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### Special Issue of CURRENT PSYCHOLOGY

Rita J. Simon (Guest Co-Editor) and Jeffrey A. Schaler

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## Introduction to the Special Issue on Anti-Semitism

Jeffrey A. Schaler

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I am pleased to welcome my colleague and friend, Rita J. Simon, as co-editor for this special double-issue of *Current Psychology*, here devoted to the theme of anti-Semitism the world over in the twenty-first century. We are both honored to publish such erudite and thought-provoking contributions by the distinguished scholars who kindly accepted our invitation to write on this important topic.

Whenever we address something with the intention of changing policy, I believe we owe our audience an explanation about why we are doing so. What are our potential biases, investments, and interests in writing or speaking about certain topics, especially controversial ones? We must “go inside” and search our hearts, take an honest look at what we stand to gain or lose. I can only speak for myself.

The history and origins of the Holocaust have always been a deep personal interest of mine. My father’s family was victimized by the Nazis before they fled in two and a half attempts to get to America from Gotha, Germany. My father, a boy of about fifteen, had already scuffled with Hitler Youth on several occasions, and things were clearly getting worse. He was sent first to live with an aunt in Albany, New York. My aunt and grandmother later escaped through Berlin and France, and they finally made it to New York City via Portugal.

My grandfather was arrested in their home before they left, in the middle of the night, by the Gestapo. It was “Kristallnacht.” He was imprisoned at Buchenwald. My aunt—who died recently—kept the piece of bread her father used to soak up rainwater, to drink, while in Buchenwald. Amazingly, he was released from Buchenwald and dumped by the Gestapo on the front steps of the family home back in Gotha, after being beaten nearly to death. My aunt and grandmother bathed him and cared for his wounds through the night. He was released because he had received the Iron Cross in World War I. That kind of luck would not last long for

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him or for anyone, though. He made it to England after his wife and daughter arrived in New York. He was again a prisoner in an English internment camp, this time because he was German. And the Canadian ship that carried him from England with hopes to join his family in America was either torpedoed or sunk in a storm. I could never figure out which it was. They never saw him again. I wish I had known him.

My father learned English quickly, he became president of his high school in Albany about two years after arriving there, and he joined the U.S. Army to go back to Europe, this time to kill Nazis. He was sent to the Pacific theater instead because he was German.

Clearly, my family on my father's side was haunted by memories of the Nazis the rest of their lives. If my father couldn't kill Nazis in Europe, he fought them, like so many Holocaust survivors, in his dreams, right up until when he died seven years ago. Their experience of the Holocaust was, of course, passed from generation to generation.

Much of my teaching and academic interests remain focused on how the Holocaust could happen. I remember asking my father about what people were thinking in Germany when the Nazis were building the political machine that came close to destroying the world. He said "no one believed it could happen." No one ever does; radical anti-Semitism always seems surreal. As the essays in this volume attest, anti-Semitism is alive and well.

Certain essays and conversations over the recent years caught my attention more than others and stimulated my skepticism and concern about anti-Semitism. For example:

And if Israel alone is cheering for this war, what might that fact suggest? Well might we consider whether the present U.S. war policy constitutes still another case of the American dog being wagged by the tail of its Israeli Protectorate. If so, do the American people really want it? (Higgs 2003).

People seemed to protest too much when I suggested they might be expressing anti-Semitism. This was true for Jews, too, perhaps even more so. After all, how could a Jew hate Jews? The same way Blacks can be racist, the way people with a homosexual orientation can feel hatred towards gays. At least people are questioning the use of derogatory and racist rhetoric in hip-hop and rap music. And the ever-increasing news exposing evangelical leaders and Congressman who were publicly critical of gays and gay marriage, and then got caught engaging in homosexual activities themselves, is in the consciousness now of people who likely had never considered such contradictions were possible before. "Reaction formation" and "identification with the aggressor" are terms of academese. It is unlikely, much as people seem to like pop psychology, that they will become household terms, much less used as tools for self-examination. "Self-hating Jew" has become a worn expression, more prescriptive than descriptive, and it rarely seems to encourage people to take an honest look at themselves, regardless of how the phrase is delivered.

What caught my attention and fueled my increasing interest in anti-Semitism and its relation to the Holocaust over the years is that there rarely seemed to be any consideration of honest introspection when the suggestion or accusation was made. Why do people get so upset when we suggest that they may be anti-Semitic? Why

do people get upset when I suggest that they sound anti-Semitic? Why not just let the suggestion roll off as something dumb and inaccurate if that's what it really is to them?

I do not mean to suggest that every criticism of Israel and Israeli politics is anti-Semitism in disguise. Certainly people can be critical of Israeli politics and not be anti-Semitic or a "self-hating Jew." Criticism of Israel *can* mask feelings of anti-Semitism, though. Why is it, I asked friends who criticized Israel, that most every country in the world was established through violence and aggression, yet somehow Israel ends up being more evil in their eyes than any other country? "Two wrongs don't make a right," is the response I kept receiving. Israel was always singled out, especially among people I know on the political left, and especially people I know who tended to call themselves libertarian. I reread history. Why aren't people blaming the United Nations, the British, or the Turks when it comes to discussing Israel's right to exist? Why are the Jews and the Israelis always to blame? Why is "Zionism" considered such a dirty word?

I shared my concern about this double standard with colleagues. One sent me a pre-publication version of the article by Edward H. Kaplan and Charles A. Small (2006), subsequently published in the *Journal of Conflict Resolution*. It reinforced my suspicion that criticism of Israel was often, if not always, a dodge for anti-Semitism. Their study provided evidence that "anti-Israel sentiment consistently predicts the probability that an individual is anti-Semitic, with the likelihood of measured anti-Semitism increasing with the extent of anti-Israel sentiment observed." Again, this doesn't mean that anyone and everyone who criticizes Israel is anti-Semitic.

My understanding of projection deepens my understanding of anti-Semitism. I see the past in the present. My teaching focused more and more on the nature and function of scapegoating. As my good friend Dr. Thomas Szasz had written years ago, scapegoating is a way of expelling evil and affirming the dominant ethic (Szasz 1974). Anti-Semitism is clearly a form of scapegoating. The Nazis blamed the Jews for their problems-in-living and convinced Germans that by controlling and getting rid of Jews (among others) they could control and get rid of their problems.

The Nazis used medical rhetoric to justify murder and the persecution of "lives not worth living." I integrate the Nazis' use of medicine and medical rhetoric in a class I teach called "Deprivation of Liberty." Oddly, some academic colleagues seem furious with me for pointing out the role of psychiatrists in the Holocaust. These are historical facts. My interest in anti-Semitism and the origin of the Holocaust is strengthened as a result:

In October 1939 the first euthanasia applications were sent to psychiatric institutions, where they were evaluated by forty-eight medical doctors....The first executions of adult mental patients were carried out during the military campaign against Poland. (Proctor 1988, p. 189).... Doctors were never ordered to murder psychiatric patients and handicapped children. They were empowered to do so, and fulfilled their task without protest, often on their own initiative (Ibid., p. 193).

By addressing the nature, history, and incidence of anti-Semitism we are necessarily investigating the origins of the Holocaust and totalitarianism. How do

we keep it from happening again? By studying and drawing attention to “the pedigree of ideas.” This kind of vigilance does not come easily. As Lord Acton stated, “Few discoveries are more irritating than those which expose the pedigree of ideas.”

Three of the contributions in this volume highlight the extent, intensity, and history of anti-Semitism throughout the world, and in certain areas in particular: Cuba, Montreal, and across college campuses. Another examines in depth the relationship between Holocaust denial and anti-Semitism, what we should and should not do about it. Another examines Muslim anti-Semitism from a historical perspective. All of these contributions can be used to increase our knowledge and awareness of anti-Semitism, which can in turn affect policy on multiple levels.

As Shakespeare wrote, the past is prologue. A good analyst knows this. Awareness of the influence of our past relationships can help us to interrupt the cycle of repeating what was done to us and positively affect our own experiences with our children. I hope that knowledge and awareness of political practices can keep us from repeating the mistakes of the past. The wisdom contained in the essays here is published with that goal in mind. I am not overly optimistic.

We know that anti-Semitism spells trouble, especially when it is sanctioned by the state. But what of the “seeds of anti-Semitism,” as Michael Gerson recently opined in *The Washington Post*. Gerson referred to a paper written by Stephen Walt of Harvard and John Mearsheimer of the University of Chicago, accusing the “‘Israel Lobby’ of having ‘unmatched power’ and managing to ‘manipulate the American political system’ into actions that undermine U.S. interests,” a.k.a., another example of the tail (Israel) wagging the dog (America):

Accusations of disproportionate Jewish influence are as old as the pharaohs. The novelty here is the endorsement of respected, mainstream academics.... Walt and Mearsheimer are careful to say they are not anti-Semitic or conspiracy-minded. But their main inference—that Israel, the Israel lobby and Jewish neoconservatives called the shots for Bush, Cheney, Condoleezza Rice, Stephen Hadly, Colin Powell and Donald Rumsfeld—is not only rubbish, it is dangerous rubbish. As ‘mainstream’ scholars, Walt and Mearsheimer cannot avoid the historical pedigree of this kind of charge. Every generation has seen accusations that Jews have dual loyalties, promote war and secretly control political structures.... These academics may not follow their claims all the way to anti-Semitism. But this is the way it begins. This is the way it always begins (Gerson 2007).

One myth about scapegoating is that it is something that others do, something that was practiced in the past—we don’t scapegoat problems on others today. For those courageous enough to think otherwise, scapegoating is as popular today as it ever was. To the psychologist, finding fault and blame in the other is often intricately linked to feeling good about oneself. Scapegoating and boosting one’s self-esteem are often two sides of the same coin.

Jewish people, Judaism, Jewish beliefs and practices, have all been blamed for the suffering others experience in the world. Like a paranoid person, there is always evidence to support unprovable accusations and vain attempts to show how much attention others are paying him. Anti-Semitism is a form of scapegoating, and Holocaust denial, as we shall see, is a form of anti-Semitism.



The Holocaust is gone and not forgotten. Psychiatrists played an important role in the initial murders; psychologists can now play an important role in keeping the monster from returning. The writings here are important steps in that direction. Psychologists, I believe, should consider the historical and political contexts within which interpersonal and intra-personal conflicts exist—not as extensions of the state, for if that were to happen, I'm afraid we would see history repeating itself. But by writing and reflecting on conflict within the context of human events and activities; by paying attention to the bigger picture—not the putative conflict between neurons, but the actual conflict between nations; not the conflict between parents and children, but the conflict between the state and adult citizens; that, too, is why I saw fit to make anti-Semitism the theme of this special issue of *Current Psychology*.

Brecht wrote the following as an epilogue to his play, *The Resistible Rise of Arturo Ui* (1981). I believe it serves as an appropriate prologue to this volume.

Therefore learn how to see and not to gape.

To act instead of talking all day long.

The world was almost won by such an ape!

The nations put him where his kind belong.

But don't rejoice too soon at your escape—

The womb he crawled from still is going strong.

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# Anti-Semitism the World Over in the Twenty-first Century

Rita J. Simon · Jeffrey A. Schaler

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**Abstract** The article reports the numbers and types of anti-Semitic incidents, attacks, media reports, and public opinion against Jews in the United States, Canada, Latin America, Western and Eastern European countries, the Middle East, and Australia. It also reports responses to these actions by police and local and national government officials. The period for which the data are reported is from 2000 to mid-2007. For each country, the size of the Jewish community is reported. What is manifestly clear from the data presented is that anti-Semitism is on the rise in most countries of the world. The data show a dramatic increase in anti-Semitism in Western Europe notably, Belgium, France, Germany, Great Britain, and The Netherlands. Of those countries, France has the worse record.

**Keywords** Jewish communities · Judaism · International · Government · Muslim

## Introduction

In this special issue of *Current Psychology* we report on anti-Semitism the world over in the twenty-first century. The countries about which data are reported include the United States, Canada, Argentina, the United Kingdom, France, Germany, Belgium, The Netherlands, Belarus, Russia, the Ukraine, Egypt, Iran, Saudi Arabia, Syria, Morocco, and Australia. For the purposes of this report, anti-Semitism is operationally defined as prejudice, discrimination and/or hostility towards Judaism and/or Jewish people. People are regarded as Jewish by either “conviction or condition.” To the extent that data are available, we describe, on a country-by-country basis, anti-Semitic incidents that include verbal and physical attacks on Jews, incidents of vandalism (for example, graffiti on Jewish homes and institutions, the bombing of Jewish schools and community centers, and desecration of synagogues and cemeteries), the appearance in the media (for example, television, radio, print and the Internet) of anti-Semitic material

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and poll data reporting denigrating attitudes toward Jews and Judaism. Responses by local and national government officials and the police are also documented.<sup>1</sup>

The period covered in this report is from 2000 to the present (mid 2007). The sources for much of the material we present are US government reports available to the public at <http://www.state.gov/g/drl/rls/40258.htm>. These include reports by the US Department of State submitted to the US Committee on Foreign Relations and the Committee on International Relations in accordance with Section 4 of PL 108–332, December 30, 2004, released by the Bureau of Democracy, Human Rights, and Labor, January 5, 2005.<sup>2,3,4,5</sup>

Another US government report relied on here is from the US Embassy in Asuncion, Paraguay (Cf. [http://paraguay.usembassy.gov/report\\_on\\_global\\_anti-semitism.html](http://paraguay.usembassy.gov/report_on_global_anti-semitism.html) and <http://baku.usembassy.gov>). We also refer to the “US Department of State’s International Religious Freedom Report” (<http://www.state.gov/g/drl/rls/irf/>) and the Country Reports on Human Rights Practices (<http://www.state.gov/g/drl/rls/hrrpt/>), published annually. Both detail incidents and trends of anti-Semitism worldwide. The US State Department’s instructions to US Embassies for the 2004 Reports on Human Rights Practices, explicitly required them to describe acts of violence against Jews and Jewish properties, as well as actions governments are taking to prevent this form of bigotry and prejudice” (August 22, 2006, page 12).<sup>6</sup>

Portions of government documents are taken verbatim, paraphrased and cited throughout. The stimulus for preparing this special issue of *Current Psychology* is the growing “concern that anti-Semitism is on the increase, especially in countries of Western Europe,” such as “France, Germany, the United Kingdom, Belgium, and The Netherlands”.<sup>7,8</sup>

## Brief Background

In a recent article in *The Nation* (February 2, 2004), Brian Klug wrote,

In 1879, the German journalist, Wilhelm Marr, a former socialist and anarchist, founded an organization that was novel in two ways. It was the first political party based on a platform of hostility to Jews. And it introduced the world to a new word: “anti-Semite.”<sup>9</sup>

<sup>1</sup> <http://baku.usembassy.gov>

<sup>2</sup> Ibid.

<sup>3</sup> [http://cairo.usembassy.gov/gas\\_egypt.htm](http://cairo.usembassy.gov/gas_egypt.htm)

<sup>4</sup> <http://www.state.gov/g/drl/rls/40258.htm>

<sup>5</sup> <http://amb-usa.fr>

<sup>6</sup> <http://baku.usembassy.gov>

<sup>7</sup> [http://www.easyencyclopedia.com/encyclopedia/d/di/discrimination\\_against\\_non\\_muslims\\_in\\_saudi\\_arabia.html](http://www.easyencyclopedia.com/encyclopedia/d/di/discrimination_against_non_muslims_in_saudi_arabia.html)

<sup>8</sup> <http://pluralism.org/news/index.php?xref=Anti-Semitism&sort=DESC>

<sup>9</sup> Klug, Brian. "The myth of the new anti-Semitism: reflections on anti-Semitism, anti-Zionism and the importance of ", *The Nation*, Feb 2 2004 Issue



Anti-Semitism is hatred of Jews and Judaism. Jews are perceived as an enemy by anti-Semites. Anti-Jewish beliefs are based on Jewish beliefs and activities—what establishes Jews as an ethnic group and/or a race.

In an address entitled “Unconditional Hate,” presented at the conference on “Anti-Semitism in the Contemporary World” in Melbourne, Australia, February 2005, Natan P. F. Kellerman, a clinical psychologist and until 2004, Executive Director of Amcha, the National Israeli Center for Psychosocial Support of Holocaust Survivors and their families, offered five reasons for the persistent hatred of Jews throughout history. Jews are hated because:

1. They are the cause of all misfortunes (panapathogens),
2. They possess too much wealth and power (greedy, capitalist),
3. They arrogantly claim supremacy over other people (arrogant, “chosen”),
4. They killed Jesus, and (murderers, of Christianity),
5. They deviate from the cultural norm, and are thus inferior (weak).<sup>10</sup>

Jews have long been assigned scapegoat status. Scapegoats serve two social purposes: they are used to expel evil and they are used to affirm the dominant ethic.

Recently, the media referred to the “new anti-Semitism.” The “new” anti-Semitism is anti-Israel. New anti-Semitism preaches hatred against Jews and against Israel. The extent to which Israel is attacked as a sovereign state because it is a Jewish state is the new anti-Semitism. Anti-Semitism masquerades as anti-Zionism and anti-Israeli nationalism (Cf. Edward H. Kaplan and Charles A. Small’s important study, “Anti-Israel Sentiment Predicts Anti-Semitism in Europe,” *Journal of Conflict Resolution*, Vol. 50 No. 4, August 2006, pp. 548–561).

