, on Thursday, 10 September I worked only until 2 p.m. because the football match made me look stupid as the only one working. The next day a dust storm made painting impossible in the afternoon.

The farm personnel seemed to be doing their best within the bureaucratic constraints imposed from Adelaide: Bangers in garage/workshop; Dibbo in olives; Spoggy in irrigation; Renny and Malcolm in citrus; and Wally in dairy – all watched over by Mr Fairley.

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The prison bureaucracy reinforces my belief that Germans never gassed anyone, that the logistics of it are so absurdly difficult, and hence the abject

nonsense from F Piper in his 1993 book where he talks about 900 000 unregistered deaths at Auschwitz. That is madness from the Holocaust believers.

Also, those horrid stories is pure imagination, feverish minds at work, because gossip is one of the sustaining factors of prison life, as it is of any social occasion. Ultimately, any such reports from so-called eyewitnesses are to be discarded as utter rubbish. Such reports also then reflect an individual's value system, principles and ideals that then motivate them to create a world view where perpetual victimhood is writ large.

Such schemer, manipulator or intriguer can only succeed where individuals have no sound value system, a moral framework that sees them through crisis times without falling apart – and then the battle of the wills exposes the opportunist, the fraudster's own value system. And how many find the time to reflect, to search their soul, to re-evaluate their own actions and belief system, and to ask the question 'Am I telling the truth and would I do this again?'.

In my own case, would I try to negotiate through the absurd court orders, the injunctions specifically designed and formulated to suppress open debate on a vitally important historical matter? It becomes a conscience matter – it becomes a moral, social and legal duty not to remain silent. So be it!

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Completing the oval railing leads me to paint the posts at the Visitors' Area. Then there are the posts along the dairy road with a detour at the Farm Office car park where the pine and concrete posts need painting so that the whole area looks good. It is here that Mr Wren brings along shrubs for the garden and someone comes along and snidely remarks, 'I wonder how long this will last?'. That's the mindset I have to fight now because even my cleaning the Dormitory road and entrance draws comments from inmates that this hard work in the heat is a waste of time.

A like comment was made when I began to clean and paint the workshop area. Someone said, 'Hey, old man, I wouldn't work that hard for that miserable \$31 a week'. I turned around to look for the old man and could not see anyone around me except the young fellow. He was talking to me, the old man! My reply is decisive, 'I don't do this work for the money but because national socialists beautify their home. For over 11 weeks this place

is my home and I am going to make my home look nice. When I take my walk after work on the track, I am pleased with what I see’.

The wire mesh cages that house the irrigation pumps also need a coat of paint but I am a little hesitant about this because I can only rub off the rust with some sandpaper. It should be done properly with a sandblaster, which I hear is somewhere in the workshop.

One time I was called back to the dairy where the end of the concrete wall needed a metre of white paint so that the truck driver picking up the milk could judge his distance more effectively. And then there are the concrete posts at the Officer’s Club House car park where students learn to drive a car and practice their reversing skills – they need to be painted white.

Then it is the nursery’s path that needs framing, as does the main road from the Cell Block Office to the intersection, which I also sweep and then chip away the sand that has impacted like concrete on the bitumen. Luckily I had the big backhoe tractor driver, Steve, chip off the stuff with the front blade. Doing it for a couple of hours with a crow-bar strengthened my arms but wearied me somewhat.

It is this job of running a white line along the road edge on top of the concrete verge that will be the final task I set myself, and I am running out of time – just a few more days before 12 November and I still have to do so many little paint jobs. I begin to work on Saturday and Sunday mornings, not in the afternoons because that would set another precedent. Besides, it would interfere with visiting times.

I am not the only one who works Saturdays. Jim is off to do some job, gladly, because for him there is always something to be done, to be repaired or to be shifted with his green tractor – the Jimbo tractor. John does the trip to the local rubbish tip. Of course, all the dairy workers are at it every day and they are accordingly rewarded with an extra \$20 a week.

I promised Noel and Tom that I would attend church service on my final Sunday at CTC, but I am still 100 m from the end at the top of the oval and the announcement has already been made that the church service will commence in 15 minutes. I work mechanically and when someone passes I ask for the time – 25 past 10. Yes, I’ll be a little late but I have made it! In any case, I ran out of paint, and so I discard the brush and the tin into the

rubbish bin – it is an easy clean-up with my having a quick shower and then into my Sunday best for the final hour of church.

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Nothing ever came of my community service work while at CTC because there was work to be done at ‘home’, which I considered to be more important than getting out into the small community that is Cadell. I grew up in the bush and so I am quite familiar with such environment.

In 1986 I joined the local Tidy Town Competition group to beautify Goroke. When we won the Tidy Town Award for a population under 500, I was part of the delegation that picked up the prize from John Cain, the premier of Victoria.

Individuals who cannot clean up after themselves and who show no pride in having a clean environment still amaze me. Why is it, for example, that South Australia is still the only state with a deposit on bottles and containers?. South Australia certainly has far less litter than the other states.

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After receiving a copy of the November 2009 edition of the *Cadell Courier* the Director of the Adelaide Institute, Peter Hartung, writes the following and reproduces the article written by editor, Peter Wiskich.

Poster Boy - Dr Töben honoured in prison newspaper

Page 4 of the *Cadell Courier*, the monthly newspaper of Cadell Training Centre, where Dr Töben is currently imprisoned for three months. Since he started this initiative, several other prisoners have followed suit. Toben seems to be enjoying his little holiday immensely, the food is good and he has made lots of new friends. He is due to be released on 12th November. A naughty boy like him, who refuses to believe the silly World War Two Holocaust propaganda, will probably end up back in there again before too long!!

As an aside, I mentioned to Peter Wiskich my trials and tribulations at the hands of the Victoria’s education system. He then informed me that his brother had advised him I had been one of his teachers at Marryatville High School. Yes, from 1994 to 1997 I was a relief teacher at that school. It is a small world when it gets to such matters. But that is the problem that always crops up when we begin to think politically. More of this elsewhere in discussing how the premier of stated publicly, ‘No Early Release for Earley’.

Chapter 20

PRISON TRANSPARENCY

People not directly involved in penal matters often find the prospect of serving time a horrendous mental leap, one of terror. After all, did not the Germans maximise such evil with their concentration camps, nay, with their death camps? Was it not a mere matter of detaining people and establishing detention centres for those who opposed the Hitler dictatorship, which was designed and premised on conquering the world and killing all Jews of the world?

Such nonsense has been spewing forth since World War One propaganda against Germans. It has effectively undermined penal systems within 'free and democratic western countries'. In 1999 when foreign prisoners verbally abused German prison officers at Mannheim by calling them 'Nazis' and 'racists' I intervened a couple of times to tell the prisoners about the Holocaust, and how it contextualises these words as pure hatred of Germans.

Media reports about Cadell and other prisons indicate how common problems have become. Hence my call to legalise drugs!

Prison training centre addresses staffing woes

Friday July 16, 2004 1:34 p.m. AEST

The South Australian Correctional Services Department says it will not involuntarily relocate staff from the Cadell Training Centre, in the state's south, as a means of addressing the facility's management and staffing problems.

A review commissioned by department chief executive Peter Severin found a rift between two groups of staff was affecting the centre's operations and morale.

Mr Severin says the department has already begun to address the situation by improving staff support processes.

He says he is also looking into a program allowing staff to work at other institutions for a period of up to three months but says they would not be forced into moving.

‘Staff have the opportunity to work in another area to gain a better appreciation of the broad complexities of our system, get some new ideas, maybe even recharge the batteries a bit,’ he said.

‘We are looking at how we can best facilitate that to give staff who wish to participate in this scheme an opportunity to maybe transfer to another institution for a short period of time.’

<http://www.abc.net.au/news/stories/2004/07/16/1155541.htm>

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‘Strong message to prisoners’ in Cadell drug find

Monday June 22, 2009 2:32 p.m. AEST

South Australia's Correctional Services Minister, Tom Koutsantonis, says possession of contraband in the state's prisons will not be tolerated.

Last week officers at the Cadell Training Centre in the Riverland detected one of the state's largest single contraband hauls.

A 21-year-old man was reportedly trying to evade officers when he was caught with a large cache of contraband under his jumper, including cannabis, methylamphetamine, syringes and a case of burnt DVD movies.

The Correctional Services Minister, Tom Koutsantonis, says the man has been transferred to the Yatala Labour Prison and is awaiting charges from police.

Mr Koutsantonis says the discovery of a drug smuggling operation sends a strong message to all prisoners.

‘I also think that all prisoners will obey general orders, they will do as they're told, they're there to serve their time for crimes committed,’ he said.

‘If they do not obey and listen, correctional officers will act.’

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Convicted murderer walked out of Cadell Training Centre

Jordanna Schriever, Court Reporter

November 12, 2009 11:08 a.m.

A CONVICTED murderer walked out of a Riverland prison because he was being threatened for passing information to authorities, a court has heard.

The man, 30, was sentenced in the District Court today.

He cannot be identified because he was a youth when he killed Dr Peter Goh - a locum doctor who was robbed and fatally bashed - in 1996.

Today, the court heard the man walked out of the minimum security Cadell Training Centre just hours after being transferred from Mount Gambier Prison on May 27 last year.

He had served 10 years of a 14-year non-parole period.

In sentencing, Judge Sydney Tilmouth said the man was found the next morning about 10am "walking on a country road still wearing prison apparel".

The man then told officers he was 'glad to be caught'.

The court has previously heard the search for the man included a dog squad, police helicopter but it was a correctional services officer who spotted him on the Blanchetown to Murbko Rd, about 5km from the prison.

"The motive for walking out stems from threats made in the jail system at Mount Gambier and on that very morning in Cadell," Judge Tilmouth said.

He said the man had been co-operating with authorities, passing on information that 'might be of use to them' but said it was 'unnecessary' to go into detail.

"The threats were of such a nature and source that they were capable and likely to be carried out and with serious consequences to your personal safety," Judge Tilmouth said.

He said the man's transfer to Cadell had indicated he was 'doing well' before the escape but felt 'too vulnerable and exposed to the threats'.

Judge Tilmouth imposed a 8-month head sentence with a 3-month non-parole period due to the 'unique circumstances' of the man's escape.

In November 1996 the man and three other people lured Dr Goh, 52, to an Elizabeth North home.

Intending to rob him, they bashed him with steering wheel lock, wrapped the body in a blanket and dumped it on a country road.

<http://www.news.com.au/adelaidenow/story/0,22606,26339992-5006301,00.html>

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Deodorant in jail has a smell of suspicion

Miles Kemp, The Advertiser

November 26, 2009 10:25 p.m.

PRISONERS are resorting to old-fashioned smuggling techniques such as hollowed-out books as they try to beat modern screening techniques in the state's jails.

One smuggling attempt thwarted on Tuesday involved a homemade tattoo kit packed into an empty Rexona-brand deodorant bottle, found by prison guards at Mobilong.

Correctional Services Minister Tom Koutsantonis said officers were aware of the growing trend to revert to historical smuggling strategies like

books with pages cut out in the shape of the contraband, no matter how clichéd they were.

‘Our Corrections officers are highly trained in detecting contraband in concealed places, and (finding contraband in a deodorant bottle) is a prime example of good intelligence work and detection,’ Mr Koutsantonis said.

The contraband trade at Mobilong was driven underground earlier this year after security cameras captured a man throwing tennis balls filled with drugs over the prison fence.

The Tuesday bust was the result of a tip-off and search of Mobilong’s medium-security Angas Unit. The deodorant bottle was found in the cell of a male prisoner who is serving time for serious criminal trespass, theft and property damage.

The bottle appeared normal on inspection, but officers found two electric motors used for tattooing and moisturisers inside the bottle.

Other items seized included syringes and 90 Champix pills, designed to help people quit smoking.

Mr Koutsantonis said the prisoner had been moved to a more secure unit pending an investigation.

He said the bust was one of several this year in the state’s prisons. Others included a drugs package at Adelaide Women’s Prison in September, cannabis, syringes, crystal meth, mobile phone and DVDs at Cadell Training Centre in June and cannabis and heroin at Mobilong in March.

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No more secrets, we must protect victims

Sean Fewster, The Advertiser

January 02, 2010 12:01 a.m.

VICTIMS of crime say 2010 must be the year South Australia sheds its ‘secret state’ reputation and puts their rights ahead of the privacy of criminals.

A northern suburbs family has called for change because the identity of the man who molested their 14-year-old daughter remains suppressed - despite his conviction for indecent assault.

‘Our state has been full of secrets for a long time, from the Family murders to the abuse of children in care,’ the girl’s father said.

‘You can’t continue to suppress names and let people walk away with their crimes hidden. If (Premier) Mike Rann wants to go to the election saying he’s tough on crime, he should get rid of unnecessary suppression orders and show respect to victims, not criminals.’

Last month, the Court of Criminal Appeal dismissed the paedophile's challenge to his indecent assault conviction.

The court heard that, between January and May 2006, he sexually assaulted a 14-year-old girl kept in his care.

He is due to be sentenced in the District Court this month - his name remains suppressed despite the conviction.

Under state law, the identities of alleged sex offenders are automatically suppressed until they enter a plea to the charges. They then apply for individual suppression orders, which judges reconsider when a trial ends or an appeal fails.

Although a 2007 amendment cut the number of orders granted, there were 21 imposed in December alone.

The girl's father said secrecy denied victims justice.

A spokesman for Attorney-General Michael Atkinson claimed change had already occurred, saying: 'We have made changes to ensure SA leads the nation on providing a voice for victims of crime at each step on the road to justice.'

Opposition legal affairs spokeswoman Vickie Chapman said suppression orders should be reviewed after sentencing, not conviction.

<http://www.news.com.au/adelaidenow/story/0,22606,26543854-2682,00.html>

Chapter 21

A FISHY STORY

Figurative versus literal interpretation of a matter

At CTC there is no fear of air pollution and the starry nights are a delight to behold. The air is fresh, but the clear heat during the day makes this a haven for flies – no wonder its residents run around wearing fish-netting headgear to fend them off. But still this is a confined space, a controlled environment where cameras and sensors track transgressors of its written and, more so, its unwritten rules and regulations.

I notice how on Saturday and Sunday mornings about half-a -dozen men, fishing rod in hand, leave the Cell Block and assemble on the front lawn where in the car park a Hilux awaits them. An officer, either female or male, drives them to the Murray River bend where the CTC's water pump house is located. It is a 5-minute trip but the fellows would walk there if transport was not offered.

The spot is a lovely area that Grant's maintenance crew is beautifying by installing a paved picnic area. On Wednesday, 7 October I hear from Abdul that a picnic is planned for lunchtime there, so instead of painting posts I accompany him and the others there. Grant's wagon is big enough to hold all of us, though I and another sit in the back section, the security area that has us meshed in.

Our IDs are dutifully handed over. I am glad that I am carrying my new one. Somehow I lost the first one while bending down, no, not bending

over! It was replaced soon after. So I venture out of CTC for the first time. Abdul informed me that he painted all the boundary fence posts – lots of them line the road leading to CTC.

We do not go straight ahead on the highway into Cadell but turn left and soon after turn right into a restricted area as signs from the Correctional Services Department make quite clear – outsiders are trespassing on CTC territory.

The BBQ in the picnic shelter is gas powered. There is the expectation that it will work when the food for the hungry workers arrives from CTC's kitchen.

While some are busy preparing the foundation for the pavers, others are mowing the lawns, while I paint three sets of posts – others still are busily fishing joyously with laughter all around, catching the pesky European carp that infest the Murray. To my horror I see someone push a lawnmower over a caught carp. I stop my painting and walk over and ask, 'Why don't you take it back home and eat it?'

A chorus of fellows hiss at me, 'They're pests and no good to eat'.

Another chorus hits me: 'They're mud dwellers, and that's what they taste like'.

I look at the splattered carp's remains and pick up a couple pieces of meat, wash them in the river and put some in my mouth. I am fascinated at the stares I get, as if I had just committed sacrilege.

'That's not bad, raw and quite sweet-tasting'.

There is a law that permits fishing, but any European carp caught cannot be thrown back in the river. I am pleased to see some fellows honed their throwing skills to such a degree that the waiting pelicans catch the carp directly; if they miss them, a quick dive below the surface gives the pelicans a free lunch.

It bothers me to see carp lying about and so I am pleased when another fellow, of Italian background, says he will be in on cooking some back home. We do not carry any knives, of course, so I use a spade to chop off the head and tail, then use the picnic hot plate scraper to gut the fish. Luckily the bread supplied by the kitchen came in plastic bags, which are now empty, and I use them to carry a carp each for both of us.

Onion and sausages and lovely salad and cans of soft drink make up the picnic meal. I love the kitchen's tomato salad and as only a few appreciate it, then it is all the more for me.

Back at CTC I visit Peter at Property because I received a call to collect thongs and my special socks that Peter Hartung had brought with him on his Saturday visit with Christopher and David. I ask him about the carp because he is a local and he will know what is to be done with them. He advises they are fine to eat, a bit muddy because they feed on the bottom of the river and scoop up the mud. 'It is a bit of an acquired taste but it is fine to eat', he says, 'but be generous about cutting off the head and tail'.

I follow instructions, yet again! I come up with four lots of three fillets, and so I place two lots in Gladwrap in the freezer. I prepare the others for the evening's meal. Huey's help comes in handy, perhaps because he is a Vietnamese chef. He shows me how to make criss-cross cuts and place lemongrass and salt into the groves, then heat up the wok. All the while I see fellows sneaking about, glancing suspiciously into the kitchenette, wondering if I am contaminating the place and the wok by preparing the fish. Bingo, in time crispy pieces of European carp are ready to be devoured.

Abdul readily accepts the piece I offer. As I sit with my cell door open a fellow looks in. I offer him a little too. He looks around to see that no-one is witnessing this moment, takes the piece and munches on it, not fainting or vomiting but smiling. With a 'Yea, that's OK' he hurries out of my cell.

The next evenings I prepare the pieces myself. I am pleased with the lot. The other fellow who was in on this matter resides in a cottage and I never get around to sharing the fish with him. A few days later when I bump into him, I remind him of the carp but he did not mind in the least that he had missed out on eating European carp.

Later I hear that there are some Vietnamese who fish for carp regularly and prepare them well and even sell them. The secret lies in the preparation, as Peter informed me. 'Prepare it right and you'll eat anything!', he says. I think that is what cooking is all about - but I still shy away from tripe, no matter how well disguised it comes on the dinner plate. Preparation is the key. Does this include deception as well?

* * * * *

At the Library some fellows go fishing for information others go fishing for the souls of those who seem to be a little lost in thought and deed. I find a flyer on the reading table and I make enquiries. Noel informs me that this is for an active Christian group and that I am most welcome to attend its meetings.

One evening I see Jim sitting in the Visitors' Area where a group is gathered and songs are sung. I walk over to Jim and sit on the seat that is so popular during visitors' meetings on the weekend.

Another time Cameron and I sit near the canteen, just outside the Chapel/Church building from whence there wafts some nice music. We decide to step inside and behold about a dozen men singing and swaying as they watch an inspirational video. Then suddenly we are surrounded and Noel places his hand on my forehead and Tom places his hand on Cameron's, and communal prayer begins for our wellbeing. The group had prayed that someone would come along to join them, and our appearance was an answer to their prayers!

Later I related this matter to a couple of fellows who were familiar with the group's activities and the response was only, 'Well, you got the treatment, Bro, now you're blessed'. Although others snigger at this Christian group's work, I can see how comforting such a fellowship is for those who take it seriously. I only wish we could develop a political group that would be permitted to thrash out serious cultural, social, political and economic issues. But that could lead to actual physical action, something that could disturb the community's peace. Hello, hello, this is London calling - get me the Public Order Act to stifle political dissent!

Chapter 22

NO FOOD PROBLEMS!

At Cadell the food problem soon became obvious. A walk around the 1 km track revealed that only the fit walked the walk, sprinted around the oval, exercised in the Gym with blaring rap music accompanying their grunting, rode the stationary bike, potted in the pottery shed or strummed and drummed their instruments in the music shed, or shadow boxed their way into the darkness until the PA system advised the time to assemble for the count.

A cross-section of the 160-odd inmates had a CTC tummy bulge as a result of eating everything the kitchen offered, and more, and supplementing this with helpings from the canteen or through the weekly special food purchase. I soon noticed that the food prepared in the kitchen and taken by trolleys to the Cell Block and Dormitory inmates was fatally delicious and plentiful. It came in plastic tubs, like that offered to patients in hospitals – and, surprisingly to me, these tubs were made in the USA.

* * * * *

Admittedly, there were those who soon tired of the fare – but is that not the pattern afflicting restaurants, that the yuppie-parasitic mind does the rounds because their lifestyle seeks change and newness, and when Sunday turns into a Monday, it is time to find greener pastures elsewhere? That is what the ideology of ‘change’ is all about that pretends we can escape the inevitable humdrum of life, the boredom that comes with impertinent familiarity.

So we pretend we can change and move on, when in fact we essentially do not change but are rooted in a circular lifecycle that sees us grow from infant through to the various stages, then face the inevitable decline. Those afflicted with an ever-growing appetite to taste 'change' will stay on the merry-go-round until old age throws them off, and this is despite and in spite of whatever cosmetic surgery creates an appearance of youthful vigour!

Others who are more discerning will alight and find themselves much earlier in their lives and develop a worldview that sustains them throughout their life. Many national socialists embraced a healthy worldview where an organic appreciation of individual and society played a major role in making sense of the world. Materialism and atheism, as that propagated by Talmudic-Marxists fails to satisfy in the long run – hence its need to be augmented with a false consciousness of class thinking and class conflict, among other things, which is diametrically opposed by national socialists who live with nature and not against nature and its natural processes.

* * * * *

Throughout CTC breakfast was the prisoner's domain: only in the Cell Block and Dormitory was food supplied, and prisoners in the drug-free cottages and houses had to cook for themselves. When my urine test came back negative – as if it could have been positive! – it was my time to move out of the drug-dependent Cell Block. But I requested that I be permitted to stay in the Cell Block. It certainly meant physical lock-up time within the confines of a cell was 8.30 p.m., but it also meant lunch and dinner was provided. I am, perhaps unfortunately, not too interested in cooking for myself. Hence I delighted in receiving the food from the prison kitchen.

Officers Kenny and Murray did their best to provide for the hungry, the majority of Cell Block and Dormitory inmates. One prisoner, Rocco, with typical Italian flair ensured that meals were more than just a meal. It was obvious to me that the community of officers and prisoners running the kitchen worked harmoniously, which was a surprise to me as cooks can be temperamental and flip out for whatever reason. Not so at Cadell.

The menu pattern saw a Sunday lunch of roast pork or beef with baked potato, carrots or pumpkin and peas. Tea time was always cold meat – ham, chicken loaf, salami and salad alternating with potato salad. I noticed that lovely salad – tomato, lettuce – came in large trays and there was always enough for me to hoard a little extra for a nightly snack. On Sundays a

10 L ice-cream container would arrive: in my first weeks it lasted almost a week, but during my stay a number of young prisoners discovered the ice cream in the freezer and by Monday it would all be gone!

Monday had pasties and pies for lunch and for our 5 p.m. evening meal was beef or chicken Schnitzel or grilled sausages with mashed potato, pumpkin and zucchini. During the week there was a variation for lunch and tea: tacos and potato wedges, salad rolls with ham and chicken loaf; Asian beef satays, rice stir fry, vegetables, hot dogs, cheese and onions, grilled rump steak, baked potato, carrots and silver beet; braised steak and onions, baked potato, carrots and spinach; roast chicken, baked potato, corn nibblets and broccoli.

Lunch on Fridays was hamburger and hash brown, and tea was crumbed fish, chips and tossed salad and lemon, alternating with calamari, chips and coleslaw.

The fare was a little simpler on Saturday. Lunch was eggs, baked beans and bacon or sausages, or pizza and garlic bread. Then for tea lasagne or ravioli with tossed salad and garlic bread, or spaghetti bolognese and tossed salad.

Huey, the Vietnamese, provided well for those who tired of the kitchen menu. He supplemented their meals at regular interval with a splendid serving produced in the wok that lived in the kitchenette. The table just inside the Bottom Cell Block corridor often saw four or five individuals smacking and licking their lips as they devoured Huey's delicious fare. Jim, especially, would miss the cooking when it was Huey's time to move to the pre-release centre in Adelaide.

In the public areas leaflets advised the prisoners of, for example, the following:

ASIAN SPECIAL BUY
ORDERS ARE TO BE
INTO CANTEEN BY
THURSDAY 24th SEPT. FOR
DELIVERY ON
THURSDAY 1st OCT.
PUT YOUR ORDER
IN NOW.

And so to my losing 13 kg within 3 months. What was my secret when the temptation was there to eat up? I followed a simple recipe: eat everything but only a third of each. If I could not give the food away then I had to do what I hated doing – throw it away. There was always too much in my tub, so I simply threw away the food.

I relied on salads for fillers. Once a week I delighted in my Mars Bar. This repeated my time in England's prisons. Similarly, at Mannheim, but there it was the square chocolate Rittersport that delighted me so much that I would eat half-a-dozen and then rest easy!

Of course, merely reducing the food input would not cause me to lose weight. I was fortunate in that I had a job that enabled me to move all my body parts – painting those posts. Hence, a combination of regular physical activity and reduced food intake enabled me to go from 90 kg to 77 kg.

I would have needed an extra month to get down to my ideal weight of 72 kg. That is for next time when again I will not go on a diet and eat specific food but eat everything that comes my way – but then only a third, and find a job that will enable me to exercise while working!

Chapter 23

VISITORS

Throughout this almost 11-week stay at CTC, Peter Hartung called in eight times, making the round trip of just on 400 km from Adelaide to the Riverland with a number of visitors who wanted to see what kind of prison I had ended up in.

Upon my 13 August 2009 exit from the Federal Court building in Adelaide Peter had tried to find out where I was taken. Within the first week it was a ‘confidentiality’ clause that prevented Correctional Services staff from revealing my whereabouts. Peter beat the system by ringing around to Port Augusta, Mobilong and, finally, Cadell. He was advised a prisoner has to place the names of prospective visitors on a list, something I had as yet not done. Of course, I was still recovering from my Yatala maximum security situation from which I emerged without my telephone sheet that listed the names and numbers of those I wished to appear on my list.

I did not wish to activate the telephone service at CTC because, as was the case at Wandsworth almost a year earlier, once telephone communication is established talk begins to flow and written communication fades. George Kadar topped up my initial telephone account at Wandsworth, and when I had my pocket diary returned, I was back in business. This situation I consciously wished to avoid at Cadell because the challenge would be to write letters without my notebook and email service, and thereby, as a side effect, do something about my poor handwriting.

On Friday, 28 August I was called to the Case Management Centre where Mr Lodge informed me that Peter wished to visit me and he would be

bringing along two visitors, Christopher Steele and David Brockschmidt. Luckily I had in my memory information concerning their residential addresses, something that's a pre-requisite when placing anyone on your visitors' list. But just to make certain I was permitted to ring Peter to confirm the details.

In England I had been snatched off the plane in my travel attire and so my address book was on me and it had become a part of my Valuables held by the Wandsworth prison authority in Property, from which it was later extracted and handed back to me. In my current matter I had attended the court without anything on me because I did not wish to have any personal property accompany me to prison. Now, all my years of deliberately not remembering phone numbers was no good to me!

On my first weekend at CTC the Cell Block Office staff advised me that I had visitors for Saturday. After lunch, around 1 p.m., a mild commotion begins around the Cell Block Office and outside where individuals are already seeing some visitors enter and settle down at the tables in the outside Visitor's Area.

I waited inside the Bottom corridor for my name to be called – Töben, Cell Block Office! I march out of the corridor and stand at the office window while an officer exits the office to take my ID card and anything I may have in my pocket, then frisks me from top to bottom – patting only. Later, on return from visits several individuals are taken to the room opposite the Cell Block Office for a thorough search, meaning total strip and ending up in the squat position.

All this is necessary, as the General Manager David Oates explained in a circular of 14 September 2009:

As of 15 September 2009 Cadell Training Centre will no longer allow visitors to bring cans of soft drinks onto the prison visit area unless purchased from the Visitor Reception. This is due to several incidents where soft drinks have been used to conceal contraband.

Please be mindful that no soft drinks despite purchased from the Visit Reception can be taken from the Visit Area back to the accommodation units.

I apologise to those who have done the right thing in the past, but the risk of the introduction of contraband needs to be managed.

That is essentially the sadness I felt throughout my 11-week stay, that an officer apologises to those who are penalised by the few who do the wrong thing. But the drug addiction is an addiction that leads to violence because an addict needs to feed the addiction. It is better to treat addicts as sick, and develop non-criminal strategies, otherwise such a centre as Cadell is merely a drug rehabilitation centre for those the courts criminalise!

I think of those addicted to food, the excessively obese individuals, who feed their addiction by having good individuals provide the food for them while they themselves have reached the point of immobility.

Visiting sessions, weekends and public holidays only, with exceptions for interstate visitors, are 1–4 p.m. My visitors came from Victoria and New South Wales as well as from South Australia: Peter, Dagmar, Polydoros, Mohammed, Robert, Dave and Jock, David, Christopher, Kai ...

Here are some accounts by visitors that give a good feel for what happened when I received them.

A visit to Dr Töben, Saturday 29th August 2009

Yesterday, Saturday, 29 August, three of Fredrick's friends, myself included, visited him at Cadell Training Centre. It was a two and a half hour drive to Cadell, which is located 180 km from Adelaide.

We arrived just before 2pm, running late as we had planned to arrive at 1pm. Upon arrival we entered the gates, parked our vehicle and went to the visitors office. We were met by quite friendly prison officers, and given a form to complete with our personal particulars, and identification. After checking this and our IDs, we had to place any keys or money in a locker provided and then have our bodies scanned with a hand held metal detector, after which we passed through the glass doors to the visitors' area.

We were greeted by quite a pleasant surrounding, approximately 20 picnic style benches under some leafy gum trees. About 10 of these benches were occupied by varying groups of visitors, obviously family and friends. One of the guards had gone to inform the prisoner of our arrival, and after a couple of minutes we saw a figure approaching from the surrounding buildings. At first I was unsure if this was Fredrick. I had never seen him wearing Jeans!! He also looked much younger than the last time that I had seen him, on the day that he was imprisoned, 13th August, just over 2 weeks ago.

At first Fredrick, displaying his particular sense of humour, pretended to have lost his mind and seemed to have been in a state of consciousness

reminiscent of someone who has had a frontal-lobotomy, and pretended not to know us. We all sensed that everything was fine, and after some very warm and emotional greetings, we all sat down at the nearby picnic table.

Fredrick told us all about his experiences at Yatala Prison where he had been for 2 weeks. In his words, "It was a character building exercise". Some of his experiences were obviously quite unpleasant, but he likened the whole thing to doing basic military training, or boarding school. He praised the guards of both prisons, telling us that they do a good job, and were working in very difficult environments.

Physically, Dr Töben was in fine shape. He told us that he had lost five and a half kilograms. He was a totally different picture from that of a few weeks ago, when the strain of being persecuted for over 13 years was starting to show its effect. He had been looking very tired, exhausted and ragged. Mentally, one could see that he was tight and strained. He had put on a little weight, which made his clothing seem a little too small for him. Now he was beaming and looked to be at least 10 years younger than before. The rest was obviously doing him good. I still could not come to grips with his prison garb. Jeans that were rolled up at the ankles, obviously too long for him, a blue sloppy-joe and prison wind-cheater. It did not seem to fit his character at all. His usual attire is a smart suit. This is his usual all-purpose uniform, wearing it for all manner of occasions from picnics to the theatre, even bushwalking!

Fredrick shares a cell with another fellow, with whom he gets on well. They are locked in each night at 9pm and released again at 7am. There is a good library at the prison, and the food is good. This is a low security installation, but the discipline is still very strict. The prisoners know that it is very much a privilege to be there which can just as easily be taken away if they do not behave.

We spent the time discussing the events of the last few weeks. I passed on many greetings and wishes of support from his friends all around the world, and he wished me to pass on his thanks to all of his friends.

At 10 to 4 one of the guards came and told us that we had 10 minutes left, so we had our final words, Fredrick told us not to worry about him, he was fine.

And so we left, and spent the journey home reflecting on the lovely time that we had spent with our dear comrade and friend.

Peter Hartung

August 30, 2009

http://www.adelaideinstitute.org/HomePage28April2009/Toben_court.htm

Mohammed Hegazi Reports on Fredrick Töben

For those who do not know Fredrick Töben, he is an outstanding and outspoken revisionist. His work is dedicated to exposing the fallacy of the mythical so-called “Jewish Holocaust”. The dogmatic assertion by fanatic Jews, that six million of their tribe were gassed and roasted by the Germans, is a sick joke that has been marketed by the Jew-controlled mass media since WW2. Revisionists are out to expose this filthy lie.

Jews have been relying on this lie, in order to milk sympathy and reparations from a gullible world that has been captive to the Jew media until the advent of the Internet.

It is this marvellous new medium, the Internet, which enables you to read these humble lines and to exchange messages and opinions in real time. Jews failed to distract serious work on the Internet by their pornography sites. So, they are now trying the legal backdoor in order to shut down sites that expose their activities.

Töben has been recently framed by three Australian Jewish judges, in a high court, and sent to prison on account of a flimsy Jewish allegation of “contempt of court”. The alleged contempt charge emanated from his refusal to stop exposing the Holohoax lie, according to an order from an Australian Jewish judge, in a lower court.

Dr. Fredrick Toben, who committed no crime, was unfairly arrested on 13/08/2009 and taken to a low security prison in a small South Australian country town called “Cadell”, where he is staying for a prison term of three months, until 12/11/2009.

I paid Töben a visit on 10/10/2009, together with our mutual friend Peter Hartung. Peter is the present director of Adelaide Institute, an organisation that is causing Jews much trouble by being on the alert exposing their lies. Peter lives in the city of Adelaide, which is less than 200 km from Cadell. This enabled him to pay frequent visits to Fredrick.

On the way, I asked Peter, “How is Fred coping?” He replied, “Fred is in great shape. He is more determined than ever to continue the fight after this minor hiccup.”

We arrived to Cadell at one o’clock. We had to wait until the “prisoner” came to the visitors area. We were allowed to stay for three hours under the indirect surveillance of the prison guards. We had a “picnic lunch” with Fred and discussed our future plans of our long protracted fight against Jewish distortion of history.

Trying to comfort, or probably tease, Fred I commented, “Any change is healthy, even a short spell in prison would be!” Fred spontaneously shouted back, “What? Let the bastards wait until I get out of here. Don’t you worry Mohammed, I understand the mentality of those people.”

To all friends of Fredrick Töben, he is fit and well. In his captivity, he would have had the time to think. I gathered that he would come out with a thunderous new book that would send shock waves down the spine of the cowardly vermin that sent him to prison, on account of expressing his opinions. It all happened because Australian Jews managed to pass unconstitutional laws that infringe upon the right of all Australians to free speech.

Mohammed Hegazi,
Melbourne

<http://hegazi.blogspot.com/2009/10/report-on-fredrick-toben.html>

*

My Visit to Cadell on the Murray – an interlude in the life of Fredrick Töben

Dagmar Brenne danaemet1@bigpond.com
Port Macquarie 4th November 2009.

We set out early for the long drive to Cadell this Saturday 24th October 2009, Peter Hartung and I, together with 2 other non-visiting friends. It was the place the political prisoner Fredrick Töben called his home since his incarceration on 23rd August of this year, going there via Yatala Labour Prison in Adelaide.

I had read up on Cadell on the Internet in order to know what to expect. Besides that, my long-time friend T. K. in Sydney told me that her nephew, Frank, had spent some time there, for threatening his divorcing wife with a gun. Some emotional link was already forged, the German presence in Cadell, past and present.

Cadell is a low-security prison. It is called a “training centre”, which made me think of something that the inmates are being trained for. Perhaps some useful skills that would help them to gain employment in the future and respect in “Civy Street.”

In fact, it made me think of “Dalmar Child and Family Care”, where I once worked, a place in Carlingford/ Sydney where orphans were intended to be trained for domestic servitude and agriculture. But the ideals of the past rarely carry through into the present time, where anything that smells of “serving others” is pushed away as something akin to slavery. No, we rather hold out our hand for the gifts of “Big Daddy” governments and money created out of thin air.

I had come from my town of Port Macquarie to visit this establishment and its famed “guest of the crown”, Gerald Fredrick Töben.

Of course, I was somewhat apprehensive in regard to what to expect. Friedrich, as I call him, had lost his mother only 3 days before. A mother is a mother is a mother, a great loss in anyone's life.

Peter and I lined up with other visitors to get our persons verified, our hardware safely locked away (keys, 'phone, camera), our bodies underwent the "magic wand" treatment for hidden contraband and our food was inspected. We appeared to have struck a hitch: were we not registered as visitors? Oh, horror, had I come all for nothing! But eventually our names were found and Peter and I met up with our famous friend.

Fredrick was called to the grassy area, shadowed by tall trees, where the visitors are spending pleasant times, and perhaps sometimes not so pleasant ones, with their jailed loved ones.

It looked just like any family reunion. The weather was ideal, the conversation and surroundings congenial. Fredrick was very chirpy. He looked thinner than I had known him to be, especially in the face, but he was in excellent spirit, regardless of the circumstances in the family and other losses. His attitude was that of cheerful acceptance of his "home" and he had apparently good rapport with the staff, to whom he referred as "officers of the crown", most definitely not "screws". This gladdened me, because I have a cousin in Germany who had become a prison warden. A tough assignment, since you are regarded from the outset as the prisoner's enemy.

But in an area of few employment opportunities, a man - a woman- has to take what is available. And on the other side of the fence, I thought of my grandfather, Adolf Tober, who had been the inmate of a concentration camp, Oranienburg, for a few months. A well-kept family secret - no, he was not a Jew!

