

Star Chamber Redux**The Persecution of Ernst Zundel****BY ALAN CABAL**

In a cold cell in Toronto, Canada, a 64-year-old painter and pacifist sits on a fat stack of trial transcripts. On February 19, he marks his 365th day of solitary confinement. He's sitting on the transcripts because his jailers will not permit him to have a chair. He has no criminal record and has not been charged with a crime, and yet he wears the same orange jumpsuit as the murderers and rapists housed elsewhere in the prison. He is not permitted to confront or cross-examine his accusers in court. The "evidence" against him includes hearsay, double-hearsay, and triple-hearsay.

The object of the exercise is to deport this man to Germany, where he faces a five-year prison sentence for the crime of "defaming the dead". This man hasn't lived in Germany since he was 19 years old, and hasn't set foot in Germany for years. He emigrated to Canada in 1958, and in the year 2000 he moved to the United States to live quietly with his American wife in the rolling hills of Tennessee. There, he painted landscapes and still lifes in his studio and collected rare recordings of hymns and gospel music until he was hauled off one bright morning at about 11:00 a.m. in front of God and everybody and whisked to Canada by American law enforcement officials. His name is Ernst Zundel, and he is the world's premier thought-criminal.

Ernst Zundel is the most widely recognized figure in the growing number of historians, both amateur and academic, questioning orthodox accounts of the events which took place in the Nazi concentration camps during World War II, specifically with reference to the number of Jewish dead and how they died. He has been put through the Canadian legal system before on this issue. In 1984 he was charged with "spreading false news" under an obscure 700 year-old law imported to Canada from England intended to deter wandering minstrels from mocking the aristocracy. It had been used only twice before in Canada. That trial was focused on a publication, "Did Six Million Really Die?" Zundel didn't write it, he merely published it, but that was enough. That trial was in 1985 and lasted seven

weeks. He lost that trial, but the verdict was overturned on appeal when it was determined that the judge was biased.

The second trial was on the same charges, but this time Zundel commissioned the forensic examination known as the Leuchter Report, which alleged that industrial-scale gassings of human beings could not have happened. He lost that trial as well, but was exonerated in 1992 when Canada's Supreme Court ruled the "False News Law" unconstitutional and struck it from the books. This 4-3 ruling held that minorities have the right to state their own opinions, "even if the majority regards them as wrong or false".

In 1996 the Canadian Human Rights Commission initiated a "Human Rights Tribunal" against him which dragged on for five

numerous ways on numerous occasions. These assaults included beatings, booby-trapped mailings, a bomb that exploded in his garage in 1984, another bomb sent through the post 11 years later, and an arson attack which destroyed his home and its contents. He has never been convicted of a crime and in no way does he promote violence or hatred of any kind in his work. His only "crime" is that of questioning historical events.

Zundel was arrested at his home in rural Tennessee by local authorities last year and handed over to the INS, ostensibly for missing an interview with immigration officials and "overstaying his visa." In fact, no such violation occurred. He was notified of an interview scheduled for June 12, 2001. His

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years. This trial centered on the "Zundelsite" (www.zundelsite.org), a website based in the US and owned and operated by Ingrid Rimland, a US citizen.

"Ernst was believed to be the mastermind who controlled me", she explains. "This trial's purpose was twofold: one, to bankrupt Ernst financially by stringing out the hearings, and two, to force him to shut down the website. Knowing he wouldn't and couldn't do that, the plan was to charge and imprison him with contempt of court—in other words, criminalization by the back door to facilitate deportation to Germany.

"I flew from San Diego to Toronto in 1996 and offered on the very first day when court opened to testify that it was my website, but was not allowed to do so. We were not married then. Ernst lost that trial as well. One of the many bizarre rulings of that trial was that 'truth is not a defense' — only the feelings of an aggrieved and threatened 'minority' count. The Tribunal ruled in 2001 against Ernst, but stated in its summary that it was a 'symbolic' ruling, since the Zundelsite was an American website and could not be shut down by Canada."

Zundel has been physically assaulted in

attorney at that time couldn't make the interview and requested a rescheduling, a routine request which is almost always routinely granted. He received no reply. The attorney sent another letter again requesting a rescheduling on May 6, 2002. Again there was no reply. Zundel's American wife, Ingrid Rimland, has the return receipt verifying that the letter was, in fact, delivered to the INS. The agency claims to have no record of either letter.

The couple never abandoned Zundel's Adjustment Of Status application, nor were they ever informed that it had been considered abandoned. They had been advised by INS that the procedure could take as long as three years, and that no status check would be allowed.