In a recent op-ed in *The Wall Street Journal* (September 8, 2006), William Kristol, editor of *The Weekly Standard*, posed the following question: “Is anti-Judaism now enjoying a broader revival?” By “broader” he meant not only in the Middle East, but in other parts of the world as well. He answered his question in the affirmative: “It would seem so.” To support his views, Kristol cited the writings of University of Chicago political science professor John Mearsheima and Stephen Walt of Harvard’s Kennedy School of Government, Norwegian writer Josten Gaarder and Mahmoud Ahmadinejad, the President of Iran. Kristol noted that although Jews are under attack “no one seems very concerned.” He reminded his readers that while the two largest Jewish communities in the world are the US and Israel, this is not 1938. Nevertheless, he considered it important to draw attention to growing “anti-Jewish sentiments that are expressed in many parts of the world today.” In this report, we differentiate between criticisms of Israel based on state politics and criticism of Israel based on stereotypical Jews.<sup>11,12</sup>

In a Gallup poll conducted in October 2005, 7,515 citizens from the 15 European Union (EU) member states were asked “Which countries pose the greatest threat to world peace?” Seventy-four percent of people in The Netherlands, 69% in Austria,

<sup>10</sup> <http://www.jewishmag.com/91mag/antisemitism/antisemitism.htm>

<sup>11</sup> <http://historynewsnetwork.org/roundup/archives/17/2004/011>

<sup>12</sup> <http://middleeastinfo.org>

and 65% in Germany picked “Israel as the greatest threat to world peace.” Only Italy broke this trend with less than half of the respondents (48%) describing Israel as a threat. In second place after Israel, came Iran, North Korea, and the United States; 53% of the EU citizens regarded the United States as a threat.<sup>13</sup>

### Jewish Populations

In 1939, there were approximately 17 million Jewish people in the world. In 1945 there were 11 million. As of 2005, there were “13.3 million Jews” in the world. “Jewish population growth worldwide is” currently “close to zero percent. From 2000 to 2001” the population of Jews worldwide increased by three-tenths of a percent, compared to an overall “population growth of 1.4 percent. In 2001, 8.3 million Jews lived in the Diaspora and 4.9 million lived in Israel.” Among the Diaspora countries, following the US, France at 519,000 Jews “had the third largest Jewish [community] in the world,” followed by Canada at 364,000, Russia at 435,000, the United Kingdom at 273,500, Argentina at 195,000, and the Ukraine at 112,000 Jews. Percentage wise, 63% of the Jewish population live in the Diaspora, with 64% in North America, 12% in Europe, and 5% in South America, Africa, Asia, and Australia.<sup>14</sup>

We turn now to a country-by-country account of anti-Semitism from 2000 to the time of writing.

### Country-by-country Report

#### Canada

As of 2002, with 364,000 Jews, Canada “had the [fourth] largest Jewish population in the world, [preceded by Israel,] the US” and [France. Canada, at 11.8 percent, is also the] country with the highest number of Jews per [one thousand] population.” Among major Canadian cities, Toronto has the largest Jewish community, followed by Montreal and Vancouver.<sup>15</sup>

“According to the League for Human Rights of B’nai Brith, the number of anti-Semitic incidents has been steadily increasing” between 1990 and 2000. The “number of reports doubled from 2001 to 2003. B’nai Brith reported” 600 incidents in the first eight months of 2004, which surpassed the total reported in all of 2003. One incident involved the “firebombing of a Jewish school in Montreal in April. There were also numerous reports of vandalism at Jewish schools, cemeteries and synagogues.” In June 2005, more than 20 gravestones were toppled “in the historic Beth Israel cemetery in Quebec City, a designated national [historical] site.” The Canadian “Prime Minister acknowledged that violence directed against the Jewish

<sup>13</sup> <http://middleeastinfo.net/forum1058>

<sup>14</sup> <http://simpletoremember.com>

<sup>15</sup> Ibid.

community was a growing problem and condemned anti-Semitic acts when they occurred.”<sup>16,17</sup>

## United States

More Jews live “in the United States than in any country” throughout the world—including Israel. As of 2005, there are 6,500,000 Jews in the United States and nearly 5 million Jews in Israel. Together they comprise 86% of the world’s Jewish population. New York City, with 1.9 “million Jews, is the world’s [second] largest Jewish city” and Los Angeles, with 621,000 Jews is the fourth largest Jewish city.<sup>18</sup>

The first major immigration of Jewish people came from Germany following the failed revolution of 1848. In 1880, one-sixth of the quarter million American Jews living in the US emigrated from Eastern Europe. By 1920, about five-sixths of the 4 million Jews in the US were Eastern European immigrants. According to a study by Professor Sergio Della Pergola of Hebrew University, “in the next [eighty] years America’s Jewish population would decline by one-third to 3.8 million if current fertility rates and migration patterns continue.”<sup>19</sup>

A national poll conducted “by the Anti-Defamation League (ADL) [in 2002 showed] an increase in the number of Americans with anti-Semitic attitudes. [This increase reversed] a ten-year decline and [raised] concerns that an undercurrent of Jewish hatred persists in America. The [survey found that seventeen] percent of Americans or about [thirty-five] million adults hold views about Jews that are ‘unquestionably anti-Semitic.’ Previous surveys commissioned by the ADL over the past decade had [shown] that anti-Semitism was in decline. A survey [conducted in 1998] found that the number of Americans with anti-Semitic beliefs had dropped from [twenty] percent in 1992 to [twelve] percent in 1998.”<sup>20</sup>

This 2002 poll also asked a series of questions about the “admirable qualities that characterized Jews.” The results are shown below.

### Admirable qualities characterizing Jews by Americans (2002)

|   |     |
|---|-----|
| 1. Jews place a strong emphasis on the importance of family life.                                   | 80% |
| 2. Jews have contributed much to the cultural life of Americans.                                    | 69% |
| 3. Jews have a special commitment to social justice and civil rights.                               | 58% |
| 4. Jews have played a vital role in making sure the US is a positive, moral force in world affairs. | 53% |

Between 1964 and 2002 the following items were included on what has become known as the Anti-Semitic Index:

### Anti-Semitic Index (percentages)

| Statement  | 1964 | 1969 | 1981 | 1992 | 1998 | 2002 |
|--|------|------|------|------|------|------|
| 1. Do you think Jews have too much power in the US? (Yes)            | 13   | 11   | 23   | 31   | 11   | 20   |
| 2. Do you think Jews have too much power in the business world (Yes) | 33   | 26   | 37   | 24   | 16   | 24   |

<sup>16</sup> <http://baku.usembassy.gov>

<sup>17</sup> <http://www.antisemitismus.juden-in-europa.de>

<sup>18</sup> UNITED STATES OF AMERICA. (*anti-Semitism*), *Anti-Semitism Worldwide, Annual 1998 issue*

<sup>19</sup> <http://simpletoremember.com>

<sup>20</sup> “Anti-Semitism on the Rise in America; ADL Survey on Anti-Semitic Attitudes Reveals 17% of Americans Hold ‘Hardcore’ Beliefs”, US Newswire, June 11 2002 Issue ([http://www.adl.org/PresRele/ASUS\\_12/4109\\_12.htm](http://www.adl.org/PresRele/ASUS_12/4109_12.htm))

|   |    |    |    |           |    |    |
|---|----|----|----|-----------|----|----|
| 3. Jews are more willing than others to use shady tactics to get what they want (agree)   | 48 | 28 | 33 | 21        | 13 | 19 |
| 4. Jews are more loyal to Israel than to America (agree)  | 39 | 29 | 48 | 35        | 31 | 33 |
| 5. Jews are not as honest as other businessmen (agree)  | 30 | 30 | 22 | 16        | 10 | 14 |
| 6. Jews have a lot of irritating traits (agree)   | 48 | 30 | 28 | 22        | 14 | 20 |
| 7. International banking is pretty much controlled by Jews (agree)  | 55 | 35 | 43 | Not asked |    |    |
| 8. Jews don't care what happens to anyone but their own kind (agree)  | 30 | 40 | 21 | 16        | 9  | 16 |
| 9. Jews always like to be at the head of things (agree)   | 63 | 42 | 52 | 39        | 33 | 35 |
| 10. Jews stick together too much (agree)  | 58 | 52 | 53 | 51        | 57 | 50 |
| 11. The trouble with Jewish businessmen is that they are so shrewd and tricky other people don't have a chance in competition (agree) | 40 | 54 | 27 | 19        | 14 | 17 |
| Asked in 1992,1998, and 2002 instead of #7 "Jews have too much control/influence on Wall St." (agree)                                 |    |    |    | 27        | 16 | 20 |

For most of the items, the percentage indicating anti-Semitic responses dropped over the years. For example, "Jews are more willing than others to use shady practices to get what they want," dropped from 48 to 19%; "Jews have a lot of irritating traits," declined from 48 to 20%; "International banking is pretty much controlled by Jews" declined from 55 to 20%; "Jews always like to be at the head of things," declined from 63 to 35%; "Jews don't care what happens to anyone but their own kind," dropped from 30 to 16%, and "The trouble with Jewish businessmen is that they are so shrewd and tricky other people don't have a fair chance in competition," dropped from 40 to 17%. Only one item, "Do you think Jews have too much power in the US" increased to 20% (2002) from 13% in 1964.<sup>21,22,23</sup>

On the 2002 National Survey, the ADL reported that 17% of the national sample indicated anti-Semitic propensities; and when broken down by race the percentages showed:

|                               |     |
|-------------------------------|-----|
| White                         | 12% |
| African American              | 35% |
| Hispanics born in the US      | 20% |
| Hispanics born outside the US | 44% |

The 2002 responses by African Americans matched closely with those reported in 1992—37% and in 1998—34%.

In addition to race, education is strongly and negatively associated with anti-Semitic beliefs. For example, in 1981, 1992, 1998, and 2002 more educated respondents were much less likely to express anti-Semitic beliefs. In 1981, 15%; in 1991, 12%; in 1998, 5%; and in 2002, 12% of college graduates expressed anti-Semitic propensities as opposed to 28, 23, 18 and 26% of high school graduates during the same time periods.

In May 2003, a national Gallup poll asked the following questions:

"Do you think that anti-Semitism, a prejudice against Jewish people, is currently—a very serious problem, somewhat of a problem, not much of a problem at all—in the

<sup>21</sup> [http://www.adl.org/anti\\_semitism/2002/as\\_survey.pdf](http://www.adl.org/anti_semitism/2002/as_survey.pdf)

<sup>22</sup> <http://cloud9.norc.uchicago.edu>

<sup>23</sup> "UNITED STATES OF AMERICA (anti-Semitism)", Anti-Semitism Worldwide, Annual 1998 Issue

United States?” Nine percent answered a “Very Serious Problem,” and 48% answered “Somewhat of a Problem.” Of the other 43%, 30% said “Not Much of a Problem,” 9% answered “Not a Problem at All” and 4% had no opinion.<sup>24</sup>

Concerning the issue of whether respondents believed there was more or less anti-Jewish sentiment in America today than there was 10 years ago, in 1998, 11% thought there was more anti-Jewish sentiment, and in 2002, 22% thought so. When asked: “Do you see any possibility of an increase in Anti-Jewish feeling around the country in the next few years?” Twenty-five percent answered “yes” in 1992 and 37% answered “yes” in 2002. Finally, when asked in 1998, “How likely do you think it is that there would be a serious increase in Anti-Jewish feeling around the world in the next few years,” 45% in 1998 and 63% in 2002 said they thought there would be a serious increase all over the world.<sup>25,26,27</sup>

Anti-Semitic incidents are rare events on US college campuses. Indeed, the ADL has stated that “campus faculty and students are the least anti-Semitic among Americans.” Nevertheless, in 2005 two faculty members at the University of California, Santa Cruz, one faculty member at UCLA and the President of Scholars for Peace in the Middle East filed a petition about anti-Semitic events on California campuses that was presented to the Board of Trustees of the California State University system on September 20, 2006, and to the Board of Regents of the University of California system on September 21, 2006. More than 3,000 “faculty, students and concerned citizens signed the petition. The petition asked the faculty and administration on each of the California public university campuses to address the growing problem of hostility towards Jewish students fueled by anti-Israel and anti-Zionist rhetoric in the classroom and curriculum and at university-sponsored campus events.”<sup>28,29</sup>

The examples cited are described below: “Physical threats and violence perpetrated against Jewish students at UC–Irvine; Swastikas spray-painted on the doors of Jewish students at UC–Santa Cruz”; at San Francisco State University, “flyers and posters dredging up the medieval anti-Semitic blood-libel of Jews slaughtering children; a Jewish student verbally assaulted and threatened with physical harm at a Muslim Student Association event in the student union at California State University–Long Beach.”<sup>30</sup>

Particularly, the petition asked “that the administrators at all levels of the University of California and California State University systems address the problem by directing faculty on each campus to review course materials, curricula and invited speakers to ensure that the full range of scholarly views about Israel and Zionism

<sup>24</sup> <http://israpundit.com/archives/001058.html>

<sup>25</sup> [http://www.adl.org/anti\\_semitism/2002/as\\_survey.pdf](http://www.adl.org/anti_semitism/2002/as_survey.pdf)

<sup>26</sup> [http://www.adl.org/anti\\_semitism/EuropeanAttitudesPoll-10-02.pdf](http://www.adl.org/anti_semitism/EuropeanAttitudesPoll-10-02.pdf)

<sup>27</sup> [http://www.adl.org/anti\\_semitism/2002/as\\_survey.pdf](http://www.adl.org/anti_semitism/2002/as_survey.pdf)

<sup>28</sup> “Anti-Semitism on the Rise in America; ADL Survey on Anti-Semitic Attitudes Reveals 17% of Americans Hold ‘Hardcore’ Beliefs”, US Newswire, June 11 2002 Issue

<sup>29</sup> <http://www.studentsforacademicfreedom.org>

<sup>30</sup> Ibid.

were presented. In addition, universities were asked to develop and implement courses to educate students about contemporary anti-Semitism.”<sup>31,32</sup>

[Coinciding with] “the rise in anti-Semitic attitudes, [the] ADL released the most recent statistics on anti-Semitic incidents in the US. [The] ADL’s ‘Audit of Anti-Semitic Incidents’ reported an [eleven] percent increase in the number of anti-Jewish incidents during the first five months of 2002, compared with the same period in 2001.”<sup>33</sup>

In January–May 2002, 626 “anti-Semitic incidents were reported to the ADL, compared with” 564 “incidents reported during the same period in 2001. This activity was comprised of” 435 “acts of harassment or intimidation and one hundred ninety-one acts of vandalism. The audit found that the number of incidents increased steadily during the first four months in 2002, with eighty-one incidents in January, ninety-eight in February,” 124 in March and 222 in April (101 “in May). Campus incidents were up dramatically. The ADL tracked at least sixty-three incidents nationwide on campus, while only fifteen incidents were reported during the same period in 2001.”

In March 2007, the ADL released its annual “audit of anti-Semitic incidents and reported that attacks against Jewish” targets in the United States declined by 12% for a second straight year.

We now shift our focus to South America.

## Argentina

As of 2002, there were 195,000 Jews living in Argentina, making it the country with the seventh largest Jewish population in the world, and the largest of any of the Latin American countries. Almost all of the Jews in Argentina live in Buenos Aires. Argentina’s Jewish “population peaked in the early 1960’s when it was estimated at” 310,000. Those who left and are still leaving emigrate primarily to Mexico, Israel, Spain and the US.<sup>34</sup>

“In 2003, the Delegation of Israeli Argentine Associations (DAIA) Center for Social Studies reported” 177 anti-Semitic incidents. Final figures were not compiled for 2004 or 2005, but the DAIA stated that it expected the numbers to be about the same. These “incidents made up seven percent of the complaints received by the National Institute Against Discrimination, Xenophobia and Racism (INADI) in 2003.” Among the incidents reported were vandalism of Jewish cemeteries, “threats to Jewish institutions, sales of Nazi memorabilia, and graffiti and display of Nazi symbols, including a Jewish school bus” defaced with Nazi symbols.<sup>35</sup>

The Argentinian government “reported that there were no developments in the investigation of the 1992 bombing of the Israeli Embassy in Buenos Aires. The investigation into the 1994 bombing of the AMIA” (Argentine Israelite Mutual

<sup>31</sup> Ibid.

<sup>32</sup> “Anti-Semitism on the Rise in America; ADL Survey on Anti-Semitic Attitudes Reveals 17% of Americans Hold ‘Hardcore’ Beliefs”, US Newswire, June 11 2002 Issue

<sup>33</sup> Ibid.

<sup>34</sup> <http://simpletoremember.com>

<sup>35</sup> <http://baku.usembassy.gov>



Association) cultural center there, which killed 86 “people, resulted in the issuing of international arrest warrants for twelve Iranian officials and a Lebanese national associated with Hezbollah. In September 1994, a three-judge panel acquitted twenty-two Argentinean defendants charged in connection with the bombing, however, the Argentine government has pledged to continue the investigation and efforts to bring the perpetrators to justice.”<sup>36,37</sup>

We travel next across the Atlantic to Western Europe.