To be honest, the prisoners looked a great deal happier than the staff, who had an aspect of deep discontent, resignation, even suffering, about them.

Fredrick told us about the work he had volunteered for. He was rubbing back and painting posts, cleaning up the roads and other valuable help. This was not enforced but was freely offered by him, much to the surprise of both fellow prisoners and staff alike. His German farming background would not allow him to sit sulking in his cell, a victim of his Jewish foes, but rather he saw an opportunity for exercise and usefulness in the fresh air.

I gained a good impression of the jail atmosphere. There was one thing that surprised me: while the scrutiny on going into the jail was strict, I was able to go past the guards going out to the toilet or making coffee at the sink, without too close supervision.

Peter and I came back again the next day, Sunday 25th Oct, to make it worthwhile for me, seeing I had come quite a distance, from the NSW Mid North Coast to see FT.

Again, the three of us had lunch together and we spoke to each other from 1pm until 4pm. The "famed prisoner" took us around the grounds

and with some pride showed us his handiwork, the white painted Töben posts. Beyond the grassed area were the citrus orchards that obviously needed some pruning. Fredrick told us that a team, led by a Vietnamese, was attending to the trees.

The greatest number of prisoners are drug-dependent and not much training appears to be going on at the “Cadell Training Centre” in our time, as perhaps was once intended. The establishment is now in existence for 50 years and no doubt has seen many changes. Maybe in the past a place of almost total self-sufficiency was envisaged and no doubt quite possible.

At present Cadell is still administered by the SA government, but for how much longer, before a private security firm takes over? The cost-cutting firms that I had read of in the account of Pastor Jim Bakker's imprisonment in the USA, are certainly a very different and rather horrendous experience in comparison to the easy-going Cadell Training Centre.

* * *

I considered myself lucky in receiving visitors, but there is also a downside to this, which I have noted in all prisons, the emotional roller-coaster before and after visits.

Some prisoners feel down before visits, then pick up during the visit and sprightly welcome the new week until that down takes hold of them again. Others have the reverse feeling as they anticipate the visit and the days draw nearer. Then there are others like Jim, who has spent over 20 years inside and freely admits to being institutionalised, who does not really want anyone to visit him. Letters and phone calls are enough of an outside contact for him.

I was fortunate in that I received numerous letters that filled me in on what was going on outside. It is always interesting when strangers write to you because it means the message of legal persecution has reached beyond the insider circle.

Sometimes I felt a little sorry for the office staff that had to open each letter and cut out each stamp, just in case drugs were enclosed inside the envelope or somehow stuck beneath the stamp. The volume of mail that I received caused some officers to wonder whom they had locked up. Mail from all over the world indicated that my matter was a global issue, not just

some isolated local trouble that could easily be managed by having the trouble-maker taken out of social circulation.

One letter typical of someone I did not know is the following:

Real History
September 11th, 2009

Dr. Fredrick Töben,

Firstly I'd like to express my full support for your work successfully exposing the biggest fraud of the twentieth century! You are to be congratulated for your courage and willingness to stare this Zionist criminal network in the eyes and not recant.

I have studied the Adelaide Institute video 'Judea Declares War On Germany' among many other truthful 'revisionist' accounts of the Holocaust™. They are neither hateful nor vague accounts of WW2 history. Quite the opposite, the facts all add up. This is no doubt why the Jewish hatemonger's have to imprison free-thinkers like yourself.

The 100% total victory of revisionism in all areas of holocaust study is acknowledged by Jewry through the persecution of revisionists worldwide. The Jews have destroyed our right to free speech and, yes, we really are living in Talmudistan!

It really does boil the blood knowing the lengths they will go to in order to enforce their Holocaust™ religion. Would it ever cross the law makers minds that enforcing belief in the Holocaust™ and not allowing Germans and other truth seekers to use TRUTH to defend themselves is by definition 'criminal insanity'.

I, for one, am not standing idly by whilst Zionists criminalise our thoughts. When a person knows the truth behind such a monstrous fraud it is not only his right to express the truth, but also his duty. In that sense I have alerted my friends and family to the criminal falsification of history by Zionists and I will continue to do so.

If you'd like any extra help in spreading the truth I'm all ears. Not exactly sure what else I can do but new ideas are welcome.

Anyway, here's to hoping your 'Gulag Holiday' passes swiftly. Always bear in mind, your three month stint inside brings free-thinkers worldwide to greater awareness of the truth!

Raise a glass to the TRUTH! Cheers!

Yours Sincerely,
Brett Light

<http://www.newsnet14.com/2009/09/11/a-letter-to-dr-toben-by-brett-light/>

Chapter 24

EDUCATION

As a former teacher, one of the most obvious facts that struck me at Cadell and in the other four prisons in which I have spent time, is that the standard of education among prisoners is somewhat wanting. I felt guilty when I realised so many individuals had passed through a school system that had failed them. There is no excuse for anyone to emerge from any state school system with serious literacy and numeracy difficulties, unless there is some serious mental deficiency present.

I see it possibly as a desired result of so-called evil forces that preach brotherhood of mankind and equality, which propagate deficiency thinking, much like the circumcision/no circumcision debate where proponents of circumcision – genital mutilation – claim there is a benefit to be had from such a barbaric practice. What makes it worse is that such evil minds pull the religious card and claim there is a religious text somewhere that supports their argument for circumcision, when in fact rational debate and sound research indicate otherwise. Professor Guy Dommergue Polacco del Menasce heads the Institut Carrel in Paris, which was founded by endocrinologist Dr Jacques Gauthier who studied circumcision. Gauthier found that circumcision as such is not harmful but the fact that it is done on the 8th day means the baby is in the middle of its first puberty where the glandular system has fully developed but the nervous systems has not. Any circumcision causes a hypotrophy of the internal genital gland, which in a man makes up the moral sense, the synthetic ability, and altruism. It is the physical impossibility to balance the glandular system that triggers a stress of the pituitary gland. It is this cut on the 8th day that explains male Jewish

behaviour, which is not at all a racial matter, as most individuals would like to suggest, especially those who use the term ‘anti-Semitism’ to deflect from this physiological cause of anti-social behaviour.

Reflecting on such matters always brings me back to my school days. I recall how we had Ken Rigby, a young man who taught English, but who tried to get the attention of we 4B Boys at Kyneton High School by advising us, ‘I think we should be able to talk about sex in class’. We found that statement to be most obnoxious because it was typical of those individuals who had been imbued with the attitude that popularity as a teacher was something virtuous when, in fact, it was an expression of behaviour termed ‘impertinent familiarity’. We did not wish to have a teacher interfere with our dreams and imagination. It was much more of a delight for us to be meeting girls at the back of the hockey field in the long grass at lunchtime because it was forbidden. We did not want teachers to interfere in our exploratory journey!

I know that Malcolm M fantasised in the back row of the classroom when Mrs Murphy obscenely scratched her large bosom, or that word soon got around among us boys about our art teacher. We all lined up to have Mrs Nuttal help us with our drawings, standing next to her as she leant over our paintings and we gazed into her open blouse and felt happy and calmed and not in the slightest interested in being a nuisance in class.

Still, what we wanted from teachers was what I tried to do as a teacher at my various schools. We wanted them to fuel our imagination with substance, as had Kitty O’Shea, that aged Irish Catholic spinster with wrinkled face but nightingale voice who succeeded in having us eat out of her hands when she introduced the 3B Boys’ class to Shakespeare’s *Romeo and Juliet* and *Julius Caesar*. That was inspirational! Then along came that bunch of infantile no-hopers, the Marxists, feminists and other rabblers who wished to project on us their failed dreams and engage us in their class and sex warfare games.

Miss O’Shea gave us life, gave us our personal freedom, did not impose her frustrations on us, though she did scoff once at those who suggested that we could control the natural forces that brought us the weather. It would not surprise me that today she would have opposed the liars and dissemblers who propagate the climate change nonsense without spelling out the fact that any possible world fund collecting money on behalf of such a global

venture would be administered by the World Bank or the International Monetary Fund. No wonder such Internationalists hated Adolf Hitler who showed them the door very early during his management of the German economy.

Now back to college, to the boarding school, the backpacker hostel, to the boys' home where men in distress are calling out for help because teachers at school failed them, turned away from them, branded them hopeless cases because many teachers could not teach because they refused to lead by example! Those teachers who did survive the various fashionable ideologies ultimately self-destructed because the superannuation cheque was waiting for them. It was thus better to keep a low profile and survive and make your partner happy by ensuring that old age is secure, is guaranteed of financial stability. Pity the poor retirees who were ripped off by the likes of Bernie Maddoff and his replicas.

The casualties of this vicious financial slave system are found in our prisons – and that is very sad. Hitler did away with this system and shook the foundations of the world, so much so that to this day no-one dares go there openly and ask questions as to why Hitler walked along that road. What we hear is that his road led to the gas chambers and the extermination of 6 000 000 Jews. Such a gigantic hoax has most individuals enthralled and terrorised at the same time. On the one hand, there is the horror that civilised Germans could do such a thing; on the other, there is the admiration that Germans were so efficient that there is no proof of this tragedy because the Germans eliminated any evidence that it happened!

You take your pick of such logical statements and make sense of them by researching the details – not the abstract thoughts expressed in mere words. Remember, talk is cheap but evidence is irrefutable – if you are permitted to introduce such physical evidence, which you are not in the numerous Holocaust trials in Germany.

CTC has a library and an education unit where Marilyn attempts to offer prisoners some hope in professional rehabilitation. A notice on the board informs:

EDUCATION COURSES OFFERED AT CADELL

Computing

Numeracy & Literacy (Maths & English)

Learner's Permit

Forklift Ticket
Backhoe Ticket
MR Truck Licence
Boat Licence
Senior First AID
White Card
Work Zone Traffic Management
Chainsaw
Certificate 1 in Hospitality (Kitchen Operations)
Please contact Marilyn (Education Coordinator) to check your eligibility to take part in any of the above.

What is not mentioned is that some prisoners who have university degrees are completing higher degrees via correspondence, something that is welcomed, but seems to be on the chopping block by Adelaide bureaucrats who have advised such options will terminate within the next year or so.

Noel heads the Library and is engaged in further studies, as is Peter who produces Cadell's monthly newsletter. Peter came into the prison system while a PhD student in mathematics at the University of Adelaide. The newsletter enables me to mention the following information about prisoners who have attended or are attending courses to further their personal and professional development.

He did make me the 'poster boy' of his November 2009 edition, as mentioned earlier, and from that I gathered his newsletter is a publication of record, which is always good. While within the penal system I did not come across a general prison newspaper for South Australia or for Australia as is the case in the Great Britain where a national prisoners paper contains useful information concerning matters on penal servitude.

In the November 2009 edition Peter features on the front page:

On Friday, 9th October, 24 Cadell residents successfully completed a one-day course in OHS General training for Construction, better known as the White Card. This card is now a requirement for anyone working in the construction industry, and is recognised in all states and territories across Australia.

If you're interested in talking part in a similar course, speak to marilyn at the Education centre. Congratulations to the following participants, all of whom completed the course successfully and are now official White Card holders: Matthew Allen, Mark Barwick, Norman Brooks, Tom Byron, Leonard Campbell, Corey Carter, Raymond Cook, Steven Cotterill,

Daniel Ferry, Francis Goulding, Rex Hammond, Ronald Hastings, Colin Hickman, Mark Holowacz, Michael King, Jake Leonard, Adam Lovegrove, Mark Mazur, Stephen McKee, Michael Morgan, Ronald Plaumann, Erick Rogers, James Stead, Ben Stretton.

The Photo of the Month featured a certain gentleman lifting weights and if he identified himself to Marilyn, he would receive a can of Coke! The general news includes an item about it being illegal to bring fruit into the Riverland because of fruit fly. A notice advises of the Aboriginal Liaison Officer visiting Cadell at certain times, and another notice by Ian Smith informs of the successful Kitgum collection that enables orphaned children to be looked after in Uganda. In 2008 over \$4000 was collected for this charity from CTC!

The winners of various competitions get a mention accompanied by a picture of them holding their loot – 12 cans of Coke. That month's winner was Ray Cook. The Hospitality course also receives a plug:

If you fancy yourself as a bit of a Master Chef, or you're considering work in the hospitality industry, why not enrol in Certificate 1 in Hospitality (Kitchen Operations)?

Chef Alex Rankin from Tauondi College is here on Tuesdays and conducts the practical cooking sessions in the mornings and the theory sessions in the afternoons.

Contact Marilyn at the Education Centre for more information.

It features, among others, a picture of Shaun Waugh with some freshly cooked éclairs.

Good News is to be had from the Chapel from Tuesday to Saturday, 7 p.m.-8:30 p.m. with Sunday Service 10 a.m.-11:30 a.m.

The obligatory crossword/Scrabble section is there as is the cookery/recipe section that makes up the Kitchen Corner.

'Hot Goss' by Dibbo gives 'More News':

The Cadell Brigade has been busy over the last few weeks and the fire season hasn't even started yet. This means the new recruits have been able to gather much-needed fire ground-skills before the hot weather kicks in.

We have attended a variety of callouts including a river-front fire where people on the houseboat left a campfire to burn resulting in

approximately five acres of land and numerous river red gum trees (the largest around 20 metres tall) being destroyed. The crew arrived back at Cadell well after midnight and had to make sure the appliance was ready for action before going home to bed.

Other callouts included a tree which fell down and blocked the road in Cadell and an assistance call to help out Blanchetown with a fire. So with the fire season looking to be rather aggressive, the crew will have its work cut out for it, along with routine training, a busy season looming ahead.

The back page section, ‘Out & About’, features the boys and their muscle-building equipment – all familiar faces to me but I had no need to go there and pump iron because the paint brush did the job for me – and I had something to show for having sweated out there in the burning sun, something that gladdened my heart on my nightly walks around the track.

* * * * *

From outside the prison confines we noted interesting goings-on. I always recall the outsiders who entered schools and universities offering their particular expertise at a price to those educators who are deemed to need some programmed learning – invariably such Mickey Mouse courses came from the USA, which had an overabundance of teachers and from the late 1960s exported them around the world just as developing nations began to spend hard on educational facilities.

The poor teachers and administrators whose central bureaucracies foisted this material on their ‘underlings’ confirmed in me that a bureaucracy running wild and determining research and teaching content is a danger to free expression.

As recently as a decade ago CTC was hit hard by such bureaucratic well-meaning benevolence, only that CTC administrators who last the distance, just as any long-serving teacher at a school, has seen it all before. There may be a new emphasis, a particular novel approach in what is offered, but in the end the permanent staff must live with their charge – what today in our consumer society we label ‘clients’.

There has been some academic guff generated. A brief glimpse at this should suffice where this kind of ‘academic’ reflection leads to – another dead-end road.

Post Structuralist, Eco-Feminist Theoretical Interpretation of the Reparatory Work Conducted by Prisoners at Cadell Training Centre during 2003

Ms Christine O'Neil, South Australian Department of Correctional Services, Cadell Training Centre, Australia

Ms Catherine Munro-Ford, South Australian Department of Correctional Services, Cadell Training Centre, Australia

This paper illustrates how Officers of State Institutions unknowingly working from an Eco-feminist perspective have contributed to Civil Society Capacity Building and the discourse on the Post Structuralist theoretical perspective. Illustrations of these connections and examples from reparatory work conducted by prisoners will be presented to support this hypothesis.

<http://www.icms.com.au/ifsw/abstract/610.htm>

Of course, some serious reflections are made and the title of the paper indicates this without too much pretentious verbiage.

OPERATION CHALLENGE

Kerry Paschke, Unit Manager

Kelly Freeke, Coordinator

Operation Challenge, Cadell Training Centre, SA

Paper presented at the Conference Reducing Criminality: Partnerships and Best Practice convened by the Australian Institute of Criminology, in association with the WA Ministry of Justice, Department of Local Government, Western Australian Police Service and Safer WA and held in Perth 31 July and 1 August 2000

Brief Overview of program

Operation Challenge is a highly structured disciplined program for 14 prisoners running for 17 weeks in length within Cadell Training Centre. It targets young adult male offenders who are in contact with the prison system primarily for the first time. It gives them the opportunity to address their offending behaviour through education, team orientated physical fitness, cognitive skills, core programs, employment and reparation to the community. The ultimate goal of the program is for participants to address their offending behaviour.

History

The program commenced in December 1996 at Cadell Training Centre, a low security prison situated approximately 165 km north of Adelaide in the Riverland of South Australia.

Operation Challenge was an initiative of a previous Correctional Services Minister who believed that the State's correctional system should adopt the concept of an American Boot Camp. It must be stressed, however, that whilst some parts of the program are regimented, the current structure is far removed from the boot camp philosophy. We are currently working with our 9th group.

Goals of Operation Challenge

- Provide participants in the program with an opportunity to change their way of thinking by developing a range of new thinking skills so that they may reassess their lifestyle and adopt a responsible self disciplined approach with the aim of becoming responsible members of the community;
- Provide participants with educational and vocational training to equip them with the job skills necessary to gain employment opportunities;
- Develop self-esteem and self-confidence through up-skilling;
- Develop a work ethic in participants through a cultural change in their application to work;
- Develop teamwork and promote the concept of mutual respect, by taking responsibility for ones own actions and understanding the consequences, so that they learn to support and consider the needs of others;
- Enable participants an opportunity to provide reparation to the community by partaking in numerous environmental restoration projects and community service programs.

The question is 'How do we do achieve these goals?'

Staff selection, training and direction play an important role.

Staff need to apply to work in this specialised unit, they need to be committed to the cause, providing interaction with the client group on a very personal level. They need to role model behaviour, show support, be encouraging and motivational to participants.

Staff achieve this by breaking down the barriers, opening up the lines of communication and developing trust between the prisoners and themselves. Staff do not wear the traditional officer uniform but dress appropriately to the occasion, either in a tracksuit or casual clothing.

Staff work side by side with the prisoners whether it be in class, working with a shovel or painting a building.

Peer Support

Selected long term prisoners are employed in the program to assist staff in the delivery of some of the programs eg. physical fitness and literacy tutoring.

These prisoners are used to provide positive support and motivation to new prisoners to the program.

Family Involvement

Family case conferencing is encouraged. Family contact is encouraged with staff during and after the program. Many positive communications have been received.

Family Visits take place every weekend on Saturday and Sunday from 1300 hrs to 1600 hrs within the Operation Challenge complex.

Families are all invited to the Graduation Ceremony Day.

Why does this program work?

It is the combination of the whole package that makes Operation Challenge successful. If one component were left out, we would not achieve the desired outcome. It is the combination of discipline and learning which creates the atmospheric environment conducive for self development, self-esteem and confidence. The regimented exercise program, educational programs, vocational training, team-based exercises and restorative justice projects are critical factors in the program.

Operation Challenge prisoners are segregated from main stream prisoners to prevent negative influences, prison politics and contamination from the 'university of crime'.

Prisoners find the beginning of the program tough, many wanting out, but staff provide the motivation for them to carry on. As the prisoner achieves intermediate personal goals they start to realise their own potential and the benefits of their efforts and a change begins to take place. They become proud of the results and want to achieve more. The end result says it all, and is demonstrated when they receive certificates for their achievements on Graduation Day.

Many a prisoner will comment "they are a new person with a new outlook on life and a future for the first time".

The Program

1. Identification of participants to the Program

Prisoners are initially identified by Prisoner Assessment Unit, Case Managers in other prisons, Social Workers and Case Officers and brought to the attention of Operation Challenge staff.

2. Medical Clearance

Identified prisoners fill out a Physical Activity Questionnaire (PAR-Q). PAR-Q is designed to identify adults for whom physical activity might be inappropriate or those who should have medical advice before they engage in rigorous physical activities.

A medical check-up is also arranged with prison medical staff.

3. Interviews

The last stage of the selection process involves an in-depth interview by Operation Challenge staff, in which the aims and content of the program are explained to the prospective participants. At the same time staff assess attitudes, abilities, aspirations and potential of the interviewee. The interview also establishes that the prisoner is now willing to participate in a program that will facilitate the accomplishment of personal and social development.

4. Criteria

Prisoners must be:

- young offenders usually, incarcerated for the first time in an adult prison, targeting ages between 18 -27 years;
- have a low security rating;
- eligible for the next stage in their sentence plan at the end of the 17 week program;
- willing to abide by the rules of the program.

5. Contract

The program is voluntary and those selected sign a contract outlining the expectations of the Operation Challenge team.

6. Program Structure

Structured Day – normality to every day life reinforces a work ethic.

A normal day in the life of Challenge would be.

0530 wake-up call, by duty trainee (one trainee has this duty for one week in rotation, has to ensure people are on time and keeps a log book)

0615 form-up on parade ground/ officer on duty (beds spaces are tidy, trainees stand at attention, duty trainee reports and team leader gives instructions)

0630 commence morning fitness program (program is set for the duration can be run, circuit or confidence course)

0830 formal inspection of person and bed space

0830 work / education commences (according to set program, anger management / drug & alcohol abuse / cognitive skills / educational or vocational / 1st Aid / OHSW / fire training etc.)

1145 parade and lunch

1230 re-commence work / education

1615 afternoon fitness program (as per program, weights etc.)

1700 parade / showers

1730 evening meal

1830 team activity (Football, cooking lessons, debating, fitness theory)

1930 parade / case management/ lifeskills / letter writing/ home work)

2150 unit count/ Team leader off duty

2200 all trainees in bedspaces

2300 all lights off

8. Program Content

8.1 Restorative Justice Programs

The program allows for approximately 10 days away working on restorative justice programs.

A partnership has been developed between the Department for Environment and Heritage (DEH) and the Department for Correctional Services to provide Operation Challenge with various restorative justice programs off centre.

Work has been carried out on various islands off the coast of South Australia. An example of the work carried out includes

- restoration work to heritage listed housing,
- construction of seawalls using sandbagging to protect the island against natural erosion, burying hard rubbish,
- covering and re-vegetating,
- cutting and maintenance of walking trails and
- the eradication of noxious weeds.

Prisoners are taught the vocational skills prior to this program to carry out the necessary tasks safely and efficiently. Teamwork and a strong work ethic are essential to enable projects to be completed on time.

8.2 Educational/Vocational Training

An individual assessment of each prisoner's capabilities is carried out prior to the commencement of the program. All prisoners are managed at their own capabilities.

Numeracy and literacy skills, together with job applications are incorporated into computer programs. Prisoners are taught how to present, and how to conduct themselves during an interview.

Educational programs result in **Nationally Accredited Certificates** that contribute to finding a pathway to employment. Honestly with prospective employees is encouraged, however, these certificates are untraceable to a correctional facility.

8.3 Core Programs

The Department for Correctional Services, South Australia, have identified 6 Core Programs that target offending behaviour. These core programs are Cognitive Skills, Anger Management, Literacy and Numeracy, Alcohol and other Drugs, Victim Awareness and Domestic

Violence. Through case management, the reasons for a prisoner's offending behaviour are identified and the prisoner is obliged to complete the identified program(s) in order to proceed through their sentence plan. Cognitive Skills is an essential program in Operation Challenge.

8.4 Physical Fitness

A physical fitness program has been developed for the program with all prisoners having to participate. The program starts off slowly with the prisoners able to complete a 20 kilometre run by completion. The philosophy being 'Healthy Body – Health Mind'.

The development of personal and social skills is made easier through the team fitness activities. Demanding physical activities have a strong attraction for all young males. Its very "in" for a male prisoner to be seen participating in hard physical activities such as football, weights and long distance running, not realising the benefit from a social and personal skill development aspect. The 'high' received from achievements replaces the high previously sought from drugs.

Physical activities improve health and fitness and this process is linked to improvements in self-confidence and perception of "self". Many demanding physical activities require different degrees of teamwork and whether they are recognised sports or other outdoor activities, they are highly structured and therefore help in the change from a lifestyle without a purpose to the development of a structured day with a work ethic.

9. Throughcare

Throughcare is the provision of a seamless approach to prisoner leaving Cadell Training Centre and moving on to the next stage in their sentence plan.

- Home Detention Officers and staff from the Pre-release Centre attends the Operation Challenge Unit prior to the end of the program to ensure a smooth transition to through care.
- Pathways to employment are established through the vocational training providers, ensuring interviews or contact is made with prospective employers.
- Some prisoners are offered traineeships with vocational training providers.
- If employment is unattainable, contacts are made with community or voluntary work programs.
- Case Management ensures regular casenotes are made by all staff during their prison sentence.

10. Graduation Day

The graduation ceremony is a celebration of the goals achieved by the participants and both prisoners and staff alike are rewarded on this day

when proud prisoners, families of prisoners and distinguish guests witness the presentation of a medal and Certificates of Achievement followed by a luncheon.

This day marks the beginning of a new way of life for many participants with some able to leave with their families on Home Detention and others ready to move on to the next stage of their sentence plan.

11. Costs

The operating budget for the program is approximately \$55,000 per annum with the majority

of the costs being spent on education. These funds have been made available from Treasury specifically for this program.

The program has 3 full time Officers and 1 Coordinator at a cost of approximately \$150,000

12. Evaluation

The University of SA is currently evaluating the program. Pending the results of the evaluation, it is proposed that the Operation Challenge program will double in size.

Summary

We consider that this program represents best practice in prison management of young offenders and can be used as the bench mark for future strategic planning of prisoner development and management programs.

This evidence is visible in the shift in mental and physical well being of the prisoners partaking in Operation Challenge. Prisoners state that “it has been a long time, or for some, the very first time that they have a positive outlook on life, are drug free and have a future to look forward to”.

<http://www.aic.gov.au/events/aic%20upcoming%20events/2000/~ /media/conferences/criminality/freeke.ashx>

Chapter 25

RE-EDUCATING WHOM?

‘Assemble for the count’ issues forth from CTC’s PA system. It is almost 11.50 a.m. and some of us rush back to the Cell Block, glancing hopefully to the office window to see if the ‘Mail Late Today’ sign is up. My mail comes from a group of individuals who keep me going – Amelia, Dagmar, Helga, Ida, Jane, Jennifer, Lila, Mary, Olga, Yvonne, ‘Wifey’ Bryant, Allan, Andrew, Bert, Christopher, Claus, Gerard, George, Kai, Peter, Maurice, Michael, Mohammed, Neville, Nigel, John, Randulf, Robert, Spencer and a few who wish to remain anonymous. I hasten to add that anyone writing to a prisoner or visiting a prison should know they are on a list. Like any list drawn up by a bureaucratic institution, the information therein will be used by those who have the authority to access it. Hence my aim to remain transparent and above board in all my work.

One of the first of many cards I received from well-wishers came from Christopher Steele, the man behind the scene who has remained a tower of strength for me. His comments are telling:

Dear Fredrick

Well, this note to you in incarceration is a lot closer to home than in previous times! In the cause I hope it is equally successful for the future. You are dedicated in your endeavours, and will eventually be rewarded for your circumspection.

Strange, though, that your sentence turned out to be on a legal technicality rather than a legislative crime!

The card is dated Sunday, 16 August 2009 and addressed to me at HM Gaol, Grand Junction Road, Yatala, SA 5126. On the envelope prison

officers wrote in red biro my number #160026 and cell number G1:6, and stamped receipt of the card on 17 August PM. I was to receive this card 5 days later, on 22 August when I had just been transferred out of G Division into Cell 18, E Division.

Christopher's choice of card expresses his dry sense of humour:

Happiness In Your New Home
To:- my ever-active friend Gerald Fredrick TÖBEN
May you find
more joys in store
Each time you step
inside your door!
(especially a lengthy mental and physical rest!)
Every happiness
Always

From:- Christopher Steele
I hope the above salutations correctly register your current
circumstances.

Keep me informed of any needs you require – you know, stamps, paper,
biros, etc.

Anyone engaged in what we are on about is foolish to think this is an individual's game only. Of course, when it comes to the crunch I have to do the time, alone, in my cell and be comfortable within my own mind's reflections, but that comes with the territory and it is a duty gladly taken up.

Yet it is the number of individuals behind the scene that sustain me through these challenging times – and although I am now a veteran in this matter, it still requires making adjustments because, 'subtly', as the Qantas crew instructions to passengers about to take off reminds us, every time you fly you sit in a different seat, and every time I am imprisoned I am in a different cell.

David Brockschmidt's packages to CTC flood me with information. No wonder my mail fills a wash basket. In particular he sends copies of *Quadrant*, a magazine that is supposed to be politically right wing. In the October 2009 edition there is Mervyn Bendle's article: 'The History Wars and the Holocaust'. The author is Senior Lecturer in History and Communications at James Cook University, which recently banned Professor Ian Plimer from addressing a meeting there on the climate change hoax!

Bendle bemoans the fact that a group of Australian historians are attending a conference at the Freie Universität Berlin, there to discuss Australia's treatment of Aboriginals in the context of genocide and the Holocaust – all part of the History Wars in Australia. He raises the issue about the university being a haven of left-wing intellectuals who are engaged in relativising the Holocaust by focusing on other Holocausts, thereby diminishing the exclusivity of the Jewish Holocaust. He cites the matter of the 'Stolen Generations' as an example used by Paul Bartrop to illustrate Australia has a genocidal past, much like Phillip Knightley claiming a comparison can be made between Nazi Germany and colonial Australia, the extermination of Tasmania's Aboriginals, for example.

It bothers him that Dirk Moses' article, 'Coming to Terms with Genocidal Pasts in Comparative Perspective: Germany and Australia', and Katharine Gelber's, 'Privileged Discourses of Hate in Australia and Germany: The Holocaust and the Stolen Generation', appear in a volume, *Polyculturalism and Discourse*, 2007, co-edited by one of the speakers at Berlin, Professor of Creative Writing, University of New South Wales, Stephen Muecke.

At any rate such are the key figures in this delegation travelling to the Berlin symposium to discuss the History Wars in Australia. Given their stated positions, it is unlikely that they will present a balanced view of this crucial area of Australian history, despite any pretensions to be guided by "the discipline of historiography", or any other rules of intellectual discourse. On the other hand, while their moralising receives lots of attention in Australia, it is not clear that they will make a similar impression in Germany.

After all, they are venturing into the big league of Holocaust denial and genocide propaganda, where both the far-Left and the far-Right have a long history of searching for ways to deny, diminish and obscure German culpability for the atrocities of the Third Reich.

Therefore, probably the best chance the delegation will have of getting noticed will be to re-state the allegations that Australia is at least as genocidal in its behaviour towards indigenous Australians as the Nazis ever were towards the Jews and the other people they targeted for extermination. This will be music to the ears of those Germans who are anxious to share or dissipate the burden of guilt imposed by their Nazi past.

Undoubtedly the delegation will therefore receive a warm welcome at the Free University of Berlin, which historically has hosted holocaust revisionists and genocide extremists from the far-Left and the far-Right. (pp. 14-15).

He then mentions that Emeritus Professor Ernst Nolte (FUB, 1973–91) was the one who began the *Historikerstreit* in 1986–87 with his basic thesis, ‘Wasn’t the Gulag Archipelago not primary to Auschwitz? Wasn’t the Bolshevik murder of an entire class the logical and factual *præ* of the ‘racial murder’ of National Socialism?’. Bendle also mentions that Nolte has accepted points made by David Irving about the bombing of Hamburg as an example of the

... Allies’ desire to destroy the German civilian population. ... It appears clear that the Australian delegation will enter a very welcoming ideological environment in Berlin to present their views on Australia as a genocidal society. Looming over the proceedings will be the self-serving view common amongst Germans of both the Left and the Right that the Holocaust was an expression of a ‘genocidal tendency’ inherent within modern societies, an exculpatory model for Germany into which the Australian experience can readily be made to fit by the delegation – at the cost, of course, of national self-denigration (p. 17).

Although Bendle is a Holocaust believer, he does not mention Robert Manne who was at one time editor of *Quadrant*, but who ran foul of the establishment when he gave his weight to the ‘Stolen Generation’ movement that Keith Windschuttle has effectively scuttled, and who is now *Quadrant’s* editor.

For the record, Bendle gives figures for ‘purpose-built camps and killing grounds as Auschwitz-Birkenau (1,400,000 murdered), Treblinka (870,000), Jasenovac (600,000), Belzec (600,000), Majdanek (360,000), Chelmno (320,000), Sobibor (250,000) ...’. The figures are, of course, pure imagination because as I pointed out in my 2006 International Holocaust Conference paper, even if we are not permitted to look at the facts, as is the case in Austria, Holland, Germany etc. we can work out that the alleged killing process extended over a period of time and calculations can be made as to how long it must have taken to dispose of about 6 000 000 people. It is a three-step process: undress-gas-burn/cremate. Or adding steps to it: transport-undress-gas-cremate. Or as in Treblinka’s special case: transport-undress-have breasts sliced off allegedly by Demjanjuk-gas-bury-exhume-burn.

Here we have the glaring absurdity that is the Holocaust, and academic Professor Mervyn F Bendle wants to save it from extinction!

The recently published, and to date only in German, *Die Akte Sobibor Von einem Autorenkollektiv* in December 2009, has the following chapters:

1. Die gnadenlose Hatz auf den greisen John Demjanjuk
2. Das offizielle Sobibor-Bild und die zeitgenössischen Dokumente
3. Der Schlüsselzeuge Alexander Aronowitch Petscherski
4. Die Entstehung des Mythos
5. Sobibor und die Historiker
6. Julius Schelvis und sein Standardwerk über Sobibor
7. Zeugen-Panorama
8. Toivi Blatt, sein Tagebuch und sein Gespräch mit Karl August Frenzel
9. Die 'Gaskammern' von Sobibor im Lichte der 'Augenzeugenberichte' und 'historischen Forschungen'
10. Die beiden Sobibor-Prozesse von 1950
11. Der Sobibor-Prozess in Hagen (1965/1966)
12. Sobibor als Prozessgegenstand in Israel, der UdSSR, Brasilien und Österreich
13. Die vergebliche Suche nach dem Vergasungsgebäude
14. Die Massengräber
15. Holzbedarf und Verbrennungssasche
16. Die Opferzahl von Sobibor. Eine Hypothese
17. Die nationalsozialistische Judenpolitik
18. Durchgangslager Sobibor
19. Die Abdankung der Vernunft
20. Das Schicksal der in die Ostgebiete deportierten Juden
21. Der Fall Demjanjuk
22. Schlussfolgerung

As with all Holocaust believers, they dare not venture into the Revisionist field of expertise, such as the above, nor into Germar Rudolf's *Lectures on the Holocaust* or his *Rudolf Report*. Such books are presented to German courts as evidence, rejected outright by the judges, then placed on the index of censored books.

The Bendle article's title alone reminds me of Andrew Gray's August 1998 presentation at Adelaide Institute's *Revisionist Symposium* where he mentions a League of Nations matter that looked into the problem of the elephant and ivory poaching, and the Poles talked about the Elephant and the Polish Problem.

That is what has become of the Holocaust now. For example, Victoria's December 2008-January 2009 catastrophic bushfire season that destroyed

towns and killed over 170 people – during the same period Israel killed Palestinians – is a tragedy that has gripped Australia’s imagination. Also, on its back is a Jewish group that has developed a program it calls ‘Courage to Care’, which ‘encourages all Australians to reject intolerance and discrimination. The Righteous amongst the Nations are an example to all of us of the power of an individual to make a difference’. The significance of the ‘Courage to Care’ exhibition was that it pretended it could give solace to bushfire victims by drawing on the Jewish suffering experienced during the Holocaust. So, here we see how on the back of a tragedy the Jews propagating the Holocaust are having a free ride again, peddling their German hatred.

I obtained the brochure accompanying the program from two gentlemen who attended the opening on my behalf. It gives an overview of the ‘Holocaust’. Under a heading: ‘Why were Jewish people persecuted?’ the first and the final sentences of a three paragraph item spells it all: ‘To understand Nazi attitudes it is necessary to enter the world of irrational thought ... Ultimately it would be necessary to eliminate ‘the Jew’ from the face of the earth’. This reminds me of the prime uglies who write about me when they wish to tell the world they know what motivates me, then ascribe some base motives to me without even engaging me in conversation.

Once a claim such as the above is made, then anything can be written about anything. Factual proof is not needed because here the usual pattern of irrationality begins with an element of truth, then exaggerates, distorts, fabricates, and ultimately consciously lies so as to justify the German hatred thus generated.

There is no difference between ‘German’ and ‘Nazi’ terminology because they are used synonymously in the Holocaust debate. Any German who does not go along with the prevailing Holocaust narrative is thus automatically a Nazi; much like the term ‘Zionism’ and ‘Jew’ serve that purpose of differentiating between those who are responsible for exterminating the Palestinians and those who resist such murderous intent.

* * * * *

One of the greatest re-education programs implemented was the re-education of the Germans after their unconditional surrender at the end of World War Two. The success in implementing this systematic attack on a

nation then also came through the back door, so to speak, to the people who originally helped re-educate the Germans – to the USA.

The flourishing drug culture during the 1960s and onwards, a little earlier in a minor way the Korean War, but more so during the 1970s with the loss of the Vietnam War nailed the American people to the ‘double-cross’ more so than it did the Germans.

One avenue through which it was made possible was by establishing the Holocaust narrative as a major American identity criterion. On the pretext of the civil rights fight the undermining of government instrumentalities, such as health and education, it became easy to subvert what the USA once stood for.

The First Amendment is seriously under threat. My problem in obtaining a US visa – this having been referred to Washington – is indicative of what bothers those who must decide on whether I am allowed to travel to the USA or not. This year the British historian David Irving, who has the same ‘convictions’ as me, was permitted to travel to the USA for a speaking tour.

The matter is so directly linked to what the Holocaust lobby in the USA thinks about my visit, whether it will endanger and expose its continued subversion of the American constitution. When the Washington United States Holocaust Memorial Museum was established in 1993 the nail sealed the USA’s coffin of re-education, and thus foreign domination of their body politic, as much as the Germans are not in charge of their country’s political fortunes.