"When Ernst was arrested", Ms. Rimland explains, "we were prevented from calling a lawyer. A Warrant for Deportation lay ready in Knoxville and was signed and dated after the arrest. In the room where this was done, a poster with the Star of Israel was posted prominently on the wall.

"Through the Freedom of Information Act — some 30 pages withheld for 'security reasons' — we found out that some

coded messages had been faxed on the very day of our first scheduled appointment between US Immigration and Canadian Immigration. Who in Canada was interested in causing us grief that day? A good place to start would be to check into some non-profit outfits that are fattening themselves on the taxpayers' trough by shrieking 'Hate!' for gain.

"After Ernst was arrested, we immediately applied for habeas corpus. We were turned down by a judge within hours in a one-sentence ruling. Not even our attorney was allowed to speak up. We appealed to the Sixth Circuit Appeal Court. Within days we were turned down again, this time in a one-paragraph ruling. Through FOIA we found out that there was ex parte communication prior to this ruling between a clerk who has a Jewish-sounding name and an immigration official who was exceedingly nasty to me when I tried to find out where my husband had been taken, and why. I understand it is illegal for court officials to solicit information on a pending court case behind the judge's and the accused's backs."

On June 17, 2003, accompanied by two INS officers, Ernst Zundel was deported to Canada by plane.

"On that very day," states Ms. Rimland, "Germany swore out an arrest warrant. Why on that day? Who notified them, and on what grounds? An impartial judge could surely find out by requesting the missing FOIA pages.

"Through various documents and private sources, some at the highest levels of Germany's government, we learned that the original covert plan had been to get Ernst shipped to Germany, where 'insulting the memory of the dead' is on the books as a criminal offense, and where a 5 year sentence is a foregone conclusion for so-called 'Holocaust Denial.' Whoever masterminded this kidnapping evidently didn't know that the US always deports back to the country of entry, not to the country of nationality. Ernst ended up in Canada, and Canadian taxpayers are now stuck with the bill."

Zundel applied for political asylum on the grounds that it was a certainty that he was facing prison in Germany for his historical inquiries. In 1992, after numerous appeals following the "Second Great Holocaust Trial", as it came to be known in revisionist circles, the highest court in Canada had ruled that Mr. Zundel had the right to speak his mind and express his views as he saw fit, "...even if the majority regards them as wrong or false", as the court phrased it.

His adversaries came up with a solution. Two Ministers of the Canadian Parliament decided that Zundel might be a "terrorist". A "Security Certificate" was sworn out. This instrument is the only method by which Ernst could be deported to Germany, as he would otherwise be fully qualified for asylum in Canada, where he lived as a law-abiding permanent resident for 42 years. The quality of the evidence presented against him often goes like this:

"Mr. Zundel allegedly had 'sporadic contacts' with a now-dead U.S. based white supremacist named William Pierce. Pierce wrote a book called 'The Turner Diaries'. Timothy McVeigh loved 'The Turner Diaries', which supposedly describes a bombing similar to the Oklahoma City bombing in 1995, for which McVeigh was convicted."

Note that the date, time, place, and nature of these "contacts" between Zundel and Pierce go unspecified, nor is there any suggestion that Zundel had anything to do with the authorship of the infamous Turner Diaries. There is no assertion or evidence that Zundel had any contact with McVeigh. It's all innuendo intended to link Zundel to violence and terrorism.

Here's a pertinent excerpt from a Factum filed with the Court of Appeal for Ontario on January 21 by Mr. Zundel's legal counsel, Peter Lindsay and Chi-Kun Shi:

"Information and/or evidence has been secretly presented to Mr. Justice Blais in the absence of Mr. Zundel and his counsel, which information and/or evidence may be used according to the Act to determine both whether Mr. Zundel should continue to be detained and whether the issuing of the Certificate was reasonable. Where secret information and/or evidence has been presented to Mr. Justice Blais, sometimes a summary has been given to Mr. Zundel and his counsel and sometimes no summary of the information and/or evidence has been made available to Mr. Zundel and his counsel, even though the information and/or evidence may be used according to the Act both to determine whether Mr. Zundel should continue to be detained and whether the issue of the Certificate is reasonable.