## Great Britain

With a population of 273,500, the United Kingdom has the “fifth largest Jewish community in the world. The Jewish population” there, however, has been dropping since 1970 “due to low birth rates and high intermarriage” rates (50% of men under 30 are married to non-Jewish women). In 1990, the Jewish population in the United Kingdom was estimated at 285,000.<sup>38</sup>

The “Community Security Trust (CST), an organization that analyzes threats to the Jewish community,” recorded 511 “anti-Semitic incidents between July 2003 and June 2004.” In September 2006, the CST reported “a significant increase in anti-Semitic incidents during the past month.” They also noted that “[T]he risk of a terrorist attack has been raised in overseas events. This is in addition to the considerable existing terror threat from domestic UK pro al-Qaeda sources.” Examples of the types of incidents reported are described below.<sup>39,40</sup>

“On June 25, 2003 near Manchester, a group of five persons physically assaulted a rabbi while shouting anti-Semitic statements. In October 2003, a man driving past Borhamwood Synagogue shouted anti-Semitic statements at members of the synagogue’s security team.”<sup>41</sup>

“On June 17 [, 2005] vandals caused a fire in the South Tottenham United Synagogue, resulting in the destruction of Jewish prayer books smuggled out of Central Europe before World War II. On June 18, in an apparently unrelated incident, a suspicious fire damaged a synagogue and Jewish educational center in Hendon.”

“Nazi slogans and swastikas were painted on eleven Jewish gravestones at a Southampton cemetery in July 2003, and twenty Jewish gravestones were damaged at Rainsough cemetery in Manchester in August 2003.”

“[In November 2005, a fire,] deliberately-set, caused severe damage to the Hillock Hebrew Congregation near Manchester, and, in a separate incident, attackers used bricks to smash the windows of London’s Orthodox Edgware Synagogue.”

“Members of some far-right political parties such as the BNP, the National Front, and the White Nationalist Party, and extremist Muslim organizations such as Al-

<sup>36</sup> Ibid.

<sup>37</sup> <http://www.antisemitismus.juden-in-europa.de>

<sup>38</sup> <http://simpletoremember.com>

<sup>39</sup> <http://baku.usembassy.gov>

<sup>40</sup> [http://www.jta.org/page\\_view\\_breaking\\_story.asp?intid=4465&ref=bbwebcast](http://www.jta.org/page_view_breaking_story.asp?intid=4465&ref=bbwebcast)

<sup>41</sup> <http://baku.usembassy.gov>

Muhajiroun, occasionally gave speeches or distributed literature expressing anti-Semitic beliefs, including denials that the Holocaust occurred. On October 19 [, 2005,] police charged Abu Hamza al-Masri with four counts of soliciting or encouraging the killing of Jewish persons based on recordings of his addresses to public meetings.”

“[In response to these and other incidents, British government officials reiterated their] commitment to addressing anti-Semitism and protecting Jewish citizens through law enforcement and education. In February 2005, Queen Elizabeth II awarded Nazi war crimes investigator, Simon Wiesenthal, an honorary knighthood in recognition of his lifelong efforts to counter anti-Semitism.”<sup>42</sup>

## France

As of 2002, France, at 519,000, “had the third largest Jewish population in the world.” Paris, with a Jewish population of 310,000, “is the largest Jewish city outside of the US and Israel. Along with” the Jewish community there are 5 million Muslims living in France.<sup>43</sup>

The European Human Rights Commission reported a significant rise in anti-Semitic incidents and threats in 2002. Of the 313 racist, xenophobic or anti-Semitic incidents reported in 2002, 193 were directed at the Jewish community; six times more than in 2001. The French government reported that there were 510 “anti-Semitic incidents in the first six months of 2005, as compared” to 593 in 2003, and 932 in 2002. There were 160 “attacks against persons or property in the first seven months of 2004,” compared to 75 “during the same period in 2003. The French Justice Minister” also reported 298 “anti-Semitic acts between January 1 and August 20, 2005, of which” 162 “were attacks against property, sixty-seven were” assaults against individuals and 69 were “press violations.” These figures compare with 108 for all of 2003.<sup>44,45,46</sup>

The following are excerpts of reports on specific incidents.

“On May 30 [, 2003] in Boulogne-Billancourt, a [seventeen-] year-old Jewish youth was attacked outside his home by a group of young men yelling anti-Semitic slogans. The youth is the son of a local rabbi.”

“In June [2003,] an individual shouting ‘Allah Akbar’ [(Glory to God)] stabbed a Jewish student and assaulted two other Jewish students in the city of Epinay-sur-Seine. This same person is believed to be responsible for similar knife attacks on five other victims, including those of Haitian and Algerian origin. A suspect, reportedly identified by several of the victims, was in custody at the end of the period covered by this report.”

“On March 23 [, 2003] in Toulon, a Jewish synagogue and community center were set on fire. According to media reports, the arsonist broke a window and threw a Molotov cocktail into the building. There was minor damage and no injuries.”

<sup>42</sup> Ibid.

<sup>43</sup> <http://simpletoremember.com>

<sup>44</sup> Ibid.

<sup>45</sup> <http://www.state.gov/g/drl/rls/irf/2005/51552.htm>

<sup>46</sup> <http://baku.usembassy.gov>

“On October 29–30 [, 2003] close to [one hundred] gravestones were desecrated at a Jewish cemetery in Brumath, just outside Strasbourg. The vandals painted swastikas and ‘SS’ symbols on [ninety-two] Jewish gravestones.”

“In November 2003, after an arson attack destroyed a Jewish school in Gagny, President Chirac stated, ‘An attack on a Jew is an attack on France’ and ordered the formation of an interministerial committee charged with leading an effort to combat anti-Semitism. Since its first meeting in December 2003, the committee has worked to improve government coordination in the fight against anti-Semitism, including the timely publication of statistics and reinforced efforts to prosecute attackers.”<sup>47</sup>

“In [February 2006, Ilan Halimi, a twenty-three-year-old French Jew from Paris] was found naked, tortured and burned south of Paris after being held for three weeks by a gang demanding a large ransom. [Halimi] died of his injuries shortly afterwards. On February 23, French police arrested [twelve members] of the gang. Another suspect was arrested in Belgium. [Interim Minister Nicolas Sarkozy] described the crime as anti-Semitic in nature.”<sup>48</sup>

On April 21, 2007, 180 graves were desecrated in the Sainte-Marie cemetery in Le Havre, one quarter of them were Jewish. Swastikas were painted on the gravestones. Five youths were arrested. The Mayor of the town and the President of the Jewish community of Le Havre visited the cemetery and condemned the vandalism. Two days earlier, 52 Muslim tombs in the military cemetery at Notre-Dame-de Lorette, Arras, were defiled, and on the night of March 31, 64 Jewish graves were desecrated in Lille.

France is among the five countries in Western Europe, along with the United Kingdom, Germany, Belgium, and Holland, in which the largest number of anti-Semitic incidents have occurred. Traditional far right groups, along with Muslim youth, are considered responsible for the attacks.

## Germany

In 1933, when Hitler came to power, 500,000 Jews lived in Germany. Less than 20,000 remained there after the war. As of 2000, there were some 98,000 Jews living in Germany, making it the ninth-largest Jewish community in the world. It is also the largest growing Jewish community due to the migration, since 1990, of more than 100,000 Jews from the former Soviet Union into Germany.

Jewish leaders in Germany “believe that a newer form of anti-Semitism is emerging in the country. [The “new”] form tends to promote anti-Semitism as part of other stands against globalization, capitalism, Zionism, and foreigners. According to the 2003 report by the Office for the Protection of the Constitution, the total number of anti-Semitic crimes decreased [in 2002] from [1,515 to 1,199.] Among these, the number of violent crimes increased from [28] to [35,] and the number of

<sup>47</sup> Ibid.

<sup>48</sup> [http://theproblemwithmostarabmuslims.blogspot.com/2007\\_01\\_01\\_theproblemwithmostarabmuslims\\_archive.htm](http://theproblemwithmostarabmuslims.blogspot.com/2007_01_01_theproblemwithmostarabmuslims_archive.htm)

desecrations of Jewish cemeteries, synagogues, or memorials went up from [78] to [115.]”<sup>49</sup>

German officials estimated there were more than 1,000 “Internet sites with what they considered to be objectionable or dangerous right-wing extremist content.”<sup>50</sup> Specific incidents are reported below.

“On July 22, a fifteen-year-old-boy in Hagen, along with two others, threatened synagogue visitors with a knife and made anti-Semitic remarks.”

“On July 31, [2003,] a young man wearing a Star of David sticker was walking on a street in Pankow, a suburb of Berlin, when a right-wing extremist put a national Democratic Party (NPD) leaflet in his hand. After dropping the leaflet on the sidewalk, the [extremist] attempted to strangle the victim and throw him on the ground. The victim had minor injuries and the attacker was arrested.”<sup>51</sup>

“An ancient Jewish cemetery in Duesseldorf was desecrated in June [2004]. Forty-five gravestones were covered with swastikas, SS signs, and anti-Jewish slogans. Other Jewish cemeteries, including in Bochum, Nickenich, and Bausendorf, were vandalized during the reporting period [2003–2005].”<sup>52</sup>

On June 22, 2007, a young man of Turkish origin was attacked and slightly injured in Berlin when he tried to help a woman who was targeted with anti-Semitic insults. The perpetrator threatened him with a knife and then tried to run him over with his car. The attacker fled and police were investigating.

A survey conducted by the Bertelsmann Foundation found that 30% of Germans agreed strongly or partially with the following statements: “What the State of Israel is doing to the Palestinians is no different in principle from what the Nazis did to the Jews” and “Israel is waging a war of extermination against the Palestinians.” One third of the respondents agreed with the assertion that “Jews have too much influence in the world.” That is a decrease of 3% compared to responses made in 1991.<sup>53,54</sup>

## Belgium

There are about 42,000 Jews living in Belgium as of 2005. Before World War II, more than 100,000 Jews lived in Belgium, mostly in Antwerp (55,000) and Brussels (35,000). By the end of WWII more than 25,000 Jews died in the Holocaust. In the 1970s, some 40,000 Jews lived in Belgium, mostly in Antwerp and Brussels.

“In recent years, the Belgian Jewish community has been increasingly concerned about anti-Semitism. In 2005, the Belgian Center for Equal Opportunity and the Struggle against Racism and Other Forms of Discrimination reported that the annual number of complaints rose to [30] between 2000 and 2003. Prior to 1999, an average of [four complaints per year] were reported. In the first 11 months of 2005, forty

<sup>49</sup> <http://baku.usembassy.gov>

<sup>50</sup> Ibid.

<sup>51</sup> <http://spme.net/Report-GlobalAnti-Semitism12-30-04.pdf>

<sup>52</sup> <http://baku.usembassy.gov>

<sup>53</sup> [http://www.winsomegifts.com/win/win\\_EU\\_antisemitism.htm](http://www.winsomegifts.com/win/win_EU_antisemitism.htm)

<sup>54</sup> [http://www.adl.org/anti\\_semitism/2002/as\\_survey.pdf](http://www.adl.org/anti_semitism/2002/as_survey.pdf)

complaints were filed. The] most serious incident [involved] the [slaying] of a Jewish youth in Antwerp. Most complaints [involved] anti-Semitism in the media, on the Internet, graffiti and verbal abuse. [Examples of the incidents that occurred are described below.]”<sup>55</sup>

“On January 28, [2003,] during an indoor Belgium–Israel soccer match in the city of Hasselt, spectators with Hamas and Hezbollah banners heckled the Israelis and shouted anti-Semitic slogans, some in Arabic.”<sup>56</sup>

“In February, a group of students at a Jewish school in Brussels were assaulted by youths from the neighborhood, a neighborhood inhabited primarily by Muslim immigrants.”

“On June 24 [, 2003,] a number of allegedly North African [youth] assaulted four Jewish students as they departed their Jewish school in an Antwerp suburb; one fleeing student was stabbed and seriously injured. Jewish students at the school [have been] previously subjected to verbal [insults] and harassment from these youths. On June 26 [, 2003,] three Jewish students from the same school were harassed by four youths in a car. One fired what was believed to be a toy gun at the students before driving away; [no injuries] were [reported.] Later that evening, elsewhere in the Antwerp suburbs, a [thirteen-] year-old Jewish boy was beaten by three youths. An [eleven-] year-old Moroccan and two Belgians, ages [eight] and [sixteen,] were arrested and charged with racially-motivated assault and battery by a court for youthful offenders. They were required to apologize to the victim and pay damages. Also that evening, several immigrant youths reportedly kicked a Jewish youth repeatedly on the main street of Antwerp before escaping.”

“On October 30[, 2003,] at a soccer match involving Maccabi Soccer Club, an Antwerp-based team composed mainly of Jewish [youth,] members of the [opposing] team shouted ‘Heil Hitler’ and other abusive [racist epithets.]”<sup>57</sup>

“Anti-Semitic acts or [speeches] are illegal [in Belgium and] several lawsuits [have been] filed [resulting in guilty verdicts. During the year 2003,] Prime Minister [Verkoptadt] met [with] Jewish community leaders [and] expressed the government’s concern [over the] recent [incidents.] The [Prime Minister also addressed the Belgium Parliament and asserted] that such incidents were [essentially] attacks on the country’s fundamental values and institutions and [as such] would not be tolerated.”<sup>58</sup>

On September 8, 2006 the Belgian Prime Minister Guy Verhofstadt announced that police had arrested 17 right-wing extremists, alleged members of a neo-Nazi network, most of them soldiers, in four Flemish cities. The ringleader is “a member of the” [neo-Nazi] “Blood and Honor Group.” [The Prime Minister called the infiltration of extreme right-wing activists in the Army intolerable. Those arrested have also been accused of disseminating] “racism, xenophobia, Holocaust denial, anti-Semitism and neo-Nazism.”<sup>59</sup>

<sup>55</sup> <http://baku.usembassy.gov>

<sup>56</sup> Ibid.

<sup>57</sup> <http://antisemitismus.net>

<sup>58</sup> <http://baku.usembassy.gov>

<sup>59</sup> “Belgium arrests alleged neo-Nazi soldiers.”, UPI NewsTrack, Sept 8 2006 Issue

## The Netherlands

As of 2005, there are about 33,000 Jews living in The Netherlands: two tenths of a percent of the population. In 1940, at the time of the Nazi occupation of The Netherlands some 140,000 Jews lived in The Netherlands, comprising one and sixth-tenths percent of the population. Following World War II, in 1946, there were 30,000 Jews in the country.<sup>60</sup>

The Center for Information and Documentation on Israel (CIDI) registered 334 anti-Semitic incidents from January 2003 to May 2004 in The Netherlands. In 2002, 359 incidents were recorded or registered. This marked the first decline in “anti-Semitic incidents since 2000. In addition, the number of serious incidents [that is,] physical violence, [threats] with violence and defacing of cemeteries and synagogues) decreased by [forty] percent.” CIDI also reported that “a considerable number of anti-Semitic offenders were of North African origin.” The incidents occurred most frequently in Amsterdam, the city with the largest Jewish population.<sup>61</sup>

Most anti-Semitic incidents were not violent. They involved abusive language, hate mail, verbal insults at soccer matches [and in] Internet “chat room” discussions, and Holocaust denial. The incidents were most often linked to the conflict in Israel between Israelis and Palestinians.

“Before leaving Europe, we report the results of a study just released in February 2007 by the Global Forum Against Anti-Semitism. The report stated that anti-Semitic attacks rose in 2006, especially in Europe [(The report was sponsored] by the Israeli government, the Jewish Agency for Israel, and [the World Zionist Organization.) It stated that] there were hundreds of violent attacks, ranging from murder to bodily injury, property damage and threats. [In Austria, incidences increased by sixty-six] percent in the past year, in Germany [by sixty] percent, [in the Sandinavian] countries [by fifty] percent, [and] in France and Russia by twenty percent. The Ukraine and the United Kingdom reported a slight decline.”<sup>62,63</sup>

“[The five countries discussed in the preceding pages (Belgium, France, Germany, The Netherlands and the United Kingdom) are the Western European societies reported by the US State Department, indicating the highest and the increasing number] of anti-Semitic incidents in the twenty-first century.”<sup>64</sup>

“In Eastern Europe, the [US State Department describes Belarus, Russia and other countries in the former Soviet Union as having the most anti-Semitic incidents and the strongest percent of anti-Jewish attitudes. We provide data on Belarus, Russia, and the Ukraine in the following section.]”<sup>65</sup>

<sup>60</sup> Bsoul, Labeeb Ahmed. “The status of Palestinians in Israel: 1948-Oslo.”, Arab Studies Quarterly (ASQ), Spring 2006 Issue

<sup>61</sup> <http://baku.usembassy.gov>

<sup>62</sup> [http://www.jewishsf.com/content/2-0-/module/displaystory/story\\_id/31526/format/html/displaystory.html](http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/31526/format/html/displaystory.html)

<sup>63</sup> <http://levitt.com/newsletters/2003-09.pdf>

<sup>64</sup> <http://cairo.usembassy.gov/AMBASSADor/sp011805.htm>

<sup>65</sup> Ibid.