That something is wrong with this museum’s exhibits is illustrated by the letter reproduced in the picture section. Imagine, no murder weapon – the homicidal gas chamber – as an exhibit in the primary Holocaust museum outside of Israel. That’s like a space museum without a rocket or even a motor car museum without motor cars.

That is all strange stuff. This wartime re-education program is still going on, and I can link it to the re-education endeavours here at CTC. Think back on 65 years ago to the European theatre of war. The Allies began to gain the upper hand over the Axis powers and when Germany unconditionally surrendered the Allies’ re-education program began with the murder and rape of the conquered German men and women and children.

Think of the doctors and nurses who, while their families attended church on a Sunday, would perform abortions on women who wanted to ‘get rid of the Russian babies, fathered by Bolshevik soldiers brought into a frenzy by Jewish propagandists who had whipped up German hatred in the Soviet armed forces.

Think of the re-education program ruthlessly imposed on Germans by the proponents of the Frankfurt School that to this day has enslaved, albeit willingly, Germans to a foreign world view.

Think of the tribal wars that have been going on since time immemorial where the victor kills the vanquished men but takes their women and children as slaves. The Old Testament-Talmud stories abound with such gruesome primitive realities.

Think of the Revisionists who are currently serving time in prison without any chance of an early release because such a concession is not given to them. Their non-rehabilitation chances preclude them from early release for good behaviour.

Think of the Revisionists who dare not speak out because of imposed court orders preventing them from speaking publicly, thereby withdrawing from them one of the fundamental human rights – the right to free expression. Unfortunately, Revisionists do not recant their worldview without new factual and reasoned arguments coming their way.

* * * * *

Long time friend and supporter, John Bird, of Cooktown sends me the following which, he says, ‘I learned at school 75 years ago’. I learnt the same poem in Year 9, the old Form 3, 50 years ago. To this day I delight in reading it, clearly remembering Miss O’Shea doing her best to civilise 3B Boys by imbuing them with some cultural leavenings without which life for them would remain short and brutish. It is ‘I Wandered Lonely As A Cloud’ by William Wordsworth:

I wandered lonely as a cloud
That floats on high o’er vales and hills,
When all at once I saw a crowd,
A host, of golden daffodils;
Beside the lake, beneath the trees,
Fluttering and dancing in the breeze.

Continuous as the stars that shine
And twinkle on the milky way,
They stretched in never-ending line
Along the margin of a bay:
Ten thousand saw I at a glance,
Tossing their heads in sprightly dance.

The waves beside them danced; but they
Outdid the sparkling waves in glee;
A poet could not but be gay,
In such a jocund company;
I gazed – and gazed – but little thought
What wealth to be the show had brought.

For oft, when on my couch I lie
In vacant or in pensive mood,
They flash upon that inward eye
Which is the bliss of solitude;
And then my heart with pleasure fills,
And dances with the daffodils.

* * * * *

Selections from Adelaide Institute's site from June 2000

We are a group of individuals who are looking at the Jewish-Nazi Holocaust, in particular we are investigating the allegation that Germans systematically killed six million Jews, four million alone at the Auschwitz concentration camp. In our investigations we refuse to be intimidated by anyone because we believe that the first step in any murder investigation is to forensically test the alleged murder weapon. In the Auschwitz murder case, certain individuals wish to prevent us from focusing upon such an investigation.

The latest version of how the Germans gassed millions of Jews at Auschwitz is propagated by Professor Deborah Lipstadt of Emory University in the U.S.A. who claims that mortuaries were converted into homicidal gas chambers. Proof of this is apparently found in so-called “conversion plans”. We have requested of Professor Lipstadt and of the Holocaust Museum, Washington, to provide us with copies of such conversion plans. We are still waiting for them to provide us with these plans.

In the meantime we have noted the original four million Auschwitz death figure has been reduced by Jean Claude Pressac to a maximum of 800,000. This in itself is good news because it means that around 3.2 million people never died at Auschwitz - a cause for celebration.

We are worried about the fact that to date it has been impossible to reconstruct a homicidal gas chamber. Even the Holocaust Museum in Washington informed us that it could not bring one across from Europe because there are none available. This is like a space museum without a rocket or the Vatican without a Crucifix. We are justifiably sceptical about the homicidal gas chamber claims.

We reject outright that a questioning of the alleged homicidal gas chamber story constitutes “hate talk”, is “anti-Semitic”, “racist” or even “neo-Nazi” activity.

The director of the Adelaide Institute, Dr Fredrick Töben, puts it thus: "If I offend anybody because I show poor taste in my sometime blunt and honest questioning, then I apologise. However, if I offend because I am politically incorrect by asking uncomfortable questions, then I claim it as my right, under the free speech principle, to say these things."

We at the Adelaide Institute also focus on the Jewish-Bolshevik Holocaust, a matter which Australian author Helen Demidenko-Darville has raised in her book *The Hand That Signed The Paper*. The controversy generated by this novel still continues.

Adelaide Institute associate, Mr David Brockschmidt, sums up the essence of Demidenko-Darville’s ‘crime’ in writing this book:

The merit of Helen Demidenko-Darville’s novel—and hidden agenda of the anti-Demidenko affair—is that she has revealed a basic historical fact, viz, that Lenin’s henchman, Trotzky (Bronstein) and Stalin’s henchman, Kaganovich, were Jewish mass murderers. This historical fact clearly shows that Jews are not always victims in history, but also murderers. Australia’s mass media has failed to publicise this important fact. Why?

David Brockschmidt displays his parents’ medal received from the West German government for saving Jews during World War II. The Brockschmidt family was also honoured by the Israeli Government and a tree in their memory has been planted in the Avenue of the Righteous Gentiles, Jerusalem, Israel.

David’s father was also instrumental in providing Oskar Schindler with the trucks which transported the Schindler Jews from Poland to Czechoslovakia. Steven Spielberg, who knew the vital role Brockschmidt played in this operation failed to give credit to David’s father. Why?

These two historical issues—the Jewish-Bolshevik Holocaust and the Nazi-Jewish Holocaust—are worthy subjects for an intellectual enquiry. We are aware of the fact that to venture forth in to such an enquiry can be dangerous. Professor Robert Faurisson (France), Mr David Irving (England), Dr Wilhelm Stäglich, Professor Udo Walendy, Messrs Günter Deckert, Germar Rudolf, Mr Thies Christopherson, Pastor Manfred Junger (Germany), Mr Ditlieb Felderer (Sweden), Mr Hans Schmidt

(U.S.A.), and Mr Ernst Zündel (Canada) are people who have suffered physically, mentally and materially as a result of their search for truth in history. The enemies of freedom of speech will use physical and legal violence - persecution through prosecution - to stifle debate on these contentious historical issues. There is a tremendous pressure placed on people who dare touch these taboo subjects. All too often the first thing that snaps is the family unit, followed by professional and social ostracism. So, be warned - this final intellectual journey is not for the faint-hearted. If you dare to seek the truth, in particular about the alleged homicidal gassings, then you will be smeared, libelled and defamed by those who are intellectual midgets but materialistic giants.

If you are mentally strong enough to seek the truth of the matter, then force an open debate. Don't get side tracked by details and always refocus on the basics. Too many individuals drown in a sea of particulars.

People who claim that during World War II, the Germans gassed millions of Jews are levelling three allegations at the Germans:

- 1.They planned the construction of huge chemical slaughter houses;
- 2.They constructed these huge chemical slaughterhouses during the middle of WWII; and
- 3.They used these huge slaughterhouses to exterminate millions of Jews.

Any normal person familiar with bureaucratic red tape will now ask: What proof is there to back up these claims? Firstly, where are the plans of this enterprise? Secondly, where is the budget needed to finance the massive enterprise? Finally, it is inconceivable that such a massive undertaking would get past first base without an executive order. To date, we have been led to believe that 'a wink and a nudge' began the alleged extermination project.

We at Adelaide Institute believe that those who level the homicidal gassing allegations at the Germans owe it to the world to come up with irrefutable evidence that this happened.

Instead, these defamers and libellers of the Germans use legal means to stifle debate on the topic. They claim that anyone who asks questions is engaging in 'hate-talk', is 'anti-Semitic' is a 'racist', even a 'neo-Nazi'.

If that doesn't work, then physical violence is used to silence those who want to know the truth.

So, come on board if you have the courage to look for truth. We naturally maintain that should—after fifty years—proof of the homicidal gassings be forthcoming, we shall gladly publicise this as well. To date, there has been no proof offered to the world. Robert Faurisson sums it up well; "No holes, no Holocaust!"

We are not 'holocaust deniers'. We proudly proclaim that to date there is no evidence that millions of people were killed in homicidal gas

chambers. That is good news all round. Why would anyone find this offensive? We are celebrating the living who were thought dead. How can this be an offence - unless it offends those who have their snout in the trough which Jewish academic, Dr Frank Knopfelmacher called, "the Holocaust racket".

If there is to be a mission statement from Adelaide Institute, then it is best summed up in a letter which appeared in *The Australian* on 22nd February, 1996. Written by John Buchner of Camden of NSW, nine days before the 2nd March federal election:

OPEN SEASON ON GERMANS

Phillip Adams referred in a recent column of *Review*, 13th - 14th January 1996, to a number of foreign situations, which are dealt with in a jocular fashion, but he refers to the German people in a contemporary sense as "Nazi swine". Many people from a German background have settled in Australia and made a significant contribution to it, including serving in its armed forces against the Nazi regime. Their memory is vilified by Mr Adams' reference. During my school years here, I endured continual vilification because of my German origins and countless "Hitler Salutes". However, my complaint to you is not motivated by a chip on the shoulder because of these events. Like most Australians, I can take it and abhor the treatment other national groups have received. My concern is that there seems to be a perpetual open season on all Germans, as though all Germans must forever bear the guilt and shame of the Nazi regime. I can bear references to "Nazi Swine", albeit without amusement. But what of my children? Are my children to be forever classed "Nazi Swine" in this country?

John Buchner, Camden, NSW

Interestingly, a climate of political correctness pervaded the run-up period to the 2nd of March federal elections, with Liberal and National candidates coming in for some sharp rebukes from their Labor colleagues over publicly-made alleged racist statements. For example, there was Bob Katter who lashed out at "enviro-Nazis", "femi-Nazis" and "slant-eyed ideologues". Only the latter statement created an uproar. The "Nazi" word has been used by a number of politicians from all parties because it still has a sting to it. After all, everything done by the Germans prior to and after World War II is eclipsed by what is alleged to have happened at Auschwitz concentration camp. The argument is always "from Mozart, Beethoven and Wagner to the homicidal gas chambers at Auschwitz". That's the card pulled out by anyone who is faced with competition from a German-born Australian or Australian of German descent.

It is from this basis that we take it as our right to challenge the taboo topic's veracity - did the Germans operate homicidal gas chambers at Auschwitz? It is too cheap for us to decry our work as that of "hate-mongers", "anti-Semites", "racists" or "neo-Nazis". Let us repeat; we are not deniers of the Jewish-Nazi Holocaust. We affirm that to date there is no proof that millions of people were gassed by Germans in homicidal gas chambers. Dare you join us in this continuing intellectual adventure of the 21st Century?

Chapter 26

POTTERY CERAMICS

Anyone who produces things is creating some object either for oneself or for someone else. The canteen at CTC services inmates on Monday, Tuesday, Thursday and Friday with a wide range of goods that supplement the basic food provided by an excellent kitchen staff. In particular, I like my Mars bars – a habit that I acquired when I first went to prison in 1999. Of interest to me is the quality dried fruit. It is local produce packed in a plastic bag labelled:

Schill's Dried Medley Mix
Grown and packed in the Riverland.
Product of Australia.
Packed by: D.L. & I Schiller,
Lot 4, Smyth Road
P.O. Box 296, Cadell SA 5321
Ph/Fax: (08) 8540 3123.

So much for a German family whose name is synonymous with world-class literature, romantic literature at that, meaning the animalistic thrustings that arise out of the Talmudic-Marxist dialectic power analysis of relationships, where it is important for the semen to flow at any cost and without restraint, that kind of notion would be foreign to the Romantic, to the one who seeks to call one soul his own, and not the slave-mentality of possessing a mere receptacle object for gratification of one's lusts.

Unfortunately, many Australians of German descent here in the Riverland are broken people on account of wartime propaganda. Hence their fleeing into work rather than politics, and those that did make it into politics have

lost the cutting edge of it by submitting to the Holocaust mantra. Sad, sad, sad that a people let themselves be pressured into such utter rubbish. It attests to the refined mental dictatorship that succeeded in enshrining this nonsense into common parlance, then into law.

I progress well with my 'Arbeit Macht Frei' mug in pottery. Joe has been of great assistance in the painting three times with red, black and white, and then with the firing stage, that process where objects are nicely stacked in the oven or kiln overnight for firing. Memories of my time at the Merz School in 1971-73 where I dabbled in such matters come back.

On Tuesday 15 September I finally meet Charles Southwood, the pottery instructor who travels from Adelaide to supervise this rather popular activity on Mondays and Tuesdays. He is also the assistant chaplain at CTC. As we converse something did not add up. It was as if I had for years been listening to Charles' voice, he seemed to be so familiar to me. When one of the fellows introduced me to him I went straight for it.

'Charles?'.

'Yes'.

'... and your surname?'.

'Southwood'.

'No'.

'Yes'.

'No, Charles Southwood - ABC Classic FM?'.

'Yes'.

'F--- me dead. Charles Southwood, ABC Classic FM'.

'Yes'.

'Well, well'.

I calmed down. I was in the presence of Charles Southwood, the ABC Classic FM music presenter, one of the great ones at the ABC. I felt privileged to meet him. When I was working for ABC-Radio's Horsham office in 1989, I appreciated the classical music presentation that the ABC offered. During the 1960s we could only get 3WV/WL where such music was offered by John Kager.

I did push the issue a little further and remind Charles that Englishmen really have difficulty with their stiff upper lip and their appreciation of music is generally socially determined, not inspirationally, as we see today with the deconstructionist composer Greenaway whose operatic creations are pure ugliness.

Charles advises, yes, his ancestors changed their name from Südholtz to Southwood, and for me that explains why this man commands such a depth of classical music appreciation – and until 1996 he remained at the ABC when health reasons terminated his broadcasting career.

We talk generally about things, that he once at ABC Perth interviewed David Irving, for which he won a Pen Award. It was a revelation for Charles to listen to Irving expound his views of history, quite contrary to what he had been used to believing. He did not really ask Irving any questions, just when Irving finished saying something, Charles merely said, ‘Yes, go on’, and on Irving went ripping away the tissues of lies that to this day lie like a shroud over World War Two history!

Charles now works for the Lord and he finds contentment helping the prisoners create something that they can take home.

Chapter 27

A MOMENT OF GRIEF

On Sunday afternoon, 18 October 2009, I received a visit from Peter and Polydoros, which was a delight, especially because Polydoros came all the way to Cadell from Sydney.

I was saddened to hear that Dr Siegfried Tischler had died suddenly, and I extended my commiserations to his wife and family.

Unfortunately, Peter's news about my mother's condition was also not good. My brother had advised him of our mother's imminent passing. She had left the Edenhope Hospital to die at home in the bed she had shared with our father for almost 50 years at 'Immensee', their farm. Father had passed away in 2003 and mother was on her way to Valhalla at the same age of 86.

Around 4.30 p.m. I was given permission to ring home where my siblings were gathered around mother, who was wafting in and out of consciousness. My niece took the phone to mother and placed the receiver to her ear with the words that I was calling from interstate. I said my brief goodbye in words that she may have still heard, but could only respond to in a whispered murmur, which I wished to decipher as her acknowledgement of my words to her.

Owing to the fact that the eight judges of the Federal Court of Australia - Branson, Dowsett, Gilmour, Graham, Lander, Madgwick, Spender and Stone - had the massive failure of moral and intellectual courage, I could not be at my mother's bedside in this once in a lifetime call to filial duty. I

say this about the judges' failure of nerve because they all bent to Jewish pressure and interfered with an historical research process of vital importance.

My receiving a criminal record at the age of 65 on the basis that I was found guilty of contempt of court, then to serve a 3-month prison term, is a joke if it were not so serious in its effect of killing further historical research.

The fact that eight judges extended legal protection to a World War Two propaganda lie – that Germans systematically exterminated people in homicidal gas chambers – will in time be seen as a miscarriage of justice.

Think of the 1988 Lockerbie tragedy and how Libya was framed to take the blame for it. Then think about 9/11 and cast your mind to the Pentagon and ask yourself, 'If the Pan Am plane pieces fell to earth after blowing up in the sky above Lockerbie, why were there no body parts, luggage or plane fuselage, let alone the wings and tail found at the Pentagon, as they were found at Lockerbie?'

Does this not remind you of Colin Powell's fall from grace in 2003 after he convinced the UN Security Council that Saddam Hussein had weapons of mass destruction – and that the Anglo-American-Zionist war machine had to invade Iraq in order to save the world from terrorism and rescue and establish freedom and democracy in Iraq?

So, too, it is with the allegation that Germans exterminated people in homicidal gas chambers.

I had witnessed my father's cremation but this time I had to have the cremation witnessed by proxy! I wrote the following when father died:

Silence from My Father

Forgive me for being personal in this email, but some of us need to sort things out in writing and I am such a one. The following will also explain why there will be silence from me for a while.

'What more is there to life? I've achieved everything I wanted: I have my farm, I raised four children and I've slept with the same woman for 63 years. There is no more.'

These words encompass what my father set out to achieve in life, when in 1940 at 23 he married my then 17- year-old mother. That was in Jaderberg, North Germany at the beginning of World War Two.

Although he spoke little about his war-years activities, father did talk about time spent in Norway as a member of the German occupying force. He didn't smoke and whenever he could, he would trade in anything for extra leave to go back home to his wife.

Most German farmers' sons welcomed the rise of Adolf Hitler and his National Socialist German Workers Party (NSDAP). Why? Farming has always been a financial problem and most were then, as now, indebted to the banks that serviced their loans. Interest rates were then, as now, a killer. When Hitler brought relief to the farming community by disconnecting Germany from international finance, it was natural that this new breathing space brought within the German farming community optimism and enthusiasm for pioneering work.

Father told me how at one time he had to drive a truck full of torpedoes from Bremen to the northern coastline of Holland. Driving at night, he made an unscheduled stop at Jaderberg where he spent a few hours with his wife and new-born baby girl. Had the authorities known about this, then he would have been shot. He himself remarked that the following late morning the area around Jaderberg was strafed by British Spitfires. Had this occurred during the night, and had his truck been struck, then Jaderberg would have been obliterated.

This story father related to me when I spent a week at his hospital bedside where he was about to undergo a prostate operation. He was hesitant about having it done because both his cousins died within six months of having their operation. They had both reached 75, and father, now at 80, did not want to die on the operating table but at home on the farm. An additional factor that led to his refusing the operation arose on the Wednesday when he was asked to sign the consent form for the operation. On this day an article in the Herald Sun stated how many patients die on the operating table. He didn't wish to take that chance.

We had a long discussion about it, and in light of father already having survived a back operation a few weeks earlier, he decided to go home. There were other means of coping with what I call the 'female revenge' syndrome!

So by the end of the week he was duly discharged, and I drove him home.

Once at home he managed to get into a routine that enabled him to cope with the problem. Needless to say he was lucky because mother was also there. Mother's totally selfless and sacrificial devotion to her man saved him from going into a nursing home, something he dreaded.

Fortunately for both, doctors and the local hospital, and a number of district nurses, on a daily basis, supported mother as best they could.

Australia's rural health service is indeed one of the best in the world, and father would have agreed with my judgment. It all made it easier, of

course, that his wish to die at home is also a state government health service policy to be supported wherever possible.

Father cherished and loved the land, and although he never made the big money because very few farmers do strike it rich, he once said to me that he considered himself lucky because he was his own boss. It was all a matter of developing a life-style

For him it was not at all attractive to be a big operator and die of stress. That this kind of attitude did not quite accord with what mother had in mind as to what life should offer her, was an element that ensured there was never a dull moment in their relationship. However, the attempt to view a six-decade-long relationship through Marxist-feminist eyes and categorize it as a slave-master relationship is an excessive simplification of such a complex relationship.

His ideals about sex, marriage, the family and the land were sacred elements in his life, and something not to be abused. If you go to bed with a woman, he would tell his sons, then be prepared to marry the woman. There was thus a certain honour within him that certainly fulfilled his life, and that kept him on the straight and narrow.

I must say that we as children had a happy time within that framework. My first full appreciation of classical music, listening to a recording of *La Traviata*, occurred on one of those usual Sundays when parents and children sat down for afternoon tea. Father and mother nestled in each others arms and we listened and we ate and drank - it was such a soothing feeling of being whole, of feeling complete.

Father certainly could not relate to anything that some of the so-called progressive educators claimed as a pillar of their ideology: change. On parents' farm things didn't change substantially but merely went through a cycle of life and death, growth and decay, waxing and waning. That this also applied to his personal life was beyond dispute. From his own hard war years' experience, he attempted to provide for wife and family as best as he could, even if it meant that mother began to speak through him! Later, father would give me a gentle hint that keeping a marriage together was indeed a full-time job.

Social life in rural Australia is quite vigorous and demanding, that is if you have the inclination to fully participate in it. Though now suffering from membership decline, Apex, Lions, Rotary, the Masons, among others, once were all active social clubs to which most individuals on the land belonged. During the 1970s in Australia it was the done thing to have social activities that verged on the daring: one of them, wife-swapping, was the in-thing. By the 1990s even homophobia had disappeared, and some young farmers outed themselves rather than have that proverbial shooting accident on the farm that usually occurred while climbing through a fence to collect the shot rabbit!

My parents did not join in club activities but saw it all and so ultimately remained private persons. After over 40 years in the community, they saw strangers come and go without putting down roots, and that is now also the sadness facing mother. Parents' social group of the sixties grew ever smaller throughout the decades. Some newcomers overspent and over-socialised and found that the bank manager cut the credit line; others moved on to seek the bright lights of city living. Except for a few individuals, my parents outlived their own group.

And so, together my parents whiled away their time, watching and participating in the natural life-cycle. When they arrived in the area to claim their bit of land, their three lakes were full, something that continued until a few years ago. Now, after a six-year drought, they are empty; it is the first time in recorded history that all lakes on the land have dried up. It is almost symbolic for them that they arrived during plenty while young and now faced the drought in their twilight years.

Still, for both father and mother, their joy has also been in their children's productivity, having made them grandparents and great-grandparents. Although happy with all his own children, father did indicate that he was worried by my activities. He felt that what I am doing is important and that I should certainly continue, but that it should enable me to make a reasonable living - something that is, of course, not the case.

Out of the six of us, parents and four children, it was only father and I who had the ability to make a divining rod bend. Although I am quite sceptical about it all, like father, when I hold a forked willow branch, or a couple of copper wires or bars, the things move.

During the late fifties father would advertise in the *Weekly Times*, then on weekends he would take the family for a drive in the Mercedes, and go water divining at the same time. He offered customers a money-back guarantee. No-one ever complained that where father said they would find water, none was found. I still am rather sceptical about all this because I have in mind James Randy who so graphically exposed Uri Geller's spoon bending exercise as a fraud. Few know that Geller throws legal writs at critics that question Geller's work. Geller charges any critic as preventing him from exercising his right to make a living. I think it's something to do with fair trading.

When my parents reached their 60th Wedding Anniversary, the usual congratulatory telegrams arrived, from Queen Elizabeth, the Governor-General, Prime Minister, State Premier and Governor, and local Shire Council President, among others. They enjoyed that kind of social recognition, though guardedly. As members of a small farming community, my parents were realists enough and not overvalue such social matters because farming life can be quite sobering.

When a farming community (any community) is in distress, as are now many through drought and unemployment, the political climate needs to be corrected from within the community first, something that is easier said than done. The question my father always asked was: How can a community correct itself when detrimental things, such as a questionable monetary system, are imposed from without that community? Usually critical voices are bought off to join the club, or they are chased out of the district.

Usually natural catastrophes such as fires, floods and drought bond communities into cohesive and co-operative units. Father's voluntary job within that context was to organize the food for the Country Fire Authority. Whenever the regular bush fire period arrived, Hans Töben made certain that the volunteer food brigade had enough food with which to feed the army of voluntary fire fighters.

Mother's spinning and weaving of home-produced wool, not only pure white but also grey, black, brown, etc. was a hit for the community at large. Whenever Heidi Töben held her exhibitions, father was allowed to play the drink waiter!

When during the seventies and eighties the Commonwealth Government (Federal) attempted to solve the high youth unemployment in country areas, special schemes were devised, such as the Commonwealth Youth Scheme, CYS, whereby a community attempted to help youngsters find their first job within the local area. Father was involved in this for some years, and the shire boasted a low unemployment rate, perhaps owing to my father's activity. What was his contribution to the scheme?

Father recalled his own war years in Germany and how Germany's unemployed were organized through *Kraft durch Freude* - joy through work. The idea was that actual physical work should not be shunned but enjoyed, no matter what and no matter how menial the job was. Youngsters who were not happy in doing the menial tasks that the local community offered them as a first contact for employment did not get on well with my father. Anyone who opted for unemployment benefits rather than work would be approached by father with a reminder that there are jobs available. If they still refused, then he attempted to persuade them to leave the district rather than just sit around town and feel sorry for themselves. He urged them to seek adventure and to challenge the outside world. In effect father did what birds do when their young need to be pushed out of their nests.

I recall that during the early 1980s before joining the teaching system, I applied for a job similar to what father had been doing except that the advertised position was not a voluntary but a salaried one. During the interview with the committee, I was asked how I saw my task of helping youngsters find a job. I replied that I would do what had been father's intentions - to make my job superfluous. The committee members did not appreciate my reply that I would work to eliminate my own job. It was

suggested that I go into the school system and teach students how to survive on unemployment. That this negative mindset still prevails to this day upset father and it disgusted me. But the proponents of it had the power to make it a policy, and so you had better do, or you don't and look for a job elsewhere - which I did.

Father, like most farmers, was in contact with the land and retained a sense of independence that many only have if they are financially independent of the system. Sometimes farmers are a strange lot. When they are doing well, they are sometimes too robust and behave selfishly, something that the political climate of a nation cannot quite cope with. But their natural instincts are still sound, until a decade or so ago.

During one drought crisis that gripped the country, TV personality, Ray Martin, launched an appeal to help farmers survive the crisis. Besides seeing transportation of hay, television news also featured food-aid packets for those needy farmers who could not even feed themselves because interest rates had crippled their enterprise.

This state of affairs, where city people started to feed the farming community, turned the whole farming enterprise upside down. My father always made certain that a fruit and vegetable garden and a house cow provided the basics for survival. His war years had not been in vain and he always smiled at those that looked down on farmers. He knew where the food came from and he despised the television campaigns that depicted the farmer to be a poor and needy lot.

By this time my father was well into retirement, and he could only shake his head in sorrow at the direction in which Australian farming was heading. Years earlier he had heard in disbelief from an older generation of farmers that the soldier settler's block of 500 acres would in time become an unviable unit. The result would be a re-consolidation of the stations that were broken up after World War Two to give ex-soldiers the opportunity to make a good living. Most did survive nicely for a while, even managing to send their sons to private boarding schools, such as Geelong Grammar. All that changed during the seventies when the mining boom took off in Australia, and when government policy kicked the sheep off Australia's back.

The image of the farmer's spirit of self-reliance - autarky - had effectively been destroyed. During the 1990s, the wool auction system that guaranteed a certain income for most farmers was also dismembered for the sake of the free market's 'level playing field' ideology.

There was then no real effective political voice that spoke on behalf of the farmers. One National Farmer's Association president sold out the organization and then became a politician instead.

When Pauline Hanson came along with her One Nation political party, she struck a chord with many country people. Unfortunately, the Liberal

Party under Prime Minister John Howard, read the mood of the people, and the policies of One Nation, then took most of them on board. The conservative country folk swam back to familiar shores and re-embraced the Liberal/National Party coalition.

Father's political ideas on how to get the farming industry away from reducing the number of Australian farms, as dictated by the Lima Agreement, were not welcomed. Such ideas were too German and from an era that saw nothing good come out of Germany, so according to the prevailing orthodoxy!

German hatred in Australia in the past couple of decades has been on the rise. This is mainly owing to Australia's Zionists not letting the Hitler ghost rest. They need Hitler as a convenient scapegoat for their own failed policies. With the troubles caused by the Israeli state in the Middle East, there thus also is a rise proportionately of 'Holocaust' propaganda so that Israel can continue to justify its horrendous crimes perpetrated against the Palestinians. It was even obvious to my father that this raising of the war story, about what the Germans are allegedly to have done to European Jewry, was designed to weld the Australian public together in support of Israel. The culmination of that propaganda push came to fruition with Australia joining that immoral Anglo-American-Zionist attack on Iraq.

By this time, though, father couldn't care less what was going on in the world. He was too busy trying to cope with his own ailments and had little time and interest in following the world's troubles.

In any case, father had risen above such primitive German hatred that the Zionists and their helpers indulge in because he realized that if it is not that, then it would be something else. In a farming community, for example, if you have millions in your bank account, as one German in the district has, there is little open German hatred going his way.

I had a similar experience as a teacher. Antagonistic and unwilling learners, who did not know I had a German background, would call me a 'f-cken Pommy bastard'. Those that knew of my German background would call me 'Hitler, Nazi'. You can't win them all, and this kind of name-calling is a universal human characteristic, albeit a hurtful one. That's what the sticks and stones business is all about. Like father, I too, got over it! It does not make for a balanced mind to have that persecution complex writ large in advanced years because it smacks of an infantile, immature attitude.

When I visited father last weekend, he thought that he, too, would go back with me to Adelaide. That was the first time that he expressed a desire to leave his home because over these past five years he wanted nothing but to stay at home with mother. I saw his asking me whether he was coming with me, and when we were leaving for Adelaide, as an expression of a wish to go on that final journey, perhaps to Walhalla.

When I left that Monday morning for Adelaide, I bade him good-bye, and I embraced mother, and we both knew that father's end was near, that this would be the last time I would see him alive.

Today, Wednesday, 14 May 2003, soon after lunch, father went on that final journey leaving behind a terribly hurting and grieving wife of 63-years, children, grandchildren and great-grandchildren who will all miss him.

Fredrick Töben - midnight.

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Was My Father A Mass Murderer?

Dr Fredrick Töben, 21 May 2003

'I witnessed the burning of my father's body in a computer regulated crematorium oven set to burn for 1.45 hours. From having observed this physical fact, I conclude the allegation - that Germans during World War Two exterminated in homicidal gas chambers and burnt in crematorium ovens, millions of Jews - is not founded on a physical fact because a quick calculation would indicate the physical impossibility of it. The allegation remains just that, a vile and malicious allegation against Germans and anyone of German descent. It is, in fact, hate speech directed against Germans and those of German descent to assert that Auschwitz was an extermination camp because such an assertion is not founded on factual physical evidence.

PS: 23 May 2003. Now that the above cremation facts have been raised again, it is inevitable - especially in light of the current Ernst Zündel imprisonment in Canada - that I briefly re-visit the 1985 Toronto first Zündel trial. Cremation expert Ivan Lagacé clarified the cremation problem in a few sentences. After the trial he attempted to cremate more than the usual 3 to 5 bodies per day and this caused an explosion!

Here is a reference used by the defence: '23. Factory recommendation for normal operation to your Crematory Retort is a maximum of three (3) cases per day in a normal eight (8) hour work day. No more than 50-60 cases should be processed in any month so that the refractory life is prolonged' (All Owner's Manual / All' Crematory Retort, All Crematory Corporation.- A Superior International Company, P0B 39482, Cleveland, Ohio / (216) 248 3500 [No Date].

Note also that as early as 1979, Professor Robert Faurisson stated in an interview in *Storia Illustrata*, August 1979, that the cremation process itself may take up to 50 minutes but time is needed to pre-heat as well as to cool down the cremation oven, otherwise it would be impossible to open the oven's door and to put in another body (coffin).

On 19 May 2003 three judges heard and dismissed my appeal in the Federal Court of Australia at Sydney against those absurd Branson

orders. I was not present in court because mother and her four children and her only daughter-in-law were at Immensee comforting one another at the tragic but inevitable loss of their husband and father.

*

In the early hours of 19 October 2009, 2 days before my mother died, I wrote:

My mother, unlike my father, was not happy in what I was doing. This was largely because one of my two sisters, as a secondary teacher, had let herself be influenced by Marxist Feminist thoughts. For example, when father died, she informed mother that after 63 years of married life, mother was now a free woman. Little did my sister realise who, after such a long time together, had become the slave. That the concept, slave, in a loving relationship, is used at all, reflects my sister's twisted value system. But my sister went further. She blamed men for all human ills and evils that cause personal sufferings. For her, there were no ideals worth embracing, such as beauty, truth, honour, justice and love. Strangely, none of these positive virtues, so she maintained, had any reality content. Yet, she believed hatred and greed were real. Perhaps that is why she succeeded in persuading mother to disinherit me.

When mother and father were together, it was mother who set the tone and atmosphere, with father being the enforcer. Without father, there was a shift in balance, and my sister pushed the anti-revisionist line, that Germans - Nazis - did gas people. But my sister also pushed the androgynous line, that although there is no God or Heaven or any form of transcendence, humans should move from the male-female divide to the a-sexual androgynous state of being.

Mother found all such thoughts rather demanding and I found when she yearned for father's company, she was not helped in coping with his absence by my sister pushing her hatred-filled ideology onto her. Ironically, whenever her bully-tactics did not work, my sister was quick to slip into the victim mentality and plead hurt feelings.

All this reminds me so much of the pattern of behaviour that promoters of the gassing story employ when their arguments - their narrative is shown to be a fabrication that crumbles under close scrutiny. It all so clearly then reveals itself to be pure German hatred. In my sister's case it is self-hatred and successful re-education based on ignorance of any historical facts.

As a final comforting thought I am reminded of what Gerard Menuhin said at the passing of his father in 1999 - 'perhaps when parents die, the children may finally grow up'.

*

Yes, my mother did not like what I was doing though my father felt I was honouring the dead by trying to break through the mental Berlin wall called the Holocaust. But then I had not been a model son to her either, and it all began when I was thrown out of Victoria's state education system, much dominated by Jewish influence.

I am reminded what Australia's most active Jew, sometimes called the Foreign Minister of Australian Jewry, had to say about my German imprisonment 10 years ago. His gloating does not sit well with his attempt at trying to play the victim to perfection.

For example, when Jones began to complain about Adelaide Institute's website contents, he discounted the free expression argument in favour of playing the victim. He stated in court that someone happened to view the material, that someone stumbled upon our website and was horrified at its 'Holocaust denial' material.

The question Justice Klaus Kern rightly asked himself at that Mannheim 10 November 1999 hearing was pertinent: Was the Internet material to be taken into consideration when evaluating the action before him? He found that I had written a letter and sent it to judges and prosecutors, wherein I question matters Holocaust, and for that I was sentenced to 10 months prison, but to be released immediately upon posting Kaution of DM5000. He did not consider material appearing on the Internet, something the public prosecutor deemed significant.

The push-pull argument - publish and purchase - was effected by Justice Kern's decision. This meant that I was not pushing the material into Germany but that Germans had to pull it down to read from the Internet website.

The 2001 appeal and cross-appeal to the Karlsruhe Constitutional Court gave effect to what the public prosecutor wished to see happen: German law was now to extend globally and grip any Internet website that disseminated so-called 'Holocaust denial', which so delighted Australia's prime ugly, Jeremy Jones, who in 1999 expressed his thoughts thus:

IN DENIAL

By Jeremy Jones, *The Review*, May 1999

At the mid-April meeting of the Adelaide City Council, a debate took place on when and how the name 'Adelaide' could be used by organisations and corporations. This extraordinary discussion was

prompted by the arrest in Germany of one of that city's more notable and less noteworthy residents, Fredrick Toben.

Toben's Adelaide Institute has an astonishingly high profile in the dark galaxy of international antisemitism, having found the Internet a useful megaphone for the broadcast of anti-Jewish defamations, insults, caricatures and libels.

Since the time of his arrest, many words have been spoken and uttered concerning Toben, his Institute and what lies ahead of him. From much of what we have read, seen and heard in Australia since his arrest, it appears his record is not so well-known to a number of working journalists in Australia.

Depending on your perspective, I am either fortunate or unfortunate enough to be a Complainant in a case against Toben and his private 'Institute', currently awaiting a decision by the Human Rights and Equal Opportunity Commission, under the Racial Hatred Act. The elected representative organisation of the Australian Jewish community, the Executive Council of Australian Jewry, submitted the complaint three years ago, concerning a range of antisemitic matter on the Adelaide Institute website, which supplements Toben's printed newsletters, which were earlier entitled 'Truth Mission'. During the long three years of legal processes, many pieces of paper have been exchanged and much time expended, unlike the German situation where laws are in place which recognise the seriousness of Nazi apologia to that society.

The Adelaide Institute is not an association of historians or scholars or even, by any rational description, a 'think tank'. It is simply and totally a private vehicle through which Toben gains a letterhead under which to publish and re-print a wide-ranging collection of anti-Jewish slurs. For all intents and purposes, and by his own admission, Toben is personally responsible for all and any acts of the Institute.

Despite some of the more wide-eyed reportage, Fredrick Toben does not describe himself as an expert or authority in any area of history. To the contrary, he has written: 'I am not a historian and I have massive knowledge gaps and so I approach the 'holocaust' topic from my field which is philosophy.'