"It is a fundamental principle of our adversarial system that one party presents its case fully and then the other party responds, knowing the case it has to meet. What has happened in this case is that after the Minister and Solicitor General presented their case and while Mr. Zundel was in the middle of presenting his response, the Minister and Solicitor General have secretly pre-

sented more of a case against Mr. Zundel. The additional case being presented is not limited to reply evidence. It is not limited at all. The case can secretly change in any way while being responded to. Mr. Zundel and his counsel do not know if it has changed in this case. Neither does this Honorable Court. It is not an overstatement to say that this is completely contrary to the fundamental principles of our judicial system"

No other historical narrative is possessed of an orthodoxy protected by law. It is in the nature of history to be subject to review and revision. The surest way to interest people in a field of inquiry or study is to prohibit it. The "Holocaust Industry", as Norman Finkelstein dubbed it, behaves in every way like a fanatical cult. The persecution of Ernst Zundel has been and continues to be both relentless and utterly ruthless. This most recent and ongoing episode flies in the face of a thousand years of Anglo-Saxon law. The man may hold provocative views, but he is a committed pacifist. He is guilty only of expressing an unpopular viewpoint. For him to be held in solitary confinement without having even been charged with a crime and without bail for a year while the court proceeds against him in some hideous replica of a Star Chamber or something out of Lewis Carroll is an affront to justice and public decency that goes far beyond anything that Mr. Zundel has to say. CP

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chorus the Democrats. But they don't mean that. They mean, "Nobody But Kerry".

What they're saying is that no one has the right to challenge Bush but a Democrat, whoever that Democrat might be, no matter what that Democrat stands for.

The stream of abuse at Nader, a man who has toiled unceasingly for the public good for half a century has been childish vulgar and vitriolic. Nader is a "faded chanteuse in a dingy nightclub," wrote Robert Scheer venerable liberal pundit for the Los Angeles Times. He should know. What has Nader done since 2000, asked Scheer scornfully, albeit stupidly. As Jim Ridgeway points out in the Village Voice, It's been Nader and his groups, not the Democrats, who've spearheaded universal health care ever since Hillary Clinton botched the chance for health reform in the early 90s. It's been Nader and his troops who've kept the searchlight on corporate crime, who raised the hue and cry on Enron, when Democrats were smoothing the counterpane for Lay in the Lincoln Bedroom.

From the point of view of democracy, the American political system is a shambles of corruption, gerrymandered to ensure that it is almost impossible to evict any sitting member of the House of Representatives. The presidential debates are fixed to exclude unwelcome intruders. Nader says that in the whole of his 2000 challenge he got about 3 minutes face-time on the major networks. You can understand why the two major parties don't want any outsider spoiling the fun. They ar-

ranged things that way, as Nader understands, and explains better than anyone.

"I think the mistake the Democrats are making" said Nader at the National Press Club on Monday, February 23, "when they use the mantra 'anybody but Bush' is, first of all, it closes their mind to any alternative strategies or any creative thinking, which is not good for a political party. And second, it gives their ultimate nominee no mandate, no constituency, no policies, if the ultimate nominee goes into the White House.

"And then they'll be back to us. I guarantee you the Democrats, the liberal

House districts are gerrymandered so that it is almost impossible to evict any sitting member of Congress.

groups, the liberal intelligentsia, the civic groups that are now whining and complaining, even though they know they're being shut out increasingly, year after year, from trying to improve their country when they go to work every day. And they'll be saying, 'Oh, you can't believe — we were betrayed. The Democrats are succumbing to the corporate interests in the environment, consumer protection.'

"How many cycles do we have to go through here? How long is the learning curve before we recognize that political

parties are the problem? They're the problem! They're the ones who have turned our government over to the corporations, so they can say no to universal health insurance and no to a living wage and no to environmental sanity and no to renewable energy and no to a whole range of issues that corporations were never allowed to say no to 30, 40, 50 years ago. Things really have changed."

Nader's seen it happen time and again. Bold promises from a Democratic candidate, followed by ignominious collapse. And each time the promises are vaguer, more timid. Each time the whole system tilts further in the direction of corporate power. Nader is saying that the Democrats are so hopelessly compromised that they don't know how to energize people to get them into the polling booths to vote against Bush. So he's going to lend a hand. Nader can be the candidate denouncing the war that Bush started and Kerry voted for. Nader can denounce the corporate slush that's given Bush his hundred million dollar war chest and Kerry his \$30 million in corporate swag.

With NBK as their war cry ("Nobody But Kerry") we doubt the Democrats have much of a shot at the White House. Already George Bush has winged Mr Facing-Both-Ways pretty good. Kerry looks like an uncertain proposition to us. If we were advising him, or John Edwards for that matter, we'd push for a joint press conference with Nader, welcome him into the race, hail him as a man who knows what's wrong with America and how to mend it. That would make for an exciting political year, and a pretty good chance of ousting George Bush. CP

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