## Belarus

[As of 2005, there were some fifty thousand Jews in Belarus, half of them living in the capital city of Minsk.] “Prior to World War II, Jews were the second-largest ethnic group in Belarus and more than [fifty] percent of the population in cities and towns. [In 1979, there were one hundred thirty-five thousand, four hundred Jews living in Belarus. Between 1989 and 1991, forty-nine thousand Jews emigrated to Israel.”<sup>66</sup>

“Jewish leaders in Belarus reported that] memorials in Minsk and Lida commemorating victims of genocide were vandalized [in 2003. Vandalism also occurred at Jewish cemeteries and at a Holocaust memorial in the city of Brest. The prosecutor’s office did not officially react to these incidents and allowed] groups of “skinheads” and [the Russia] National Unity [Party] (RNE) [to function] openly in [the major cities of Belarus (Cf. [http://www.adl.org/racist\\_skinheads/](http://www.adl.org/racist_skinheads/)). While the police failed to prosecute suspects, the government did restore monuments and memorials that were vandalized. Instances of anti-Semitism occurred in the following venues.]”<sup>67</sup>

“Despite a May 2003 order by the Prosecutor General and the Ministry of Information to terminate distribution of the anti-Semitic and xenophobic newspaper *Russki Vestnik*, distribution of the newspaper resumed in February 2004 through the government-distribution agency Belzoyuzprechat. Sales of similar literature continued throughout the year in government-owned buildings, in stores, and at events affiliated with the Belarusian Orthodox Church (BOC). Anti-Semitic and Russian ultranationalistic literature continued to be sold at Pravoslavnaya Kniga (an Orthodox Bookstore), a store operated by the Orthodox Initiative that sells orthodox literature and religious paraphernalia. The head of the BOC, Metropolitan Filaret, promised to stop such sales, however, no action has been taken.”<sup>68</sup>

“In January 2004, the RNE distributed anti-Semitic leaflets in Gomel, which stated the following: ‘The Jews are trying to destroy Christianity,’ ‘Now hostile activities against the Jews will begin,’ ‘The Jews are the forces of evil,’ and ‘The fighters against God [Jews] must be exterminated.’ In addition, the letters ‘RNE’ were sprayed on the walls of the Jewish Community building in Gomel. No suspects were arrested.”

“[In] September 2003, Sergei Kostyan, Deputy Chairman of the International Affairs Committee of the Lower House of Parliament, rejected criticism regarding the installation of a gas pipeline near a Jewish cemetery in Maozyr. Kostyan accused Jews of sowing “ethnic discord” for objecting to the disruption and inconvenience caused by the gas pipeline construction. During an October [2003] press conference, Information Minister Vladimir Rusakevich said the country should live with Russia like a brother, but bargain with Russia like a ‘Yid.’”<sup>69</sup>

<sup>66</sup> <http://www.999belorussia.com>

<sup>67</sup> <http://baku.usembassy.gov>

<sup>68</sup> <http://antisemitismus.net>

<sup>69</sup> <http://baku.usembassy.gov>

## Russia

As of 2005, there are some 717,101 Jews living in Russia. They make up 0.5% of the population and are the fifth-largest Jewish community in the world. In 1959, in the former Soviet Union, the Jewish population was 2,267,800. By 1989, it dropped to 1,450,500. Between 1990 and 2000, 980,000 Jews emigrated mostly to Israel and the US. Current figures have 106,000 Jews living in Moscow, rated as the seventeenth largest Jewish city in the world. St. Petersburg is the second largest Jewish-populated city in the country.

In 2003, the ADL reported that “while the number of anti-Semitic attacks remained stable, the nature of the attacks became more violent.” Examples of the types of incidents that occurred are described below.

“On April 22 [, 2003,] eight skinheads stormed the Ulyanovsk Jewish Center screaming, “don’t pollute our land,” smashing windows, and tearing down Jewish symbols as Jewish women and children hid inside. No one was injured, but police failed to respond quickly, arriving [forty] minutes after they were called.”

“On October 17 [, 2003,] a group of skinheads tried to enter the synagogue in Penza, but were stopped by parishioners. A group of approximately [forty] people armed with chains and iron clubs approached the synagogue later that day. Parishioners locked themselves inside and called the police. There were reports that three skinheads were detained.”

“Unknown persons vandalized Jewish institutions. On many occasions, vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities. These attacks often involved the painting of swastikas and other racist and ultra-nationalist symbols or epithets on [Jewish] gravestones.”

“On January 27 [, 2004,] an explosion shattered several windows in a synagogue in Derbent, in the southern region of Dagestan. Vandals attempted to torch a synagogue and library in Chelyabinsk in February of the same year, but neighbors managed to extinguish the fire before firefighters arrived.”

“On March 29, 2004, vandals broke the windows of the only kosher restaurant in St. Petersburg. Jewish cemeteries were desecrated in Bryansk, Kaluga, Kostroma, Petrozavodsk, Pyatigorsk, St. Petersburg, Ulyanovsk, and Vyatka. In Petrozavodsk, unknown persons sprayed anti-Semitic graffiti on tombstones on the day a local court was to render a decision in another case concerning cemetery desecration. In February [2004,] several Jewish tombs were desecrated in one of the oldest cemeteries in St. Petersburg; vandals again desecrated Jewish graves there in December [2004.]”<sup>70</sup>

“[Most of the] anti-Semitic crimes were committed by groups of young skinheads. The estimated number of skinheads increased from a few dozen in 1992 to more than [fifty thousand in 2004. Anti-Semitic rhetoric and beliefs appeared with greater frequency in the publications of nationalist parties such as Rodina,] the Democratic Party of Russia (LDPR), and the Communist Party of the Russian Federation (KPRF). One of the [Senators] of the [KPRF, writing in] the

<sup>70</sup> Ibid.

[party's newspaper,] blamed Zionism and Jews in general for many of the country's problems, and blamed Soviet Jews for helping to destroy the Soviet Union."<sup>71,72,73</sup>

"There are at least [eighty] Russian web sites dedicated to [spreading] anti-Semitic propaganda. [Russian] law does not restrict web sites [for containing] hate speech. [According to] the US State Department, responses to anti-Semitic violence were mixed. Authorities often provided strong words of condemnation, but preferred to label the perpetrators as "terrorists" or "hooligans" rather than "xenophobes" or anti-Semites."<sup>74,75</sup>

"[Russian] Federal officials maintained regular contact with Jewish community leaders. In March [2004,] then Russian Minister for Nationalities Vladimir Zorin brought extremism to the forefront of public attention by calling anti-Semitism and xenophobia major threats to the country."

"Prominent rabbis Berl Lazar and Pinchas Goldschmidt together requested that the government define the meaning of extremism. Lazar and Goldschmidt said that law enforcement was prone to dismiss anti-Semitic actions as simple hooliganism to avoid calling attention to the presence of extremists in their region, and to consciously protect extremist groups with which they sympathized. In October, President Putin met with Rabbi Lazar and promised that the state would help to revive Jewish communities in Russia."<sup>76,77</sup>

## Ukraine

As of 2005, there were 142,276 Jews living in the Ukraine, placing the Ukrainian Jewish community among the ten largest Jewish communities in the world. In 1989, there were an estimated 487,000 Jews in the Ukraine. Jews from the Ukraine represent the largest emigrant group to the US over the previous 10 years.

No overall figures are available for recent anti-Semitic incidents in the Ukraine, however. There are accounts of specific events such as an attack on two rabbis in Central Odessa, the removal of "gold from the mass graves of Jews killed by Nazis at the" Sosonkz "memorial I" Rivre, the destruction of "several dozen tombstones at Jewish burial sites" in the Kurenvivske "Cemetery in Kiev," and in other cemeteries in different regions of the country.

On February 18, 2007 red swastikas and the slogan "Congratulations on the Holocaust" appeared on a Holocaust memorial near Tolbukhin in Odessa where 25,000 Jews were murdered during World War II. The Ukrainian Foreign Ministry denounced the incident and stated that it discredited Ukraine and that there was no place for anti-Semitism there. On that same day, 240 graves were desecrated with red swastikas at the Jewish cemetery in Odessa.

<sup>71</sup> Ibid.

<sup>72</sup> <http://www.kirchen-in-osteuropa.de/archiv/05031004.htm>

<sup>73</sup> Acumen PI-Title: Russia's Political Party System as an Obstacle to Democratization, Date: 2005-04-21

<sup>74</sup> <http://baku.usembassy.gov>

<sup>75</sup> <http://www.hrwf.net>

<sup>76</sup> <http://baku.usembassy.gov>

<sup>77</sup> [http://www.interethnic.org/EngNews/280105\\_6.html](http://www.interethnic.org/EngNews/280105_6.html)

Although anti-Semitic articles rarely appeared in the national press, they did appear in small publications. The monthly journal *Personnee*, whose editorial board included members of Parliament, generally published one anti-Semitic article each month.<sup>78</sup>

“A large number of high-level government officials continued to take part in the annual September commemoration of the massacre at Babyn Yar in Kiev, the site of one of the most serious of the Holocaust crimes directed against Jews and thousands of individuals from other minority groups. Discussions continued among various Jewish community members about erecting an appropriate memorial, and possibly a heritage center, to commemorate the victims. The government was generally supportive of these initiatives.”<sup>79</sup>

Before leaving Europe we provide a brief report on an incident in Poland that occurred in 2006. On May 27, 2006, one day before the visit of Pope Benedict XVI to Auschwitz, Poland’s Chief Rabbi Michael Schudrich was attacked with what appeared to be pepper spray in downtown Warsaw. The perpetrator also punched him and shouted “Poland to Poles” before fleeing the scene. The Polish Prime Minister called Rabbi Schudrich and assured him there is “no place for anti-Semitism in Poland.”<sup>80,81</sup>

Now, we move to our next destination, the Middle East.

## Egypt

In 1948 there were 75,000 Jews living in Egypt. In 2004, there were less than 100 Jews living there. In 1956, following the Sinai campaign, the Egyptian government expelled some 25,000 Egyptian Jews, and confiscated their property.

“On November 23, 1956, a proclamation signed by the Minister of Religious Affairs, and read aloud in mosques throughout Egypt, declared that ‘all Jews are Zionists and enemies of the state,’ and promised that they would be soon expelled. Thousands of Jews were ordered to leave the country. They were allowed to take only one suitcase and a small sum of cash and forced to sign declarations ‘donating’ their property to the Egyptian government. When war broke out in 1967, Jewish homes and property were confiscated.”<sup>82</sup>

“In 1979, the Egyptian Jewish community became the first in the Arab world to establish official contact with Israel. Israel now has an embassy in Cairo and a Consulate General in Alexandria. At the present time, the few remaining Jews are free to practice [their religion] without any restrictions or harassment.”<sup>83</sup>

“Anti-Semitism is rampant in the [Egyptian] government-controlled press, and increased in late 2000 and 2001 following the outbreak of violence in Israel and the [occupied] territories. In April 2001, [Egyptian] columnist Ahmed Ragheb lamented

<sup>78</sup> <http://baku.usembassy.gov>

<sup>79</sup> Ibid.

<sup>80</sup> “Pope Benedict XVI Stands Up to Legacy of John Paul II.”, Europe Intelligence Wire, May 31 2006 Issue

<sup>81</sup> “Poland’s Chief Rabbi Attacked in Warsaw.”, The America’s Intelligence Wire, May 28, 2006 Issue

<sup>82</sup> <http://www.letterealdirettore.it/forum/testo/topic/9145-1.html>

<sup>83</sup> <http://www.jewishvirtuallibrary.org/jsource/anti-semitism/egjews.html>

Hitler's failure to finish the job of annihilating the Jews. In May 2001, an article in *Al-Akhbar* attacked Europeans and Americans for believing in the false Holocaust. On March 18, 2004, "Bad al-Ahab" Adams, deputy director of *Al Jumhuriya*, accused Jews of the terrorist attack in Madrid on March 11, 2004, as well as for the September 11, 2001 attacks in the United States."<sup>84</sup>

"On June 24 and July 1, 2004, the National Democratic Party (NDP) newspaper *al-Lewa Al-Islami* published articles by Professor Refaat Sayed Ahmed in which he denied the Holocaust. On August 25, 2004, the NDP announced that [Professor Ahmed was] banned from future publishing, the editor who approved his article had been fired, and the NDP and the government rejected anti-Semitism and acknowledged the reality of the Holocaust."<sup>85</sup>

"In December 2003, following international expressions of concern, the special collections section of the Alexandria Library removed a copy of *The Protocols of the Elders of Zion* [from] a display of religious manuscripts. In a statement from the director of the library, allegations that the book had been displayed next to the Torah [were denied,] but nonetheless [the director] stated that its inclusion was a "bad judgment," and [he] regretted any offense the incident might have caused."<sup>86,87</sup>

## Iran

As of 2005, the Jewish community in Iran was composed of 25,000 people. Following Israel, it is the second largest Jewish community in the Middle East. In 1948, Iran's Jewish population consisted of 100,000 people. Following the overthrow of Shah Rezashah Palevi and the declaration of Iran as an Islamic state in 1979, Iran severed relations with Israel. There were 80,000 Jews living in Iran at the time. Tens of thousands of Jews—mostly wealthy Jews—left the community for Israel, France and the United States. They left behind great amounts of property.

"On the eve of Passover in 1999, [thirteen] Jews from Shiran and Isfahan in southern Iran were arrested and accused of spying for Israel and the United States. Those arrested [included] a rabbi, a slaughterer [of kosher meat] and teachers. In September 2000, an Iranian appeals court upheld [a lower court] decision to imprison ten of the thirteen Jews accused of spying for Israel. In [this] appeals court, ten of the accused were found guilty of cooperating with Israel and were given prison [sentences] ranging from two to nine years. Three of the accused were found innocent in the first trial. In March 2001, one of the imprisoned Jews was released, a second was freed in January 2002, and the remaining eight were [freed] in late October 2002. The last [three] apparently were released on furlough for an indefinite period, leaving them vulnerable to future arrest. Three [other Jews] were reportedly

<sup>84</sup> <http://www.letteraledirettore.it/forum/testo/topic/9145-1.html>

<sup>85</sup> <http://amcoptic.com/n2005/Egypt.htm>

<sup>86</sup> <http://antisemitismus.net>

<sup>87</sup> <http://www.studentsforacademicfreedom.org>

pardoned by Iran's [then revolutionary and] Supreme Leader, Ayatollah Ali [Khomenei.]"<sup>88</sup>

"At least [13] Jews [were] executed in Iran since the Islamic revolution [nineteen] years ago. Most of them [were executed] for either religious reasons or their [alleged] connection to Israel. For example, in May 1998, Jewish businessman Ruhollah Kakhodah-Zadeh was [hung] in prison without any due process of law, that is, without legal indictment or legal conviction proceedings, apparently [for assisting Jews to emigrate from Iran.]"<sup>89</sup>

[The Iranian government's anti-Israel policies,] along with a perception among radical Muslims that all Jewish citizens [are Zionist or] support Israel, [clearly created] a hostile atmosphere for [Iran's remaining] Jewish community. Many Iranian newspapers [celebrated] the one hundredth anniversary of the [publication] of *The [Protocols of] the [Elders of] Zion*. Recent demonstrations included the denunciation of ['Jews,'] as opposed to the past practice of denouncing only ['Israel'] and ['Zionism.']"

"Jewish citizens [are] permitted to obtain passports and to travel outside [Iran, however,] they are often denied multiple-exit permits normally issued to other citizens. With the exception of certain business travelers, the authorities [require] Jewish persons to obtain ['clearance'] and pay additional ['fees'] before each trip abroad. The government [has been] concerned about the emigration of Jewish citizens, and permission generally was not granted for all members of a Jewish family to travel outside the country at the same time. Jewish leaders reportedly are reluctant to draw attention to official mistreatment of their community, for fear of government reprisal."<sup>90,91,92</sup>

## Morocco

As of 2005, there were 5,000 Jews in Morocco. In 1948, some 250,000 Jews lived there. Following the establishment of the State of Israel, many Jews emigrated there from Morocco. Emigration to Israel was estimated at 8,171 in 1954. It increased in 1955 to 24,994. Morocco gained independence from France in 1955. From 1956 to 1963 emigration to Israel was prohibited. When the government allowed emigration in 1963, more than 80,000 Jews left over the years. After the Six Day War in 1967, over 25,000 Jews left Morocco, mostly for Europe and North America, rather than for Israel. Most of the Jewish community is located in Casablanca, with some in Fez.

By and large, the Jewish community lives safely in Morocco. "In September 2003 [, however,] a Jewish merchant was murdered in an [apparent] religiously-motivated killing. During May 2003, members of the Salafiya Jihadia targeted a Jewish community center in Casablanca. After [those] attacks, [Moroccan] Muslims

<sup>88</sup> [http://www.terrorism-info.org.il/malam\\_multimedia/html/final/eng/sib/4\\_04/as\\_sa.htm](http://www.terrorism-info.org.il/malam_multimedia/html/final/eng/sib/4_04/as_sa.htm)

<sup>89</sup> [http://www.jewishsf.com/content/2-0-/module/displaystory/story\\_id/31526/format/html/displaystory.html](http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/31526/format/html/displaystory.html)

<sup>90</sup> Ibid.