The only real 'philosophy' discernible on the Adelaide Institute website is a philosophy of antisemitism. Although Toben and his apologists claim that they are mis-identified as Holocaust deniers, in a number of places on the site Toben and others assert 'No Holocaust!', on the basis of one or other allegation they make concerning the accepted historical record. The context of the Holocaust denial is not history but the charge of Jewish conspiracy and other unethical, immoral and criminal Jewish behaviour, including responsibility for the outrages of the Bolshevik tyrannies.

The Institute's print and electronic newsletter brings together the obsessions, thoughts and concerns of a number of internationally disreputable Jew bashers, as well as allowing Toben and his mates to have a platform. 'History' doesn't enter the equation.

The usual suspects have been out in force trying to garner sympathy for Toben. His Adelaide Institute 'associate', David Brockschmidt, made the extraordinary claim that there is nothing antisemitic about Toben's work, perhaps relying on the laziness of the public who only need to go to the website to find the evidence.

John Bennett, perhaps hoping that enough journalists were unfamiliar of the history of the founding of his insignificant little club, the Australian Civil Liberties Union, perhaps confusing it with a mainstream civil liberties organisation, emerged as a 'legal adviser' for the incarcerated propagandist.

Englishman David Irving, Canadian Ernst Zundel and others immediately took up the case, with One Nation webmaster Scott Balson providing those visiting his website with direct lifts of Adelaide Institute material, not balanced by a word of intelligent commentary.

As mentioned earlier, Fredrick Toben describes himself as a philosopher. According to Penny DeBelle in the Sydney Morning Herald, his current contribution to Australian society is through one day's employment during the whole of 1998 as a temporary relief teacher, with not even that much work this year. His major contributions to international antisemitism during the same time period has been the broadcast of offensive and insulting anti-Jewish material on his website and his hosting, in August last year, of a 'seminar' focusing on the promotion of distortions of history, which brought together many of the most notorious purveyors of anti-Jewish prejudice on this planet.

Toben himself has provided ample testimony that claims by his supporters, that he could be in any way unaware of the likelihood of his arrest in Germany, are totally disingenuous. Not only has he published a great deal of material in which he has expressed his objection to the German law, designed to stop the rehabilitation of the most evil regime the world has ever known, but he published a 'Travel Diary' prior to leaving for Germany which opened with the sentence from the *Winnemera Mail Times*, 'Controversial Goroke identity Dr Fredrick Toben flies to Europe today to challenge the German ban on denying the Nazi genocide of Jews.'

The last item on the 'Travel Diary' of 21 March 1999 was 'Next missive from Germany ... wish me luck'. The active promotion of racism has the effect of diminishing the quality of life of members of the target group and of creating social divisions to supplement personal guilt. If Fredrick Toben is 'unlucky' in Germany, it will only be because he has received a fair trial.

<http://www.aijac.org.au/review/1999/245/jones.html>

That Jeremy Jones can speak of a 'fair trial' is symptomatic of his numerous blind spots that flow directly from his Talmudic dialectic. Empathetic understanding and synthetic analysis are foreign to him. When he cannot play the dictator, he falls into the victim mode, all to just win the argument. That is the affliction of one who retains the primitive eye-for-an-eye ethics of Talmudic-Marxist dialectics rather than the Hegelian win-win dialectic. Our legal wranglings since 1996 culminating in my imprisonment illustrate so well how Jones was never prepared to open himself to any kind of discussion. His aim was to stop us from functioning. Fortunately, with the Internet he has lost that battle because it is an immoral battle.

In Germany where Holocaust persecution is rampant, the Horst Mahler, Ernst Zündel, Sylvia Stolz and Germar Rudolf cases of 2005-07 pushed the absurd development of legal precedent further along the line of reasoning that would make Jones proud. For the German judiciary a specific crunch-time in legal logic and procedural standards came when Kevin Käther, following Dirk Zimmermann's example of resisting this Holocaust dogma's legal force, self-indicted himself. The difference between a public and a private act has been sharply delineated, but actual evidence at the matters of fact stage of the proceedings is still not being allowed as part of a defence – and that is scandalous and worrisome for German judges and prosecutors and lawyers who value the rule-of-law as a basic civilising principle.

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The Latest Judicial News from Absurdistan

By the authors of the *National Journal*

Translated by J M Damon

Like a true patriot, Kevin Käther has been fighting the modern Inquisition tribunals on behalf of the German nation.

In an appeal hearing on 9th June 2009, Tiergarten District Court (Berlin) initially sentenced him to a prison sentence of eight months without probation.

The concerned citizen will ask: What brought about his guilty verdict and prison sentence?

Kevin's crime consisted of sending compact discs (CDs) of Germar Rudolf's proscribed book 'Lectures On the Holocaust' to three judges in Berlin and then filing an official complaint against himself for violating Germany's notorious censorship laws.

His purpose in doing this was to judicially determine, in a court trial, whether Rudolf's factual conclusions are scientifically valid.

In the cover letter that he sent with the CDs, he stated that if empirical evidence proved the contents of Rudolf's book to be inaccurate, he would accept his punishment without objection or appeal. He wrote:

Under the censorship laws of the Federal Republic, distribution and dissemination of this book is proscribed as 'Denial of Holocaust.'

Gernar Rudolf, the author of this book, was sentenced to a prison term for the commendable but criminal act of writing it. As a self-respecting German I have a patriotic obligation to publicize these lectures in our country ... I realize that I will probably be indicted and convicted in a court of law for my action, and I accept that probability. In the ensuing criminal trial, you will be required to testify as witnesses. For this reason, you should familiarize yourselves with the factual contents of Rudolf's book, applying old-fashioned German thoroughness.'

The indictment came immediately.

In order to either prove or disprove the veracity of Rudolf's book in a judicial framework, Kevin submitted over four thousand pages of empirical evidence during his trial, along with Rudolf's 'Expert Report on the Alleged Gas Chambers of Auschwitz.'

[Rudolf, a diploma chemist at the Max Planck Institute, had originally prepared this expert report for the Defense in the 1992 trial of Retired Gen. Otto Ernst Remer for 'Denying Holocaust.']

In 1993 Gen. Remer sent the Rudolf Report to more than 300 professors of Inorganic Chemistry.

Not a single professor found a single mistake in his numerous analyses, and an expert witness in a Swiss court also attested to its accuracy.

Regarding this report, the director of the Jewish Anne-Frank Association in Amsterdam, Hans Westra, made the following statement in 1994 on the Belgian TV program 'Panorama':

'The scientific analysis in this expert report is perfect.'

The Rudolf Expert Report was Kevin's main piece of evidence, but he pointed out a number of other discrepancies in the official 'Holocaust' tale that need clarification as well.

For example, the newsweekly *Die Zeit* had reported that the 'Auschwitz Holocaust' was carried out by mass shootings rather than homicidal gas chambers.

In addition, Kevin called on Gita Sereny, Britain's foremost Jewish 'Holocaust' researcher and writer, as a witness.

In the *LONDON TIMES* issue of 29 August 2001 she agreed that Auschwitz was not an extermination camp.

Kevin also wanted the judges to indicate which of the official estimates of the number of Auschwitz deaths is correct, since they range from 66,000 to 9,000,000.

Kevin then asked the Court to clarify which of the judicially valid Maidanek verdicts is correct: Berlin District Court determined that Maidanek Concentration Camp had no homicidal gas chambers, whereas Düsseldorf District Court ruled that mass gassings took place in homicidal gas chambers there.

He also asked the judges to clarify through evidentiary findings whether the victims in Treblinka Camp were killed with steam or gas.

The Allied Military Tribunal decreed that victims were ‘steamed’ at Treblinka whereas Federal Republic verdicts claimed they were ‘gassed.’

With over 4000 pages of evidentiary motions, Kevin hoped to make the Court establish whether he, on the strength of the documents he presented, had a legal right to publicly express the opinion that no homicidal gassings took place in Auschwitz and other wartime camps.

However, all of his evidentiary motions were disallowed, and he was threatened with additional criminal charges for attempting to introduce them!

This young German patriot, who had hoped to determine whether his historical opinions were correct or incorrect by introducing empirical evidence in a German court of law, had fallen into the black pit of judicial chaos.

The German courts refused to rule on whether official documents and their own rulings, which wildly contradict one another, support Kevin’s opinions.

Kevin then appealed his verdict within Tiergarten Court.

In these proceedings, in which he submitted another 2500 pages of evidentiary motions, the original verdict of eight months imprisonment was upheld, as was the Court’s proscription against his submitting evidence.

Kevin then appealed on points of law to the next higher court.

Then, on 16 September 2009, a judicial sensation occurred: the Fourth Criminal Section (Kammergericht) of Berlin Superior Court of Justice vacated the verdict of the Tiergarten Appellate Court – and it did so in a way that allowed nothing but acquittal!

The Kammergericht ruled that Kevin’s sending the book CD to three judges did not involve the public, which was indispensable for the crime of ‘Holocaust Denial.’

Their decision reads as follows:

The handing out of literature to one or a few specific individuals does not fulfil the requirement of distribution unless it is definitely established that these individuals intended to further distribute the literature. The charge specified in the appealed verdict does not constitute such distribution. ‘Distribution’ is not involved here because we are dealing with only three CDs of the book that were intended for

specific recipients and sent to them alone. The ‘critical value’ of the minimum number of recipients needed to qualify as ‘distribution’ is clearly not present.

Thus the Kammergericht ruling forced the hand of the Court of First Instance. Because it was now clear that acquittal was certain to result from the first trial, Tiergarten District Court prepared a new indictment - this time on account of the evidence that Kevin attempted to submit.

The submission and consideration of evidence to prove the innocence of defendants is of course a universally recognized human right.

The European Convention of Human Rights specifically protects it.

In the ‘Holocaust’ witch trials that are currently staged in the Federal Republic of Germany, however, this basic human right is routinely trodden underfoot.

It is undeniable that by refusing to accept evidentiary motions that would prove innocence in ‘Holocaust’ trials, German courts routinely deny defendants the fundamental human right to a legal defense.

Actually the situation is even worse: our courts take the denial of human rights a step further than merely refusing to allow accused persons to defend themselves.

Not only are defendants forbidden to defend themselves: Even worse, they are charged with additional crimes for submitting evidentiary motions.

Not even China engages in such judicial tyranny!

On 10 December 2009 Kevin was sentenced to a prison sentence of one year and eight months for repeated ‘Incitement of the Masses’ (specifically, reading and submitting evidentiary motion in his first trial.)

This time, however, even though his ‘crime’ was greater than in the first trial (distributing proscribed literature), the Court surprisingly substituted probation for prison time, even though the greater ‘crime’ would logically rule this out.

Did the judges suddenly develop a conscience, or did they simply abandon all attempts at logical consistency?

Even with this new sentence, however, the Court still lacks any and all legal basis for sentencing Kevin.

This is because he had asked the Court to declare the session in which he read his evidentiary motions ‘not open to the public.’

Again no ‘public’ existed, and with no public, there can be no distribution.

As the Kammergericht ruled, such a public is necessary for conviction under Section 130 of the Penal Code.

Thus this intrepid young father of a family, an honorable and patriotic German, has been effectively silenced.

With the probated sentence, the Court obviously intends to hold him politically hostage so that in future he will ‘keep his mouth shut.’

Kevin exhibited truly heroic patriotism, however.

He is a family man with a small daughter, and his conscience and sense of responsibility oblige him to refrain from further action under the present system.

He has done enough, risked enough, struggled in exemplary fashion. Now he must devote himself to his family.

Our unjust and inconsistent system is certain to bring about its own downfall.

www.globalfire.tv/nj/10de/verfolgungen/kevin_kaether.htm

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Kevin Käther is not alone, of course, in fighting the system because veteran National Socialist Horst Mahler has been doing likewise, but head-on, without compromise, and hence his 12-year sentence.

Horst Mahler's Evidentiary Motion I

In My Show Trial for Insult and Incitement of the Masses Before Landshut District Court: Case No. 2 Ds 2 Js 36110/07

Translated from the German by J M Damon – 2 February 2009

I submit herewith a copy of the news magazine *Der Spiegel*, No. 4, dated 19 January 2009, in conjunction with the following evidentiary motions:

1. That the report contained on pages 32 and 33, 'A Problem for the Pope' be read into the documentary evidence; and
2. That Bishop Williamson of the *Fraternitas Sacerdotalis Sancti Pii X* - Pious Brotherhood - be called as witness.

His official address can be obtained from the Conference of German Bishops.

The evidence will show that the news magazine *Der Spiegel* reported that the witness stated in a televised interview that he does not believe six million Jews were gassed in homicidal gas chambers during World War II, and further that no such homicidal gas chambers ever existed.

The evidence will also show that the witness supports the Revisionist opinion that between two hundred thousand and three hundred thousand Jews perished in National Socialist concentration camps, but none in homicidal gas chambers.

The witness will confirm that he made these statements and that he arrived at his conclusions after long and careful consideration of revisionist historical works, in particular Germar Rudolf's *Lectures on the Holocaust* and Fred Leuchters expert reports.

The witness will also confirm that his statements and conclusions are not just his private opinion.

He made the statements in a diplomatic context, namely the effort to canonize Pope Pious XII, which the Pious Brethren support.

Canonization requires that Pope Pious XII be cleared of false accusations associated with atrocity propaganda of World War II.

This Allied propaganda alleges that the Germans murdered millions of Jews in homicidal gas chambers and rendered their corpses into soap, leather, etc.

The opponents of canonization claim that this propaganda is true and that Pope Pious XII was aware of the alleged atrocities but kept quiet about them.

My Reason for Submitting This Motion

The facts provided by the witness will put an end to attempts by the 'Holocaust' Inquisition to depict opponents of the 'Holocaust' thesis as a 'small circle of political extremists acting out of ignorance, incorrigibility or spite to deny that millions of Jews were murdered in concentration camps under the National Socialist government during World War II.'

I submit this motion in conformity with the Alsberg/Nüse/Meyer handbook *Der Beweis Antrag im Strafprozeß* - The Evidentiary Motion in the Criminal Trial, 5th Edition, Munich, 1983.

Landshut, 22 January 2009

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Evidentiary Motion II **In My Show Trial for Insult and 'Incitement of the Masses' Before** **Landshut District Court - Case No. 2 Ds 2 Js 36110/07**

I submit herewith a computerized version of the book by Hans Meiser, *Das Tribunal - Der größte Justizskandal der Weltgeschichte* - The Tribunal - Greatest Judicial Scandal In World History, Grabert Verlag, Tübingen 2005, ISBN 3-87847-218-8); and I hereby move:

1. That the Court take cognizance of the contents of this book through Selbstleseverfahren - in which members of the Court read the evidence individually.

2. That an expert witness for contemporary history be called.

The taking of evidence for Motion 1 will create the basis for convincing the Court that this book presents factual historical information regarding the background and development of the so-called International Military Tribunal at Nuremberg.

To guide and assist the Court, the expert witness will testify that the facts presented in the book correspond to the contemporary state of research and knowledge in this field and should therefore be included in the court's deliberations, in accordance with authentic contemporary historiography.

Reason for Submission

The unproven allegations of the International Military Tribunal serve in public consciousness as the principal foundation of the assumed 'Manifest Obviousness' of 'Holocaust.'

The author of the book, Hans Meiser, demonstrates that the so-called International Military Tribunal was not conducted by a lawful and authentic Court in pursuit of truth and justice.

Instead, it was a propagandistic production staged by the victors of World War II that was designed to cover the hangings of leaders of the German Reich.

Landshut, 22 January 2009

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Evidentiary Motion III

In My Show Trial for Insult and Incitement of the Masses Before Landshut District Court - Case No. 2 Ds 2 Js 36110/07

Motion to Create An Adequate Capacity for Perception and Understanding

In order to fulfill our responsibility to enlighten and educate the public according to Section 244 Paragraph 2 of the Penal Code, I hereby submit 6 copies each of two of my lectures on DVDs, namely:

- a. the lecture 'World Resurrection' and
- b. the lecture 'On the Heels of the Satanic Lie'

I further move that the media be made aware of Section 249 Paragraph 2 of the Penal Code. [This section concerns robbery]

My Reason for Submitting This Motion

The determination of truth, which is the true goal and purpose of this trial, assumes an adequate capacity to perceive and understand the issues that have occasioned it.

Since the breakthrough investigations by the German philosopher Emmanuel Kant, mankind has known that intellectual perception is possible only through *a priori* processes, that is, processes that are determined by our cumulative experience.

This knowledge or realization explains that perception and understanding of the world and major events are possible only through interactions of conceptual complexes that have been commonly known as 'Weltanschauung' – world view since Kant's day.

Every court trial proceeds from the Weltanschauung that prevails in the collective consciousness.

However, the charges against me concern actions that arise from a deviating or dissenting Weltanschauung.

They significantly contradict and conflict with conventional and prevailing Weltanschauungen that, as unreflecting habits of thought, alienate the Court's conceptions of truth and justice from my own.

Any judgment of a dissident Weltanschauung that is oriented toward truth and justice assumes knowledge and familiarity with the premises of the dissident world view, since the determination of motive is a central task of criminal justice.

In those cases having to do with acts whose motivations are rooted in a Weltanschauung that deviates from the conventional, it is necessary to examine the specific characteristics of the defense arguments in order to build the bridge of comprehension that is required to make possible an understanding of the opposing viewpoints.

The dissident must bear the burden of accommodation and communication whereas the Court, in view of Article 103 Paragraph 1 of Basic Law, is obligated to demonstrate unhampered willingness to take the dissident opinions into consideration.

The videos of my lectures that are included in my evidentiary motion provide concise and easily understood insight into the essentials of my world view.

The central focus of the video 'Weltauferstehung' – World Awakening is the contemporary event known as 'global financial crisis' that has intruded into universal consciousness.

In the present crisis, the central significance of the collapse of the 'Holocaust' complex appears in a new form, a form that is in the truest sense of the word 'lifesaving' for world revival and economic recovery.

The role of Jewish financiers in this crisis is entirely clear and free of any kind of moral judgment, as a function and expression of systemic compulsions.

In this video, I clearly indicate the path to reconciliation, demonstrating that in the final phase of liberal capitalism there is a compulsion to deceive that is a function of its instinct for self-preservation.

If this liberalist economic instinct for self-preservation is not overcome through the abolition of interest slavery – National Socialism, mankind will be hurled into a catastrophe such as it has never seen.

Bernd Striegel's book *Über das Geld – Geschichte und Zukunft des Wirtschaftens* – About Money – the History and Future of Economic Life, published by Verlag Ulmer Manuskripte 2004, makes clear, within the framework of Hegelian thought, that the present crisis is in fact a crisis of confidence in money.

The liberalist bank-dominated monetary system has again destroyed money as such and thereby destroyed Jewish power as well.

The place of Jewish money-power must inevitably be taken by the new Order of Money that has been developed by National Socialism under the

banner of the abolition of interest slavery. – It is not as though the present crisis were entirely new.

It is in many respects similar to the crisis that existed 85 years ago, which was described in the book *Kampf gegen die Hochfinance* – The Struggle Against Globalism, published by Reichstag Member Gottfried Feder in 1933.

It is extremely important to take this lecture into consideration, since it can be accurately comprehended even within the conventional and unreflecting way of thinking.

For a deeper understanding of these issues, while providing an introduction into the religious and philosophical significance of the present global crisis, I am appending my discussion of Bernd Striegel's book to this evidentiary motion.

The lecture 'On the Heels of the Satanic Lie' provides religious and philosophical insight into contemporary events.

In the Hegelian manner it presents world history as the progression of God through the world to Himself and presents the struggle of the two opposing principles, the Jewish and German national spirits, as well as their ultimate reconciliation.

I depict the revolt against 'Holocaust' tyranny as the struggle for survival of the German nation, and I present this survival struggle in its various aspects.

Our national struggle for survival has occasioned the present trial, which arose from an invitation to debate that Michel Friedman sent to me followed by his legal complaint.

Landshut, 22 Januar 2009.

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The Holocaust-Shoah problem will not go away by either ignoring it or initiating legal persecution. The latest from the USA shows there are moves afoot to ban discussion of this historical topic on racial grounds – to date without success:

Las Vegas Teacher Accused of Denying Holocaust

Associated Press, Friday, December 18, 2009

LAS VEGAS – A Las Vegas teacher has been told to stay home while district officials investigate a claim that she denied in class the Holocaust happened, a newspaper reported Friday.

Clark County schools spokesman Michael Rodriguez said Northwest Career and Technical Academy teacher Lori Sublette was assigned to remain home, and appropriate action would follow an investigation.

Student Katie Piranio told the Las Vegas Review-Journal that Sublette said during a Nov. 25 class that history books were inaccurate and Nazis in World War II lacked the technology to kill millions of Jews.

Sublette did not immediately return a message left by The Associated Press seeking comment.

The Review-Journal said she did not answer when a reporter reached her Thursday and asked if she had denied the Holocaust happened.

Sublette said she was not in a position to respond and would have to talk to her principal.

Sublette is a full-time gym teacher. The district says she was teaching a 30-minute weekly class designed to prepare students for life after high school.

foxnews.com

* * * * *

I thought of Mr Veale, the principal of Kyneton High School, who I appeared before in 1961 when Geography teacher Mr Glover sent me to him for allegedly interrupting the class, which I did not – this time! Veale kindly and calmly asked me to sit on a chair in his office while he was doing some work at his desk. After about 5 minutes he monologued about friendships after school, about life generally. ‘You’ll be lucky to have that many friends in your life’, and he held up his open hand towards me. ‘Some you’ll have a beer with, and others you’ll play golf with. But ultimately you’re alone in life’. There was not a word about my having done something wrong in class. I remained in the chair until the bell rang for recess. Veale then said, ‘I think you’d better get back to some work. Just work and keep in mind what I said’.

What about the time of my dismissal from Victoria’s Department of Education on the grounds of incompetence and disobedience in 1984? Almost for a whole decade –at the end of which I founded the Adelaide Institute and began this current venture – I was legally engaged to such an extent it cost me my marriage and family.

Sometimes when doubt crosses my mind I recall that pure strangers saw me in a better light than either the Education Department officers at Spring Street who condemned my teaching ability or the crop of individuals who hate independent thinkers. It was bad luck that my former principal at Edenhope High School, John Collins – who had become a Staffing Officer and did not feel threatened by my presence and continued to supported me

- suicided in despair of what was happening in education upon his retirement in 1984.

Here are some of the publicists who were intimately acquainted with my case.

Case of the teacher who wasn't kept in

Tony Abbott, *The Bulletin*, 1987

Doctor Fredrick Toben has achieved what many thought impossible. He has been sacked for 'incompetence' as a teacher in an Australian school.

Despite the quoted desire of NSW Education Minister Rod Cavalier to weed out 'malingerers in the staffroom', dismissal is not a threat our teachers normally face. Educators contacted by *The Bulletin* said that any dismissal was rare and dismissal for alleged incompetence almost unknown. The picture which emerges is of teaching authorities who take a benign, almost parental view of their employees' failings.

Most teachers dismissals follow significant criminal convictions. Others occur only after the failure of an elaborate counselling process. In Australian schools, complaints against teachers are normally handled by principals. If not resolved, they are referred to the department of education.

The Victorian Ministry of Education, which employs 55,000 teachers, dismisses 'three or four' for incompetence each year - usually when 'an element of senility' is involved. An official of a Catholic education office in Victoria, employing about 1000 teachers, said that he had 'never written a letter of dismissal'.

As a spokesman for the NSW Education Department - which employs nearly 48,000 teachers and has dismissed 'a very few' - put it: 'If someone has successfully passed teachers college, there are usually personal reasons for sub-standard performance...Quite often, with a particular group, a person may not feel comfortable...We would usually transfer such a person to another school where there was more motivation and security...'

Only when subsequent inspection shows no improvement and when a teacher declines to resign, may formal disciplinary proceedings be instituted - possibly leading to dismissal. Most teachers resign at this point. Fredrick Toben stubbornly refused because he had done nothing wrong.

Toben's troubles began in 1983 when the Goroke Consolidated School principal, Ray McCraw, withdrew approval for his permanency application. McCraw said that Toben's classes had deteriorated.

Toben said that McCraw felt threatened by his qualifications - Arts degrees from Melbourne and Wellington universities, a doctorate from Stuttgart University and 17 years' teaching experience in Australia, New Zealand, Germany, Nigeria and Zimbabwe.

Goroke is in far western Victoria. In a small town, small school atmosphere, rumors spread that McCraw was unhappy with Toben. He became something of an outcast in the staffroom. Some pupils began to disrupt his classes. Victoria - unlike other states - has no provision for formal inspection of teachers thought to be unsatisfactory. Toben asked several times for inspection. Instead, in mid-1984, a 'support group' was set up. It comprised McCraw and three other teachers as well as Toben's nominee, fellow teacher Glenn Duncan. After four weeks' observation the group agreed that Toben's classes were unruly and that his teaching methods were inappropriate.

Duncan - who signed the group's report with some reservations - recently told *The Bulletin* that Toben 'didn't really get a fair go' and that his problems were the result of a 'personality clash' with McCraw, compounded by philosophical differences, which had gradually infected the whole school.

Next, a formal inquiry was held in October 1984. It was conducted jointly by a union official and a senior officer of the Victorian Ministry of Education who wrote to Toben beforehand saying that the inquiry was "act-finding, rather than judgmental". Despite this, the inquiry endorsed the support group's assessment and expressed a 'strong preference' that Toben be 'dismissed from the teaching service'.

Toben's case was finally heard by the then Director-General of Victorian Education, Dr Norman Curry. According to Toben - and this has not been denied by the ministry - Curry said: 'Give me a good reason why I should not act on the inquiry's recommendation that you be dismissed.'

Normally, these hearings are quasi-judicial - both sides call and question witnesses. In his case, Curry questioned Toben and four of his supporters but Toben did not have a chance to question McCraw. Toben was not represented. On February 4, 1985, Curry informed Toben that he had been dismissed for 'incompetence'.

Since then, Toben - who now drives a school bus - has been trying to re-enter the teaching profession. The ministry has said that it will re-employ him after 'evidence of successful teaching'. But no school, so far, has been prepared to take him on. The Ombudsman has refused to investigate without evidence of 'clear injustice'. That, however, is precisely what Toben hoped an investigation would determine.

Toben's former union, the Victorian Secondary Teachers Association, told *The Bulletin* that correct procedures had been observed in his case as far as it was concerned.

A senior state educator, who requested anonymity, admitted that '...it's not a fair world...Toben was not the worst teacher in the system and there are hundreds who are the same...Toben may have been unlucky...'.

Bad luck or injustice? Professor Lauchlan Chipman, of Wollongong University, said that ‘even awkward and unpopular people have rights’. He said Toben’s case ‘typified the fate of the one-off model in Australia. While school authorities are making determined efforts to lift teaching performance and elaborate procedures are in place to ensure that this does not occur at the expense of teachers’ rights, it would be ironic if one of the few sacked for incompetence turned out not to have deserved it.

Tony Abbott latched on to these observations of mine and persuaded his editor to run the story. This article caused concern for the Education Minister. Within my own family it caused embarrassment also. My sister’s friend had read the story while on a plane returning from overseas. ‘How dare you’, she said, ‘go public with such a story of shame’. Needless to say, my sister survived her career in Victoria’s education system, but she prostituted herself in the process by swimming along with the feminists and other fashionable ideologies that floated about from the late 1960s.

Someone once said to me that the face you have at 20 is the one given to you by god, your face at 40 is given to you by life and your face at 60 is the one you deserve. Whether this applies to my sister is not for me to decide.

I know she would be quite upset to hear, Tony Abbott, then the Federal Opposition leader, talk publicly about sexual virginity as he did in January 2010, something that needed to be done in order to break down negative peer pressure on this and other matters. After all, we would do well to develop just a little public modesty within the Australian social fabric. The fact that Abbott was a Rhodes scholar, as was my German principal-mentor Helge Merz before World War Two, indicates the ideal of the body-mind/physical-mental balance is not dead.

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One man’s fight to clear his name

Michael Barnard, *The Age*, 15 December 1987

If I had to nominate a Victorian Battler of the Year - perhaps ‘fighter’ is more appropriate here - an eminent candidate would be Dr Fredrick Toben, the Goroke school teacher dismissed by the education department amid a swirl of local controversy three years ago.

Dr Toben, it was alleged, was incompetent. Since then he has been fighting doggedly to clear his name, mostly at great financial and emotional cost. He weathered the humbling and frustrating transformation from his chosen

calling as a highly qualified English and philosophy teacher - arts degrees from Melbourne and Wellington universities and a PhD from Stuttgart - to the only alternative local job then available, that of school bus driver at less than half the salary, and has faced many other challenges besides.

The Toben case has been aired sporadically by newspapers and television, and taken up by MPs. But every time it surfaces the department and ministry remain adamant: all the correct procedures (such as appointment of a teacher 'support' group and a panel of inquiry were followed in assessing Dr Toben, they say, and the case cannot be reopened.

The 43-year-old former teacher, however, with 17 years classroom and tutorial experience behind him in Australia, NZ, West Germany, Nigeria and Zimbabwe, simply will not let the matter rest.

He was, he says, manipulated out of his Goroke post, teaching English, because of his firm attitude to discipline and insistence on a rigid literacy program.

Newspaper columnists are bombarded with special pleading and cases of alleged injustice and soon learn the wisdom of not jumping to conclusions. I first became intimately acquainted with Dr Toben's fight the best part of two years ago and still do not claim to be able to arrive at informed conclusions on all the rights and wrongs in the tangled differences between Dr Toben and the then principal (a much lesser academically qualified man) and various fellow teachers.

But there are disturbing features about the case, sufficient to make one ponder the fickleness of the machinery by which a skilled man's career in education can effectively be killed stone dead, without any subsequent avenue of appeal or wider inquiry.

What is reasonably clear is that personal antagonism played a significant part in the events leading to Dr Toben's demise, not only within Goroke Consolidated School in 1984 but, once the gossip started, in the wider community as well. Even a full year after the dismissal, swastikas and abusive slogans attacking Dr Toben and Mr Edwin Mitchell, a former Goroke school council president hounded from his council post because of alleged bias towards Dr Toben, were daubed over Mr Mitchell's newsagency (*Wimmera Mail-Times* 3 January 1986).

The swastikas are revealing. Dr Toben was born in Germany in 1944 but he left before he was a year old.

The really disturbing features, however, lie in other areas, notably the strong defence Dr Toben has received from some fellow teachers of the day and other key players. In a detailed letter to the *Mail-Times* of 5 August 1987 - some three years after the main event - farmer Brian Mann, a school council member during the crucial period, posed a series of questions, culminating bluntly with: 'Can a teacher faced with a personality clash have no right of appeal against trumped-up charges?'

Dr Toben, he said had been 'well-spoken, well-dressed, clean-cut, a non-smoker and of sober habits...and an example others might have followed.' Glen Duncan, now an art teacher at Ringwood Tech., has been even more forthright, saying that Dr Toben was a 'marked man' months before the inquiry that resulted in his dismissal. 'There were many pieces of unpleasant yet interesting evidence strangely ignored by the Education Ministry's official inquiry...I even found out much later through Toben's Freedom of Information documents that lies were told about me. Why?'

'Isn't it interesting', Mr Duncan asks, 'that of the 40 parents whose children were taught by Toben, 30 signed his petition saying they were pleased with his teaching?' (Of the other 10, Dr Toben tells me, three were hostile and seven just did not want to be involved.)

Another teacher, Geoffrey French, now at Ballarat High, wrote to the Mail-Times (24 July 1987) suggesting that Dr Toben had, in part, been made a scapegoat for poor discipline.

'it was obvious to me that Dr Toben's lessons were innovative and thoroughly planned. I could only assume these people were deliberately attempting to get rid of him for some particular personal reasons, as I could see the time and work he put not only into his teaching but also the school radio station, which he set up with the students.'

One could go on. For instance, testimonial to Dr Toben over the name of Professor S. D. Atkinson of the department of educational foundations, University of Zimbabwe: 'His performance in the classroom was very impressive...I believe Dr Toben to be a man of high principles and exemplary character.'

(Perhaps I should emphasise at this point that none of the criticisms cited above are meant to reflect on the present state of Goroke Consolidated, or its present administration.)

Possibly there are criticisms of Dr Toben that may be sustained. By the same token, the defence quoted here does little more than scratch the surface of what may be found in his favour.

At issue is a man's career. Dr Toben has travelled thousands of kilometres seeking teaching posts in Victoria and interstate, but always his 'record' becomes a stumbling block. The catch-22 is that the department says it will reconsider his position if he can demonstrate a satisfactory spell of teaching, but he cannot get the chance because he has been labelled incompetent.

Late this year he did, for two days a week, gain a job tutoring nurses in sociology at Warrnambool Institute of Advanced Education, making round trips of 500 kilometres in and among his school bus driving between Goroke and Edenhope.

But Dr Toben wants more. Specifically, he seeks exoneration and reinstatement at Goroke, where his family lives. Bureaucracies, however, are always loath to admit that they might have been even a little bit wrong.

A nagging thought is that had Dr Toben been a homosexual, female or black, a vociferous lobby group might well have already precipitated a review. Perhaps incompetence of sorts does feature in his sad story. The question is, whose? And how does a person caught up in a system like this ever clear his name, once given that it deserves to be cleared?

The *Age* columnist, Michael Barnard, gave my story his full treatment and this put me squarely in the so-called right-wing camp. Barnard was known as the fascist at the *Age*, a left-wing newspaper. However, now with the left-right divide losing its significance Barnard and the *Age* merely reflected a thoughtful value system that education institutions had lost when they adopted this silly notion of wishing to deliver ‘value-free’ educational services to their ‘clients’.

After my appearance in the County Court, and its judgements of 27 January and 10 February 1989 – and the 20 March 1990 Full Supreme Court Appeal – there was a media lull. I had the dismissal declared invalid but I had by now hit the establishment brick wall. Lawyer Geoffrey Gronow advised me, ‘Pack your things and try teaching in the Northern Territory. You won’t get back into the game here in Victoria. You’ve had a significant victory over the bureaucrats who did you in!’. But I was not one to run from anything, was I?

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My case was aired nationally in Frank Devine’s column in the *Australian* on 18 April 1991. Frank’s contributions to a civilised debate ended with his death in 2009.

An education experience of the worst kind

... You take my life

When you take the means

whereby I live.

That is from *The Merchant of Venice*. The lines – and, in fact, the entire play – have painful relevance for Fredrick Toben, unemployed school teacher of Goroke, Victoria.

Toben is not, unfortunately, the only 47-year-old person now out of work, in debt and hovering on the edge of despair. But he is probably the only one able to put part of the blame on Shakespeare.

In 1983, as a newly hired ‘temporary’, Toben set his Year 10 English class at Goroke Consolidated School, located in sheep country in north-west Victoria, to studying *The Merchant of Venice*.

The principal challenged Toben to tell him what use Shakespeare was to kids whose lives would be spent scrabbling for a living on remote farms. Not having thought much about utilitarian measurement of Shakespeare, Toben gave a vague response.

‘They don’t need it,’ the principal declared flatly.

Toben none the less persisted with classroom study of *The Merchant of Venice*. Before long, however, he became aware that his Shakespeare ‘obsession’ was being derided by other teachers at the school, notably the principal, with the result that the incipient interest of his students gradually changed to sulkily resistance.

Toben’s relationship with the Goroke principal deteriorated. Toben was castigated for correcting spelling and grammar in creative writing exercises, for speaking ‘sarcastically’ to unruly students and sending them out of classes. Other teachers recall a bitter personality clash between Toben and the principal.

Indeed, Toben seems to have been an odd-man-out from the start at this bush school - highly educated and cultivated, widely travelled, meticulously dressed (usually in dark blazer, striped tie and grey slacks), speaking in the precise, accentless tones for whom, like German-born Toben, English is a mastered but not native language. Even the new car Toben had traded up to - a white Volvo - got backs up.

In 1985 Toben was dismissed from the employ of the Victorian Education Department, an event of the utmost rarity even for a temporary teacher. The grounds given were that he was incompetent and disobedient. Ever since, Toben has campaigned for reinstatement, claiming to have been done down by lies and deception and to have been victimised because he opposed the ‘equal outcomes’ philosophy of Victoria’s public education system.

In 1989, a Melbourne County Court ruled Toben’s dismissal ‘void and invalid’ and awarded him back pay. Toben immediately resigned from a job as a school bus driver in anticipation of returning to teaching.

But the Education Department refused - and still refuses - to give him a job, asserting that the County Court invalidated his dismissal because correct procedures had not been followed in charging Toben with disobedience. But the judge had found no procedural shortcomings in respect of the incompetence charges.

Ergo, departmental procedures having been applied correctly, Toben remained an incompetent, unworthy of employment as a teacher in Victorian public schools.

As often happens when individuals get entangled with a Kafkaesque bureaucracy, Toben has become obsessed. Trying to force the Victorian Education Department to take him back consumes his life.

His marriage has broken up and he is on the dole. He applies constantly for private school teaching jobs, but a 47-year-old who has been dismissed for incompetence is not a prime contender for employment in these hard times.

Toben spends most of his days enjoying intermittent custody of his 10-year-old son and preparing to represent himself in three pending defamation actions against Victorian Education officials.

He and I have been penfriends, fax friends for several months. If the Toben document archive grows much larger, I will have to move house. I have avoided people like him for many years on several continents.

But no Ancient Mariner has ever talked as sensibly to me, and practically nothing smells right about the Toben case.

It doesn't smell right when I call a senior officer of the Victorian Education Department, whom I know to have been centrally involved in the matter for several years, and still to be, only to be told, at first, that the officer recalls little of the past and knows nothing of the present state of affairs - and subsequently that, on legal advice, neither the officer nor the department will comment.

A strong aroma arises when one considers Toben's background in the context of his alleged incompetence. He has a BA degree from Melbourne University and a PhD (in philosophy) from Stuttgart. He has 17 years of teaching experience - mainly in New Zealand, Germany and Zimbabwe.