<sup>91</sup> [http://www.jewishsf.com/content/2-0-/module/displaystory/story\\_id/31526/format/html/displaystory.html](http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/31526/format/html/displaystory.html)

<sup>92</sup> <http://baku.usembassy.gov>



marched in solidarity with Jews to condemn the terrorism. There have been thousands of arrests and many prosecutions of persons tied to the May bombing and other extremist activity. Government officials and private citizens often [cite] the country's tradition of religious tolerance as one of its strengths.<sup>93,94,95</sup>

### Saudi Arabia

There is no Jewish community in Saudi Arabia. Saudi Arabia issues travel visas for employment, pilgrimages and other visits that have official sanctions only. Before the end of 2004, the Saudi government was expected to begin the issuing of tourist visas, however, there are four categories of people who will not be issued travel visas. One of those categories is "Jewish People." Additionally, travelers holding Israeli passports or passports that have an Israel arrival/departure stamp on them will not be issued travel visas by the Saudi government.

The following newspaper accounts of anti-Semitism as well as incidents and policies occurred in Saudi Arabian newspapers during 2002–2004:

Don't you see the resemblance between Sharon, Hitler, and Milosevic? Don't you see a parallel between Nazism and Zionism? Don't you know how Hitler ordered his officials to search Jewish houses for those he called dangers to the state and how he put them into concentration camps? Can't you see the parallel with what Sharon has done and is doing? Don't you know that Sharon ordered his army to go to Jenin, Ramallah, Nablus, Bethlehem and other places to search Palestinian houses for people he called terrorists and how he then massacred many and imprisoned others? Sharon and his cabinet are staging an all-out war with the aim of Palestinian genocide and ethnic cleansing. I need a voice to cry out and tell the world there is an impending Palestinian Holocaust. I only pray that when I find a voice it will not fall on deaf ears! (Article in Saudi English daily "There is an impending Palestinian Holocaust" by Sehan M. S. Fatani, April 17, 2002.)

It is not a Jewish demand to merely support Sharon, but to ignore his horrible massacres, which exceeded the Nazism massacres, as well. (Ibid.)

Why are they (the Jews) hated by all the people which hosted them, such as Iraq and Egypt thousands of years ago, and Germany, Spain, France and the UK, until the day they gained control over the capital and the media, in order to rewrite the history? ("All of History is Against Them" by Turk Abdallah as Sudays in Saudi government daily, April 15, 2002.)

But the notion that the Israelis are reacting with blind, brainless fury is less horrifying than the idea that Sharon has a solution in mind. For if he does, it looks all too chillingly like a "final solution": the permanent eradication, one way or another, of the Palestinians as a threat to Israel. (Ibid.)

<sup>93</sup> <http://antisemitismus.net>

<sup>94</sup> <http://www.studentsforacademicfreedom.org>

<sup>95</sup> <http://baku.usembassy.gov>

The use of such a charged expression is fully justified... There is no doubt now that behind Sharon's aggression is a deep hatred of the Palestinians and a desire to crush them mercilessly. It is telling that the main piece of weaponry in the Israeli onslaught is not the tank but the bulldozer. The aim is to wipe Palestinian communities off the face of the map. (Ibid.)

The irony of the Israeli soldiers spreading death and destruction in Palestinian towns and villages, just like jackbooted Nazi storm troopers, is evident to anyone with an ounce of intelligence. But whether or not Sharon's violence has an objective, it is painfully evident that he feels he has a free hand. The US has gone along with his brainless action, in no small part because of a chilling indifference across much of the US to the suffering of Palestinians. American public opinion, which can move mountains when activated, is not interested. (Editorial "Feral Solution," Saudi English daily, April 14, 2002.)

There are frequent instances in which "mosque preachers, whose salaries are paid by the government, used anti-Semitic language in their sermons. There [are many] instances in which mosque speakers prayed for the death of Jews, including from the Grand Mosque in Mecca and the Prophet's Mosque in Medina.

"Saudi Arabia's public schools instruct that Jews ['obey the devil'] and are those whom ['God has cursed and with whom He is so angry that He will never again be satisfied.'] The Saudi edition of the Koran injects the phrase ['such as the Jews'] into the opening chapter, following the clause ['those who have incurred your (God's) wrath.']"

Of all the anti-Jewish influences in the region, one of the most prevalent and potent is *The Protocols of the Elders of Zion*. Disseminated with the support and official sanction of the governments of Lebanon, Jordan, Egypt, Libya, Palestine, and Syria, as well as Saudi Arabia and other Gulf states, this work is used to shape the collective consciousness of Arab populations."<sup>96,97,98,99</sup>

## Syria

"[In 2003, there were fewer than one hundred Jews living in Syria. In 1948, there was a Jewish community of thirty thousand. In] 1944, after Syria gained independence from France, the government prohibited Jewish immigration to Palestine. [In 1947, when partition was declared and the state of Israel was born, Arab mobs killed scores of Jews in the ancient city of Aleppo and destroyed more than two hundred] homes, shops and synagogues. Thousands of Jews fled Syria [illegally] to go to Israel. [In 1992, the Syrian government] began granting exit visas to Jews on condition that they not emigrate to Israel. [Most of those who left emigrated to the US and established a Jewish Syrian] community in Brooklyn, New York."

<sup>96</sup> <http://www.arabicnews.com/ansub/Daily/Day/060323/2006032321.htm>

<sup>97</sup> [http://www.adl.org/anti\\_semitism/2002/as\\_survey.pdf](http://www.adl.org/anti_semitism/2002/as_survey.pdf)

<sup>98</sup> Shea, Nina Hoffman, Jeanne. "Teach Your Children Well: Classic anti-Semitic literature in Arab schools.", *The Weekly Standard*, August 14, 2006 Issue

<sup>99</sup> <http://www.antisemitismus.juden-in-europa.de>

“The Syrian government [bars] Jewish citizens from government employment and [exempts] them from military service obligations. Jews are the only religious minority group [there] whose passports and identity cards note their religion. Jewish citizens must obtain permission [from Syrian] security services before traveling abroad, and [they] must submit a list of possessions to ensure their return to the country. [Jews] also face extra scrutiny from the government when applying for licenses, deeds, or other government papers.”

“In 2003, there were reports of minor incidents of harassment and property damage against Jews in Damascus perpetrated by persons not associated with the Syrian government. According to local sources, these incidents were in reaction to Israeli actions against Palestinians.”<sup>100,101,102,103,104</sup>

We leave the Middle East now and travel to our final destination, Australia, with a brief stop in Japan. In June 2007 a Japan Holocaust denier, Richard Koshimizu, founded the Independence Party of Japan. The party propagates anti-Semitic and Holocaust denial propaganda such as the idea that “9-11 was generated by secret Jewdom,” “9-11 was a hoax” and “not even one Jew was killed in the gas chambers of Auschwitz.”<sup>105,106</sup>

## Australia

With a Jewish population of 100,000, Australia has the tenth largest Jewish community in the world. “[About eighty] percent of them [live] in Melbourne and Sydney. [The following] is [a brief history of the Australian Jewish community.]

“When the American colonies revolted in 1776, England lost its biggest prison—convicts were routinely shipped to the thirteen colonies to make room in the perpetually-crowded British jails. As a result, England annexed the island of Australia in 1788 as a new prison colony. While Australia had been known to Europeans since its discovery in the sixteenth century, the English were the first to settle there on a permanent basis, aside from the native Aboriginal population.”

“Among the [fifteen hundred] prisoners who initially arrived in Australia, [sixteen were] Jews; by 1817, more arrived, and enough had been freed to form an organized minyan and burial society. As their numbers swelled, primarily due to immigration from England and Germany, kehillahs (organized communities) sprang up in the cities of Sydney (1831) and Melbourne (1841), which were to become the two centers of Jewish life. The gold rush of the 1850s attracted more Jewish immigrants, so that foreign-born Jews soon outnumbered the native-born.”

<sup>100</sup> [http://intelligence.org.il/eng/sib/4\\_04/as\\_sa.htm](http://intelligence.org.il/eng/sib/4_04/as_sa.htm)

<sup>101</sup> [http://www.jewishsf.com/content/2-0-/module/displaystory/story\\_id/31526/format/html/displaystory.html](http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/31526/format/html/displaystory.html)

<sup>102</sup> <http://www.jewishvirtuallibrary.org/jsource/anti-semitism/egjews.html>

<sup>103</sup> <http://www.robertfulford.com/2004-03-27-antisemitism.html>; Fulford, R. (2004). Anti-semitism can't be explained or cured. The National Post, 27 March

<sup>104</sup> <http://www.state.gov/g/drls/irf/200435508.htm>

<sup>105</sup> <http://www.ynetnews.com/articles/0,7340,L-3408801,00.html>

<sup>106</sup> [http://www.adl.org/PresRele/ASInt\\_13/5067\\_13.htm](http://www.adl.org/PresRele/ASInt_13/5067_13.htm)

“Australia remains to this day the only country in the world, other than Israel, whose founding members included Jews. As a result, Jews were treated as equal citizens from the outset. In contrast to contemporary Europe, incidents of anti-Semitism [have been] very rare in Australia. Jews were free to participate in economic and cultural life, and played an important role in their development.”

“[Following World War II, more European Jews—mostly from displaced persons camps—arrived in Australia.] Immigration did not let up, and, in 1989, the flow of primarily South African [immigrants to Australia] was augmented by refugees from the newly disbanded Soviet Union.”

“[There has been a slight] decrease in anti-Semitic incidents in Australia [in 2004] compared to 2003, in contrast to the gradual [increases] seen in recent years. On January 5, anti-Semitic slogans were burned into the lawns of the Parliament House in the State of Tasmania. Between February and July of the same year, several Asian businesses and a synagogue in Western Australia’s capital city of Perth were firebombed or sprayed with racist graffiti. In August, a Perth court convicted three men, two were associated with the Australian Nationalist Movement—a Neo-Nazi group—for their [role] in the attacks.

Anti-Semitism is not an issue of any significance in the countries [of sub-Saharan Africa and South Asia.]”<sup>107,108</sup>

### Anti-Semitism in Muslim Countries<sup>109</sup>

Because the government, media, and political groups in Muslim countries devote so much of their time and energy toward the distribution and publicizing of anti-Semitic beliefs, sentiment, and policies, we believe it is important to include a separate chapter on modern day anti-Semitism in the Muslim world.

In an essay by Manahem Milsan, professor of Arabic Literature at Hebrew University in Jerusalem, the distinctive features of Arab anti-Semitism are described as follows (MEMRI, No. 26, February 27, 2004; Cf. [www.memri.org](http://www.memri.org)):

1. Anti-Jewish opinions derived from traditional Islamic sources,
2. Anti-Semitic stereotypes, images and accusations of European and Christian origin,
3. Holocaust denial and the equating of Zionism with Nazism.

### The Islamic Component

#### Apes and Pigs

“An extremely common insult directed at Jews, not only in Friday sermons but also in articles, is that they are, or are descended from, apes and pigs. This reference

<sup>107</sup> <http://www.us-israel.org/jsource/vjw/australia.html>

<sup>108</sup> <http://baku.usembassy.gov>

<sup>109</sup> With the assistance of Arnold Alexander

“appears in” a number of Qur’anic verses which state that some Jews were turned into apes and pigs as punishment for violating the Sabbath.”<sup>110</sup>

## Western Components

“[Arab anti-Semitism has adopted European anti-Semitic myths, even those] that Western [countries] have discarded as too primitive. The most obvious examples are *The [Protocols of] the [Elders] of [Zion]* and] the charge—rather strange for Muslims—that the Jews killed Jesus.”<sup>111</sup>

## Holocaust Denial, Zionist and Nazi Components

“[The] most common trend today in [Arab anti-]Zionist writing is equating Zionism with Nazism. Articles and public discussions in the Arab world point [to a putative] similarity between the two movements’ ideologies, particularly with regard to racism. The claim is that just as Nazis believed in the [genetic supremacy of] the Aryan race, Zionists believe in a ‘Chosen People,’ [the supremacy of the Jewish race.] It follows that neither movement [—Nazi or Zionist]—rules out military expansion a[s part of its genetic and nationalist mandate.”

“The sixteen countries covered in this chapter are Aden, Algeria,] Egypt, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Morocco, Pakistan, Saudi Arabia, Syria, Tunisia, Turkey, [and] Yemen.” Three quarters of them have no Jews living there or have populations of less than two hundred Jews. As of 2001, the following countries had Jewish communities ranging from fifteen hundred to over twenty thousand: Tunisia (fifteen hundred), Morocco (five thousand), Turkey (seventeen thousand) and Iran (twenty five thousand).”

Jews have lived in what were Arab and became Muslim societies in the seventh century CE, at least since the destruction of the First Temple in Jerusalem (built under the reign of King Solomon) in 586 BCE. The Jewish mass exodus from these countries came largely as a result of the establishment of the Jewish State of Israel in May 1948. About two-thirds of the Jews in the Muslim societies emigrated to Israel, almost all of the others emigrated to the United States, Canada and France.

“[Between 1948] and the [present, the] Jewish [State of Israel has been at war with its Arab and Muslim neighbors at least five times—in 1947–48, in 1953–54, in 1967, in 1982 and most recently in 2006.”

“Of the sixteen countries included in this chapter, Saudi Arabia, Egypt, and Iran are most virulent in their hatred towards Jews and in their anti-Semitic polemics. Jews and] Christians are [forbidden] to live in Saudi Arabia. Jews may not set foot in Saudi Arabia. Christians are [permitted] temporary [residency only. Public schools in Saudi Arabia teach] that Jews obey the devil and are [cursed by] God. [They teach their children that God] is so angry that he will never be satisfied [with Jews.]”

<sup>110</sup> <http://truthandgrace.com/muslimantisemitism.htm>

<sup>111</sup> Ibid.

A Saudi textbook for [eighth] grade students explains [that] Jews and Christians were cursed by Allah and turned into apes and pigs (Steven Stalinsky, ["Preliminary Overview–Saudi Arabia's Education System,"] MEMRI Special Report–Saudi Arabia, No. 12, 20 Dec. 2002). A two-part commentary by Dr. Muhammad Bin Sa'd al-Shuway'ir, published on 3 and 10 January in the Saudi paper *al-Jazira* and entitled ["Why Pork is Forbidden,"] refers also to this [accusation.] The [alleged] transformation of Jews into apes and pigs, he said, was punishment ["because monkeys and pigs were considered among the lowliest of animals, in nature and manners."] Jews[, anytime] and anywhere, were [said to be "an example of human lowness, as demonstrated in the Qur'an."]] He attributed to the Jews ["bad"] and ["inborn"] traits:

a love for sowing sedition and hatred, a tendency to lie to the media and in politics, a failure to honor appointments, breach of agreements, and conspiring against Muslims, and particularly against Saudi Arabia, which is to the Muslims what the head is to the body.<sup>112,113,114,115,116,117,118,119</sup>

"[Another common theme in Islamic anti-Semitic propaganda] is the well-known hadith (oral tradition) known as ["The Promise of the Stone and the Tree."]] It tells [a story] of Judgment Day when Muslims will fight the Jews, and the Jew will hide behind a rock or a tree, but the rock or tree will call upon the Muslim to come and kill him. The hadith, which appears in another Saudi textbook for [ninth] grade students, is accompanied by comments that emphasize the enmity between Muslims and both Jews and Christians, and the eternal struggle with the Jews who are doomed to defeat (Steven Stalinsky, ["Preliminary Overview–Saudi Arabia's Education System,"] MEMRI Special Report – Saudi Arabia, No. 12, 20 Dec. 2002).<sup>120</sup>

"In June 2004, three Saudi dailies published an article by the secretary-general of the Manpower Council, 'Abd al-Wahid al-Humayd, entitled ['Good Cause, Bad Lawyers,'] in which he claimed that Jews were ['masters at manipulating the media, money, and world organizations.'] The Jews, he added, had ['succeeded in winning world sympathy by playing on the Holocaust and on Nazi atrocities. The result has been a world that gradually shifted from disliking Jews to sympathizing with them'] (MEMRI)"<sup>121</sup>

<sup>112</sup> <http://truthandgrace.com/muslimantisemitism.htm>

<sup>113</sup> Ibid.

<sup>114</sup> Cosgrove, Michael Marsh, Daniel. "International economics and state-sponsored terrorism.", Journal of Academy of Business and Economics, Feb. 2003 Issue

<sup>115</sup> <http://mondrian.tau.ac.il/Anti-Semitism/asw2003-4/arab.htm>

<sup>116</sup> Shea, Nina Hoffman, Jeanne. "Teach Your Children Well; Classic anti-Semitic literature in Arab schools.", The Weekly Standard, August 14, 2006 Issue

<sup>117</sup> [http://intelligence.org/il/eng/sib/4\\_04/as\\_sa.htm](http://intelligence.org/il/eng/sib/4_04/as_sa.htm)

<sup>118</sup> <http://middleeastfacts.com/Articles/history-of-jews-in-arab-countries.php>

<sup>119</sup> [http://www.adl.org/Anti\\_semitism/arab/as\\_egypt\\_03\\_2004/Anti-Semitism-in-Egypt-2003-2004.pdf](http://www.adl.org/Anti_semitism/arab/as_egypt_03_2004/Anti-Semitism-in-Egypt-2003-2004.pdf)

<sup>120</sup> <http://mondrian.tau.ac.il/Anti-Semitism/asw2003-4/arab.htm>

<sup>121</sup> Ibid.



“[The following is an excerpt] from an article by Dr. ‘Uymah Ahmed al-Jalahima, published in a Saudi newspaper identified with the Saudi royal family (Al-Riyadh Internet edition, March 10, 2002):”

During the Purim festival (while every Jew/ess is required to dress up in fancy dress and a special cookie known traditionally as “Haman Tashen” (Haman’s Ear) is baked, and made traditionally with poppy seed, to commemorate this festival) the Jews bake a cookie whose ingredients are neither expensive nor hard to come by, but one ingredient cannot be found in local and international markets, and unfortunately it has no substitutes and cannot be omitted. The ingredient in question is human blood. In other words, (the Jews) cannot perform their ceremonies without bloodletting... That fact has been proved throughout human history, and it was the reason for the oppression of the Jews in Europe and Asia.

The festival (Purim) begins on the 13th day of March with a fast in memory of the Jewess Esther. On Purim, the Jews wear masks and costumes, drink large quantities of wine, commit adultery and behave wildly. The blood used in baking the cookie must come from a non-Jewish youth, that is, Christian or Muslim, and the religious scholars knead it into the dough. As for the Passover (Matza; ie., unleavened bread), the blood (needed for its preparation) must come from a Christian child younger than 10 years of age.

To return to the issue of bloodletting: the victim is put into a barrel which has been made to measure him, into which very sharp needles are then fitted. The needles pierce the skin of the body and have the blood run out very slowly to torture the victim. The torture delights the bloodthirsty Jews watching the act with a love and joy which are difficult to understand. After the barbaric deed has been performed the Jews take the blood, which has been collected in a vessel, and bring it to a religious Jewish scholar who uses it to prepare the dough for the cookie (i.e., the Matza). There is another way to get the blood, namely by slaughtering the victim or by cutting his arteries in several places. Humanity is revolted by the sight of the Jews’ cookie, to say nothing of the way it is made or of eating it.

The following are “excerpts from an article by Muhammad bin Saad al-[Schwier], who writes a daily column for *Al-Jazeera* and was an advisor to the late Saudi Arabian Sheikh ‘Abdallah bin Baz, and the editor-in-chief of *Islamic Research*, a periodical published by the Association of Arabian Muslim Religious Scholars. The article appeared in the Saudi Arabian daily *Al-Jazeera* on September [11,] 2002 (taken from the MEMRI Internet site):”<sup>122</sup>

The Jews have been known for their treachery and faithlessness since the earliest days of (ancient) history they hate everyone and desire revenge against the entire human race, their guiding principle is that “the ends justify the means” (sic). They feel themselves entitled to the property of anyone who is not Jewish and call them Jewish Gentiles.

<sup>122</sup> Ibid.

Because they are weak, their hatred appears in the form of the schemes they devise, the traps they set, the intrigues they plot. When their usual means cannot be used they find strange ways to harm other people and nations, especially Christians and Muslims.

On June 7, 2002, on official Saudi TV2, Sheik Abd-al-Bari al Thubayte prayed in a sermon “O God the Jews have transgressed all limits in their tyranny. Shake the grove under their feet, pour torture on them, and destroy all of them.”<sup>123</sup>

In the words of Deroy Murdock, a contributing editor to *National Review* online,

While Mideast governments outside Israel often disparage Jews, Saudi Arabia’s anti-Semitic rage is unsurpassed.... Though sometimes hassled, Iran’s Jews may practice Judaism. Even Iraq has some one hundred or so elderly Jews who pray at Baghdad’s synagogue. While these two members of the Axis of Evil permit Jewish worship, America’s “moderate ally” forbids non-Islamic devotion and is basically Jew-free.<sup>124</sup>

On March 30, 2004, the ADL wrote the following: “Anti-Semitism remains deeply ingrained in Egyptian society, finding expression in the mass media, popular literature and public statements while remaining virtually unchallenged by government leaders.”

“Articles and caricatures in the Egyptian media regularly feature anti-Semitic depictions of Jews as stooped, hook-nosed, money-hungry and conspiratorial. Israeli leaders are depicted as Nazis, while other articles deny or diminish the Holocaust. Anti-Israel and anti-Jewish conspiracy theories frequently surface, including references to the *Protocols of the Elders of Zion* and modern reincarnations of the medieval blood-libel charge.”

“In January 2004, Egypt hosted its annual book fair in Cairo, the largest literary event in the Arab and Muslim world, where numerous anti-Semitic books were displayed. Since the international outcry over the airing on Egyptian television of an anti-Jewish drama based on the *Protocols of the Elders of Zion* in December 2002, important public discussions on anti-Semitism have taken place, leading to calls to condemn anti-Semitism and for Egyptians to avoid such manifestations. Nonetheless, vicious and hateful anti-Semitic articles and caricatures have continued to appear in the opposition and government press.”

“The following are selected examples of anti-Semitic articles and caricatures that have appeared in Egyptian newspapers from July 2003 to February 2004. Several common anti-Semitic themes are apparent.”<sup>125</sup>

- Conspiracy theories of Jews wanting to control the world, Jews controlling the Western governments and Jews controlling the world media,
- Comparing Jews and Israelis to Nazis and comparing Zionism with Nazism,
- Illustrating the stereotypical Jew (big nose, black coat and hat, skull cap), along with Jewish symbols such as the Star of David and demonizing Jews as bloodthirsty and violent.

<sup>123</sup> <http://middleeastfacts.com/Articles/history-of-jews-in-arab-countries.php>

<sup>124</sup> <http://www.nationalreview.com/murdock/murdock091702.asp>

<sup>125</sup> [http://www.adl.org/Anti\\_semitism/arab/as\\_egypt\\_03\\_2004/Anti-Semitism-in-Egypt-2003-2004.pdf](http://www.adl.org/Anti_semitism/arab/as_egypt_03_2004/Anti-Semitism-in-Egypt-2003-2004.pdf)

“While anti-Semitic cartoons can be found in opposition newspapers, many are printed in the government-backed press, including the largest Egyptian dailies, *Al-Ahram* and *Al-Goumhuriyya* and the popular magazine, *October*. Several common themes in the cartoons are:”<sup>126,127</sup>

- Graphic displays of Jews as demonic and subhuman figures bent on killing innocent Arabs,
- Jews controlling the American government,
- The equation of Jews with Nazis which often depends on illustrations of Israeli leaders wearing a swastika. In many of the cartoons depicting Ehud Barak and more recently, Ariel Sharon, they are dressed in Nazi uniform with a swastika armband or with a superimposed Hitler-style mustache.

In the fall of 2006, Iran hosted a conference on the Holocaust. Iran’s President Ahmoud Ahmadinejad had “already called the Nazis’ World War II slaughter of [six million] European Jews a myth, and said the Jewish state should be wiped off the map or moved to Germany or the United States.

“Foreign Ministry spokesman Hamid Reza Asefi said that because the Holocaust is a [“scientific”] issue, both opponents and proponents of the existence of the Holocaust could participate.” “The Holocaust is not a sacred issue that one can’t touch,” he told reporters. “I have visited the Nazi camps in Eastern Europe. I think it is exaggerated,” Asefi said.”<sup>128</sup>

It is, however, worth noting that in April 2005, the speaker of Iran’s parliament, Gholamali Haddadadel, rebuked Iranian state television for airing serials that insulted the country’s ancient but dwindling Jewish community: No Saudi official would rebuke its state-controlled television, radio or print media for anti-Semitic programs or commentaries.

We conclude our review of current anti-Semitism in the Muslim world by emphasizing that it is much more widespread than in the countries of Western Europe in which anti-Semitism is on the increase. A major difference is that in the Muslim societies anti-Semitism is by and large condoned and supported by government officials and political leaders.

## Concluding Remarks

It is clear from the materials presented in the preceding sections that anti-Semitism is on the rise in Europe. Western Europe, notably Belgium, France, Germany, Great Britain, and The Netherlands show significant increases in verbal and physical attacks on Jews and on the Jewish community in their country, and on Judaism generally.

On April 15, 2007, the Roth Institute at Tel Aviv University released the results of a comprehensive study of anti-Semitism worldwide, funded by the World Jewish Congress. The report stated that “There was a dramatic rise in physical, verbal, and

<sup>126</sup> [http://www.adl.org/egyptian\\_media/media\\_2001/Intro.asp](http://www.adl.org/egyptian_media/media_2001/Intro.asp)

<sup>127</sup> [http://theproblemwithmostarabmuslims.blogspot.com/2007\\_01\\_01\\_theproblemwithmostarabmuslims\\_archive.html](http://theproblemwithmostarabmuslims.blogspot.com/2007_01_01_theproblemwithmostarabmuslims_archive.html)

<sup>128</sup> <http://www.studentsforacademicfreedom.org>

visual manifestations of anti-Semitism in 2006.” In total, 590 incidents of violence or vandalism were recorded in 2006, a 15% increase from 2004. The 2006 figures also represent a 31% increase from 2005. The report goes on to state that the worldwide increase is heavily tilted toward Western Europe.

Of the Western European countries, France has the worst record. Jews in France are responding to the increasing anti-Semitic sentiments and actions by leaving their country and emigrating to Israel in greater numbers than at any time since the establishment of the Jewish state in 1948. In 2004, the Israeli government reported that 7,024 immigrants came from France alone since 2000. One emigre was quoted in the Israeli press as stating that “In five or ten years, all of the Jews of France will be in Israel because of anti-Semitism.”

Perhaps the most surprising Western European country included in this group is The Netherlands, given its valiant record of helping and protecting its Jewish community during World War II, when the Dutch were under Nazi rule.

The fact that Argentina is on the list is not surprising, given its history of pro-Nazi sentiment during World War II. Eastern Europe, of course, has experienced hundreds of years of pogroms and violent anti-Semitism under the Czars, and later under Stalin. Generalizing from hatred of Israelis to hatred of Jews the world over has become the pattern in most Middle Eastern and North African countries. Saudi Arabia and Iran show the worst examples and a desire to destroy the State of Israel.

We included Canada, the United States and Australia in our study to show that even in those countries where the Jewish communities have generally felt secure, wanted and free for decades, anti-Semitic sentiments and incidents are still increasing.

With the evidence presented, we believe that anti-Semitism is on the rise. It is important, however, to emphasize that we are nowhere near experiencing the anti-Semitism of the 1930s, even in the Western European countries described in this piece. In the words of Robert Fulford (*The National Post*, March 27, 2004)

Current anti-Semitism in the West lacks government sponsorship, the help of big corporations and the support of major public personalities. Just 80 years ago, anti-Semites included the greatest industrialist in the world, Henry Ford, who preached Jew-hatred through his own newspaper in Michigan, the *Dearborn Independent*. (It was as if Bill Gates were to turn into a dedicated anti-Jewish publicist in 2004.) Today, nobody in the West gets elected mayor of a major city on an anti-Semitic platform, as Karl Leuger did in Vienna from 1897 to 1910, and there are no big newspapers devoted to anti-Semitism, as there were in France and other European countries at the same time.

The above cannot be said about Muslim countries in North Africa and the Middle East, where government officials and political leaders are the major spokespersons fomenting anti-Semitic sentiments and propaganda. In the coming years we shall remain vigilant, on the lookout for changing trends in beliefs and behavior toward Jews the world over.

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# Cuba, Castro and Anti-Semitism

Irving Louis Horowitz

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**Abstract** The Soviets provided Cuba with the model of attacking human rights activities and organizations as a necessary extension of the Jewish Zionist conspiracy. The identification of Castro with forces dedicated to the destruction of Israel was made plain in proclamation and practice. The Cuban position is that the war on terrorism is actually an example of “Liberation Imperialism.” Cubans make no reference to the repeated assaults on Israel, or the actual causes of the Middle East conflict—the denial of the right of Israel to exist as a Nation-State in that region. Anti-Semitism is so powerfully rooted as a cultural element in authoritarian cultures that even when, as in the case of Cuban communism, it entails the tortured twisting of doctrinal elements within Marxism–Leninism, such as doctrinal claims about the “materialist foundations of society,” its leaders will sacrifice the ideology to the reality. Part of the Castro attachment to communism is an overall contempt for the Jewish mini-Diaspora within the larger flight of Cubans to the United States and other places where the practice of free speech remain unimpeded. The regime of Fidel Castro has changed little in the past 49 years, compared to the rest of the world.

**Keywords** Communism · Jihadist · Zionist · Nazism · Hostility

## Introduction

Karl Marx, in his brilliant historical study of *The Eighteenth Brumaire of Louis Bonaparte*, starts out by reminding us that “Hegel says somewhere that all great historic facts and personages recur twice. He forgot to add: ‘once as tragedy, and again as farce’.”

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With the holding in the year 2006 of the repeat meetings of the so-called “Non aligned Nations” that first met in Cuba forty years ago, in 1966, we are reminded once more how little the Fidel Castro regime has changed and how much the world has changed in that time span. Nations like India that spearheaded the first such meeting have developed amazing strides toward both democracy and market enterprise, while others like Venezuela have gone from a world that produced a democratic leader such as Romulo Betancourt to a military dictator like Hugo Chavez.

But the constancy of the Castro attachment to communism remains as real in theory and as remote in practice now as it was then. Part of this attachment was an emerging hostility to Israel and overall contempt for the Jewish mini-Diaspora within the larger flight of Cubans to the United States and other places where the practice of free speech remains unimpeded. With new allies such as Iran, Syria and the Palestine Liberation factions in Gaza and the West Bank, that hostility—fueled by decades of imbibing the Soviet legacy—has hardened into a primary credo. The remnants of the Jewish community in Havana, notwithstanding, Cuba is one more nation where anti-Semitism without Jews is a core belief.

In language strongly reminiscent of the Nazi epoch in German history and its main organ of propaganda, *Der Stürmer*, the Cuban Communist regime and its main organs of propaganda, Radio Havana and Granma, launched an unprecedented assault on the Israeli struggle against Hezbollah in Southern Lebanon. Characteristically for the Castro ideological machinery, Hezbollah was simply not mentioned. Instead, the conflict was pictured as an ongoing Israeli struggle—one that pits “arrogant Jews, armed to the teeth by the United States” against Palestine and Lebanon. The rubber-stamp Cuban National Assembly, even with ailing leader hospitalized, obediently expressed its condemnation of the “Zionist entity” as a “horrendous and shameless action, a genocide which challenges universal public opinion, laughs at the United Nations, and threatens to invade other countries, reminiscent of the era of Nazism.”

There are unique dimensions to the vanguard role of the Cuban regime in its hostility to Israel. Not least is that Cuba is essentially a country lacking anything resembling a viable Jewish community. Indeed, estimates range from between twelve to fifteen hundred Jewish souls in a nation that in 1959, at the time of the Castro seizure of power, contained ten times that number, or between twelve thousand and fifteen thousand Jewish citizens. Therefore, by even a cursory examination of the Castro regime attitude toward Israel it is worth noting the special character of its Jews at home. Despite the attempt to downplay, even eradicate awareness of Cuba as an anti-Semitic environment, one hostile to Jews, it must be noted that until recently the American hard Left has continued to make distinctions between anti-Israeli from anti-Jewish behavior by the regime. Thus the mythological nature of this dualism requires at least a cursory examination.

The typical apologetic Leftist approach is to claim that the regime’s anti-Zionist record “does not stem from anti-Semitic sentiment but from a purely self-interested approach to international relations.” Indeed, the author of these words, Aleksandra Brikman, in a web site paper ironically entitled “Cuba: A Haven for Jews?,” goes so far as to claim that “the Cuban government’s position has always been and continues to be favorable and responsive towards the needs of its Jewish community.”



The sheer demographic facts of the Castro Era would tend to cast serious doubt on such a bromide. Ninety percent of the Jewish community left Cuba soon after 1959. Indeed, only in the mid-1990s was Cuba declared to be not so much an “atheistic state” but one open to multiple religious beliefs. This indicates a widespread contempt for religions in general, one that fell with special fury on the Jewish community. The very magnitude of the Catholic population inhibited, even if not prohibited, direct assaults on the majority faith in Cuba.

There are a variety of sources of anti-Semitism in Cuba, several of which predate the rise of the Castro regime. In the pre-Castro era, the most dangerous period for Jews was in 1938–1939, when German Nazi influence in Cuba was at its height. The crowning propagandistic moment in the period before the birth of Israel, was the refusal of its then President (Bru) and the Cuban government to permit the landing of the S.S. Saint Louis in Havana harbor in 1939. Nazi Minister Joseph Goebbels fabricated and hyped up the passengers’ criminal nature, making them undesirable. Nazi agents within Cuba stirred anti-Semitism and organized protests, making the idea of an additional one thousand refugees seem to be a threat against Cuba itself. Negotiations for Jewish lives followed a pattern typical during the earlier phase of the Nazi era: fixing a price for the survival of each Jew. The most authoritative report at the time indicated that the Cuban government wanted five hundred dollars per refugee (approximate a half million US dollars in total). It was said that this money was no more than the amount required for any refugee to obtain visa to Cuba. Negotiations by fits and starts broke down, the Cuban government finally refused any landing permits, and “The Ship of Fools” was denied entrance. A fate of death befell many on board and who were compelled to return to various European ports.