Perhaps the most crucially, Toben grew up in north-west Victoria and attended a small country school like Goroke Consolidated. His father, an immigrant from Germany, farmed nearby for 30 -odd years. His twin brother still farms in the district. When he started teaching at Goroke, Toben was offended by the principal's contemptuous remarks about the town and the district's farm families.

Having set off with his brother for a European adventure when they were in their mid-20s, Toben stayed abroad longer than he had intended. In Zimbabwe, observing British expatriates, he realised to his horror that he was, in his mid-30s, at risk of becoming like them - a man without a home. He married the girl he had been going out with in Zimbabwe, and jumped at the chance of a teaching job in Goroke, determined to establish himself in a part of the world where he felt he belonged.

The Toben affair smells when one learns that 30 out of the 40 Goroke parents whose children Toben had taught signed a petition praising his work with them.

It smells when one considers how markedly different Toben's teaching philosophy is from the one that has prevailed in Victoria.

There is a stink around when a teacher union official publicly declares: 'I don't think Mr Toben will be employed again by the Education

Department. He has criticised the department. He has even criticised the union.'

Once at a social gathering Toben managed to seize the ear of the then education minister, Joan Kirner, and plead for her intervention. She said: You'd be surprised how little influence a minister has in such matters.' Surprised? If that is true, I am terrified.

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My case had become an open political matter. The Liberal forces used it to push against the Victorian Labor government. Piers Akermann, editor of Melbourne's *Herald-Sun*, sent reporter Simon Plant and photographer George Salpigidis to Goroke during the April-May school holidays in 1991. Fortunately, I had my son, Karl, for the holidays. When the article appeared in the features page of the *Herald-Sun* on 15 May, his classmates found out a little more of what his father had been up to in the bush.

Bad Lesson. They sacked Fredrick Toben after he insisted on teaching Shakespeare.

Simon Plant reports.

From his study in the tiny Wimmera town of Goroke, Dr Fredrick Toben is preparing to wage war.

The study looks like any other, but this book-cluttered nook, deep in the heart of Victoria's sheep country, is where the 47-year-old teacher is plotting the next phase of his seven-year battle against Victoria's Education Department.

Dr Toben was sacked from Goroke Consolidated School in 1985 on the grounds of alleged incompetence and has been fighting to clear his name ever since.

The fight, waged in the County and Supreme Courts, has taken a heavy toll on Dr Toben's family life (he separated from his wife, Georgina, in 1987) and his finances (he is \$40,000 in debt and surviving on dole cheques).

But like a battle-hardened warrior, the German-born educator refuses to admit defeat.

Dr Toben issued five defamation writs last year against Education Department chiefs and former teaching colleagues at Goroke Consolidated, and anticipates they will be heard in court before the end of the year.

'They (the Education Department) know I can't last much longer,' he says. 'But I've drawn the line and I'm saying, 'No further'. I'm not giving up or running away because I know I' not incompetent.'

The long-running Toben affair is a critical test of Education Department policy, but as it has unfolded in the papers and the courts, the case has also come to symbolise a wider battle raging in Australia's public education system.

It mirrors a tug of war between the forces of tradition, who want a return to exams, discipline and the three Rs, and the forces of change who believe these trends are out of step with egalitarian education initiatives in the 1990s.

'Dr Toben is the very embodiment of a basic philosophical clash,' Professor Lauchlan Chipman, of Woolongong University, says. 'Here is a dedicated teacher in the Mr Chips mould who believes in the old ideal of developing students' full potential, and an education system which regards intellectual excellence as some thing to be traded away if the case warrants it.' Dr Toben, who holds arts degrees from Melbourne and Wellington Universities and a PhD from Stuttgart, is a self-confessed conservative. Dressed for this interview in buttoned blue blazer and tie, he readily declares his support for no-nonsense teaching.

'I'm not afraid of students,' he says. 'Far from it. Put me in one of the rougher schools in Melbourne's western suburbs and I'd soon fix them up.' But in his travels over 17 years as a teacher in Australia, West Germany, New Zealand, Nigeria and Zimbabwe, Dr Toben has championed one issue above all others: literacy.

At Goroke Consolidated, which he joined in 1983, he carried on the crusade by teaching Shakespeare to year-nine students, organising spelling bees and enforcing a rigid literacy program. The school principal apparently expressed reservations, and some of Dr Toben's colleagues, who allegedly treated him as something of an outcast in the staff room, suggested he abandon Shakespeare. 'The attitude was, don't rock the boat, don't stress the students,' Dr Toben recalls. 'They must fit in, even if they can't read or write. Well, I'm sorry, I couldn't accept that.'

Dr Toben's stand prompted the school to appoint a 'support group' to observe his teaching methods over four weeks in July 1984. Later in the year, another panel comprising teacher unions and Education Department representatives conducted an informal inquiry. The Director-General of Education, Dr Norman Curry, finally dismissed Dr Toben in February 1985 for 'incompetence' but six years on, the victim is convinced he was singled out for political reasons. 'If you don't tie the line, you're out. I'm frightened there are a lot of dedicated teachers who are being sidelined because they are prepared to worry about education.'

Professor Chipman, former president of the Australian Council for Educational Standards, says there is also a growing rift between teachers of the 'Old Left' who have traditionally championed excellence as a passport to self-improvement and those of the 'New Left' who believe education

should reflect what the mass of people are likely to reasonably achieve. The result of this clash is inevitably an averaging down of standards.'

The Institute of Education Administration disagrees and insists that the VCE and other initiatives are encouraging personal excellence by combining different testing procedures.

'All the available evidence, on balance, suggests that in the basic areas of achievement, we have been improving slightly,' Institute director Gerry Tickel says. The Liberal-National Opposition has promised to reassess the VCE and school standards generally if it wins the next state election but there is no guarantee that a change of government in Victoria will benefit Dr Toben. On paper, he is still an 'incompetent' teacher.

When the County Court overturned Dr Toben's dismissal and awarded him \$16,000 in lost wages in January, 1989, it made no finding on his competence. Nor did it order the Ministry of Education to re-employ him. The Ministry declined to comment, but according to Dr Toben, it is prepared to consider his re-employment if he can provide 'evidence of Successful teaching'.

While he is labelled 'incompetent', though, there is no way any school (public or private) will take him on.

'This is like the Dreyfus case,' Dr Toben says. 'I've been banished to Devil's Island and I've got to return and clear my name. I want to go back to teach. It's my aim to work for another 20 years.' Friends in Goroke have suggested he pack it in, change his name and seek employment interstate. But Dr Toben, raised in nearby Edenhope, refuses to leave the remote Wimmera town. 'Why should I?' he says. 'This is my home.'

The next day the *Herald-Sun* ran this editorial comment:

Not too clever

The quality of mercy is decidedly strained in the case of Dr Fredrick Toben reported in this newspaper yesterday. The highly qualified teacher's problem began in the early 1980s at Goroke Consolidated School. in pursuit of his continuing crusade to instil literacy, he taught Shakespeare to year-nine students, organised spelling bees and enforced a rigid literacy program.

This rash presumption led to a head-on philosophical clash with his peers, leading into a series of inquiries into his teaching methods and finally to his dismissal in February, 1985, for 'incompetence'. In 1989 the County Court overturned the dismissal, awarded him lost wages, but did not find on his competence.

At the heart of the Toben affair is the wider debate between traditionalists, who believe in developing a student's full potential, and the ideologues who seek to impose a grey sameness as a tactic in the class war. As a former president of the Australian Council for Education Standards,

Professor Lauchlan Chipman, remarked: ‘The result of this clash is inevitably an averaging down of the standards.’

But while the debate continues on whether education should exploit each student’s full potential, or whether it should be the great leveller, Dr Toben remains in limbo, still labelled ‘incompetent’ and unable to get a teaching job.

On the evidence, it seems unjust he should continue to suffer; the standards he values might just be what we need to make this the clever country.

It was gratifying to have strangers respond to these articles. One lady from Noosa, Queensland offered me her home for a well-deserved holiday. Others told me their own personal problems with education bureaucrats, something that contextualised my battle. Still others sent me stamps so that I could continue to write to the newspapers and plague them with my concerns about the direction Australian education was taking.

One of my last long letters to the *Mail-Times* was published on 25 September 1992. Sometimes I wondered whether the editor was short of copy whenever he gave me so much space!

School Discipline

School discipline, the final word on this timeless problem. Concerned, *Mail-Times*, August 26, and Valerie Webb, September 2, highlight a problem which has, and always will be, with us - undisciplined children.

What is new is the degree of violence we now see in our schools. In recent years some Australian schools have seen a whole range of violence, from student-student and student-teacher bashing to outright murder in the classroom.

Society at large also reflects this rise in violence. That’s why it’s heartening to see Victorian Secondary Teachers Association assistant secretary, Mary Bluett publicly admit that our schools have a disciplinary problem. I believe this is the first time the VSTA has admitted this.

But I find it disturbing that she blames the attack on the Northcote High School deputy principal on economic hardship and frustrations caused by the recession. Nothing excuses such uncivil behaviour and our society must not tolerate it.

In any case, teachers at private schools must have laughed when they read Mary Bluett’s explanation.

Twaddle

A review of aspects of the school discipline debate over the past decade highlights interesting facts.

Since 1983, when Labor and the teachers' unions took over the Department of Education. Fashionable twaddle surrounded the Glasser discipline model. The time-out room was supposed to free teachers from inevitable student-teacher confrontation.

A number of schools adopted this consensus discipline model, without much success.

In September, 1983, the last director-general of education Dr Norman Curry expressed the department's new discipline policy, two years before Minister for Education, Ian Cathie, removed him from office: 'The main thrust of this new approach is to encourage each school to develop its own policy on student discipline within the guidelines provided and thus to involve parents, teachers and students in a co-operative endeavour which reflects the views of the school and will thus be more accepted by all. The present procedures relating to student discipline were recommended to the minister by a group which consisted of parents, teachers, principals and specialist departmental staff. In no way are they anti-teacher in tone or in practice. They recognise that through co-operation between schools and parents more will be achieved for all students.'

Demoted

A year later, when he disciplined a teacher who had been convicted on a drug charge, Dr Curry made a remarkably disturbing decision. He merely 'slapped the teacher's wrist and admonished him for being 'a naughty boy'. The VSTA can confirm this incident.

In contrast, a teacher who 'thumped' a class-room thug was demoted and transferred to the correspondence school.

VSTA-protected teachers in trouble would invariably swell the 6000-odd pool of teachers out on stress-leave.

In 1988 a remarkable thing happened when then editor of *Education Age* Geoff Maslen ran a critical series on classroom discipline. A respondent, Frank Dando, principal of Ashwood Boys School, summed up the problem thus:

'... I have this year been teaching without a break for 40 years and I have a master's degree in remedial education so I have some practical and theoretical understanding of the teacher's job in the classroom and considerable sympathy for my colleagues in the state system. It is not possible to do any meaningful work in the classroom unless you are in control; whether you are apparently in control is irrelevant - I am quite capable of convincing my class that I am - running a democracy!

To control a classroom you need as a last resort to produce a short, sharp and non-negotiable punishment otherwise the class gets out of control and you go out on stress. I am quite ready to be told that there is no place for punishment in an ideal classroom but I would prefer to be told by a

practising teacher. Could this be pondered by someone high up in the state system, preferably someone who had been teaching lately.'

Unendurable

Two years later, the general discipline situation in our state schools had not improved. It also became more difficult to blame individual teachers for not coping with unruly students. Teachers with an unblemished record began to speak out.

Chris Curtis, Victoria's youngest senior teacher lamented bitterly: 'My 15 years of experience in subject co-ordination, curriculum development, the day-to-day running of a school, not to mention classroom teaching itself, including a 92 percent pass rate, are lost to the system

Why? Because the headaches, shortness of breath, sleeplessness and chest pains caused by the modern classroom jungle became unendurable. A highly recommended assessment for promotion has not protected me. Excellent references from past principals, colleagues and students have not protected me. Ministry reorganisation, curriculum reform, school amalgamation and career-four restructure mean nothing.

When a teacher walks into a classroom today, he is on his own. I have a thick folder of incidents from the past 15 months of my career which support my views of other teachers and education experts who say we have a discipline problem. Those who belong to the other camp, who believe the problem does not exist or is under control, simply do not know what it is like out there in the real world that actual teachers face every day.'

Curtis got his senior teacher grading from now assistant general manager of the Department of School Education, Jim Betson.

Chaos

Since then, more teachers and parents have cried out against the chaos in the classroom. But our education bureaucracy, supported by teachers' unions, continues to follow the absurd ideology of indulgence which merely encourages students to become hedonists.

Students are encouraged to follow their feelings without being urged to think about any consequences, to please themselves and do what makes them feel good. Unfortunately, life outside the classroom isn't like that.

Also, the ideology of choice, of diversity, has been pushed to its limits. When a 40-odd subject choice is offered to Victorian Certificate of Education students, one may well wonder how students will ever achieve unity of mind. If thinking is to become purposeful, if students are to rise above the immediate pleasurable moment, then surely we ought to focus their minds upon essentials.

Further, the Department of School Education has as yet not dared to draw up a code of ethics for its employees, as has the Police Department. Such a moral framework also would literally help students to find a home within

themselves, rather than have them vent their frustrations on individuals and social institutions.

Tribunals

Finally, discrimination, the essence of developed, sophisticated taste, is presented to students as unreasonable behaviour, to be pursued by anti-discrimination tribunals. It amazes me that basics, such as the fact that learning cannot take place if environment and students remain undisciplined, have been ignored for so long.

However, it will serve no-one's interests to have the force of law brought into our schools, except perhaps in the form of the friendly police officer who may occasionally have to remind students of their civic rights and duties.

Our current disciplinary problems appear to have reached a point where individual schools have no alternative but to tighten up and discard the nonsense disciplinary ideologies of the past 20 years. It is a fact that the 1950s and '60s did not throw up too many serious discipline problems, but then these decades were not afflicted by drug problems either. Nor was there the pernicious sexual harassment ideology to tear apart male-female relationships. Any primary teacher knows how to deal with rude behaviour without recourse to sexual harassment thinking; unfortunately teachers cannot follow Frank Dando's advice for fear of having a writ slapped on them by some aggrieved parents.

And there we are, at the crucial point, the family unit. Is school discipline merely reflecting what is happening in our families? How many students are left to their own devices while father and mother work to keep the family home intact?

Or, is this question another form of scapegoating, of teachers relinquishing their professional responsibility by not ensuring that schools have a disciplined learning environment?

Fredrick Töben, Church Street, Goroke 3412

In 1992 I gained South Australian teacher registration and taught at Marryatville High School from 1994 to 1997, before the Adelaide Institute became a full-time job, and more, for me.

Chapter 28

DIRK ZIMMERMANN'S TRIAL

23 October 2009: At CTC the weather was overcast and I cleared the road from the intersection back to the traffic sign. I gave up because nobody was working: a large number of fellows are attending the First Aid course, and after lunch there was to be a footy match but there were not enough players for a team game.

I made my way to the pottery shed where Daniel helps me fix my mug-handle with his slip mixture – something's not quite right with the mould and so the handle had not filled properly.

As I leave the pottery shed I see a dozen fellows milling around the Visitors Centre's BBQ – Noel and Tom's Christian group has just had its lunch. I join them for a can of soft drink.

As I enter the Cell Block Jim informs me he has just had a telephone conversation with his Parole Officer who has advised Manager Oates, 'Don't get his hopes up', for an early release. The state political system is playing with Jim, trying to break him down. The Parole Board wants him to establish a bank account and other things, which he has done once before – and nothing happened. This time Jim refuses to co-operate, especially because at the last board hearing that he attended the members had the wrong file in front of them!

On this day in Germany an important trial is held, that of Dirk Zimmermann. Markus Haverkamp reported:

Dirk is still a free man as he is appealing the sentence. He is convinced that Judge Haberzettel gave him such an extraordinary severe sentence in order to a) hinder the prosecutor from appealing and b) to increase the chances of a successful appeal for Dirk. After all, according to the law (§130 Penal Code) incitement of the People (Volksverhetzung) is only punishable if done in a manner that endangers the public peace. In other words: the judge understood what Dirk was trying to do and basically 'lent him a helping hand'. Since Dirk had sent the book to two ecclesiastical ministers and a mayor, i.e. to people who have a vested interest in upholding the public peace, the grounds for sentencing him are in fact obsolete. Dirk himself is optimistic, though it is uncertain when his appeal will be heard.

The next day, Saturday, Peter and Dagmar visited. They advise me that Georges Theil in France, although found guilty and sentenced, has not yet been imprisoned. The French loathe imprisoning thought criminals, something the German prime uglies do not flick an eyelid about, that's how morally and intellectually broken these prime uglies are.

Chapter 29

SOUTH AUSTRALIA'S MYTH OF WESTMINSTER'S SEPARATION OF POWERS

The executive challenges the judiciary

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Our state has been full of secrets for a long time, from the Family murders to the abuse of children in care. You can't continue to suppress names and let people walk away with their crimes hidden. If Premier Mike Rann wants to go to the election saying he's tough on crime, he should get rid of unnecessary suppression orders and show respect to victims, not criminals.

- Father whose 14-year-old daughter was abused, Advertiser, 2 January 2010.

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We have made changes to ensure SA leads the nation on providing a voice for victims of crime at each step on the road to justice. - Spokesman for Attorney-General Michael Atkinson, Advertiser, 2 January 2010.

South Australia, known as the state of dissent, has for a long time shown the way towards reforming essential matters, as a crown colony giving women the vote in 1894, six years before the 1901 federation. Recently it outlawed the use of plastic shopping bags, and it has container deposit legislation. South Australia also pioneered the partial decriminalisation of marijuana, and in December 2006 the *Independent Weekly* assessed what effect this has had on the state's social wellbeing.

The marijuana capital of Australia

The Independent Weekly, December 9th-15th 2006

The festival state, City of Churches, or the Crows? What one thing defines South Australia? 'South Australia is the marijuana capital of Australia', the hydroponics shop owner deadpanned. 'It's probably worth \$7 billion a year.' He can't be certain of that, of course. He assures us that the hydroponics gear he sells is used for hothouse tomatoes.

Tomatoes? 'Well, people grow a lot of tomatoes,' he smiles.

Two weeks ago police raided a property in the mid-north and found plants not even vaguely disguised as tomatoes. The plants looked and smelt like cannabis looks and smells. 'It was one of the most sophisticated hydroponic set-ups I have seen due to the absence of pots and the way the plants were espaliered onto netting,' Inspector Martin Kennedy said.

Five years ago the then Police Minister was sceptical about the tomato alibi. 'We obviously have no problem with the legitimate use of hydroponic equipment for growing backyard vegetables such as lettuce or tomatoes,' Hansard records Robert Brokenshire saying. 'However, we now have 96 hydroponic shops in SA - the highest number per head of population in the country.' 'I don't believe that is because we grow more hydroponic lettuce than any other state.'

Mike Rann supported him. 'The number of hydroponic shops seems way out of kilter with the level of community interest in hydroponically grown vegetables and flowers,' Rann said.

Tim Wells, publisher and editor of the newly launched Adelaide-based cannabis magazine *Stickypoint* says of the situation 'Adelaide has more hydroponic shops per person than any city in the world. Even Vancouver in Canada, where growing marijuana is legal, there's fewer shops.'

So to value SA's marijuana crop we relied on not just those in the trade, but academics. Queensland University of Technology's Dr John Jiggins made a study of the industry. He valued it at a conservative \$3 billion annually. 'South Australia's internal consumption alone is maybe half a billion,' he told *The Independent Weekly*. 'The rest is sold interstate.'

Nearly 3,000 kms away at the University of Western Australia's Business School other academics have also been studying SA's dope industry. 'South Australia's lenient attitude to marijuana cultivation for personal use established Adelaide as the marijuana capital of the nation,' Professor Kenneth Clements confirms. 'Most marijuana sold in Australia is locally grown and the move to hydroponics has ensured a plentiful supply.' Professor Clements told *The Independent Weekly*: 'Marijuana is a crop, an agricultural crop, like wheat. It suffers from supply and demand so our research paper treated it that way.'

This is indeed a new way of looking. Instead of examining marijuana as a drug like medical scientists, psychologists or criminologists do, he and co-

author Xueyan Zaho at Monash University looked at price variations around the country, quantity discount (which means bulk buying), and what would happen if governments could tax the weed. What their research shows about the dollar value of the crop will astound most people. 'We estimate that nationally the marijuana market is three-quarters as large as the beer market and if you think the wine industry is booming, consider the fact that Australians are currently spending twice as much of marijuana as they do on wine,' it found.

So how much is that in dollars? Well, the ABS says beer and malt manufacturing was worth \$4,085 million dollars in 03/04, and that's production alone. As average annual household spending on wine was \$329, that's \$758 on marijuana per household a year.

'The 1990's may well be remembered as the decade in which marijuana established itself in the Australian market. During the decade, production of the illicit drug graduated from the uncertainties of bush cultivation to the efficiency of the home-based hydroponics, supplies multiplied, prices fell and consumption spiralled,' Professor Clements said.

So how many people smoke dope in Adelaide? Almost one in three, says the National Drug Strategy survey. And that's just the number who 'fessed up' to the government pollster. That means an absolute minimum of 300,000.

SA decriminalised the 'personal' use of marijuana in 1987. It was a happy hippy period. People grew up to 10 plants in the backyard and no criminal conviction was recorded. They gave each of their plants some TLC to gain their THC.

'A plant can be worth up to \$5,000,' Wells (of Stickypoint) said. 'Ten plants is \$50,000. 'Dope growing puts food on the table, petrol in the car, school uniforms on kids' backs, and Christmas presents under the tree.'

But when police surveillance helicopters took to the air and discovered large plantations, the crops moved indoors. 'Hydroponics systems are being used to grow cannabis on a relatively large scale', the Bureau of Criminal Intelligence finds.

'Unlike external plantations, hydroponic cultivation can be used in any region and is not regulated by growing seasons. Both residential and industrial areas are used to establish these indoor sites. Cellars and concealed rooms in existing residential and commercial properties are also used.' Wells puts it simply. 'Outdoors you get one crop a year. Indoors, hydroponically, three or four. It fits into people's quarterly bill-paying cycle.'

But an indoor set-up is more expensive to set up, as it were, than its outdoor equivalent. 'It used to be moms and pops.' Says one long-time Adelaide marijuana wholesaler. 'Pushing it indoors allowed the criminal element in. 'It was a backyard garden. Now because it's bloody dangerous

it's a big-time earner. Laws were sensible. Now they're crazy. Stickypoint's Wells says he's never seen bikies come into his hydroponics shop. He says 95 per cent of the crop is still mums-and-dads, and 5 per cent in seriously criminal.

Mike Rann has told Parliament: 'Many of the large-scale hydroponic crops are part of highly organised operations and we must crack down on criminal gangs'

Penalties have increased the risk and therefore the rewards. Ten backyard plants can now put you in jail for two years. Just one plant is a \$300 fine. It means people buy their smoke not grow their own,' says the dealer a little smugly.

So here's the big question about the biggest agricultural crop. Who runs the industry?

'Let me explain it like this,' says the dealer. 'In the old days marijuana was a bit like home brewing. Now it's like illegal distilling. Just five or six really big boys do most of the commercial crop. They outsource to satellite growers called gardeners. Each of these growers then feed into the distribution network. It's sold in bulk interstate.'

Help End Marijuana Prohibition (HEMP) is a pro-cannabis lobby which stood for Parliament. 'Police have failed to collect the evidence and act on it, preferring instead to pick on Mr and Ms Smith rather than go after the Mr Big's of the trade,' HEMP spokesman Russell Haynes said when the new penalties came in. 'The Government's actions fly in the face of the widely supported recommendations of the recently convened Community Drug Summit and will only make matters worse by playing into the hands of the serious hard-core element of the drug trade.'

So if people in the business say there's a dangerous criminal element in a crop worth more than SA's \$2.7 billion export wine industry, what are SA police doing?

Alcohol prohibition in the US in the 1920s and 1930s gave us gangsters like Al Capone, who survived with the protection of corrupt police and politicians. As the 1989 commonwealth inquiry into drugs, crime and society put it: 'There have been a number of notable instances in recent years of law enforcement officers who have been seduced by the super-profits offered by the drug-trade.'

These days Australia's most famous policeman is Federal Police Commissioner Mick Keelty. Twenty years ago he was an anonymous rookie cop seconded to the National Crime Authority. Concurrently, Adelaide's best-known cop was drug chief Barry Moyes.

Keelty believed that South Australia had a problem. You heard about police corruption in NSW and Victoria but no one had heard of it existing in South Australia,' Keelty recently reflected.

Keelty put Moyes under surveillance. Armed with a search warrant and with the drug squad head looking on, Keelty opened Moyes' personal safe. Hidden inside were drugs seized in past police raids which Moyes should have destroyed. Moyes claimed he was innocent. He said he has been consorting with 'well known mafia figures' because he was covertly infiltrating organised crime. And then he said he couldn't tell his own drug squad because there were too many corrupt colleagues. Moyes' explanation was disproved by Keelty's Sydney police informant. Moyes confessed and was jailed. 'He was involved in a crop at the time and distributing drugs from the drug safe,' Keelty said.

Is it possible that police corruption exists in SA today? There is no proof, but there have been allegations. Two weeks ago in Sydney an anonymous witness gave astonishing evidence during an inquest into the death of Brisbane woman Dianne Brimble on a P&O cruise ship called the Pacific Star. Brimble had died of an overdose of the drug gammahydroxy butyrate, commonly known as fantasy.

Just before her death she'd been seen socialising with eight Adelaide men. She was sexually photographed with one of them. Her body was found on the floor of a cabin belonging to four of the men. With his voice electrically modified so it couldn't be recognised, and from a separate room, an anonymous informant code-named Charles White testified that one of the Adelaide men was a drug dealer operating with the protection of South Australian police.

Mr White went on the claim the police owned an Adelaide nightclub where drugs were dealt. South Australian police commissioner Mal Hyde argued before the coronial inquiry that Mr White's evidence was sensational hearsay and not relevant.

At an Adelaide media conference later, Mr Hyde denied SA police owned the nightclub. 'But inquiries show that none of the licensees of the club are police', the commissioner said. But he could not rule out police having an indirect involvement in nightclubs, and this would be investigated, presumably by other police. This week, a spokesman for police minister Paul Holloway said the minister played no role at all in any aspect of the Brimble inquest.

The spokesman said Commissioner Hyde had weekly sessions with the minister, and could have informed Mr Holloway of what had been the commissioner's own decision. While Mr White's testimony has not been substantiated, he did tell the inquest he now feared the South Australian police. 'I'm just scared that when I get back to South Australia the police will come,' he said.

All of which has again raised the question of an independent commission against organised crime and official corruption in SA.

Other states have them. In Queensland it's called the Criminal Justice Commission, set up in the wake of the Fitzgerald Inquiry, and it's already claimed ministerial scalps. In Perth, the Corruption and Crime Commission has dispatched one minister and named three others. In Sydney, Premier Nick Greiner established an Independent Commission Against Corruption, only to be its first big victim when its investigation forced his resignation in 1992. But according to SA Attorney-General Mick Atkinson and Police Commissioner Mal Hyde, SA has no need of one.

Mr Atkinson says police bodies themselves and the Auditor-General are adequate.

'Firstly there is the Anti-Corruption Branch ... then there is the Police Complaints Authority ... thirdly the Auditor-General has powers to investigate impropriety in public office and finally, individuals have the protection of the Whistleblowers legislation if they wish to raise allegations of corruption,' his spokesman said.

Mr Hyde similarly says police can investigate corruption against police.

The president of the Australian Council for Civil Liberties, Terry O'Gorman, takes another view. 'The tired old system of police investigating police simply doesn't work,' Mr O'Gorman told *The Independent Weekly*. Mr O'Gorman has been awarded an Order of Australia for services to the legal profession. He's a nationally respected voice on the issue.

'There's a very, very strong case to be made that states which argue against an independent body to investigate police corruption have their heads buried in the sand,' he said. 'In the aftermath of the gangland killings in Victoria, where three or four people in the drug squad have been tried and jailed, the experience in WA and in Queensland proves the case for such a body is clear. In fact, these are now just two jurisdictions - SA and the Northern Territory - which don't have one'.

Shadow Attorney-General Isobel Redmond said this week: 'In the past the Liberal Party has not been convinced of the need for such a body in SA. However the performance of the Rann Labor Government has convinced us that this proposal should be revisited.'

Meanwhile, South Australia's multi-billion dollar marijuana crop is a national leader not just in price and quantity, but in quality. 'The potency's gone up,' says *Stickypoint's* Tim Wells. 'In the old days you'd get a bad of sticks, stems and leaves. You'd end up with more headaches than highs. Science and technology's now come up with different variants.'

Some people say comparing yesterday's hooch with today's head is like comparing beer with vodka. 'The spindly old plants aren't around any more,' says one of Adelaide's estimated 98,000 home growers. 'The yields have increased enormously, and so have the THC levels.'

'I don't agree,' says associate professor Dr Robert Ali, director of clinical services and research at Drug and Alcohol SA. 'People now smoke only heads. And they smoke more intensely.'

Whether or no the strength of South Australian-grown plants has increased there is evidence to suggest that some people should stay well clear of the drug, such as people with a pre-existing heart condition. Royal Adelaide Hospital's Dr David Caldicott told the story of a young man brought in with a suspected heart attack.

'All of the tests that we do to see if there is a predisposition came back negative and the only factor that we could associate with it was the recent ingestion of marijuana,' he told the ABC's Stateline program.

Dr Ali warns that people suffering from or likely to suffer from schizophrenia may also be adversely affected. 'For people with schizophrenia, cannabis use is likely to aggravate their symptoms, and should be avoided. People with a family history of schizophrenia should also avoid using cannabis,' says the Alcohol & Drug Information Service. Dr Ali's greatest concern, though, is for teenagers.

'Young people's brains are particularly malleable,' he says. 'After the age of 25 years or so brains are pretty much hard-wired. But young brains are particularly sensitive.'

Tim Wells says: 'Dope is not for everybody. Some people shouldn't have it, just like alcohol isn't for everybody.'

Wells has travelled widely through North America and Europe. He says marijuana is widely recognised as Canada's largest export, beating hydro energy and wheat. And he puts Adelaide production in the same league. 'You could get rid of the criminal elements,' he said, 'if everyone grows plants for home consumption. There'd be no illicit market, no crime and no dealing.'

In some ways marijuana is perfect for South Australia. It suits our Mediterranean climate. It needs less irrigation than grapes or oranges, it's hardier and more insect-resistant than most crops, and its stems can be made into hemp to replace cotton.

But, says HEMP, if it was grown like tomatoes, it would be worth about the same as tomatoes - \$5.99 a kilo.

And curiously enough, if that were the case our largest cash crop industry would suddenly have, well, gone up in smoke.

http://sos-sa.org.au/cannabis_capital.shtml

Is the liberal approach to drugs causing criminal behaviour to escalate, or is it that drug users are not impressed by political hypocrisy and thereby scoff at politicians who maintain they are 'above the law', when it is an open secret that the drug trade is run by the so-called state establishment and its agencies?

The argument can be extended to the current battle for control of the drug trade emanating from Afghanistan and destined for the European and American market. Anyone who knows a little about world politics knows that battles are fought over resources, scarce and lucrative – and the drug trade is triply lucrative. Hence the raging local battles for the heart and minds of leaders of local communities.

In South Australia, as elsewhere in the world, most prison inmates are inside on some drug-related matter, as pushers or users or both. It does not help if addicts are locked up because an addiction is an illness. We need, through education, to help addicted individuals to master their cravings. Locking up individuals is nonsense: the prison's methadone programs make them more like rehabilitation centres for the poor and ill-informed.

Prisoners have become political footballs for the state premier as his Labor government continues to talk about getting 'tough on crime':

Legislative Change – Tougher parole laws on the way

The Advertiser, 31 December 2009

A loophole in South Australian Premier Mike Rann's 'tough on crime' policy will close in the New Year with the abolition of automatic parole for violent offenders. The change in legislation removes an entitlement for offenders serving less than five years to receive parole without satisfying the State's Parole Board. From next year, all those found guilty of offenses such as assault, stalking, kidnapping, unlawful threats, home invasion and aggravated robbery will face a sterner examination of their readiness to leave prison. 'We expect an additional 375 prisoners per year will be targeted, but we make no apologies for our tough stance,' said correctional services minister Tom Koutsantonis.

To my surprise, again and again, when disciplinary matters crop up the Nazi concentration camp card is pulled out, often designed deliberately to derail necessary reforms. This behaviour did not exist when CTC was planned and built. Only recently a radio presenter 'shocked' his listeners with a remark that caused grief to so-called Holocaust survivors:

Kyle Sandilands suspended over concentration camp comment

By staff writers and wires, *news.com.au*, September 09, 2009 11:58AM

KYLE Sandilands is embroiled in controversy again after suggesting Magda Szubanski would lose more weight in a concentration camp.

SHOCK jock Kyle Sandilands has been suspended again insulting Holocaust survivors by saying comedian Magda Szubanski should be put into a concentration camp to lose weight.

2Day FM has issued a statement saying the comments Sandilands made during The Kyle and Jackie O Show yesterday were 'unacceptable'.

2DayFM 'sincerely apologises and regrets any offence they caused'.

The suspension will be in effect pending further discussions involving Sandilands and station management, 2DayFM said.

Earlier today, Sandilands dismissed his concentration camp jibe as 'just one of those things' amid renewed calls for him to be sacked.

He went on air saying he did not mean 'to offend her (Szubanski) or anyone else with those comments'.

He then said he was trying to contact the actress and it was 'just one of those things' - an echo of comments last month from Jackie O, who dismissed the pair's earlier lie detector controversy as 'just one one of those moments when live radio happens'.

Jewish leaders called last night for his sacking.

'Why would you want to have anything to do with somebody like this?' Australian/Israel and Jewish Affairs Council spokesman Jeremy Jones told the *Herald-Sun*.

'To joke about the experience of people who are being starved to death or murdered ... is quite horrendous.

'There are people who confuse freedom of speech with gratuitous, insulting, offensive behaviour. They're two quite different things.'

Sandilands is expected to face the wrath of advertisers and listeners only weeks after he and co-host Jackie O sparked a furore over a segment in which a 14-year-old girl, who was hooked up to a lie detector, revealed she was raped when she was 12.

Some major sponsors withdrew advertising from the Austereo group, the owner of 2DayFM, and Kyle and broadcaster Jackie O went off-air for two weeks.

Szubanski, who is a spokeswoman for a weight loss company, has lost 25kg since she appeared on the comedy series *Kath and Kim*.

Her family is of Polish origin, a country where many of the worst Nazi concentration camps, including Auschwitz, were located.

Sandilands joked yesterday morning that Szubanski's work with the weight loss campaign was not finished.

'Magda could have another run out of it,' he said on 2Day FM.

'She could get another season out of them, easy ... she's not skinny.'

Jackie O suggested Szubanski might not be able to lose any more weight due to her build.

'That's what all fat people say,' Sandilands replied.

'You put her in a concentration camp and you watch the weight fall, like she could be skinny.'

Szubanski brushed off Sandilands' on-air comments, but said they were offensive to those who had suffered in concentration camps.

'I couldn't give two hoots about what Kyle says about me, but to trivialise what happened to people in concentration camps is abhorrent,' she said in a statement.

The head of Austereo Group Ltd Peter Harvie has previously admitted he does not listen much to Sandilands and Jackie O.

<http://www.news.com.au/entertainment/celebrity/kyle-sandilands-suspended-over-concentration-camp-comment/story-e6frfmqi-1225770730613>

Again someone pulled the 'offended' card and individuals bend to Jewish pressure and apologise. The whole matter gets funnier if you Google 'Adolf Hitler' - almost 6 000 000 hits within a 40-second search!

What is it that drives individuals to vilify Germans in such a way, without any physical proof that Germans are a nation of evil Holocaust perpetrators? Why cannot people let Adolf Hitler sleep? Is it a fact that Hitler is needed as a scapegoat for those who wish to hide the war crimes of those who accuse Germans of having perpetrated the Holocaust-Shoah? Has the distinct October 2008 begun global financial meltdown more interesting surprises in stall before Adolf Hitler is rehabilitated?

Then there is the important matter of the Westminster system of government where, ideally, there is a separation of powers between the executive and judicial arms of government, as formulated on 13 September 1993, by Bond University Associate Professor Gerard Carney:

As our system of government evolves, new conventions, political practices and even at times new legal rules, will need to be devised to protect the liberty of the people. The doctrine of separation of powers provides the justification for these measures and helps to determine their nature and scope. There is a need to monitor our political system, be vigilant about liberty and advocate new measures when this liberty is threatened. The doctrine of separation of powers is the key to this whole process.

<http://www.parliament.qld.gov.au/aspg/papers/930913.pdf>

That such ideals are thrown overboard in South Australia is evident by the fact that the premier interferes with the judiciary via his official website:

No early release for Earley 1/12/2006

Premier Mike Rann says Executive Council yesterday recommended to the Governor not to release convicted murder, James Patrick Earley, on parole.

The Governor accepted the recommendation.

Cabinet had received a recommendation from the Parole Board to release Earley.

Earley was convicted and sentenced to life imprisonment in August 1990 for the murder of Mark Charles Scott a year earlier. Earley was on parole at the time of the murder.

Earley shot Mark Scott with a shotgun, hitting him in the chest at close range.

Earley had been with a female friend of his sister at the Old Spot Hotel where they had consumed alcohol and marijuana before returning to his friend's house. Mark Scott then came to the house demanding entry, and upon entering the lounge, he approached Earley who picked up a shotgun and fired it at him.

Earley's first court appearance was at the age of 17, when he was convicted of building break and felony. His offending continued until 1989 when he was charged with murder, with a court appearance recorded almost every year for such offences as break-ins, drug possession, property damage, larceny, driving matters and a number of assaults.

On February 28, 1991, the Hon Justice Millhouse sentenced Earley to life imprisonment and fixed a non-parole period of 18 years.

As a consequence of an assault against another prisoner in July 1991, Earley's non-parole period was extended by four years to 22 years.

However, with the Truth in Sentencing legislation introduced in August 1994, Earley's non-parole period was automatically adjusted to 14 years, 8 months.

'Executive Council recommended refusal of parole in the public interest.

'This Government is the first that refuses to rubber stamp Parole Board recommendations for release.

'We will continue to consider each on its merits,' Mr Rann said.

Other offenders to be refused parole include murderers Stephen Wayne McBride, Steven Alexander Eger, and Anthony James Brady.

<http://www.ministers.sa.gov.au/news.php?id=1027>

Murder is murder and a sentence imposed is a sentence imposed by a judge, and that should stand and not be subjected to political opportunism and popular sloganeering: 'tough on crime'! After reading about a 'Nameless drifter in South East grave' in September I considered calling this book 'Boundary rider, where is Bluey?' because at CTC Gary Lewis raked the prison farm's boundary roads with his green tractor so that any possible escape attempts left evidence in the sand.

What may surprise some readers is that among prisoners there is a moral code to which adherence is obligatory – a sense of justice. Most prisoners accept having broken the law carries with it some form of punishment. This innate sense of justice also needs to be fulfilled, especially after having done your time.

This also produces some mental wellbeing, which is then augmented by a general desire to want to know and to understand the law as it applies to a prisoner's conviction. Hence, the 'Bluey' mystery is something that leaves things up in the air, a kind of secret that needs to be revealed. A man who kills another man for whatever reason, then admits to the crime can adjust for the years spent in penal servitude. But there is a nagging doubt about someone who publicly has his story told and guilt is unresolved. Hence the questions: Where is Bluey?; Did he ever exist?; Was he a mere drifter who drifted off after the murder?; or Was he himself done in?

Such questions are asked by CTC inmates when they read that newspaper article in the Library. Official answers are not forthcoming, which elicits mental resignation and a fleeing into religious devotion or, worryingly, there is a determination on some inmates' part to flush out the truth of the matter by indirect confrontation with the man who was involved in the whole affair.

Whether the Bluey mystery gains folk-lore status remains to be seen. Still, prison inmates' relatives are asked to bother about the Bluey matter. But on the outside of prison most individuals are not interested in knowing about the Bluey mystery.

The premier's promise to be tough on crime acquired a different focus when he became the object of someone's frustrations.

Chapter 30

POLITICAL PRISONER JAMES PATRICK EARLEY

I did not quite believe some of the stories Jim Earley related to me about his life. But I recalled Hubertus Lehnert at Mannheim who kept telling stories all night while bunked on a mattress in my single cell because he had just come in and refused to stay in a smoker's cell. I was willing to have him in mine for the night.

I concluded then that if half of what Hubertus told me was true, then he was a Renaissance Man, someone who smithied on the anvil to forge, both literally and figuratively, working tools of the 16-17th Century where some brute force was needed, then sold these items on to trusting museums who accepted them as genuine, and then repairs with his big hands the smallest watch on a pin head. So much for the son of the former owner of Kunsthaus Lehnert, Tübingen.

Just on 6 ft, Jim is similarly built, physically strong and innately imbued with a sense of justice, even though this meant having killed a man in self defence, and on occasions having taken that which did not belong to him. Still, Jim would not be impressed with the Marxist concept of community possessions because it is hypocritical: that which is yours also belongs to me; that which is mine, let us talk about it.

Jim has done everything that the South Australian Correctional Services Department has asked of him as part of his rehabilitation. He completed

compulsory courses on aggression, on relationship training, and whatever else department theoreticians dreamt up.

But Jim recalls he learned much more about life's meaning when he, for example, helped cows during calving or milking times. Often workers take their aggression out on the cows, hit them and generally mistreat them. While he worked with the cows he never had to hit any of them. He raised a rosella from infancy to adulthood, and he nurtured to wellbeing a budgie with a broken leg that someone found. Jim constructed a special spoon with which he feeds his budgie in a most delicate way.

What surprises me about his case is the statement from the Premier's office: 'No Early Release for Earley'. So it is no surprise that Jim follows intensely any news concerning the premier's doings. When on the evening of 1 October 2009 Australia's media outlets blaze away with a sensational story that shook sleepy South Australia where politicians had been relatively safe from public abuse until then, Jim smiles and thinks there is such a thing as justice.

* * *

SA Premier Mike Rann assaulted

AAP October 1, 2009, 11:39 pm

South Australian Premier Mike Rann has been assaulted while attending a function at the National Wine Centre.

South Australian police say a man has been detained and is currently being interviewed at the City Watchhouse.

They say the attack on the premier happened at 8.45pm (CST) on Thursday.

Labor Party state secretary Michael Brown, who was at the function, said the man hit the premier, before two guests - Police Association president Mark Carroll and Police Association secretary Andy Dunn - grabbed hold of the man and held him until police arrived.

'(Mr Rann) had a slight bruise but he didn't look seriously injured,' Mr Brown told AAP.

'He seemed fine but he left the function a short time later.'

Mr Rann was treated by two doctors who were at the function.

It is believed he did not require hospital treatment.

The function was attended by 180 of Adelaide's top business leaders.

South Australian Premier Mike Rann's denial of having sex with a former parliamentary waitress has been backed by a senior government minister.

A day after sternly rejecting claims from Michelle Chantelois that he had sex with her, Mr Rann adopted a business-as-usual approach.

The premier made no further comment on the sex scandal, holding a community cabinet meeting south of Adelaide on Tuesday amid other duties.

But a senior colleague, Health Minister John Hill, came out in support of his premier.

‘The facts speak for themselves,’ Mr Hill told reporters.

‘The premier has absolutely denied all of the allegations that were made.

‘And as far as I’m concerned, and as far as I think the majority of the population of South Australia is concerned, we just want to get on with the job of running the government, which is our job.’

Mr Rann said on Monday he would sue the Seven Network and New Idea magazine for their paid interviews with Ms Chantelois, who alleged a lengthy sexual affair with the premier.

Ms Chantelois responded to the premier’s denials by telling the Seven Network she stood by her claims, and challenged Mr Rann to take a lie detector test.

‘If he wants to take a lie detector test, go for it, because I am willing to do it, right here and right now,’ she told Seven’s Today Tonight program on Monday.

Mr Rann on Monday told reporters the claims were ‘outrageous’ and ‘ridiculous’.

He said he had a ‘flirty’ friendship with Ms Chantelois, a married former Parliament House dining room waitress.

‘I have not had sex with her,’ Mr Rann said.

‘I have never ever hid the fact that I had a friendship with Ms Chantelois over many, many years.

‘And that friendship was one that was based on confidences and discussions, it was funny, it was flirty, just like any other friendship would be.

‘But there is a real, real difference between that friendship and what has been said.’

Ms Chantelois’ estranged husband, Richard Phillips, is expected to front court next month charged with assaulting the premier. He allegedly struck Mr Rann in the face with a rolled up magazine at a corporate dinner on October 1.

Thereafter there was extensive media interest in the matter with numerous articles appearing in print, and on websites, radio and television. Indeed, so much attention was devoted to this local political storm that the public at large eventually turned off from it. Nevertheless, in view of the 20 March 2010 state elections not surprisingly the story was still active on the Internet and in the media.

The Internet provides enough material to keep us busy for a long time, and enables us to continue to follow such issues. In the end, the question of the need for an independent commission against corruption, something the Premier does not wish to establish at a state level, takes on a higher priority.

On 15 October 2009 the *Advertiser* reports astute Liberal politician Rob Lucas saying that on numerous occasions, 'Whenever difficult questions have been asked, the Premier's position has been that he is unable to comment on the issue because it is before the courts. However, the hypocrisy of the Premier's position is clear when he, the Attorney-General and others comment publicly on many other cases before the courts.'

The premier sued Channel 7 for an item about the matter, and on Sunday, 14 February 2010, the television station apologises for any suggestion that 'Mike Rann's relationship with Michelle Chantelois had affected his performance as Premier'. But it would not retract the suggestion Rann had had a sexual relationship with Chantelois, who meanwhile has taken a lie detector test to prove she is telling the truth.

As the matters plays out, including a court appearance by the premier's attacker, Jim is left to bide his time in prison, rowing his personal boat to nowhere because Premier Rann wants to appear tough on crime and so refuses to accept the Parole Board's recommendation, twice, that he be released. Perhaps individuals in the Rann government begrudge the fact that Earley is not a broken man after spending almost 21 years in prison. Jim is completely sane and his moral and intellectual development shows no arrested development.

In my 13-year exposure to the Federal Court, I found individual judges bereft of such moral and intellectual development, of which their recorded responses speaks volumes. Outright dishonesty and manipulation of facts has not been a common phenomenon in my matter, which indicates that those who have such a breakdown are fearful of living a morally upright life. Jim has seen the errors of his way and can thus stand tall and be proud of the insights he has won during his imprisonment.

And it is time that he be released, that he has done his time and it is time to extend to him the hand of compassion and mercy, the two moral values that make up the basic civilising principle of justice.

The problem facing Jim also lies within the darker side, the underbelly, of South Australia's political elites who then swirled around Premier Don Dunstan. As Dunstan's media spokesperson, Mike Rann was intimate to this scene. There might be other secrets and mysteries too. In particular, the full story of Bevan Spencer von Einem and 'The Family' is not known. He is another man who has done his time but whom Premier Rann will not release.

Inside South Australia's prison system are about ten lifers who should be released. But vengeance-filled minds hope such individuals will self-destruct and not bother anyone anymore. Such a callous attitude has no place in a penal system. Character development should be a valued and desired outcome of any program implemented to rehabilitate individual prisoners.

* * *

James Patrick Earley summed up the situation in a series of letters:

Dear Mr T

It is I reporting on events in this here world. Firstly, thank you for your letter and info on each subject. As you know we don't hear as much in this world for we only receive *The Advertiser*, *The Australian* and the *Koorie News* here in CTC, and we have no Internet connection.

I have just been locked in for the night and am just about over my chest infection and now am writing to you. I have sent the Legal Aid form off to Mr Perkins and hope to hear he received it. If he needs any more info he can contact me here or Morry Grant, my CMO - case management officer.

Apart from the chest infection I am fine and well, my friend. I now look at myself as a political prisoner, only I ain't here for my beliefs, as you were - I'm held in never-never land.

By the way, this chest infection has had me off work for over a week and I have two anti-biotic pills left.

The last week has been pretty bloody boring, my friend. I had no energy at all and I have just come good these last few days really. I'm, up and about again and I hope I never suffer like that again. Worst thing I've had in 21 years of this world.

Yesterday the cutters on the sewerage system clogged up from idiots flushing all sorts down the toilets. So from 8am yesterday till 9pm we were pumping out sewerage.

Today it's all been fixed and is now working well indeed. The old system they had in place before this system was put in worked a lot better – no breakdowns at all.

Modern stuff is cheaply made and stuffs up pretty quickly, and that goes for many mode things, I feel.

The old John Deere has definitely had a good work-out these past two days, towing a 3,000 litre tanker all day and night – and done it easy!

See, old stuff is far stronger than new stuff. New stuff is made of shit materials and old stuff is made to last.

New cars, for instance, are all plastic; old cars are all steel bodies and all steel chassies. When I finally get out I'll buy an old car, ay.

There are heaps waiting to get out, not just me, ay. Steve Eger, Colin Case, Colin Turner, Darryl Bromley, John Boy Watton, Wally O'Neil, Gordon Marshall, Steve McBride, Jim Watson, Tony Harpany, Jim Fricker.

Some have been out and stuffed up and now have to apply. Like me, through the Premier Mike Rann, and be judged yet again.

There are more and I'll have to think and work out how many there are with a couple of lifers here with me. There are more, don't worry, but off-hand that is quite a few, ay, and a heap going up later this year. Lifers have been forgotten and used as a political tool, as you know.

Come on Liberals and win this election and set me free, give me what I have aimed ai for all these years.

Twenty-one years is a long time of one's life. I am used to this world and I know it will be hard to adapt out there in that world but surely I must be given that chance or at least told what's been happening these last six long years.

I have been left on a shelf somewhere collecting dust, as you know, far too long. But I can wait and wait. I will cos I know the wheel of justice is slowly coming round, ay.

As we have said, there is justice but I don't see or feel it at all. I used to have a date to aim at and that was at the 14 years, eight months mark that has now gone by, by nearly six years.

My release date was the 29th of June 2004 and all this waiting I have had one NO and now have been waiting nearly three years for a YES or a NO.

There is no due process. It is a non-separation of powers problem and I am a political scapegoat with this Labor government. On that note I'll sign off here for now. I must sleep and be ready for work come morning.

Good night my friend and do write again and I'll write back and keep the questions coming, OK?

Your 5/8 Jimmy Earley – 40633.

Dear Mr T

I have just read all the paper work you sent me for the book, and what an excellent read, from the very opening of the place to the present day. But as you know the way it was in the 1960s has changed so much.

Not many work here so time drags for them. I remember everyone used to work here. And nowadays it's liquid handcuffs that does not help rehabilitation because that starts within oneself.

I have done this, of course, over time. I remember over 21 years ago I was caged and attitudes of those who held me in such places were brutal. If one didn't show aggression back, they were targets for both sides. All round me are broken men, medicated zombies, the do it harders, home Detention crawlers, and of course, the story tellers.

But after being here so long one knows when someone is talking shit. You could mention things like how we used to talk for hours about world events and Huey used to cook and you sat in on a few meals or how you used to buy small treats like Mars bars or a can of coke.

When you used to talk I knew you were from the heart and in return I spoke from mine. Everything I told you was the truth, and I wasn't in gaol at all when you were here.

What about the letters I wrote to the Parole Board and never got an answer and when I went down there they mixed me up with someone else and had the wrong file before they got organised.

And my seat at the table, and as soon as the barrier was opened straight out to work we'd go, then meet up for lunch at the table and straight after lunchtime count straight out to work again.

Small things do add up also, I feel ... Even the Vatican and the Pope should be mentioned, and how some live on false hope – they believe the earth or the beginning of man started 10,000 years ago.

I liked your bit about Bluey, now that was good. He's now over in Tassie, can't work that one out but I'm if any evidence comes to light someone has to face justice.

Justice is a funny thing here in South Australia. I saw the solicitor McGee and his brother walk from court. Yet if that you or me we'd be doing at least 10 years. What sort of justice is that and Rann backing up his mate and his brother. What a crock of shit. Surely the public now can see that things ain't right in the city of churches.

Also, how can a judge sit on the Executive Council or even a man of the cloth sit in Parliament? A priest and judge in politics just ain't right.

The cell block and cells in general are all I really know because all my sentence I have lived in a show-box. I came in young and leave old, well middle-aged. That's if I get out at all, my friend.

After being held six years over my non-parole period, one does forget about out there. If some here were in my position, they'd slash up or hang themselves.

As you know I am Peter Pan in never-never land and I just do what I have to do. Here I work and ain't any trouble. I like to work and work I will because boredom and time drags. My mind is free and I will never be broken.

Ramm is suffering but nowhere near enough. An ICAC - Independent Commission Against Crime - would shatter him as you know and then he can come and live in this world, maybe he might move in next door - one can only hope.

I feel he'll just scrape in at the elections but if he does, well I'm not going to get out for quite some time, but I feel I'll outlive him.

The church group is praying hard for Opposition Leader, Isobel Redmond, to win the election.

Enough on that subject and on with this letter. Well, this morning I cut a six inch asbestos pipe and put two gig bolts on and a length of pipe. I still feel a bit chesty from the infection but am slowly but surely getting better.

Tomorrow I have to cut the same pipe further along and repair it. Won't know what I have to do until it is dug up but I'll let you know anyway.

Six new heads came down here in Cell Block today. I know two of them from yesteryear. One has two years left to go, the other I ain't asked yet as he was out and about just as most are when they arrive.

I get a little sad seeing heads come back to this world and saying how bad it is out there, really makes me wonder, my friend, how I will do when my time comes to move out.

Hope Mr P comes to the rescue and I get what I really need ... Freedom, ay.

Well, I'll sign off here, get some sleep. Do keep writing my friend and I will answer as I said I would.

Good night, God Bless, and keep smiling.

Ya 5/8 Jimmy Earley - 40633.

31.3.10

Dear Mr T

Well, here it is, a Wednesday morning, well the last Wednesday of the month of March.

Last night and this morning I had some pretty bad coughing fits, so this morning I went and saw the medics ewho said to have the day off.

So here it is just gone 9AM and I'm at the desk in my room writing to you. I really feel the infection has gone from my chest but the cough and flem continue to give me grief.

I will not go working when I'm coughing that much that I go dizzy and can't seem to catch my breath. Not good to drive the tractor either. I have no idea how long this will hang around for and neither do the medics.

They know for sure I'm sick because I never go to the medics unless there is some thing really wrong with me.

Every time I went to go see the medics the waiting room just kept filling up with the hoards of liquid handcuff gang. I just couldn't get in there for at least half an hour.

But I waited and waited and finally got in there. They know I am sick so I got a slip to rest in my cell today. This thing just seems to come and go at will. I do feel a lot better but when the tickling of the lung happens I just can't stop coughing. And little babies get this and sometimes die from it. I won't die from it but I was pretty sick, my friend.

As I said to you on the phone, some of the new heads here shouldn't even be here. Mental health places are needed to help some of these poor souls.

But as you know, all are pushed and pulled and all put in with each other. Some even talk to themselves. I feel sorry for the staff but even more sad for the people I see in this here situation.

The courts are backlogged so all is rushed and no checks are done. The jails are full as you know and the sick and lost souls just keep coming.

And I still sit at the barrier table and see the tide just come and go. People from yesteryear keep coming back. I know what the problem is.

The judges that sentence, give high tops like 5 years and then set a non-parole period of 8 months, so when that person does his non-parole period, he's thrown out with 4 years 4 months on parole, and any little slip and they are sent back. For a breach of parole usually it's 3 to 6 months, then they are let out on parole again. But if they do another offence, all parole is withdrawn until court is finished with. So, say for stealing a pushbike and parole is breached, the judge sentences the person to two years jail on the theft on top of his 4 years 8 months parole, which gives him 6 years 8 months to look at.

But then the judge will set a non-parole period, say of 2 years 8 months. So when that is done the bloke is thrown out again, this time with 4 years parole. And really what hope has he got?

My solution is, what one is sentenced to one does. So, say two years - do two years, no home Detention. Anyone who does murder has to do the

20 years straight and that's for every charge. So the barrel boys would never get out - 20 years for each count of murder.

All to be reviewed after 20 years done, and if the Parole Board recommends that one is to be set free, then release. And, of course, none of this protection for anyone - all should be thrown in together.

People nowadays see jail as a joke. Jail these days no one fears and the young don't give a shit and wreck the system for they weren't taught love or care by their parents who sit around on drugs and alcohol every day of the week and they themselves weren't loved.

The whole justice system in this state really does need to be looked at. Jail is going down hill pretty fast these days. Gangs are formed in society, safe in numbers and the same is happening in this world. You saw how the young are in here.

No caring or sharing, no love in their hearts. Not even a good word to say about the world out there. Soon I see packs of youth running amok. Jail used to be a deterrent but not anymore.

We are all crammed in here together, most cells built for one have two beds in, no time-out space, overcrowded and officers have to try and keep the peace.

I feel how one is treated in these places is how one gets out back into society. The officers ain't trained in mental health and some of these people honestly shouldn't be here. But the courts send them here not knowing they need help not jail.

Going the way it is, jail is sliding into a very hateful place and people are going to get hurt, rival gangs will clash, chaos everywhere. And me, I'll still be rowing my own boat in this ocean of heads.

The whole system needs to be looked at, from the courts to the prisons, to the Parole Board, to society itself. I don't have the magic answer but I do have a few suggestions. But I'm only a prisoner with a number. I do have 21 years of jail experience and I do see the places that need to change. I hope Mr P will be battling for me and maybe I can help from out there. Meantime I'll just sail on, my friend.

The system will get worse before it gets better. Rann's 'hard on crime and lock 'em up, rack-stack and pack 'em' is only uniting people, in here and out there in that world.

Let's see what he does in this four year term. Nothing except talk, piss and wind - and a lot of piss and wind at that.

I and others are forgotten, left for years in the dark. The light is turned on every now and again and yes, we are still there, light off again, until the next check.

Paperwork lost, no-one knows where, lied to, mixed up, shaken and stirred and no reaction.

On that note Mr T I'll sign off. Do write back as you know I will answer. Hoist the flag and be good my friend.

So, until next time, do say hello to those who count out there for me. You know this world I live in and I'll continue rowing on my own.

Your 5/8 Jimmy Earley - 40633.

When Earley's sister died the CTC management was prepared to take him to the funeral service, but head office vetoed it. On reflection the reason for this decision was indeed anticipatory. Of the 100-odd attendees a large segment was made up of Jim's former friends and colleagues. I can imagine a nasty bureaucratic mind deciding on those spurious 'tough-on-crime' grounds to deny him that final farewell.

This attitude has nothing to do with compassion and mercy for someone who has done his time and has shown remorse and has participated in all available programs. It is a political decision that he remains in prison. This contradicts the original program's aims for rehabilitation to be taken seriously at the Cadell Training Centre. There certainly is justice but too many individuals pervert its course, for whatever reason, and this is certainly the case with James Patrick Earley.

Chapter 31

MY MOMENT OF SHAME

Lila sent me a small calendar consisting only of the critical August–November blocks. This enabled me to have a good overview of how long I had to endure imprisonment. A first timer alone in a holding cell usually counts the seconds, then the minutes, then the hours, then the days and nights, then the weeks, the months and years.

For many who are not adjusted to being on their own it is a frightening experience. Hence the now usual suicide watch, which can be interpreted as isolation torture. No matter what the authorities do to prevent suicide, detainees who cannot take it any more often manage to terminate their life, and they will always be seen as victims of an oppressive system.

There is no calculation of time for lifers who have stabilised and accepted their sentence, but just a reversal of thought without visiting those darker thoughts of ending it all; only to get through each day at a time, with some hope that 15 or 20 years will pass somehow.

In this regard my 3-month sentence was a slight pat on the wrists. I plodded along at a steady pace, putting myself under pressure to get the painting done within the 11 weeks. Often I was in bed resting by 5 p.m. and by the 8:30 p.m. lock-up-time I was already asleep. The reward was that I was pleased that I did not maximise my \$2 weekly television hire. There was little on television that I liked but I did enjoy the new ‘Hey, Hey It’s Saturday’ program with Darryl Sommers. Perhaps this was because I thought back to my time at Channel 9 in 1965 when I was one of Professor

Browne's assistants on *Improve Your English*. The professor of education at the University of Melbourne did not think there was anything wrong with me.

I began my final painting on Tuesday morning, 10 November. The green posts of the orange signs were the last on my list. No matter that it was terribly hot, this old man got out there and collected the green paint that Mr Wren obtained specifically for the posts. As I painted each of the 16 posts I removed the sand at the bottom so that I could paint the posts below the soil surface as well. When the sandy soil blows away the non-painted part of the post emerges and looks untidy. This had annoyed me on my first walk around the track when I decided to do something about it.

By lunchtime my project was complete. I had painted more than 500 posts and rails white. The signs that started my painting venture were now in full bloom: 16 vertical green posts, about 1.5 m high, held a white horizontal sign on which in black letters were inscribed with 'Valencia Oranges', 'Navel Oranges', 'Navelina Oranges' and 'Common Oranges'.

Since the green paint dried within 8 hours I had time to cover the bottom of the posts with the soil I had removed beforehand. I decided to do this prior to the lock-up. In fact, I did it just after 6 p.m. when the temperature was still rather warm. I began my usual walk along the track, removing my T-shirt to balance the tan on my arms with a little on my body. As I approached the second wire cage that held the irrigation pump I noticed that a tractor – was it Snake? – had scraped the posts I had placed around its edge to prevent sand blowing into the cage. I repositioned the posts, then decided to check the other two cages although they were technically out of bounds, except during the day and if work brought prisoners there.

I saw myself now working overtime, as I had on other occasions, especially towards the end when I worked Saturday and Sunday mornings in order to complete the project. Overtime in this sense was not getting any extra pay. The posts at the end cages had also been interfered with, so I positioned them nicely. Unfortunately they did not have spikes which would have enabled me to fix them firmly into the ground.

Once done I looked up and realised I was just opposite the orange grove with the small cluster of lemon trees. At lunchtime I had already received

permission to collect half-a-dozen lemons. But in hot weather there is nothing more wholesome than a lemon drink and I wanted six more lemons. I strolled into the grove and suddenly I heard a radio transmitter crackling as a Hilux zoomed up and four officers commanded me to drop everything, meaning I had to empty my pockets of the evidence of my crime – picking lemons.

I cursed myself for letting this incident happen only two nights before my departure. The officers were firm and professional as they asked me to jump in the van. Off I was to the green room where a urine test was conducted, and I was stripped and went through the motions, including the squat!

I remained in the holding cell for about 20 minutes before I was told to get dressed. I was taken through the direct door to the Cell Block and marched to my cell. It was 7 p.m., an early lock-up for me. Then the embarrassment began with jibes and Jim, Shaun, Dan and other fellows asking, ‘What happened?’, ‘What did you do?’, ‘Get caught?’.

By now I was tired, but luckily the punishment was not too drastic. The cell door opened at 7 a.m. and I was again the first one out for the early morning coffee fix. Jim was right behind me. I told him what happened. He summed it up in a few words, ‘Your good 3 months work – all down the drain for this’. He gave me the thumbs down, and then said, ‘It’s not fair. Just like my record – all the good work I do counts for nothing. Fail one piss test and you start over again!’.

I knew that I would have to face the music and do some explaining. Edwards, Wallis, Fairly et al. were waiting for me around 8 a.m. No-one had to ask as I readily saw from their silent expressions that I should begin; thinking this is what the Categorical Imperative is all about, that moral impulse to explain a transgression, to rationalise and try to understand why I did what I did.

I could have lied and said that I was testing to see if the CTC system did work. I deflected that idea immediately. Instead I praised the system that had caught a transgressor. Nevertheless, they knew that I knew that they knew that I knew that I had stuffed up 2 days before my release! But I refused to find a scapegoat for my own frustration or to feel sorry for

myself. After all, it is only gentle passion that activates our reasoning powers.

And so, as is my habit, I looked through my papers and wrote things down. This is what Jim Earley has been doing throughout his long time inside, writing poetry. Here is one that expresses what I also felt, that alternation between anger and remorse:

It's a bitter sad reflection
When one drinks from the cup of shame,
And one's branded by a number
and forced to drop his name;
When you don these beastly garments
at the outcome of your crime.
It's a bitter sad reflection,
When you know you're doing time.

All night you are surrounded
By these four forbidden walls;
As you listen to the hours pass
When the key man does his calls.

Or maybe you are dreaming
of one you love so well,
When suddenly you are awakened
by the clanging of the bell.

You rise and fold your bedding
As you listen to its chime
Tis a bitter sad reflection
when you know you're doing time.

You head off to feed up
your heart it feels like lead,
As you reach for a plate of harmony,
And a lousy slice of bread.

For the trials of life are hard ones,
A long and weary climb;
But, fuck, it's harder
when you know you're doing time.

Jim Earley's poem about the incident that landed him his original life sentence speaks for itself:

Sometimes happy, sometimes sad,
This repeated living makes me mad;
Freedom taken, no life at all,
Taken from society, behind this wall.

Meet all sorts of people, oh, big deal:
Muggers, rapists, people that squeal;
Dogs, informers, that should be shot,
Remanded in custody, so fucken what?

The charge of murder should be dropped,
I shot a man who couldn't be stopped.
His gun, her house is where it went down.

And now I await the judge who's gonna go to town
On me, a man who ain't had much of a life;
Ain't got no children, ain't got no wife;
The girl in question is always on my mind,
I wish I never met her, her or her kind.

This little tale it must be said,
Never trust a woman, except in bed.
Find 'em and love 'em, be friends in general,
Or the next bloke she finds
might make it your funeral.

Jim's lament is justified where there is no hope of release, where the original sentence has been served and an additional sentence of five years is imposed by a politician's whim, then basic legal principles are compromised: the separation of powers and the concept of rehabilitation as demanded by the ideals of justice and mercy. What is happening here is that justice is replaced by revenge – and that does not help anyone because it also kills the soul of those who administer to the prisons.

Two weeks after my release a newspaper report revealed that there are smuggling problems in prisons. Since I have been in five prisons in three countries I can say with certainty that this phenomenon is not unusual. All over the world it is a fact of prison life that an alternate economic system begins to operate as soon as you have a community of individuals who are

trying to stay alive. Hence my call to have drugs decriminalised because only the financially poor, the socially not well connected and the poorly educated will get caught while within the police, judiciary, political groups etc. the real string-pullers get away with their drugging habits.

Deodorant in jail has a smell of suspicion

Miles Kemp, *The Advertiser*

November 26, 2009

PRISONERS are resorting to old-fashioned smuggling techniques such as hollowed-out books as they try to beat modern screening techniques in the state's jails.

One smuggling attempt thwarted on Tuesday involved a homemade tattoo kit packed into an empty Rexona-brand deodorant bottle, found by prison guards at Mobilong.

Correctional Services Minister Tom Koutsantonis said officers were aware of the growing trend to revert to historical smuggling strategies like books with pages cut out in the shape of the contraband, no matter how clichéd they were.

'Our Corrections officers are highly trained in detecting contraband in concealed places, and (finding contraband in a deodorant bottle) is a prime example of good intelligence work and detection,' Mr Koutsantonis said.

The contraband trade at Mobilong was driven underground earlier this year after security cameras captured a man throwing tennis balls filled with drugs over the prison fence.

The Tuesday bust was the result of a tip-off and search of Mobilong's medium-security Angas Unit. The deodorant bottle was found in the cell of a male prisoner who is serving time for serious criminal trespass, theft and property damage.

The bottle appeared normal on inspection, but officers found two electric motors used for tattooing and moisturisers inside the bottle.

Other items seized included syringes and 90 Champix pills, designed to help people quit smoking.

Mr Koutsantonis said the prisoner had been moved to a more secure unit pending an investigation.

He said the bust was one of several this year in the state's prisons. Others included a drugs package at Adelaide Women's Prison in September, cannabis, syringes, crystal meth, mobile phone and DVDs at Cadell Training Centre in June and cannabis and heroin at Mobilong in March.

In this context Peter Goers' article in the *Sunday Mail* of 4 October 2009 re-defines the concept of the outsider, the ratbag, naming names in the

process. Please notice that the individuals he lists includes dissenters who are swimming against the stream. Did not someone say only dead fish swim with the stream? Among some of those listed are individuals who through 'connections in corrections' have avoided jail time. That is an injustice perpetrated upon those prisoners who did not have those connections when it came to sentence-time.

I salute them all for giving a rats

Peter Goers, *Sunday Mail*, 4 October 2009

LET'S hear it for flaming bloody ratbags. They make life more interesting. This very Australian term gained currency in the 1930s but no one knows how, where or when it started.

A ratbag is an Australian eccentric with unpopular views doggedly espoused.

The term is a badge of honour and I've never known a ratbag who objected to the appellation. Ratbags are born not made.

Ratbags are contrarians maintaining their rage against the tide of popular opinion and at best we love them for it and at worst we offer grudging respect.

They never lack the courage of their convictions and seem immune to the slings and arrows of criticism. We are never in doubt as to what a ratbag thinks or what he (but rarely she) believes.

They are crusaders against the grain and that is a great Australian tradition worth celebrating and encouraging.

A ratbag is an anti-disestablishmentarian.

They haunt and enliven the letters pages of newspapers, which are all the better for them.

Ratbags are forthright but never objectionably rude - benign not malign. Cruelty disqualifies ratbaggery. Thus climate-change denier Andrew Bolt is a card-carrying ratbag but Holocaust denier Fredrick Toben ain't.

Ratbags are generally outsiders. They can be spoilers and knockers but rarely whingers.

A bit of ratbaggery adds curry. Tim Winton is a very fine Australian writer but only a bit of ratbaggery stops him from being truly great.

Sometimes today's ratbags are tomorrow's prophets on the rare occasion that they are right.

Until recently republicans were ratbags but now it's the intransigent monarchists who are the ratbags. Arch-loyalist royalist David Flint has now become a leading ratbag.

Hippies were once ratbags but now nostalgically celebrated and their ecological crusades have proved them right.

Communist, ecologist and conservationist Jack Munday was a ratbag and is now rightly lauded for his environmental vision as one of the great Australians.

I've always loved ratbags. They helped chart my life.

One of my favourite books is Keith Dunstan's 1979 *Ratbags*.

Current Australian ratbags are: Bob Ellis, ex-pollies Michael Pratt and Rob Sawford, councillors Ralph Clarke, Jim Jacobsen and Paul Wormald, pollies Michael Atkinson, Kevin Foley and Graham Gunn, Derryn Hinch, Peter Vaughan, Barry Humphries, Jeff Kennett, Paul Keating, Father Bob Maguire, Johnny Haysman, Andrew Jarman, Geoff Goodfellow, Phillip Adams, Rex Hunt, Prince Leonard of Hutt River Province, Corey Worthington, Frank Pangallo, Sam Newman, Wilson Tuckey and Bob Katter.

Every country town has its fair share of ratbags.

Historical ratbags; Jesus, Herod, Max Harris, Graham Kennedy, Joh Bjelke-Petersen, John Bray, Don Dunstan, Pro Hart, Jim Cairns, Percy Grainger, Steve Irwin, Ned Kelly, Jack Richards (former Mayor of Norwood), Jim Killen, Fred Daly, Frank Thring, Robert Helpmann, Jack Lang, Captain De Groot, John Gorton, Patrick White, Mo (Roy Rene) and Bruce Ruxton.

Notice all these ratbags are blokes - women are more conciliatory and reasonable but female ratbags - ratbagettes - include: Joy Baluch, Anne Wills, Fiona O'Loughlin, Stormy Summers, Sandra Kanck, Dawn Fraser, Lyn Breuer and the supreme queen of ratbags, Germaine Greer. If you believe in the divine right of kings, censorship, the death penalty, a flat Earth, aliens and most conspiracies, you are a ratbag.

If you admire George W. Bush and Sarah Palin, if you doubt that Barack Obama was born in America, if you are anti-inoculation, anti-fluoride, if you do macrame, sing in a male choir, are a vegan, go to every local council meeting, are a door-to-door Jehovah's Witness, a trainspotter, a bird twitcher, a ferret keeper, a pigeon fancier, or think products should have more packaging and you don't recycle, you are a flaming bloody ratbag.

Smokers are now ratbags.

Viva la Ratbag.

Keep tilting at windmills, unpopular causes must be supported to make a democracy interesting and worthwhile.

And yes, I'm a ratbag too.

There's an old poem by that greatest of all wits-anonymous which celebrates many Australians, including 'chromos' and 'polers', old words for harlots and spongers, and here's the poem;

Wowers, whingers, ratbags, narks,
Silvertails, galahs and sharks,
Knockers, larrikins and chromos,
Bengal lancers, bludgers, homos,
Botts and polers, spielers, lairs,
Advance Australia - you are theirs!

Peter Goers' problem is glaringly inherent in this piece where it is clear that it is his inability to augment his reflections to the point where truth becomes a guiding light, which is an inspiring ideal for most social critics. How much of this is owing to his personal hedonistic inversion problem I cannot estimate.

A far deeper and more considerate focus on what I am trying to achieve is presented by Clementine Ford who had her article published a day after Justice Lander handed down his judgment.

Toben and the case for free expression

Clementine Ford, May 16, 2009 11:30pm

THE French Enlightenment philosopher Voltaire is often claimed to have said: 'I may not agree with what you say, but I will defend to the death your right to say it'.

He also wrote, 'A witty saying proves nothing'. Take from that what you will.

Regardless, in Australia we imagine our opinions (and the right to express them) to be protected under the law. How else can we explain talkback radio? Unfortunately what seems to be the right of one does not necessarily extend to another.

In April, Adelaide resident and infamous Holocaust denier Dr Fredrick Toben was found guilty of contempt by a Federal Court because he had failed to remove material deemed offensive from his website. This week, he was sentenced to three months' jail. The judge has allowed him 14 days within which to lodge an appeal.

I accept that the judge had no choice but to punish for contempt because there had been clear disobedience with the Court order. However, my initial and continuing reaction to the situation is one of astonishment and outrage. Dr Toben is a misguided, seemingly racist, revisionist historian who believes the Holocaust is a lie perpetuated by a Zionist conspiracy. While he believes mass killings did occur, he denies they occurred on the scale currently accepted by the status quo.

But the last time I checked, being a) wrong and b) deluded were not jailable offences. However heinous Toben's views might seem, they

cannot in all seriousness be considered dangerous or threatening in a world where the existence of the Holocaust is not and can never be in question simply due to the presence of compelling evidence in its favour.

So why would the Executive Council of Australian Jewry – who brought the initial case against Toben – consider them as anything other than the bigoted ramblings of a foolish old man?

The fact is Jewish lobbies wield inordinate amounts of power in the Western world. We have wandered into dangerous territory whereby anything even remotely critical of Israel or its seemingly unending thirst for domination over the Palestinian people is labelled anti-Semitic.

Last December, Israel broke a ceasefire in Gaza and began a three-week campaign of bombings, invasion and destruction. More than 1300 Palestinians were killed, compared to the deaths of 13 Israelis – only four of whom were civilians. Yet Western governments, so anxious to justify their invasion of Iraq as ‘bringing peace’, were strangely silent when it came to criticising Israel’s actions.