In addition to the Cuban government’s venality and corruption, there was of course, the traditional animus toward Jewish refugees. This was especially pronounced in Catholic countries where the clergy was under the influence of the then less than supportive Pope Pius the Twelfth. Such sentiments were fueled by patterns of Jewish migration to the Americas after World War One. Immigration restrictions were tightened in the United States, especially after 1924. As a result, large numbers of Eastern and Central Europeans found their way to Cuba, on the unwarranted presumption that after one year of residency on the island, migration to the United States as part of the immigration quota would be routine if not automatic. This inability of these new immigrants to root themselves in the Cuban world was hardly a show of commitment in the new land, and this show of alienation was reciprocated with passivity, if not active hostility by the native population. While a small percentage of Jewish migrants did establish business and professional activities, the desire to reach the United States was clearly the dominant factor among the Jewish arrivals.

At the same time, the flow of Jews from the United States to Cuba, in the interwar period also contributed to something less than perfect relations between Jewish immigrants and Cuban hosts. Booms in gambling, casinos, and a variety of forms of deviance, including drugs and prostitution, had a Jewish component—sometimes greater in the imagination of the hosts than it was in fact, but nonetheless real. This also served to distinguish migrants and natives and served to inhibit Jewish participation in the Cuban political processes toward democratization that occurred in the 1930s. With such a lethal combination of immigration as a temporary transit

point, criminal activity as a way of gaining a measure of security in a booming Cuban gray market, and traditional clerical hostility to alien religions at one level and political wariness to foreign nationals, including the United States, at another, the grounds of anti-Semitism were established before the seizure of power by Fidel Castro and his allies.

Cuba's Jewish Community has been described by Jay Levinson, author of *The Jewish Community of Cuba* in terms of "The Golden Years, 1906–1958." The truth is that such a definition makes sense only in terms of Jewish organized life around its synagogues and burial grounds, but not with respect to terms of full participation as a national of the country. Indeed, such participation was absurd on the face of it, since the regime was essentially a dictatorship run by Fulgencio Batista, and could not be thought of as a regime open to democratic processes whatever the Jewish community might have preferred or desired. In any event, those so-called golden years soon turned to ashes. After Fidel Castro came to power, the overwhelming majority of the Jewish professional community left for the United States, Puerto Rico and other parts of Latin America, while its businesses were confiscated as part of the general anti-capitalist spirit of the new regime. Many of these businesses and people were transplanted to the United States, Florida in particular, with astonishing success. The Cuban people to start with were among the most advanced in terms of technological skills in the region. They wear with pride the designation: "the Jews of the Caribbean." Its Jewish component was simply an add-on to what already were a highly resourceful and innovative people—when given half a chance to be so.

## Marxism–Leninism

The rise to power of the Castro government and transformation of a guerrilla movement into a source of organized State power brought this era of ethnic toleration to an end. The Cuban Revolution of 1959 was mediated by an ideology—Marxism–Leninism. This is not the place for a full-scale exploration of the place of ideology in the affairs of the Castro regime. But it is worth noting how the role of anti-Semitism plays its hand in its formation. When it comes to the place of communist doctrine in the world of Castro, it is not Marx's effort in *The Communist Manifesto*, and its egalitarian impulses, but his effort five years earlier in 1843 *On The Jewish Question* and its blatant and deep-seated animosities for religion, which merits our attention. "We recognize in Judaism" Marx notes, "a general anti-social element of the present time, an element which through historical development—to which in this harmful respect the Jews have zealously contributed—has been brought to its present higher level, at which it must necessarily begin to disintegrate. In the final analysis, the emancipation of the Jews is the emancipation of mankind from Judaism. The Jew has already emancipated himself in a Jewish way." Beneath Marx's Hegelian smoke was the anti-Semitic fire of the uneasy and uncertain family convert. For Marx, the Jew as bourgeois has "emancipated" himself in civil terms. The task was to eliminate Judaism itself as part of the effort at political emancipation from capitalism. In this scenario, one does not need Jews to stand in opposition to Judaism. Castro's Cuba without Jews fits the bill to perfection.

Nor is such theorizing a function of abstract theory. Castro had a long gestation period under Soviet tutelage—and that included the Stalinist legacy in which Jews were subject to special treatment: from the denial of their special victimization at the hands of the Nazi regime to a removal of Jewish scholars from the sciences and Jewish organizational life as a force unto itself, and a denial of emigration rights to Jews in particular. The frequent charge of “cosmopolitanism” in the xenophobic world of Great Russian chauvinism was a virtual code word for being Jewish, or better, anti-national. It permitted Soviet authorities to isolate and if necessary disgrace delegations and visitations from Israel.

The Soviet Press became a critical instrument in anti-Semitism, reaching a fevered pitch in identifying the Central Intelligence Agency of the United States with the Zionist Secret Service. In all such calumnies, not a single statement was ever uttered by the Castro regime in denial or rejection of such calumnies. Indeed, they were repeated faithfully and repeatedly in the propaganda organs of the Cuban Communist Party. The Soviets provided Cuba with the model of attacking human rights activities and organizations as a necessary extension of the Jewish Zionist conspiracy.

The fusion of Cuban foreign policy with the extremist regimes of the Middle East dates back to the ideological hardening that took place after the Tri-continental meetings of the mid-1960s. The identification of Castro with forces dedicated to the destruction of Israel was made plain not only in proclamation, but also in practice. Direct military assistance was extended to Syria during the wars of 1967 and 1973. And while some question remains on whether Cuban troops were in the front lines in the tank corps, the advisory roles of Cuba is uncontested. Indeed, at the Havana 1966 meetings of the Tri-continental, the role of the Middle East as a bulwark against United States imperialism was reaffirmed. The Cuban position is that the war on terrorism is actually an example of “Liberation Imperialism.” There is not a single reference to the repeated assaults on Israel, or the actual causes of the Middle East conflict—the denial of the right of Israel to exist as a nation-State in the region. Instead we are informed by the Cuban spokesman, Sabah Alnasseri, that “The war on Iraq broke an axis, which was in the forming between Iran, Iraq and Syria—and probably Turkey with its Islamic government—and which could have reinforced the position of Syria, Lebanon and Palestine in face of Israel.”

In short, the struggle in the Middle East is between oil rich independent nations and the United States–Israeli effort to impose “neo-liberal conquest strategies of strong states and barbarized conditions on a world scale.” While the rhetoric is far more in tune with classical Marxism–Leninism than one hears from Iranian or Syrian authorities, the consequences in terms of geopolitical alignments are the same: a denial of terrorism as a factor, and a rejection of the struggle against terrorist forces, as in any way acceptable, much less legitimate.

### **The Cuban Propaganda Machine**

The ratcheting up of the Cuba propaganda machine is complex and at times tortured. It must display unflinching loyalty to the dictatorial regimes in the Middle East,

whether secular or clerical, and also distinguish its position from those regimes by avoiding the over identification of Israel as a nation and the Jewish people as a world historic religion. Cuba's essential ploy in this regard is to identify the Israeli response to the Hezbollah forces in Southern Lebanon as itself genocidal. Thus *Radio Havana* in its July 1st message states that "not even the Nazis undertook a retaliation of such proportions against a civilian population." The response to guerrilla insurgency in the Gaza region is seen "as the army of Israel proceeding with its work of extermination" and identifies this struggle as "part of the fascist designs over the Palestinian people" (*Mesa Redonda*, July 28th). And finally, "the Zionist regime has shielded itself behind the kidnapping of an Israeli soldier to intensify their genocide of the Palestinian people" (*Radio Habana*, July 28th).

The Cuban organs of communication constantly identify Israeli actions with United States "flagrant complicity and perfidy... which guarantees the impunity of the aggressor regime." This statement released by the Cuban Ministry of Foreign Affairs on August 4th, follows from an earlier release on July 18th that "the real purpose are the hegemonic plans of Tel Aviv and Washington to dominate all the energy resources in the area." The emphasis on petroleum resources as the real source of the conflict in the Middle East accords well with the Marxist vision of economic determinants on all conflicts in which "imperialism" engages. Another statement of the Ministry of Foreign Affairs links Europe to American designs. "The armaments with which this genocide is being committed are supplied by the United States... With rare exceptions, the European Union has served as an accomplice and has accepted the bland statements imposed by the Empire on the other side of the Atlantic." This linkage of Europe to America is seen as "the shameful and cowardly passivity of the European Union."

The Cuban propaganda machine, following the lead of Hezbollah and Iran, identified the cessation of hostilities by "the military hordes of the Israeli government" as a huge defeat for Israel and the West. "The myth of her invulnerability, fabricated by themselves and spread by their powerful allies, began in 1948, when they made the world believe that a militia of colonists installed in Palestine could defeat five Arab armies." And in a rare departure from distinguishing Jews from Israelis, the Radio Havana report of August 7th went on to note that "the legend grew when the arrogant Jews, armed to the teeth by the United States and allied with France and Great Britain, defeated Egypt in 1956." Increasingly, as the month long conflict unfolded, the Cuban information ministries and press ceased speaking of Israel and increasingly spoke the language of the *Jihadist* militants: of "the Zionist entity" and/or the "occupying power." This represents a significant departure from the previous Cuban position that was careful to distinguish the Jewish faith from the Israeli government, and indeed, unlike the radical Islamist states, continued to speak of Israel at least as a fact on the ground.

One great difficulty for the Marxist-Leninist regime is identifying the conflict in the Middle East in theological or apocalyptic terms. Itself a country largely Catholic in its population, Cuba was and remains hard put to see the "solution" of the issues in terms of the universal conversion of Christians and Crusaders into the Islamic faith. So what is missing in all Cuban analysis is the meaning of martyrdom, the immolation of warriors of Islam, and as one might expect, even a hint that any irrational element might be at work in the denial of the Holocaust or the effort to

create a new Holocaust in the statements and actions of the Iranian sponsored terrorists in Southern Lebanon. The furious slaughters that are daily occurrences within Iraq between Shiites and Sunnis, between terror bandits and police, or assassinations of leaders attempting to force a legitimate government, likewise are seen as not fit for the propaganda radar screen. There is no mention of Hezbollah or Hamas, and just as telling, no sense of ongoing efforts to reach a pacific accommodation between contending forces.

The Castro government has in the past routinely cartooned Israeli figures in terms of hooked nosed caricatures dancing to the tune of Uncle Sam. But it tended to stay clear of outright assaults on Jewish sensibilities. That has now been replaced by a strong dose of anti-Semitism, of the sort common during the Stalinist era—in which Jewish interests are seen as cosmopolitan elements disloyal to the national interest of the people, whoever they may be. The sole reason given for Jewish existence is to participate in the imperial plunder of poor nations with rich mineral resources. The de-legitimizing of Israel is now close to the official Arab extremist position. Israel is viewed as a nation without proper authority and one whose very right to exist is in grave question. It also accords with the strong adaptation of anti-Semitism as the official policy of Hugo Chavez and the oil-producing giant, Venezuela.

The strong allegiance demonstrated in the past by a heavily populated American Left intelligentsia has been left in tatters by the new developments in the Middle East. Once again, in Castro's Cuba, as in Stalin's Russia seventy years earlier, the fixation of belief in revolutionary utopias has been exposed as a terrible fraud with high risk consequences. This may be a small by-product of the recent war between Israel and Hezbollah, but in American terms, it is highly consequential. On a smaller scale, the emergence of a Cuban identification with an unsavory group of terrorists and true believers, blurs the classical gap between a communist left and a fascist right. The strong Jewish support evident in the emergence of the Castro regime has become silent, if not exactly repentant, of its past endorsements in the air and participations on the ground.

Anti-Semitism is so powerfully rooted as a cultural element in authoritarian cultures that even when, as in the case of Cuban Communism, it entails the tortured twisting of doctrinal elements within Marxism–Leninism, such as doctrinal claims about the “materialist foundations of society,” its leaders will sacrifice the ideology to the reality. The fusion of *Jihadist* acts of revenge and terror, the instance on the supreme role of Islamist belief as a test of moral worth, and the virtual negation of popular rule as a test for regime worth, all become part of the common struggle against Israel as a nation and Judaism as a cultural tradition.

For a world that has witnessed the horrors of the Holocaust in Nazi Germany and the systematic decomposition of Jewish life in Bolshevik Russia, the new wave of warfare upon the singular democracy in the Middle East and the calumny heaped upon its people—even by European powers that should now know better—is a grim reminder that moral progress lags far behind technological advances.

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# The Montreal Jewish Community and the Holocaust

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**Abstract** In 1993 Hitler and the Nazi party came to power in Germany. At the same time, in Canada in general and in Montreal in particular, anti-Semitism was becoming more widespread. The Canadian Jewish Congress, as a result of the growing tension in Europe and the increase in anti-Semitism at home, was reborn in 1934 and became the authoritative voice of Canadian Jewry. During World War II the Nazis embarked on a campaign that resulted in the systematic extermination of millions of Jews. This article focuses on the Montreal Jewish community, its leadership, and their response to the fate of European Jewry. The study pays particular attention to the Canadian Jewish Congress which influenced the outlook of the community and its subsequent actions. As the war progressed, loyalty to Canada and support for the war effort became the overriding issues for the community and the leadership and concern for their European brethren faded into the background.

**Keywords** Anti-Semitism · Holocaust · Montreal · Quebec · Canada · Bronfman · Uptowners · Downtowners · Congress · Caiserman

The 1930s, with the devastating worldwide economic depression and the emergence of Nazism in Germany, set the stage for a war that would result in tens of millions of deaths and the mass extermination of Europe's Jews. The decade marked a complete stoppage of Jewish immigration to Canada, an increase in anti-Semitism on the North American continent, and the revival of the Canadian Jewish Congress as the voice for the Canadian Jewish community.

Montreal, with its large Jewish population, was the cultural and political centre of Canadian Jewish life. The Canadian Jewish Congress was headquartered in Montreal. Its executives, then, while heading a nation-wide organization, were also the leaders of

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the Montreal Jewish community. This community assumed the mantle of leadership for Canadian Jewry. The city and its community became the focal point for any actions undertaken on behalf of European Jewry. In the 1930s and 1940s the Montreal Jewish community also bore the brunt of the anti-Semitic upsurge in Canada.

According to demographer Louis Rosenberg, from 1921 to 1931 there was a trend “for the Jewish population of Greater Montreal to move from the so-called Jewish wards of St. Louis and Laurier to the neighbouring satellite cities of Outremount and Westmount.”<sup>1</sup> This departure can be explained by a desire to advance economically and to obtain better housing. However, there was also the wish by a segment of the Jewish community to assimilate into a more “Canadian” milieu, a need to become less visible as Jews in a non-Jewish environment. The departure from the Jewish area marked a move away from what many considered a ghetto, an area of the city where Jews lived in a sort of self-imposed segregation, separated from the non-Jewish communities.

This wish to shed the image of the ghettoized Jew that many Jews perceived as embarrassing and undesirable was not unique to the Montreal Jewish community.<sup>2</sup> Unlike Eastern Europe, where many of these immigrants came from, North America with its seemingly endless opportunities appeared to offer the Jew a chance to become part of the mainstream. It was assumed that discrimination could be overcome. But to overcome anti-Jewish prejudice, it was necessary to blend in, to assimilate into a society that would accept the Jew as a full-fledged citizen, as an equal among others. Assimilation, assuming an identity as a Canadian, held out hope for the future.

In Montreal, in the first and second decade of the 1900s, the arrival of new waves of immigrants led to the formation of two distinct Jewish communities. The uptown Jews were the wealthy and anglicized old guard and the downtowners were the recent arrivals who lived in the area along St. Laurent Boulevard, affectionately referred to as “The Main.” The street forms the east–west dividing line in the city. The area around this street north of the downtown core was the Jewish area of Montreal from the turn of the century to the 1950s.<sup>3</sup>

The waves of Jewish immigrants to Montreal from the 1900s onward were generally from Eastern Europe and most were Yiddish speaking.<sup>4</sup> With their language, their Jewish nationalism, their attire and their left-wing politics, these new arrivals did not identify with the members of the established Jewish community. They were outsiders both to the non-Jewish world that existed beyond “The Main” and to the assimilated Jewish community. Time and space separated them from their established brethren; they were “marked” by when they arrived in Canada and by the neighborhoods in which they lived. The Jewish community was fragmented and the divisions went even

<sup>1</sup>Louis Rosenberg, *Canada's Jews: A Social and Economic Study of Jews in Canada in the 1930s*, (Montreal: Bureau of Social and Economics Research, Canadian Jewish Congress 1939), 31.

<sup>2</sup>In a study of the Chicago Jewish Ghetto of the early 1900s, Louis Wirth writes of the Jew who desperately wanted to escape from the ghetto and become a “true” American. Louis Wirth, *The Ghetto*, (Toronto: University of Toronto Press 1965), 261. Originally published in 1928.

<sup>3</sup>Joe King, *From the Ghetto to the Main: The Story of the Jews of Montreal* (Montreal: The Montreal Jewish Publication Society, 2001), 102.