Israel was founded in 1948, establishing a homeland for those Jews left transient after the war. But what of the Palestinians driven out to make way for Israel and subsequently persecuted? Would the fact my sympathies lie with them have the Executive Council attempt to silence my views?

The Burmese government is once again planning to imprison political agitator Aung San Suu Kyi, who has spent the last 13 out of 19 years under house arrest for expressing dissident views. She is unlikely to receive a fair trial, or indeed any kind of defence at all. The nobility of her cause is in no way comparable to the audacity of Toben’s.

But the principle remains the same.

We need to resist courts interfering with our right to freedom of expression. We may not like what one man has to say, but for the sake of freedom from dictatorship we should be prepared to defend to the death his right to say it.

<http://www.news.com.au/adelaidenow/story/0,22606,25487788-5015644,00.html>

Chapter 32

WELCOME HOME

12 November 2009: My exit from the Cadell Training Centre, thanks to Peter Hartung, occurred in some comfort because he picked me up by car and so I was spared a 2-3 hour bus trip to Adelaide.

The day began with the 7 a.m. unlocking of cell doors, enabling those who so wished to dash to the kitchenette for breakfast. I have my usual breakfast – in my specially made ‘Arbeit Macht Frei’ mug that has been in the microwave oven for 1 minute and 20 seconds.

During my stay some fellows would look at me with bemusement when I had breakfast. They did not mind my eating toast made from bread produced at Mobilong Prison, on which I place a generous helping of lovely apricot and raspberry jam. That was understandable but to eat Weet-Bix out of a mug – that was going too far, until a fellow reminds us that he would now and again sprinkle some Milo on his bowl of Weet-Bix or cornflakes.

That is the point, of course: a bowl is fine but to use a mug, that is a problem for some. It reminds me of the fishy story and the labelling of inmates as ‘dogs’ in a derogatory way.

The 8 a.m. parade is striking for the fellows see me in my suit with a white shirt and tie. Prisoners are not allowed to wear ties upon entering the system because, like belts, they can be instruments of harm, especially of one’s self.

I sat with Jim and the others at the table while awaiting the call to Property. When it comes I bid my mates of 3 months farewell and look for Grant of Maintenance who is with the other maintenance officers in their Dormitory office complex. I thank them all for having been ... Been what? What is the term I am looking for? Yes, for having been 'excellent professional prison officers'.

On a daily basis I saw them interact with the prisoners and marvelled at their sometime patient ways of handling situations. This is the tone emanating directly from Shaun Edward's office, the man who has been serving this establishment for more than 30 years. His somewhat fatherly approach to his duty accentuates what I feel about the inmates generally - lost boys who were never properly cared for at home or at school and who then became fodder for any predatory impulse of which we have so many within our society who all too readily hawk their values as loudly and enticingly as possible to the vulnerable, to those floundering - without a mentor - in that huge sea of life's stark realities.

On 29 January 2007 this professionalism was publicly recognised. And rightly so because what I witnessed at Cadell during the 11 weeks I spent there leads me to the same conclusion. A 3-month period is long enough to evaluate the atmosphere of a place, a community's ambience.

Awards for Correctional Services' finest

South Australian Correctional Services staff have been recognised for their outstanding professionalism and conduct at an official awards ceremony today at Adelaide Town Hall.

Correctional Services Minister, Carmel Zollo, who presented the 2nd Department for Correctional Services Awards, says each of the individual and team award recipients play an important role either directly or indirectly in creating a safer community in which we can all live.

Grant Cameron

Grant has an outstanding commitment and dedication to his work and to the prisoners for whom he has been responsible. Whether in his role as a Building Services Officer at Cadell Training Centre or interested and supportive Coach in sport, Grant has made and taken the time to teach, guide, coach and train prisoners in trade skill acquisition and non-judgemental team work.

Of course, as a teacher I worry about the use of the term non-judgemental as that is a remnant of a failed pedagogical philosophy. There is no such thing as non-judgemental action. I had that run-in with teachers during the 1980s in Victoria where the concept was providing students with value-free learning.

All human behaviour is value-laden and judgemental. Once we realise this, then we can be honest about the subjectivity of all our doings, and then the real task begins to attain some kind of objectivity that embodies a universal value, which applies to all humans irrespective of race, religion, class – and whatever else divides us.

It is such musings that cause me to scoff at those individuals who pretend they are doing something worthwhile when they are fighting ‘racism’ or ‘anti-Semitism’, for example. Such individuals are merely protecting their own biases without being honest about it. Such individuals have never grown up emotionally or intellectually and their viewpoint, their worldview, is often embedded in that infantilism of which primitive Talmudic-Marxist-Feminist ideology remains its hallmark to this day.

* * * * *

From the Dormitory I walk to the Case Management Centre and bump into Mr Wallis who reminded me of my university mate, Ian Wallis, but he was not related. Wallis’ office in the Cell Block seemed abuzz with activity whenever relocations occurred. I know that he had an understanding for those who wished to have a single cell.

Surprisingly, as in Wandsworth and Bedford prisons in England, and unlike in Germany, anyone here at Cadell wishing a single cell had to misbehave – bash up their cellmate – and then receive the single cell as a form of punishment. There is something not quite right in this form of logic, and I have not yet worked out what is odd about it.

Then it was off to bid Mr Reece my farewell and again thank him for having gone out of his way in making the Case Management Centre’s phone available to me during my mother’s dying days. When the news of my mother’s death came through Mr Oates was also present in Mr Reece’s office, perhaps observing how I would take that news – in my usual way I

cry inside without having any histrionics about such a sad event. It is, I assume, a mature way of responding to the inevitable, inexorable process of life: birth, marriage, death!

At Property Peter had done a splendid job with my belongings. The mail was packed in a large plastic bag and my mugs were packed nicely in two cardboard boxes. Peter, a paternal man, had at one time been in charge of a car dealership, and now essentially sets the tone when new inmates arrive and depart – and throughout the intervening time controls matters of mail and property for all prisoners.

It is not an easy task because many prisoners, for whatever reason, consider their life to be more important than the community into which they move, and so the all-too-often destructive dichotomy emerges and interferes with harmonious living. The them-us mindset: them = prison officers, 'screws'; and us=criminals, victims of oppression!

Peter would help anyone if he felt he could justify it but when fellows came along in a schoolboy naughtiness mood, then he would pull out the rules and regulations, as is appropriate in a climate where the victim mentality is writ large.

Then it was time for an officer to open the front door where Peter Hartung approached me from the car park. Yes, he had the Audi splendidly polished with its hood down. As we loaded up the car I wondered what had happened to my 3 months in prison – it seemed as if I had been away for a long weekend only. Such is the power of the mind, to blend out hurtful events in one's life. However, play the victim for a lifetime and the wailing and gnashing of teeth never stops, always needing a scapegoat, never growing up, suffering perpetual puberty blues.

From Cadell it was a slow trip to Adelaide because we were in no hurry. That is one thing all prisoners learn while inside – patience. Nothing hurries you along because you go with the flow and not your own willpower. Again I recall what Willis Carto said to me before we parted and I faced arrest in England in 2008. I asked him how he felt when he was faced with the prospect of legal action stemming from the stealing, through legal action, of the Institute of Historical Review by Mark Weber and other

Revisionists who felt they could enrich themselves without working for it: 'It, too, will pass!'. Indeed!

That evening I attended a welcome home reception at the Marryatville Hotel on Kensington Road, just a few minutes away from home. Am I gloomy or what is up with me? I am tired after exiting Cadell Training Centre in the morning and after 3 months of the quiet life perhaps I am a little overwhelmed by the reception.

There was a letter of apology for non-attendance:

Dear Dr Toben,

I write to you today on your release from the Cadell detention centre/jail or whatever the Jews want to call it. Let me start by saying to you that I remembered you in my prayers every day. I prayed for your strength, sanity and health while you were at Cadell.

I visited the Adelaide Institute website on a daily basis for updates on your welfare and to support Peter in his fight for the truth while you were 'away'. As you can see much has happened in three months.

I am terribly disappointed that I can not attend your honourary dinner tonight, but I hope to meet up with you soon. I guess like all of your supporters we are all asking the same question. What now for Dr. Töben? What does he intend on doing now?

I will let you answer that question for us. I did not suppose that for one minute that you would be investing in a golf set and setting off down to Victor Harbour for a 'quiet' retirement as the Jews have hoped you would or should do!!

I often start the day in prayer and meditation. It is interesting to note that on the day of your release the bible verse of the day at the top of my devotional was that quote from the gospel of St Mark. I put it at the top of the letter for you to read it. I do not think that it is a coincidence that it is the verse for today because it is a verse that glaringly speaks to you also and to your fight.

You **MUST** continue the fight. **WE** all must continue in exposing lies and the wicked works of darkness. I personally believe that it is also spiritual for the Zionist Jews. The Jews crucified Christ. If the Son Of God was fair game to them, then we mere mortals are fairer game to them also!

The Jews, unfortunately are masters of deception. The majority of Judeo-Zionist activities over history reveals that Jews have gone down the sewer of humanity progressively, entering a realm of racism, sadism, narcissism, psychopathy, ignorance and its mirroring arrogance,

amorality, vulgarity, depravity, war-mongering, genocide, theft.... these actions have thrown Jews back into the dark ages, with middle age mentality to say the least!

I apologise if I wrote too much but these people always without fail make my blood boil. I agonise between praying for them, forgiving them and downright cursing them all with the same breath.

I will end by saying I am truly happy that you are out of jail and that you are now physically free to carry on with the fight. They might have physically detained you but you and I know that your mind, heart and soul remained free.

Always,
Suzanne Sweaney

David Brockschmidt gave a 'Release Oration':

Welcome home after doing time for Jones and Klein. You are looking healthy and fighting fit, thanks to your stay at Mike Rann's health farm in Cadell SA. We are all fighting fit, too, in order to take on the traditional enemy with pen and paper. Let me be a prophet here this evening and say that truth can only be one. The ones that judged you today will be judged tomorrow. Historical revisionism will bring judgment day forward for the official liars and deniers. Again, welcome home.

My message that day through the Internet email list was:

I'm back -

- 20 years ago on 9 November the Berlin Wall fell and offered physical freedom to those imprisoned under the Communist joke.

- now over 60 years ago the mental Berlin Wall - of the mind - as expressed in the Holocaust needs to be torn down - so as to liberate peoples in western democracies who believe that Germans systematically exterminated European Jews in homicidal gas chambers.

- why is important to demolish the Holocaust lies? Truth-telling is a moral virtue and leads to trust which is a moral virtue needed to have sustainable and well-functioning communities. The Holocaust dogma is perverting our understanding of world history, and is distorting and twisting our own world view.

- think of the Palestinians and how they are being systematically exterminated through the construction of the Jewish-Israeli wall in Palestine.

Cheers
Fredrick

As there is always a concern when mentioning names in this Revisionist work of mine, some individuals do not wish to have their names acknowledged, but the following do not mind being transparent about their work: John Fitzgerald, Glen Ivory, Harm, Karl, Fariborz Moshfeghi Nejad, Neworder, Christian Lindtner, Edgar J. Steele, Gerard Menuhin, Jane, Joe Blazevic, Mary Maarschalk, Maurice, Wolfram, Craig and Suzanne, John de Nugent, Yvonne, Tom Sunic, Steve Campbell, Raja Chemayel, Michael Walsh, Olga Scully, John Bayldon, Ibrahim Alloush, Randulf Johan Hansen, G Nicholls, Peter Bridge, Richard Krege, Josef Schwanzer, Dr Claus Nordbruch, Dr Hesham Tillawi, Paul Angel, Ilona Oertl, George and Julia, Trystan Mordrel, James Damon, Sylvia, Günter Deckert, Arthur R. Butz, Heinrich Schliersee, Hanne, Jim Dean, Elisabeth and Andrea Carancini.

In conclusion there is this media response:

Holocaust denier says he's 'unbroken' after prison

JTA, November 19, 2009

SYDNEY, Australia – A Holocaust denier released from an Australian jail after publishing material offensive to Jews says he is 'unbroken' and 'unrepentant.'

Dr. Fredrick Töben, the founder of the Adelaide Institute, emerged from three months in a South Australia prison on Nov. 12. The Federal Court had found him in breach of a 2002 court order to remove all offensive material from his institute's Web site.

Töben's site this week carried a message saying that he is 'unbroken and unrepentant,' and appears 'refreshed and relaxed' after his 'little holiday.'

The site features three links to video clips on YouTube during which Töben, 65, vows to continue his work 'demolishing the Holocaust.' It also carries a banner saying that 'The days are numbered for the greatest lie in the history of mankind.'

Töben also spent two months in Wandsworth Prison last year as German authorities tried unsuccessfully to extradite him on a European Arrest Warrant for publishing Holocaust denial material -- a crime in Germany. Töben was arrested at Heathrow Airport on his way to Dubai from America. He had spent several months in prison in Germany in 1999 for denying the Holocaust.

<http://jta.org/news/article/2009/11/19/1009296/holocaust-denier-says-unbroken-after-prison>

POSTSCRIPT

Töben to test his boundaries

Wimmera Mail-Times, 13 January 2010

Controversial Wimmera writer Fredrick Töben is planning a trip to America to launch his latest book, *50 Days in Gaol*. He aims to launch the book in Washington at the beginning of February, but he must first renew his American visa.

Because of his imprisonment in South Australia for three months last year on contempt of court charges, he has had to obtain a national police certificate for the visa application. If he gains a visa and flies to America, he will risk arrest by German authorities again. He is willing to run the risk.

‘I am doing it on purpose,’ he said. ‘I am not a criminal, but the world is my prison.’ Germany has an arrest warrant out for him under section 130 of its penal code – forbidding people from denying the Holocaust.

Headlines

Dr Töben captured world headlines in 2008 when he was pulled off a plane at Heathrow Airport, London, and held in jail while Germany tried to extradite him. His new book, printed last week and yet to be launched, details his SWAT-style arrest on Flight AA98, his legal battle to avoid extradition, his 50 days in prison and the swirl of manoeuvring, polemics and drama surrounding the case.

Sub-titled Dr Fredrick Töben’s *Global Battle for Free Speech*, the book includes a lengthy foreword by Gerard Menuhin, son of famous violinist Yehudi Menuhin.

Dr Töben has now spent time in five prisons – all for his belief in free speech, particularly relating to his views on the Holocaust – Mannheim, Germany, in 1999, Wandsworth and Bedford prisons in England in 2008, and Yatala Labour Prison and Cadell Training Centre in South Australia last year.

During his time in Yatala and Cadell, the 65-year-old former Goroke teacher lost 13 kilograms. He spent a considerable part of his time cleaning and painting. 'I was 'poster boy' in the prison's newsletter, the Cadell Courier, in November,' he said. 'I almost single-handedly cleaned it up - like a good German. [At Yatala] My punishment was cleaning my cell. But it wasn't punishment because cleanliness is a godly virtue. 'As a teacher I never gave yard duty [as a form of punishment] because it gave the wrong message that a cleaner was not worth much.'

He said [some] people in prison were forgotten by the system. Many were not well educated, without good social connections. About 80 per cent were in for drug-related offences, and received 'liquid handcuffs' - methadone for their addiction. He believed drugs should be legalised, under strict controls, to minimise their destructive repercussions.

Dr Töben is now working on his next book, provocatively titled *Arbeit Macht Frei* - 'work makes you free', the message over the entrance to Auschwitz.

EPILOGUE

EXCLUSIVE: HOLOCAUST HOAX AUTHOR RESPONDS TO CONTROVERSY

Dan Harris, ABC News

Good Morning America, 18 February 2009

Dan Harris: Herman Rosenblat does have a real story of survival in a Nazi concentration camp, a story that is genuinely extraordinary. But as he explained to us in this exclusive interview he felt he needed to make things up to get people to pay attention.

>>The greatest love story we've ever told on this show<<

Herman Rosenblat received international attention for his story about being a hungry little boy in a Nazi concentration camp who was thrown apples every day by a little girl on the other side of the fence. Years later, according to the story, Rosenblat met that same girl on a blind date in New York City and he proposed on the spot.

Herman Rosenblat: I used to come by every day and bring the apple I had in my jacket and a piece of bread, and I used to say, 'I'll see you tomorrow.'

DH: The story landed Herman and Roma Rosenblat on Oprah twice and in newspapers all over the world. They also got a book and movie deal. But the story wasn't true.

Why did you do it? Why did you tell such a big lie to so many people for so long?

HR: It was not a lie. It was my imagination and in my imagination, in my mind, I believed it. Even now I believe it that she was there and she threw the apples to me.

DH: How can you say it wasn't a lie, it wasn't true and you know

HR: Yes, it's not true, but in my imagination it was true.

DH: Rosenblat said he made the story up to give people hope and to promote understanding about the Holocaust, but members of his own family say his real motivation was money.

So you were not motivated in any way by money?

HR: No.

DH: This is from your son, he said you were lying for years and he couldn't get you to stop, and here's the quote: 'It was always hurtful. My father is a man who I don't know.' How do you respond to that?

HR: I don't know. I can't respond to it. I don't know why he said that. Maybe I lost him.

DH: Herman and Roma Rosenblat told their false story publicly for more than a decade but it all fell apart about six weeks ago after Holocaust scholars proved that it was physically impossible for prisoners to approach the fence at the concentration camp where Herman was kept, and that Roma's family was actually more than 200 miles away at the time.

Why did you wife agree to go along with it? Did she ever express...

HR: Because she loves me!

DH: Why is she not here today?

HR: Because I don't want her to be here today. It's too much, too much going on.

DH: Was it difficult for your wife to have to go out there publicly and tell a story that she knew wasn't true?

HR: It was. It was, but she loves me so much that if she thinks that's good for me she'll go along.

DH: Rosenblat is remarkably unrepentant about his years of lying:

The Oprah Winfrey Show: HR: 'I pronounce my love for you forever!'

DH: When you look at that, does that make you feel uncomfortable?

HR: No.

DH: You think that was the right thing to do?

HR: Yes.

DH: And while you're up on the stage there, and while those people ...in the back of your mind...

HR: Yes...

DH: ...were you not thinking...

HR: No...

DH: I'm not telling the truth here.

HR: No.

DH: Let me ask you just quickly...

Harris Solomon: I didn't hear you say that we agreed to that ...did we agree to that?

DH: Our interview was frequently interrupted by this man Harris Solomon who says he's planning to produce a fictionalised movie account of Rosenblat's story despite complaints from critics.

HS: If you look on Holocaust denier websites right now you, they're using it as we speak as an example of why you shouldn't believe Holocaust survivors.

DH: Right.

HS: And those Holocaust denier websites would perpetuate some other story if it wasn't Herman Rosenblat.

DH: Rosenblat says he wants people to know that he did what he did with good intention.

So if you had to do it over again, would you tell the same story?

HR: Ya.

DH: You would?

HR: Yes.

DH: Rosenblat does say that he's sorry but he's only sorry he says that people took the story 'the wrong way'. His book deal for a non-fiction memoir fell through a couple of weeks ago because of this controversy but a fictionalised book may come out this summer and the movie version is supposed to start shooting this summer as well in Eastern Europe, Diane, and they said they'll carry on despite the criticism.

Diane Walters: I simply don't know what to say. I mean, it's his imagination but he knows it's not true.

DH: He says he made up a fantasy world and that he was living in this fantasy world

DW: And his son said he tried to stop him.

DH: Yes.

DW: Good heavens. Thank you Dan

Olga Lengyel: *Five Chimneys*.

First published Avon Edition 1947; first Panther edition February, 1959; this edition reprinted May 1961.

>>'...Thank you for your very frank, very well written book. You have done a real service by letting the ones who are now silent and most forgotten speak...With best regards and wishes, A. Einstein.'<<

>>There were two roll calls daily, the first at dawn, the second at about three in the afternoon. It was at these hours that we had to be present. Before the roll call was actually called, we had to wait many hours. While waiting, no matter what the weather, we remained standing: fourteen hundred women in front of each barrack, thirty-five thousand in the whole camp, two hundred thousand in all the camps of the Birkenau-Auschwitz area. When we were accused of some infraction of the rules we had to go on our knees and wait in the mud and dirt.<<
P.49

>>Everyone had to be present at the roll call, the sick, too. Even those who were ill with scarlet fever or pneumonia had to be there. All the stricken internees who could not stand were laid on a blanket in the first row, next to the dead. Everyone had to be present: there were absolutely no exceptions, not even for the dead.<< P. 49-50

>>We had a few very young inmates, many practically children, in our camp. They were required to appear at the roll calls. Permitted to live a while by the Germans, these little girls, thirteen or fourteen years old, shared all the hardships of the camp life. And yet, they were privileged compared to the Jewish children of the same age, who were immediately sent to the gas chambers.<< p.51

>>The treatment which the children received was unbelievable. For the punishment they were forced to kneel for hours at a time, sometimes with their faces turned toward the broiling sun, sometimes with stones on their heads, at other times holding a brick in each hand. No more than skin and bones, these children were dirty, starved, ragged, and barefoot. They were a pitiful sight.<< p.51

>>Yet there was a certain wildness in Mengele's eyes that made one easy. During the selections he never said a word. He merely sat whistling to himself while he pointed his thumb either to the right or to the left, thus indicating to which group the selectees were to go. Though he was making decisions that meant extermination, he was as pleasantly smug as any man could be.<< p 52

>>In addition to the roll calls, there was also what was called a 'Zahlappel,' which took place inside the barracks. Suddenly, the building would be isolated and the chief S.S. physician, assisted by a woman doctor, who was in charge of the deportees, herself an internee, would march in and proceed to make additional selections. The women were ordered to divest themselves completely of their rags. Then, with their arms in the air, they marched past Dr. Mengele. What he could have seen in these wasted figures I cannot imagine. But he picked his victims. They were made to climb into a truck and were taken away, still entirely nude. Each time, this spectacle was both tragic and humiliating. Humiliating not only for the poor sacrifices, but for all humanity. For these destitute souls now being driven to the slaughterhouses were human beings—like you and me.<< p.53

>>Two barracks had been turned into washrooms. Across each building two metal pipes ran, carrying water to the taps, which were placed about forty inches apart. Beneath the pipes was a sort of trough intended to catch the water. Most of the times there was no water at all...Every day a dense crowd swarmed outside the building. This herd of dirty, evil-smelling women inspired a profound disgust in their company and even

in themselves. However, we did not congregate with any intention of washing but rather in the hope that we would be able to quench our constant thirst. What was the point of going there to clean up when we had no soap, no toothbrushes, and no combs?...Besides, precious water meant something to drink. Our water ration was absurdly minute. Tortured by thirst we never missed a chance to exchange our meagre pittance of bread or margarine for a half pint of water. Better to endure hunger than hell-fire that was constantly gnawing at our gullets. The water that came through the rusted washroom pipes smelled evilly. It had a very suspicious color and was hardly fit to drink. But it was no less joy to swallow a few drops, even though we might pay for the temporary relief with an attack of dysentery or some other disease. This water was better than the rain which stagnated in the puddles; some internees lapped this slop like dogs, and died. ...What price we paid for a half pint of water! Yes, sometimes, at a very moment one raised the dearly acquired liquid to her lips, another internee tore the glass away. What could anyone do? The unwritten laws of the camp did not sanction such aggression. That did not soothe the victims in this jungle. Perhaps the Germans wanted to infect us with their own Nazi morals. In most cases, they succeeded. << p.56-57

>>Two huts were provided for the latrines. Each latrine consisted of a paved ditch about a yard deep. On top, two cement chests, like enormous boxes, about 30 inches high, were mounted. Each chest contained two holes to meet the needs of our vast population. There were about 300 of these in the camp. ...Each day they had to be cleaned. For such a task, intellectuals—doctors or teachers—were usually preferred by our masters. ..During the ‘free’ hours, access to these latrines was no easier than to the washrooms. We had to jostle each other to get in and once inside, we had to wait our turns. If one had to hurry she exposed herself to serious penalties. Still, haste was hardly possible as long as great numbers of internees suffered from chronic enteritis. This malady was responsible for the uncleanness around the latrines. The sick who were incapable of holding back relieved themselves near the barracks. If they were discovered their overseers beat them savagely. A total lack of paper was another difficulty that made personal hygiene impossible, to say nothing of the cleanliness of the latrines.<< p.58

>>Three weeks after I arrived in Auschwitz, I still could not believe it. I lived as in a dream, waiting for someone to awaken me...Through this concert of misery, I suddenly heard a kindly human voice. I roused myself and glanced at the top of the koia. A handsome blue-eyed man in a striped uniform leaned down from the third tier. I was surprised to see a man. This was a woman’s barrack. Since morning he had been

repairing the bunks, but I had been so lethargic that I had not heard him hammering. He looked at me and said, 'Chin up. What's the matter with you?' I stared but did not answer. So he climbed down. I saw that he was tall. His eyes were a clear, sparkling blue; ...How could a man smile in this camp? I found somebody who had not succumbed to the spiritual degradation...I learned he was Polish and that he had been in prison camps for four years, ever since the fall of Warsaw...Every day thereafter he came to repair the beds...I felt his arms around my waist. His other hand touched me and began to fondle my breasts...In learned afterwards that his was the finest style of love-making in Auschwitz. The ordinary approach was much more crude and to the point. I stood there silently, tears running down my cheeks.<< p.61-62

>>For many days, selections, the gas chamber, and the crematory oven had been the subjects of long arguments in our barrack. My companions believed that all the stories were largely fantastic rumours and nothing more. I already knew that a selection meant the gas chamber. Many others had also learned this secret, but it was as difficult to get the majority to understand as it is difficult to make the reader fathom the conditions under which we existed. We were no more than a few hundred yards from the so-called 'bakery,' and we could smell the sweetish odor that wafted from it. They burned people in the 'bakery.' Yet, after months of internment there were still people in the camp who could not believe that it was possible. Why did they refuse to accept the truth? I asked myself that many times. Perhaps they doubted because they did not want to believe. Even at the moment when they were being pushed into the gas chamber, many effused to believe. Magda was such an optimist.<< p.65-66

>>Often I was in a dilemma. What attitude should I take toward those who refused to believe that there were gas chambers and crematories? Should I let them continue to think that the whole story was idle gossip, a cunning instrument in the hands of a sadistic blocovac when they wanted to frighten us? Was it not my duty to enlighten my fellow-sufferers? If I did not convince them of the cruel truth, they might offer themselves at the next selection.<< p. 66

>>For weeks there were no facilities for the care of the sick. No hospital for health services had been organized and no pharmaceuticals products were available. One day we were told that we were finally to have an infirmary. But here again they used a magnificent word to describe a piddling reality.<< p.69

>>Later that same day I had to accompany Dr. Klein on his rounds. ...One of the sick remarked to him, 'We appreciate your kindness, Herr Oberarzt,' and she went on to say that some people in the camp

pretended that the sick were sent to the gas chambers. Dr Klein simulated surprise. With a smile he said, 'You don't have to believe all the silly things they say around here. Who spread this rumor?' I trembled. Only this morning I told this poor creature the truth.<< p. 74

>>At last the 'Red Cross' trucks would come and the sick would be packed into them like sardines. Protests were useless. They were piled one on top of another. The German responsible for the shipment locked the door and took his place beside the driver. The truck started its trip to the gas chamber. That was why we dreaded taking contagious cases to the 'hospital'.<< p.75

>>The dissemination of 'false news' was forbidden by the Germans on pain of death. But what was death? I did not even think of it.<< p.79

>>In the beginning, those who were condemned to death at Birkenau were either shot in the forest of Brzezinski or gassed at the infamous white house in the camp. The corpses were incinerated in a 'deathpit.' After 1941 four crematory ovens were put into service and the 'output' of this immense extermination plant was augmented vastly. At first, Jews and non-Jews were sent to the crematory equally, without favor. After June, 1943, the gas chamber and the crematory ovens were reserved exclusively for Jews and Gypsies. Except for reprisal or by error, Aryans were not sent there. But generally, Aryans were executed by shooting, hanging, or by poison injection.<< p.80

>>Of the four crematory units at Birkenau, two were huge and consumed an enormous numbers of bodies. The other two were smaller. Each unit consisted of an oven, a vast hall, and a gas chamber. Above each rose a high chimney, which was usually fed by nine fires. The four ovens at Birkenau were heated by a total of thirty fires. Each oven had large openings. That is, there were 120 openings, into each of which three corpses could (sic) be placed at one time. That meant they could dispose of 360 corpses per operation. That was only the beginning of the Nazi 'Production Schedule.'

Three hundred and sixty corpses every half hour, which was all the time it took to reduce human flesh to ashes, made 720 per hour, or 17,280 corpses per twenty-four hour shift. And the ovens, with murderous efficiency, functioned day and night.<< p. 80

>>However, one must also reckon the death pits, which could destroy another 8,000 cadavers a day. In round numbers, about 24,000 corpses were handled each day. An admirable production record—one that speaks well for German industry.<<

Even while in camp I obtained very detailed statistics on the number of convoys which arrived at Auschwitz-Birkenau in 1942 and 1943. Today the Allies know the exact number of such arrivals, for these figures were

attested to many times in the course of the war criminals' trials. I shall cite only a few examples... << p.81.

>>I have the figures only for the months of May, June, and July, 1944. Dr. Pasche, a French doctor of the Sonderkommando, in the crematory, who was in a position to gather statistics on the rate of the extermination, provided me with these:

May, 1944 360,000

June, 1944 512,000

From the 1st to the

26th of July, 1944 442,000

1,314,000

In less than a quarter of a year the Germans had 'liquidated' more than 1,300,000 persons at Auschwitz-Birkenau!<< p.81-82

<<According to the evidence of former internees at Birkenau, many eminent Nazi personalities, political men and others, were present when the crematory and the gas chambers were inaugurated. They were reported to have expressed their admiration for the functional capacity of the enormous extermination plant. On the inauguration day twelve thousand Polish Jews were put to death, a minor sacrifice to the Nazi Moloch.<< p.85

>>From the eyewitness reports, one can gather what the spectacle in the gas chamber was after the doors were opened. In their hideous suffering, the condemned had tried to crawl on top of one another. During their agonies some had dug their fingernails into the flesh of their neighbours. As a rule the corpses were so decompressed and entangled that it was impossible to separate them. The German technicians invented special hook-tipped poles which were thrust deep into the lesh of the corpses to pull them out.<< p.86

>>Once extracted from the gas chamber, the cadavers were transported to the crematory. I have already mentioned that it was not unusual that a few victims should still be alive. But they were treated as dead and were burned with the dead. A hoist lifted the bodies into the ovens. The corpses were sorted metjodically. The babies went in first, as kindling, then came the bodies of the emaciated and finally the larger bodies.<< p.86

>>Meanwhile the reclamation service functioned relentlessly. The dentist pulled gold and silver teeth, bridges, crowns, and plates. Other officials of the Sonderkommando gathered rings, for, despite every control some internees had kept theirs. Naturally, the Germans did not want to lose anything valuable.<< p.87

>>The Nordic Supermen knew how to profit from everything. Immense casks were used to gather the human grease which had melted down at

high temperature. It was not surprising that the camp soap had such a peculiar odor. Nor was it astonishing that the internees became suspicious at their sight of certain pieces of fat sausage!<< p.87

>>Even the ashes of the corpses were utilized—as fertilizer on the farms and gardens in the surrounding areas. The ‘surplus’ was carted to Vistula. The waters of this river carried off the remains of thousands of unfortunate deportees.<< p.87

>>The life of a Sonderkommando was truly infernal. Many among them went insane. Often a husband was forced to burn his wife; a father, his children; a son, his parents; a brother, his sister. At the end of three or four months in such an inferno the workers of the SOnderkommando were ready for their turn. The Germans had included that in the schedule. The men were gassed and then burned by those who had been brought up to take their places. The extermination plant could not let up in production even while it changed personnel.<< p.87

>>I had then two reasons to live: one, to work with the resistance movement and help as long as I could stand upon my feet; two, to dream and pray for the day to come when I could go free and tell the world, ‘This is what I saw with my own eyes. It must never be allowed to happen again!’ << p.88

>>Despite ferocious disciplinary measures, we had a thriving black market. Prices were determined by the scarcity of commodities, the inadequacy of rations, and, of course, by the risks involved in securing the article.<< p.90

>>Although I worked in the infirmary, for a while I also had to help carry the corpses from the hospital. As though that were not enough, we had to clean the bodies, a horrible task because they had been our former patients; and besides, our supply of water for washing the living, to say nothing of the dead, was severely limited. When we were done we had to throw the dead upon a heap of rotting cadavers. When we finished we had nothing with which to disinfect or wash our own hands.<< p.94

>>In many instances the inmates revealed signs of mental deterioration. They lost their memory and ability to concentrate. They would spend long hours staring ahead of them without the slightest sign of life. Finally they became disinterested in their fate, and, almost with complete indifference, allowed themselves to be taken to the gas chamber. This sottishness, of course, made things easier for the Germans.<< p.96

>>One day in June, 1944, 315 ‘selected’ women were pushed together into a washroom. In the big hall the unfortunate ones had already been kicked and whipped. Then Irma Griesse commanded the S.S. guards to nail the door shut. As simple as that. Before being sent to the gas

chamber they would have to pass in review before Dr. Klain. But he made them wait three days. During this time the condemned women lay crushed together on the concrete floor without food or drink or the use of a latrine. They were human beings, but who cared about that. ... 'Herr Oberarzt,' I said to him, trembling all over, as we began our rounds, 'surely there must have been some mistake in the last selection. There are people shut up in the washroom who are not sick. Perhaps it's not worth while to send them to the hospital.' I pretended that I did not know of the existence of the gas chamber.<< p.101

>>As I turned, I saw Irma griese coming from the Fuehrerstube, her whip in hand, to designate the next batch for the gas chamber. Why she did not send me there, or shoot me, or put me to death in some more evil fashion, I could never guess.<< p105

>>The most poignant problem that faced us in caring for our companions was that of the accouchements. As soon as a baby was delivered at the infirmary, mother and child were both sent to the gas chambers. That was the unrelenting decision of our masters. Only when the infant was not likely to survive or when it was stillborn was the mother ever spared and allowed to return to her barrack. The conclusion we drew from this was simple: the Germans did not want the newborn to live; if they did, the mothers, too, must die. ...Yet I try in vain to make my conscience acquit me. I still see the infants issuing from their mothers. I can feel their warm little bodies ad I held them. I marvel to what depths these Germans made us descend.<< p.110-111

>>Generally, pregnant women who came in the Jewish transports were immediately ordered to the left when they arrived at the station.<< p.112

>>Why would anyone here believe anything the Germans said? First, because many never saw the final horrors until it was too late for them to communicate the truth to their neighbours. Second, because no human being could fathom the ends of which they were capable, which they plotted daily, and which was part of their master plan for world conquest.<< p.113

>>In the camps of Auschwitz-Birkenau and, later, everywhere, many stories circulated about the tattooing of the prisoners. One would think that all the internees were tattooed upon arrival. Some believed that tattooing safeguarded one against being sent to the gas chamber, or that, at least, a special authorization from Berlin would be necessary before a registered-tattooed internee could be put to death. Even in our camp many were convinced of that. Actually , as in so many matters, there was no fixed regulation. Sometimes all deportees were tattooed when they arrived. Then again there was laxity, and over a period of months the ordinary deportees were not tattooed at all.<< p.115

>>Incidentally, the people in the camp were chiefly Gentile, rather than Jewish ...Indeed, the population of Auschwitz was about 80 per cent Gentile. The reason was no secret. Most of the Jews were immediately sent to the gas chamber and the crematory ovens.<< p.117

>>In 1944 a large number of priests arrived in Auschwitz. They were put through the usual formalities; bathing. Clipping, and search. The Germans took away their prayer books, crucifixes, and other religious objects, and gave them the striped prisoners' rags. To the surprise of the itnernee officials, the priests were not ordered to be tattoed. But the Germans did nothing without cunning. Even before the priests had entered the 'baths,' the administration had given the word that they were to be killed that evening.<< P.118

>>One doctor courageously reminded the German that hyere were relatively few sick in this camp and no contagious cases. The S.S. chief doctor replied ironically: 'Since you have such a lively interest in the fate of these internees, you shall follow them into their new homes.' By 'new home,' he meant, of course, the crematory oven.<< p.122

>>The extermination of the Jews-Polish, Lithuanian, French, etc.,-was carried out in groups by national regions. The extermination of the Jews of Hungary took place in the summer of 1944. This mass liquidation was without precedent even in the annals of Birkenau. In July, 1944, the five crematory ovens, the mysterious 'white house,' and the death pit worked to full capacity. Ten transports arrived daily. There were not enough workers to carry all the luggage, so it was piled in mountainous heaps and remained there at the station for days.<< p. 123

>>Auschwitz was w work camp while Birkenau was an extermination camp. But there were a few work commandos at Birkenau for various manual tasks. I was forced to participate in most of these squads, at one time or another.>> p.125

>>From time to time, the Germans disinfected the camp. Executed rationally this measure would have contributed to the betterment of our hygienic conditions. But, like everything else at Auschwitz-Birkenau, the disinfection was carried out in a mocking fashion and only increased our mortality rate. That was doubtless part of the idea. The disinfection began with the isolation of four or five barracks. We had to present ourselves by barracks at the washroom. Our clothing and shoes, items that had been acquired at the cost of great privations, were taken away and placed in a fumigation oven, while we passed under a shower. The operation lasted only a minute, not long enough to get clean at all. Then, after being doused with a disinfectant on the head and the parts of the body covered with hair, we were moved to the exit. Those who had lice had their hair clipped again.<< p. 128

>>The German system was frighteningly effective. The guards were rewarded for shooting escaped prisoners. First, there was the barbed wire with its high-tension current. Then there were the 'Miradors,' the dogs outside, who had been specially trained to run down fugitives. Besides, the moment someone was missing a strict set of measures were put into effect. A siren wailed. ...If the Allies could blow up the crematory oven! The pace of the extermination could at least be slowed.<< p.132

>>The bunkers were penitentiary cells sunken into the ground. They afforded neither air nor light, and were so small that the prisoners had to stand up in them all night. During the day they were taken out to do the most loathsome work on reduced rations. He had six and a half ounces of bread in three days, and that was all. After three or four days, the strongest of men would be subdued. Tadek endured this treatment for many weeks. When they finally decided to kill him, there was nothing left of the human being I had known.<< p.134-35

Birkenau also received internees from the nearby work camps who were no longer of any use to the German war machine. Auschwitz-Birkenau used to send the most robust of the internees to the region of Ravensbruck where there were many armament factories. Those who fell ill were sent back under the pretext that they needed medical attention. They were really weakened and dispirited and had no desire to survive. The bodies of those who were executed in the nearby camps were also sent to Birkenau. Our crematory ovens served a vast region indeed. The German preference for incineration was surely not due to hygienic considerations; it saved burial and allowed them to make the most thorough reclamation of precious metals.<< p.137

>>Some trains arrived at Birkenau, having departed-from Birkenau! One day it was announced that a train would take internees to Germany to work in the factories. All this took place as though it were an everyday occurrence. The deportees boarded the cars without even being jostled very much. The train started to move, executed a few manoeuvres, left the station, and departed for an unknown destination. After a few hours, the same train returned-with the same passengers-to Birkenau, and the deportees were taken directly to the crematory ovens. Why did the Germans resort to such complicated maneuvers? Was this operation according to plan, or was it the result of the administrative confusion? In any case, the facts which I reported are accurate in every detail. << p.137-38

>>Birkenau was in the process of full scale liquidation. For the administration perceived that it would be necessary to evacuate before the advancing Russians. Even the crematory ovens must be destroyed to

leave as few traces as possible. However, the liquidation was carried out slowly and methodically. The Sonderkommandos were instructed to destroy one oven at a time. All the others continued to function and some were still consuming bodies as late as December 1944.<< p.139

>Amazingly enough, none of us caught a serious infection, although there were few precautions we could take against germs.<< p.143

Of all the S.S. in our camp, Joseph Kramer, 'the beast of Auschwitz and Belsen,' who was Criminal No. 1 at the trial of Lüneburg, achieved the greatest notoriety. But we inmates had little contact with him. As Commander-in-Chef of a large part of the camp, he rarely left the administration offices, and he appeared only at certain inspections or on special occasions.<< p.148

>>Among the S.S. women, I knew Irma Griesse best, not because of any personal wish, but because of circumstances beyond my control. The 'blond angel,' as the press called her, inspired me to the most violent hatred I ever experienced. << p. 155

>>They took everything apart and prodded every square inch of the camp, seeking other explosives. In spite of every precaution they took, our underground continued to exist and to function. The members changed, for the Germans decimated us without knowing whether we were underground or not; but the ideal remained unchanged. ... We lived to resist and we resisted to live.<< p.164-65

>>The German Bayer Company sent medicines in vials with no labels to indicate their contents. People suffering from tuberculosis were injected with this product. They were not sent to the gas chamber. Their overseers waited for them to die, and death came quickly. After that, parts of the lungs were taken to a laboratory chosen by Bayer.<< p.183

>The Germans practised artificial insemination on a number of women, but the investigations offered no results. I knew women who had been subjected to artificial insemination and had happened to survive, but they were ashamed to admit the experiments.<< p.185

>>Surrounded by S.S. guards, we were herded along Auschwitz Road. It was freezing cold, and the air knifed through our rags. Shots rang out in the distance. The firing of big guns became louder; the detonations seemed to be closer and echoed with rapidity! Intermittent bursts of rockets lit up the skies. The Russians were evidently mounting a grand assault. We became gayer as the night was rent by the brilliant lights. The distant hammering of the artillery was the best farewell music to Auschwitz.<< p.207

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Morgenthau Era Letters, Austin J App, Ph.D. Boniface Press, 1966

Jailing Germans for Telling the Truth

The Call

303 Fourth Avenue

New York 10, New York

June 3, 1946

Dear Sir

Under 'Burning Books Again,' Norman Thomas in your May 20 issue describes how our AMG re-educators in Germany prosecute the Four Freedoms by burning books, destroying historical monuments, and forbidding rowing and skiing.

The day after, on May 21, an AP dispatch reported that the business manager of the Liberal Democratic party in Great Hesse, American zone, was 'sentenced to five years in prison today by the American military-government court.' He 'was accused of having said that Russian soldiers raped German women and having predicted 'a new war between America and Russia" in which 'Germany will fight on the western side.'

Isn't there anybody in this country who can teach our interventionistic Four Freedom-ites what freedom of speech means? Shouldn't the AMG boys who put this German in jail be hurriedly put in jail themselves for applying methods worse than those we were lending into the war purportedly to fight against?

I use the word **worse** advisedly. I am convinced that if the Nazis during their French and other occupations had put everybody in jail who said , for example, that the Italians (German allies) raped Greek women (which would have been a lie, while the Russian raping is by now a world scandal) and that in the next war they (the French) would be on the German side, then the German concentration camps would have harboured ten times as many people as they did.

Respectfully yours

Austin J App, Ph.D.

* * *

Forbidding German POW's Native Salute

Major Claude C Wilde,
Commander, Prisoner of War Camp
Fort Sam Houston,
San Antonio, Texas
May 5, 1945

My dear Major Wilde:

A newspaper report of May 2 stated that you ordered German prisoners of war to renounce their native German military salute under penalty of death by starvation.

While I realize that you yourself gave the order under orders, I wonder whether you could give me information on the following three points or refer me to the department which can. The questions are:

- 1) Is forbidding prisoners of war the use of their native and customary military salute in accordance with the Geneva Conventions on handling prisoners?
- 2) Is starving prisoners of war for refusing to drop their country's salute in accordance with the Geneva Regulations or other international code?
- 3) Have the military or governmental authorities in Germany forbidden our soldiers our American salute?

As a college teacher and frequent writer and lecturer I ought to have the answers to these points, and I would greatly appreciate it if you could help me in this matter.

Very sincerely yours,

Austin J App, Ph.D.

* * *

Time Magazine
330 East 22nd Street
Chicago 16, Ill.
January 24, 1945

To the Editor:

In your January 15 issue you rightly ask 'what for?' What are we fighting for?

If for three years the senators, generals, the columnists, and the cabinet officers of a large country cannot come to agreement on the reason for a

thing, wouldn't one then sensibly conclude that there simply is no good reason?

In Laurence Housman's *Victoria Regina*, Lord Beaconsfield says, 'When the British nation goes to war, Madam, it ceases to listen to reason.'

If after three years of killing and being killed in Europe, we still do not know what we are fighting for, isn't it about time to come to the only reasonable conclusion, namely, our boys do not know what they are fighting for, because there is no reason for their fighting!

Sincerely

Austin J App, Ph.D.

* * *

Morgenthau's Genocidal Plan for Germans Compared with Spencer's for the Irish

Mr Henry Morgenthau, Jr
Secretary to the Treasury
Washington, D.C.
October 11, 1944

My dear Mr Morgenthau:

For the last several weeks I have been in a state of exaltation because of the perception that, just as in the military phase it was precisely we Americans who achieved the bombing of Rome, so in the political phase of the war it would be precisely an American who in the long pages of history had succeeded in making the most atrocious and barbarous proposal for the treatment of a vanquished nation.

I was of course thinking of your notorious plan for destroying and keeping destroyed all the factories and shops of Germany so that eighty million people could slowly die of undernourishment without our having to waste poison gas or bullets to kill them off individually. It seemed to me particularly felicitous that the author of this proposal should be an American of the Jewish persuasion, which has always been accused of holding and practicing the barbarism expressed in the words, 'eye for an eye and tooth for a tooth.'

But today I am momentarily de-exalted. Today I unexpectedly remembered the plan of the British poet Edmund Spencer for 'pacifying the oppressed and rebellious people' of Ireland. He proposed that

England send a huge force of cavalry and infantry into Ireland and to hunt the Irish down 'like wild beasts.' He calculated further that cold, exposure, famine and sickness, after two winters of hunting them down, could be trusted to exterminate the remnant of this 'oppressed and rebellious people.' After that, he argued, he believed the country would be peaceful.

Now, I submit, regretfully, that the poet Spencer's plan exceeds in imaginative cruelty and atrociousness your plan for the extermination of the Germans; I don't think you should let him 'get away with that.' In as much as you have made such a good start in surpassing and exceeding nearly the whole record of barbarous peace proposals I suggest that you try again and see whether you cannot offer a proposal still more barbarous and bloodthirsty and revengeful, one which in that respect could nose out Edmund Spencer's, so that you might become the undisputed titleholder of the world's most atrocious peace plan and so that through you, all of us Americans might share in the honor vicariously, as we shared in the bombing of Rome.

Very sincerely yours,

Austin J. App, Ph.D.

* * *

Morgenthau on Hanging the Vanquished

January 20, 1944
To the Editor
The New York *Times*

On January 18, you reported Mr. Morgenthau's praising the Russians for 'stringing the ringleaders of hate up and letting them hang there until they are dead.' And you report him as indicating that 'this was the proper fate for all those guilty of starting the war.'

I wonder whether Mr. Morgenthau adverted to the ironic appropriateness of the Russian beginning the business of hanging those guilty of starting wars! It means, of course, that if Hitler is to be hanged for trying to get Danzig back by force then Stalin must be hanged for assaulting the Finns for a slice of Finland. I am sure Mr. Morgenthau must have been conscious of that, for Mr. Morgenthau is a good American, and Americans are noted for their fairness, for their insistence that what's sauce for the goose is also sauce for the gander. If Mr. Morgenthau's idea

of punishing war criminals is correct, then we will see some interesting hangings!

Austin J. App, Ph.D.

* * *

Japanese Not Savages in 1917!

Ohio State *Journal*

Columbus, Ohio

December 29, 1943

To the Editor:

Your attitudes and editorials generally are so large-minded and humane that I hope you will not take it too much amiss if I single out one word for criticism in your editorial of December 29 on the government's or army's suppression and manipulation of certain forms of news.

In that editorial you speak of 'the kind of savage we are up against in the Jap.'

I am sorry you called the Japanese *savages* and I hope you will not do so again. In 1918 the Japanese were our beloved allies and our Wilsonian government at that time encouraged everybody to call them all kinds of charming names.

Now that Japan is on the other side there is a temptation to call them savages. If they are savages in 1943 then they were savages in 1917. Are we going to admit that in our 'glorious' battle to 'save the world for democracy' under Wilson we had savages as important allies?

The Japanese are not savages. They are the most highly civilized people with the best schools and universities and the lowest rate of illiteracy in all of Asia. They are, I feel one can honestly say, not as civilized as yet as we are, but they are more highly civilized and less savage than some of our present allies.

Someday the Japanese may again be our allies and then we'll feel very much ashamed for having called them savages. What sickened and shamed the human race and us most after the last world war was not the atrocities committed by the other side, but the atrocity stories about the other side the British and the French manufactured and we publicized and believed. This must not happen again.

Very truly yours

Austin J. App, Ph.D.

* * *

Danzig, 1939, an Incident Escalated into World War by Anglo-French

Dr. Robert A. Millikan
California Institute of Technology
Pasadena, California
April 13, 1943

My dear Dr. Millikan:

It greatly pleased me to read in an Ap report that you had punctured the fallacy that war stimulates scientific research.

It only remained that you should have insisted that all nations, all large nations, because they reject Christ's turn-the-other-cheek and sheathe-the-sword philosophy, are responsible for world wars. I am sorry you spoke of 'bandit nations' running amuck.

Who are the bandit nations you would have us police this time? Germany, Italy, and Japan. And who are they? Well, they happen to be largely, that is, two out of three, our former sweet and precious allies of 1918. Now we advocate policing them.

If our allies of 1918 now need to be policed by us, how can you be sure that our allies of today, dear and sweet Soviet Russia and China, and India and South Africa and Britain itself will not have to be policed by us a few years hence? Russia, for example, surely doesn't look a bit more sweet and gentle now than Italy and Japan looked to us in 1918.

I trust you see what I am driving at. Germany did not start the world war. It created an incident at Danzig, just as some years before Poland crated an incident at Vilna. One led to a world war, the other did not. Why? Because of Germany. No, surely not. Because of England and France and us - we lifted that incident into a world war, just as we did not lift the Vilna incident into a world war. In 1914 Germany played the precise part in the world conflagration that England and France played this time. Austria and Serbia had an incident, Russia proceeded against Austria, and then Germany, bound by treaty to protect Austria against Russia, as Britain bound itself to protect Poland against Germany, got into the war. Yet, as Versailles we attributed sole war guilt to Germany. Logically, therefore, we should now have to attribute sole war guilt to Britain. Or considering Roosevelt's Quarantine speech of October 5, 1937, which in a way put an end to the peaceful vision of the Versailles treaty, to America.

To speak of bandit nations solely responsible for the war is to make a just peace virtually impossible. It prepares the way for a bigger and smellier Versailles. And the fruit will be that some years from now we will have to call some of our dear sweet blue-eyed allies of today the bandit nations,

just as we are calling Japan and Italy, our sweet, dear allies of 1918, bandit nations.

Justice, Dr. Millikan, justice, real justice for all nations, not policing, is what we need.

Austin J. App, Ph.D.

* * *

THE SIX MILLION FIGURE is a Smear-Terrorizing Myth

Time Magazine
Times Square, New York
229 W. 43rd Street
June 29, 1965

To the Editor

As Milwaukee-born American of German descent and a college teacher of literature, I want to compliment you on your marvellous summary article entitled, 'The German Awakening.' It was far more honest and objective than a victor customarily writes about the vanquished.

Nevertheless two items require comment. One is that the Nazi leadership 'moved from the false premise to the insane logical conclusion of systematic extermination.' There is not one single document, order, blueprint, or 'Morgenthau Plan,' to support the statement that the Nazis planned the extermination of the Jews. Their so-called end solution of trying to squeeze them out of Germany is not extermination, as the Czechs and the Poles who expelled 15,000,000 East and Sudeten Germans, with Stalin-Churchill-Roosevelt approval, would be the first to insist.

That they did not plan extermination of all Jews under occupation is obvious from the fact that they did not exterminate them. Every Jew who survived the German occupation is proof of this. The Nazis were so efficient that not a calf was born without their report nor a pig slaughtered. Had they determined to kill all Jews, they would have done so—they had five years to do it in.

The second point is President Heinrich Lübke's alleged speaking of '6,000,000 Jews who were murdered.' Have you proof that he said this? If he did he gives pathetic evidence of the power of smear tactics to foist a propaganda lie on the world. There is ten times more evidence that the number of Jews the Nazis executed for right or wrong reasons is a quarter

of a million, about the number of German women and children and wounded who died in the bloody attack on Dresden, than that it is six million. Tragic and criminal enough—but Dresden was tragic, too, and perverting historical truth is criminal, too!

The first duty of the victor toward the vanquished is the truth. It is a pity that President Lübke felt he had to echo that libel in order not to be smear-terrorized.

Yours truly

Austin J. App, Ph.D.

* * * * *

Better, smarter role models required

Robert Goldney, *The Advertiser*, May 11, 2010

THE continuing focus on law and order by the Rann Government warrants close scrutiny.

Why after eight years and entering a third term of government is such a focus still necessary? If there is still a need for tougher laws and increased punishments, why has that escalation occurred on the Rann Government's watch?

One possibility is that the anti-social behaviour that is the target of new laws is related to the erosion of trust in our Government and its institutions.

If our governing agencies do not demonstrate decent behaviour and respect for the law, why should laws be obeyed?

Criticisms regarding the work of the DPP and the Parole Board have hardly reflected respect. Former attorney-general Atkinson even used the words 'daft' and 'delusional' in relation to the decision of a magistrate.

Then there was the retention of minister Tom Koutsantonis, despite his appalling driving record, which could only be interpreted as condoning hoon driving, despite government rhetoric. And why doesn't the Government wish to have an independent crime and corruption commission?

But it is not just in the area of the law that the Government appears to have little respect for others. Important decisions which have the potential to effect all South Australians have been made with minimal consultation, sometimes with the signing of confidentiality agreements, thereby stifling wide debate.

Examples include the now-abandoned move of forensic mental-health facilities to Mobilong; the backdown due to public outrage about youth correctional services; the move of the RAH to the rail yards, with the

abandonment of \$1 billion of assets at the present site; the St Clair land swap; and the gift of Glenside to the film corporation, giving it precedence over the needs of the mentally ill.

A further example was the misleading election pamphlets, which Dr Dean Jaensch criticised on the basis of principle and morality (*The Advertiser*, 25/3/10).

Most recently the Government has attempted to stifle what can be revealed under the Freedom of Information Act.

Trumpeting more laws and greater punishment is in contrast to the suggestion of Thinker in Residence Judge Peggy Fulton Hora, who was reported (*The Advertiser*, 28/4/10) to have advised the Government to be smart on crime, as opposed to tough on crime.

Rather than increasing punishment, it appears more sensible to examine issues behind changes in community behaviour.

It is also important to state that extra punishment and revenge do not necessarily help individuals who may have been offended against.

In a study from the US titled The Paradoxical Consequences of Revenge, Kevin Carlsmith and colleagues found that some people who had the opportunity to punish others ended up feeling worse than those who did not have that opportunity.

Furthermore, rather than revenge bringing closure, it led to ruminations and negative emotions. They concluded that revenge can have unexpected and unwanted consequences.

They also reported that this had been commented on more than 300 years ago by English poet John Milton, who wrote: 'Revenge, at first though sweet, Bitter ere long back on itself recoils.'

When invoking issues of law and order, politicians would do well not only to address their own attitudes and behaviour but also to reflect on Milton's words.

Robert Goldney is Emeritus Professor of Psychiatry at the University of Adelaide.

<http://www.adelaidenow.com.au/news/opinion/better-smarter-role-models-required/story-e6freai3-1225864876768>

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The Occidental Observer Blog

Short Reports and Comments on Current Events, 2 May 2010

Kevin MacDonald: Does Jewish financial misbehavior have anything to do with being Jewish?

As expected, the fraud charges brought against Goldman Sachs by the SEC and now the Senate hearings are producing a lot of anxiety in Jewish quarters. Back in January, Michael Kinsley wrote an article telling us how

to think about the Jewish angle in the financial meltdown ('How to Think About: Jewish Bankers'). The question for Kinsley isn't whether negative qualities of Jewish bankers or the bad behavior of Jewish firms like Goldman have anything to do with being Jewish.

The question is whether anyone who criticizes Goldman is an anti-Semite: Because Goldman is thought of as a 'Jewish' firm, and because it dominates the financial industry, criticism of Goldman, or of bankers generally, is often accused of being anti-Semitic. Commentators including Rush Limbaugh and Maureen Dowd have been so accused. When, if ever, are such accusations fair?'

So Kinsley passes his Geiger Counter over non-Jews like Limbaugh and Dowd and passes judgment on their moral worthiness. Any link between Jewishness and misbehavior is automatically out of bounds for serious discussion: 'Certainly any explicit suggestion that Goldman's alleged misbehavior and its Jewishness are related in any way is anti-Semitic.'

This statement draws on a general reluctance to ascribe negative traits as being reasonably associated with a certain group. But this can easily be seen to be just another example of political-correctness think. What if indeed a particular group is more likely to engage in some sort of bad behavior? For example, J. Philippe Rushton and Glayde Whitney have claimed on the basis of a rather powerful theory and a considerable amount of data that Blacks are prone to criminality and this is true wherever there are Blacks — whether in Africa, North America, South America, or the Caribbean.

If indeed that is true or at least reasonable, then it would also be reasonable to say being Black contributes to the likelihood that a certain group of Blacks are criminals — that a considerable part of the explanation for the criminality of these particular Blacks stems from their group membership. It would certainly not imply that all Blacks or even anywhere near all Blacks are criminals. Just that Blacks are more likely than other groups to be involved in certain kinds of crime — Rushton and Whitney would argue for a strong role of their common genetic ancestry.

Or take a presumably benign example: It's well known that the Ashkenazi Jewish mean IQ higher than the European mean. If then one finds that Jews are highly overrepresented in a particular high-IQ occupation, say among mathematicians, then it is certainly reasonable to explain this as partly due to the general traits of the group, as writers ranging from Charles Murray, Henry Harpending and Greg Cochran, and I have argued

Can such an argument be made Jewish involvement in financial scandals has something to do with being Jewish? Back in the 1980s a major financial scandal revolved around Michael Milken. Much of the

discussion of the Jewish role in this financial scandal centered around the book *Den of Thieves* by James B. Stewart. Jewish activist Alan Dershowitz called *Den of Thieves* an 'anti-Semitic screed' and attacked a review by Michael M. Thomas in the *New York Times Book Review* because of his 'gratuitous descriptions by religious stereotypes.' Thomas's review contained the following passage:

James B. Stewart ... charts the way through a virtual solar system of speculation, past planets large and small, from a metaphorical Mercury representing the penny-ante takings of Dennis B. Levine's small fry, past the middling (\$10 million in inside-trading profits) Mars of Mr. Levine himself, along the multiple rings of Saturn — Ivan F. Boesky, his confederate Martin A. Siegel of Kidder, Peabody, and Mr. Siegel's confederate Robert Freeman of Goldman, Sachs — and finally back to great Jupiter: Michael R. Milken, the greedy billion-dollar junk-bond kingdom in which some of the nation's greatest names in industry and finance would find themselves entrapped and corrupted.

Thomas was attacked as an anti-Semite simply for mentioning so many Jewish names all in one paragraph. His defense was to note that 'If I point out that nine out of 10 people involved in street crimes are black, that's an interesting sociological observation. If I point out that nine out of 10 people involved in securities indictments are Jewish, that is an anti-Semitic slur. I cannot sort out the difference.'

I can't sort out the difference either. And once again, the current financial meltdown has revealed a large role for Jewish companies and Jewish money managers who engineered the meltdown and profited handsomely from it.

Kinsley acknowledges that Jews predominate on Wall St. and it's okay to criticize a Jewish firm like Goldman Sachs — but only if there is no mention that Jewishness has anything to do with it.

Sometimes the stereotype about Jews and money takes a harsher form: Jews are greedy, they lie, cheat and steal for money, they have undue influence with the government, which they cultivate and exploit ruthlessly, and so on. In recent weeks, many have said this sort of thing about Goldman Sachs, but with no reference to Jews. Are they all anti-Semites? No. It ought to be possible to criticize Goldman in the harshest possible terms—if you think that's warranted—without being tarred as an anti-Semite. So is it possible to frame an argument that bad behavior in the financial realm does indeed have something to do with Jewishness? Note that this is quite different from showing that Jewishness is involved in the creation of culture — the argument of *The Culture of Critique*. There it was only necessary to show that a movement was dominated by Jews who identified as Jews and saw their work as advancing Jewish interests.

As I see it, the argument has two parts:

1.) Judaism as a group evolutionary strategy has always had a strong element of ingroup/outgroup thinking. Entirely different moral standards are applicable inside and outside the group. The result is that the Jewish moral universe is particularistic and the attitude toward non-Jews is purely instrumental — aimed at maximizing personal benefit with no moral concerns about the consequences to non-Jews. For example, a common pattern in traditional societies was that Jews allied themselves with exploitative non-Jewish elites.

The evolutionary aspects of this situation are obvious. Jews were the ideal intermediary for any exploitative elite precisely because their interests, as a genetically segregated group, were maximally divergent from those of the exploited population. Such individuals are expected to have maximal loyalty to the rulers and minimal concerns about behaving in a purely instrumental manner, including exploitation, toward the rest of the population. (*A People that Shall Dwell Alone*, Ch. 5)

2.) One would then have to show that actual Jewish behavior reflected the double moral standard that is ubiquitous in Jewish religious writing. There is in fact a long history of anti-Jewish attitudes focused around the charge that Jews are misanthropes with negative personality traits who are only too willing to exploit non-Jews. This history is summarized in Ch. 2 of *Separation and Its Discontents*, beginning with the famous quote from Tacitus, ‘Among themselves they are inflexibly honest and ever ready to show compassion, though they regard the rest of mankind with all the hatred of enemies.’ Among the more illustrious observers are the following (see here for the complete passage, p. 46 ff):

Immanuel Kant: Jews are ‘a *nation* of usurers ... outwitting the people amongst whom they find shelter ... They make the slogan ‘let the buyer beware’ their highest principle in dealing with us.’

Economic historian Werner Sombart: ‘With Jews [a Jew] will scrupulously see to it that he has just weights and a just measure; but as for his dealings with non-Jews, his conscience will be at ease even though he may obtain an unfair advantage.’

Jewish historian Heinrich Graetz: ‘[The Polish Jew] took a delight in cheating and overreaching, which gave him a sort of joy of victory. But his own people he could not treat in this way: they were as knowing as he. It was the non-Jew who, to his loss, felt the consequences of the Talmudically trained mind of the Polish Jew.’

Sociologist Max Weber: ‘As a pariah people, [Jews] retained the double standard of morals which is characteristic of primordial economic practice in all communities: What is prohibited in relation to one’s brothers is permitted in relation to strangers.’

Zionist Theodor Herzl: Anti-Semitism is ‘an understandable reaction to Jewish defects’ brought about ultimately by gentile persecution: Jews had been educated to be ‘leeches’ who possessed ‘frightful financial power’; they were ‘a money-worshipping people incapable of understanding that a man can act out of other motives than money.’

Edward A. Ross: ‘The authorities complain that the East European Hebrews feel no reverence for law as such and are willing to break any ordinance they find in their way. . . . The insurance companies scan a Jewish fire risk more closely than any other. Credit men say the Jewish merchant is often ‘slippery’ and will ‘fail’ in order to get rid of his debts. For lying the immigrant has a very bad reputation. In the North End of Boston ‘the readiness of the Jews to commit perjury has passed into a proverb.’

Edmund Connelly has reviewed the work of two academic historians, Paul Johnson (*A History of the Jews*) and Albert Lindemann (*Esau’s Tears: Modern Anti-Semitism and the Rise of the Jews*), who ‘have shown that this pattern of Jewish deception and fraud in pursuit of wealth and its legitimacy within the Jewish community have a long history.’

The key point is the legitimacy of fraud within the Jewish community. Successful fraudsters are not shunned but rather become pillars of the community:

Reflecting the legitimacy of white collar crime in the wider Jewish community in the contemporary world, [Michael] Milken is a pillar of the Jewish community in Los Angeles and a major donor to Jewish causes. Indeed, this is part of a pattern: Ivan Boesky donated \$20 million to the library at the Jewish Theological Seminary. And the notorious Marc Rich has donated millions of dollars to a wide range of Jewish causes, including Birthright Israel, a program designed to increase Jewish identification among young Jews. The list of people supporting Rich’s pardon by Bill Clinton was ‘a virtual Who’s Who of Israeli society and Jewish philanthropy.’ A rabbi concerned about the ethics of these practices notes, ‘it is a rare Jewish organization that thinks carefully about the source of a donor’s money. ... The dangerous thing is not that people make moral mistakes, but that we don’t talk about it.’

The idea is that the Jewish financial elite sees the non-Jewish world in instrumental terms — as objects with no moral value. As I noted earlier, there is a strong suggestion that the financial elite behaved much more like an organized crime syndicate than as an elite with a sense of civic responsibility or commitment to the long term viability of the society. Whereas organized crime stems from the lower levels of society, this meltdown was accomplished at the very pinnacle of society — the Ivy League grads ..., the wealthy financial firms and investment rating agencies,

the strong connections with government that facilitated the bailout and failed to provide scrutiny while it was happening. It seems highly doubtful that all this would have happened with the former WASP elite.

In psychological terms, these Jews are behaving in a sociopathic manner toward the non-Jewish world. That is, they have no concern for the moral consequences of their actions — no empathy or concern for victims. Recent neuroscience data shows that people are quite capable of having a great deal of empathy and concern for people in their ingroup while having no empathy at all toward outsiders, especially if they are highly ethnocentric. This implies that a strongly identified Jew could be the epitome of a well-socialized, empathic group member when he is among Jews, but treat the rest of the world in a cold and calculating manner and have no remorse or empathy for the victims.

Nor would such a person have any concerns about the long-term future of the society he lives in. Richard Spencer discusses the fact that so many of our politicians are sociopaths (my favorite example is Winston Churchill), noting that ‘Aristocrats governed with a healthy, long-term goal in mind: they wanted their great grandchildren to inherit a prosperous, powerful realm.’

It can safely be asserted that concerns about the long-term health of the society are not uppermost in the minds of our financial elite.

Concerns that Wall Street is socially irresponsible are widespread now. Just last week I saw CNBC reporter David Faber asking Lloyd Blankfein of Goldman Sachs whether Wall Street was good for America. Is it serving any positive social function? — with the implication that it’s at least reasonable to think it isn’t. Such a question would have been inconceivable a couple years ago. Rather than producing any tangible goods or allocating financing in a way that benefits good businesses, Matt Taibbi’s analogy seems to hit home: ‘The world’s most powerful investment bank is a great vampire squid wrapped around the face of humanity, relentlessly jamming its blood funnel into anything that smells like money.’

As Kinsley notes, this analogy was immediately deemed anti-Semitic by the usual thought police: ‘This sentence, many have charged, goes beyond stereotypes about Jews and money, touches other classic anti-Semitic themes about Jews as foreign or inhuman elements poisoning humanity and society, and—to some critics—even seems to reference the notorious ‘blood libel’ that Jews use the blood of Christian babies to make matzoh.’

It also conjures up a strong image of economic parasitism, another ancient anti-Jewish theme: the financial sector as not producing products or wealth, but extracting wealth to the detriment of the society as a whole.

The problem for Kinsley and like-minded people is trying to seriously rebut the claim that the socially destructive behavior of the predominantly Jewish financial elite does in fact fit a strong historic pattern of Jewish ethical behavior vis á vis the non-Jewish society — behavior that is well grounded in Jewish religious ethics.

In any case, it is a very troubling sign indeed for the US that the financial sector is vastly outpacing the rest of the economy in corporate earnings as well as in executive compensation — especially when it's being run by a group of people who have sociopathic attitudes toward non-Jewish America.

<http://theoccidentalobserver.net/tooblog/?p=1702>

* * * * *

In chapter 8 I discussed moral turpitude, and here is a very recent exchange regarding my forthcoming travel to America which relates to this matter. Let us look at a conspiracy in the making and how the haters of Free Expression attempt to use legal means with which to subvert the U.S. Constitution's First Amendment.

Ten years ago, on 12 May 2000, the Director of The B'nai B'rith Anti-Defamation Commission Inc., Australia/New Zealand, wrote a 'Private and Confidential' letter to Steven Engelken, Political Affairs, US Embassy, Canberra, Australia. It must be noted that this body had at that time on its Board of Advisers, the following prominent Australians: President: The Rt Hon Sir Zelman Cowan; The Rt Hon Malcolm Fraser, The Rt Hon R J L Hawke, Dr Lowitja O'Donoghue, The Rt Hon Sir Ninian Stephen, The Hon Neville Wran; Chairman: Mr Kerry Klinsberg; Executive Director: Mr Danny Ben-Moshe.

Here is the text of the letter:

Dear Steven,

As per our conversation yesterday, please find attached a background briefing paper on the Adelaide Institute, of which Fredrick Töben is the director.

As we discussed, Töben has either arrived or is on his way to California for the conference of the Institute for Historical Review, a large Holocaust denial organisation. I have contacted the Anti-Defamation League in the US for further information as to the exact date of this conference.

The way in which Fredrick Töben spells his first and last names is unusual and will assist in identifying him. Töben was born in Jade, Germany on 2 June 1944 and came to Australia in 1954. He is the son of Johannes Töben and Adelheid (nee Soltys). He currently resides in the suburb of Norwood in Adelaide.

In November 1999 Töben was convicted in Mannheim, Germany, for 'defaming the dead'. The attached briefing paper provides further information as to his activities and racist ideology.

Please let me know should you require any further information and whether you are able to ascertain if Töben is currently in the US.

Thankyou for your help in this matter.

Kind regards,

Benseon Apple

Director of Research & Public Affairs

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On 10 May 2000 Steven C Engelken of the US Embassy generates some email correspondence with a number of staffers:

Subject: Holocaust Denier

Paul, a thought on our holocaust denier. Do we have any way to check whether he has a criminal record here in Australia?

On 12 May Paul Fitzgerald emails Elizabeth Jordan:

Subject: Request for Quick Help - Holocaust Denier

Liz - below is my latest message to our Pol Counselor in Canberra on a case that is developing here. Mr. Frederick Tobin denies the existence of the Holocaust, and, we are told by third parties, spent some time in jail in Germany last year after having been convicted under a law that forbids such a denial. He is an Australian citizen who plans to travel to a 'holocaust deniers' conference in California soon. We are trying to work out if there is any possible U.S. visa ineligibility, and our PR response if this becomes a public issue here. We are researching his DPOB. Our most recent analysis is outlined below, but we would appreciate any VO guidance that you or others can give. We'd appreciate your guidance asap. Regards, Paul Fitzgerald.

Steve - our thoughts as of 5/11, after having done some research.

A. Working this case thus far is difficult as we don't have an application from Mr Tobin, and in fact don't even have a date of birth. I spoke with the office of the South Australia Chief Police Commissioner today trying

to get more details on him. They reacted immediately with privacy concerns, but promised to call me back.

2. Based upon our review of the FAM, it is difficult to see how Mr. Tobin would be ineligible absent further information. Under Section 2A1, Crime Involving Morale Turpitude (CIMT), libel is not ineligibility, if this was the crux of the German charge against him. If Germany somehow does involve a CIMT, then we might be able to make a case. Under the FAM section on Nazi activities, the applicant must have been a member of a particular organization and committed acts between certain dates (roughly 1933-45). And under the Foreign Policy Ineligibility (INA 212(a)(3) Security and related grounds), an alien's past, current or expected beliefs, statements and associations do not render him ineligible if those beliefs, statements and associations are legal in the U.S., UNLESS the SecState determines otherwise. If she went this route, she would then have to inform Congress of the determination of ineligibility.

3. All this being said, we still can submit an advisory opinion request to the Department IF he applies for a visa. We can also cable Embassy Berlin if someone can find a date of birth and hopefully some more identifying info. I'm waiting for the SA Police response. Can RSO or FBI following up with their contacts? Even if he doesn't APPLY for a visa, if we do develop info on ineligibility then we can enter him into the lookout system, notify INSZ, and presumably notify him before he attempted to travel.

Paul.

* * *

That is how the Third Party fights its battles, then accuses others of employing the dirty tricks it knows so well because it thrives on using them. It is the proxy work all over again, someone else doing their dirty work for them. If we recall that most of the world wars since the so-called French Revolution have been proxy wars, then the pattern of the secret 'Private and Confidential' activities is clear – and this needs to be exposed. Recall the letter Alan Goldberg sent to Mrs Joyce Steele wherein a veiled threat is used to achieve a determined result. Mrs Steele, however, stood firm and advised Goldberg accordingly.

The real haters hate truth, and like the control freaks and liars that they are, they have nothing to contribute to our civilisations' development.

Of course, during the time of this initial US concern, as expressed above, I did not apply for a US visa because the Visa Waiver program enables eligible individuals from various countries to enter the USA without obtaining a visa. I did this on a number of occasions but then noted it took too long to explain to US Immigration about my 7-month German prison term, which was NOT for moral turpitude. Then US Ambassador Tom Schiefer suggested it would expedite matters if I had a visa, and so I applied and was granted a five-year US visa, which remained valid until August 2009.

My current US Visa is valid for only one year and so in 2011 I will have to re-apply, i.e. if it is still safe for me to travel. In the current visa application I did ask, but received no reply, whether I would be safe in the U.S.A. from any extradition requests coming from either Germany or Israel.

* * * * *

In place of an index to this book, here is a word of clarification from a free thinking person who reveals the mechanism of thought suppression contained within the concept of denialism.

Words That Think For Us - The tyranny of denial

Edward Skidelsky, Lecturer in philosophy, University of Exeter

‘Denial’ is an ordinary English word meaning to assert the untruth of something. Recently, however, it has acquired a further polemical sense. To ‘deny’ in this new sense is to repudiate some commonly professed doctrine. Denial is the secular form of blasphemy; deniers are scorned, ridiculed and sometimes prosecuted.

Where does this new usage come from? There is an old sense of ‘deny,’ akin to ‘disown,’ which no doubt lies in the background. (A traitor denies his country; Peter denied Christ.) But the more immediate source is Freud. Denial in the Freudian sense is the refusal to accept a painful or humiliating truth. Sufferers are said to be in a ‘state of denial’ or simply ‘in denial.’ This last phrase entered general use in the early 1990s and launched ‘denial’ on its modern career.

‘Holocaust denial’ was the first political application, followed closely by ‘Aids denial,’ ‘global warming denial’ and a host of others.

An abstract noun, ‘denialism,’ has recently been coined. It is perhaps no accident that denial’s counterpart, affirmation, has meanwhile acquired laudatory overtones. We ‘affirm’ relationships, achievements, values. Ours is a relentlessly positive culture.

An accusation of 'denial' is serious, suggesting either deliberate dishonesty or self-deception. The thing being denied is, by implication, so obviously true that the denier must be driven by perversity, malice or wilful blindness.

Few issues warrant such confidence. The Holocaust is perhaps one, though even here there is room for debate over the manner of its execution and the number of its victims. A charge of denial short-circuits this debate by stigmatising as dishonest any deviation from a preordained conclusion. It is a form of the argument *ad hominem*: the aim is not so much to refute your opponent as to discredit his motives.

The extension of the 'denier' tag to group after group is a development that should alarm all liberal-minded people. One of the great achievements of the Enlightenment—the liberation of historical and scientific enquiry from dogma—is quietly being reversed.

Prospect February 2010.