<sup>4</sup>The biggest jump in the Jewish population was found in the census of 1911. Louis Rosenberg states that this was due to persecution in Russia and Romania in the first decade of the 20th century. Rosenberg, 11.

beyond the downtown–uptown barriers as Jews were also divided by assimilationist versus nationalist beliefs, religious convictions, and political ideologies.

The Jewish communities, although perceived by outsiders as close-knit and monolithic, were in fact split and rarely spoke with one voice. In Montreal, the downtowners had strength in numbers, but coming from areas of Europe where discrimination against Jews was widespread and where Jews had no voice in government, they lacked the ability to mobilize as an effective unit. Added to the apparent political impotency of the downtowners was the belief that they could best be served by the established Jews and thus as a rule they allotted power to both provincial and federal candidates who they assumed would best represent them in the corridors of power.

The rise in anti-Semitism in Canada led to an acceptance of the *sha-shtill* attitude, a Yiddish expression that translates as “keep quiet” or more aptly as “don’t rock the boat.” Many in the Jewish community believed that if they stayed out of the public eye, the government would be more willing to listen to representatives of the community, both those elected to government and those chosen to speak for the community through Jewish agencies. However, it was a policy that ended up in tatters as the government came to the realization that dealing with Jewish representatives at a time of economic hardship and increased anti-Semitism led to little, if any, political capital and often proved detrimental to the interests of the policy-makers.

On Monday, January 30 1933, President Hindenburg appointed Adolph Hitler Chancellor of the Reichstag, the German parliament. Jews in Montreal at that time wished to show their opposition to the Nazi government in Germany. Rallies were organized by the Montreal Jewish community and large protests were held. In an editorial in the *Canadian Jewish Chronicle*, the Montreal Jewish weekly, one particular rally held was billed as “The Mighty Voice of Humanity,” and the *Chronicle* emphasized the “expressions of horror and resentment from the eminent non-Jews who were present...”<sup>5</sup> From the time of the rise of Hitler, the Montreal Jewish community was convinced that any action on behalf of European Jewry had to be taken with the support of the non-Jewish community.

Jews saw themselves facing two threats, one from overseas and one homegrown. Of special concern was the Quebec situation, where anti-Semitism appeared ingrained in the politics of the province. Lionel Groulx, a Quebec Catholic priest, historian and one of the intellectual leaders of the Quebec nationalist movement of the 1930s, published anti-Semitic articles in his paper, *L’Action Nationale*, which appealed to an educated, well-to-do audience. Anatole Vanier, one of the paper’s directors, wrote that with the Nazi takeover of Germany, the Jews in Germany were getting what they deserved and a similar fate awaited them in Quebec: “What is happening in the new Germany is germinating everywhere where Jews are considered as intruders. And where, one may well ask, are they considered otherwise?”<sup>6</sup> David Rome, historian and archivist at the Canadian Jewish Congress, condemned both the Catholic hierarchy and Quebec for their refusal to speak out during the

<sup>5</sup>“The Mighty Voice of Humanity,” *Canadian Jewish Chronicle*, 14 April, 1933, 3.

<sup>6</sup>“Les Juifs au Canada,” *L’Action Nationale*, September 1933 in Erna Paris, *Jews: An Account of Their Experience in Canada* (Toronto: Macmillan of Canada 1980), 52. Translation by Paris.

Holocaust. “Unlike the situation in many other countries, *even in Germany*, there was, in Canada, no Catholic dissent from anti-Semitism; there was no Quebec condemnation of Nazism, there was no Quebec plea for the threatened....”<sup>7</sup>

The book *None Is Too Many* by the historians, Irving Abella and Harold Troper, examines the Canadian government’s callous disregard for the Jews of Europe. In meticulous fashion, the authors explore government measures taken to prevent Jews from entering the country before, during and after the Holocaust. The two Canadian scholars, though they write of a Canadian public that remained uncaring and unwilling to admit Jewish refugees into the country, pay special attention to and single out for sharp criticism the prevalent anti-Semitism in Quebec. A Gallup poll conducted in 1944 revealed that “[A]mong those who emphasized the need for strict racial selectivity, many, especially French-speaking respondents, specified ‘No Jews’...With the force of nativism on the rise across Canada, it was still most concentrated and vocal in Quebec.”<sup>8</sup> The French press, according to Abella and Troper, spoke with one voice against the admission of Jewish refugees.<sup>9</sup>

The Jew-hatred in Quebec reminded Jews of the anti-Semitic invective that was being spewed in the German Reichstag; it was a type of anti-Semitism that many perceived as belonging to the streets of Berlin, not those of Montreal. To the Jewish community the anti-Semitism that was seen as so vicious in nature and that echoed the language of National Socialism could not be distinguished at the time from the anti-Jewish vitriol that was sweeping through Germany. Whatever nuances and differences there were separating the anti-Semitism in Quebec from the more deadly variety in Nazi Germany, to the Jews in Montreal the drumbeats of the Nazis in Germany and the anti-Semitic rallies in Quebec sounded the same.

In retrospect, it is clear that although the situation in Quebec was far from idyllic, it could not be compared to Germany. Jews did not have to endure a state-sponsored campaign of intimidation and terror. Nevertheless, in the Montreal Jewish community there was concern for what might happen. Some may have seen the German situation as a harbinger of things to come. In Germany, Jews had been integrated for centuries into German life and culture; yet they became seemingly overnight the victims of extreme intolerance. Because of their recent arrival to Canada, some Jews would now see themselves in a tenuous position. Some felt as vulnerable as their German brethren.

These threats to Canada’s Jews made the resurrection of the Canadian Jewish Congress a necessity.<sup>10</sup> The first Congress had been established in 1919 by the downtowners.<sup>11</sup> But that Congress died a quick death, never functioning as a

<sup>7</sup>David Rome, *Clouds in the Thirties: On Antisemitism in Canada. 1929–1939*, Section 1 (Montreal, National Archives, Canadian Jewish Congress 1977), 81. Italics added.

<sup>8</sup>Irving Abella and Harold Troper, *None Is Too Many: Canada and the Jews of Europe, 1933–1948*, (Toronto, Lester and Orpen Dennys 1983), 162.

<sup>9</sup>*Ibid.*, 164.

<sup>10</sup>“A Jewish Congress in Canada,” CJC, 5 May 1933, 3–4.

<sup>11</sup>Congress was created because the downtowners felt that uptown Jews were not dealing properly with money collected to support European Jewry during World War I. The downtowners wished to donate all the money to their European brethren; the uptowners who were in charge of the distribution of funds donated most of the money to local Montreal charities. “The downtowners saw red...From their frustration the idea of a United Jewish Congress was born.” Erna Paris, 35.

cohesive national organization after its first session. Even as the new Congress was reborn in 1934 so that Canadian Jewry would speak with one voice, it still faced enormous obstacles in a community racked with dissension.

Although Congress was trying to become a national organization, uniting Jews from coast to coast, it remained in actual fact a Montreal-based operation during this period. In 1933, the downtowners envisioned a Congress that would “utilize the authority of the populace instead of the traditional influence of those who were well connected.”<sup>12</sup> As David Rome has pointed out, the Congress ideology was “an outgrowth of the Jewish labour nationalist movement.”<sup>13</sup> The downtowners resented the tendency of the wealthy to assume leadership of all Jewish organizations as if by birthright; in turn the uptowners, to quote Rome again, “tolerated the presence of the Jewish Congress, but not wholeheartedly.”<sup>14</sup> The consequence was that for the first 5 years of the reborn Congress, the organization was in a constant state of financial turmoil. It became a virtual one-man operation, run out of the Montreal office on a shoestring budget by the General Secretary, H.M. Caiserman.

In Germany, conditions for Jews worsened. Jews who wanted to leave were faced with insurmountable obstacles. Besides having to relinquish most of their possessions before leaving the country, many had nowhere to go. Most western countries were still in the midst of an economic slowdown which exacerbated the unemployment situation. As the refugee crisis in Europe worsened, many countries closed their borders to immigration. Added to the closed door policy of many nations including Canada was the fear of any Jewish influx. Anti-Semitism had made the Jew a most unwelcome immigrant.

Many within the Jewish community believed not only that it was unwise to publicize any demands made by Jews, but also that it was harmful to even suggest that there was a “Jewish problem.” Many worried that too much emphasis on Jewish suffering in Europe would lead not to sympathy but to an anti-Semitic backlash. One writer in the *Chronicle* who decried the publicity claimed that any mention of Jewish hardships in Nazi Germany “has a bad effect on the relationship with non-Jews at home.”<sup>15</sup> The leaders of the community, perhaps because they feared the growth of anti-Semitism at home, began to adopt an attitude that downplayed the suffering of their brethren in Europe. It was an attitude that was to continue throughout the war years as the Jewish leadership increasingly placed the Jewish issue in a broader context of Nazi atrocities. In order to garner support from the Canadian public and Canadian government, the fact that there was an effort on the part of the Nazis to target the Jews for persecution and eventually for extermination had to be sublimated to a theme that spoke of universal suffering under the Nazis. It would become one of the ironies of the coming catastrophe that in order to save Jews in Europe it was deemed necessary not to mention them.

<sup>12</sup>David Rome, “The National Story” in *Pathways to the Present: Canadian Jewry and the Canadian Jewish Congress*. (Toronto: Canadian Jewish Congress 1986), 2.

<sup>13</sup>*Ibid.*, 6.

<sup>14</sup>*Ibid.*

<sup>15</sup>William Zukerman, “Is Publicity Good for the Jews?: The Reaction to Newspaper Reports of Pogroms,” *CJC*, 22 July 1938, 8.

On the non-Jewish side as well the “Jewish problem” was not mentioned. When government officials spoke of their inability to handle a large influx of refugees, many people knew what was being implied. Anti-Semitism, though prevalent in western countries, was becoming associated with the Hitler regime and thus to avoid charges of anti-Semitism, the plight of European Jewry was camouflaged, hidden in a language that did not specifically mention the Jew.

Both sides, Jewish and non-Jewish, manipulated language and engaged in doublespeak. For public consumption, both governments and community leaders used euphemisms when they referred to the “refugees of Europe.” The Jews in Europe became in time invisible entities, and while not forgotten by their Jewish brethren, their appalling situation was masked under the horrors of Nazism, an ideology that threatened everyone.

On November 8th and 9th 1938, the Jewish communities in Germany were attacked with a fury that surpassed any previous anti-Semitic acts of violence carried out by the Nazi regime. In a night-long rampage that became known as *Kristallnacht* or “Night of Broken Glass,” Hitler unleashed his forces on the Jewish population in Germany. This manifestation of Nazi policy shocked the Jews of Germany and stunned the Jewish communities in Canada.

The Jewish leadership tried to enlist the help of non-Jews in protesting the actions of Nazi Germany and in opening the way for refugees to come to Canada. The leadership and the Jewish press began more and more to frame the issue of Jewish suffering in a manner that gave it relevance to the rest of the Canadian population. They tried to convince the public and the government that their cause was right and just, not because it affected Jews but because Nazism would have consequences for a significant portion of the general population. In an editorial in the *Chronicle*, for example, Nazism becomes not only a threat to Jews but also a worldwide menace that would endanger non-Jews.

To-day it is the Jews who have been reduced to serfdom, decreed into helotry, made lower than the worm. But to-morrow? ... To-morrow it will be Catholics, the Protestants, all Christians whose doctrine of love is anathema to the savages who have sprung up upon the seats of the mighty in Germany. There is a lunatic abroad in Europe; and the world had better give heed.<sup>16</sup>

*Kristallnacht*, because it received much press coverage throughout North America, opened the doors for Congress to protest publicly on behalf of their German coreligionists. Congress declared November 20th a day of mourning with memorial meetings in Jewish communities throughout Canada. But these meetings held to protest anti-Semitism in Nazi Germany were to be seen as primarily Christian responses to the atrocities. Caiserman advised:

It is preferable that these memorial meetings be non-sectarian in scope and it is advisable that non-Jewish leaders in the various communities should be asked to endorse the calling of such meetings and, if possible, take part in the

<sup>16</sup>“Vandal and Victim,” CJC, 18 November 1938, 3.

arrangements.... Moreover, it is important that most speakers at these meetings should be gentiles prominent in political life, church leaders, etc.<sup>17</sup>

The Montreal memorial was held in a venue located far from the Jewish area, which accentuated the non-Jewish nature of the meeting. The *Chronicle*, with a front-page photograph of the meeting, illustrated the Christian character of the rally, as non-Jews dominated the platform.<sup>18</sup> The newspaper emphasized the need for the “full co-operation not only of all Jews, but also of good and liberal Christians...”<sup>19</sup>

In January 1939, Samuel Bronfman, a well-known figure in the Jewish community and one of Canada’s richest men, was asked to become president of the Canadian Jewish Congress.<sup>20</sup> Bronfman, with his wealth and influence, was an obvious choice. The *Chronicle* stressed the celebrity quality of the Bronfman name and his ability to bring into Congress the uptowners who had for the most part remained outside the fold: “The very prestige with which his name is associated should serve to bring into Congress activity those elements which for one reason or another, have held themselves, like expensive ostriches, blind and aloof from the major Jewish problems of the time.”<sup>21</sup>

Bronfman was determined to change Congress. He brought with him a contingent of Jews who had the means and the skills to create a more efficient and more solvent organization. The influx of members and money from the uptown Jewish community did make Congress a financially-stable organization. With more resources and more uptown members this rejuvenated institution now presented a new agenda to the community. It initiated a program that was based on the uptowners’ perception of the Jewish community.

In his opening address to Congress Bronfman set forth his aims for the Jewish community, “First, Jews had to be patriotic; second, Jews had to speak as one.”<sup>22</sup> The speech was exceptionally noteworthy for the fact that he made no reference to the situation of German Jewry or to anti-Semitism in Canada.<sup>23</sup> For Bronfman, Jews had to be seen as even better citizens than their Christian neighbours.

We as Jews, have a chance to build up a full position of citizenship and equality which is a privilege belonging to the citizens of the British Empire. It is the responsibility of Congress to see that the Jews are good citizens in their respective communities across Canada, and to so conduct themselves that they will gain the respect of their fellow citizens...the non-Jewish citizens. We have got to be just that much better to gain their respect.<sup>24</sup>

<sup>17</sup>H.M. Caiserman, Letter from the Dominion Council of Canadian Jewish Congress, November 15, 1938.

<sup>18</sup>“Montreal Voices Horror at Plight of German Jews”, CJC, 25 November, 1938, headlines.

<sup>19</sup>Ibid., “What Now?”, 4.

<sup>20</sup>Michael Marrus, Mr. Sam: The Life and Times of Samuel Bronfman (Toronto: Viking, 1991), 259–260.

<sup>21</sup>“Mr. Samuel Bronfman, President of Canadian Jewish Congress,” CJC 27 January 1939, 3.

<sup>22</sup>Marrus, 264.

<sup>23</sup>Ibid.

<sup>24</sup>“Verbatim speech of Samuel Bronfman, of Montreal, following his election as new president of the Canadian Jewish Congress at the Royal York Hotel, Monday night (January 23, 1939).” Bronfman, Samuel, Box No.2, Congress archives.

The Bronfman message as war approached became a kind of mantra, repeated at gatherings in an attempt to make the Jewish community understand that they lived in a country that supported them; that they were part of an empire that brought them security and hope. Even in August 1939, Bronfman's speeches, while expressing his profound love for Canada and the British Empire, all but ignored the coming tragedy. In a brief reference to the crisis facing European Jewry, Bronfman remained confident in the future.

Were it not for democracies, we Jews would face a hopeless future. If, therefore, some sections of our people throughout the world today, find themselves at sea, I am thankful that Britannia rules the Sea, because when she occupies that position, we as Jews have little to fear.<sup>25</sup>

The downtowners, for all their misgivings, came to accept Bronfman. To this community Bronfman, while coming seemingly from another world, represented wealth and power. In a community that was bereft of these two attributes Bronfman was the leader who many believed would in time influence both public opinion and government policy.

On September 1st 1939, Germany invaded Poland. On September 3rd England and France declared war on Germany, marking the beginning of World War II. Canada declared war 1 week later on September 10th. In the months following the outbreak of the war, reports of atrocities perpetrated by the German forces on the Jewish population of Poland filled the Jewish press. Although the news focused on Jewish suffering, the Jewish press and the leadership of the community were well aware of the importance of not giving the Jewish issue too much attention. Canada's entry into the war meant that the universalization of the struggle against Nazism became more and more the guiding principle for the press. In an eloquent essay in the Montreal Yiddish daily, the *Kanader Adler* (*The Canadian Eagle*), A.M. Klein wrote,

There is no doubt about it—the barbarian is loose in Europe. A lunatic is running amok. His victims today are of one kind; to-morrow, should he succeed, they will be of another. He must not succeed! If civilization is to persist, he must be destroyed.<sup>26</sup>

The community leaders and the press realized that they would also have to emphasize that this war was not one that was being fought for the Jews of Europe; it was a common struggle against a totalitarian regime that knew no bounds. Anti-Jewish propaganda had portrayed Jews as being responsible for countless wars, and the idea that this war was tied to a “Jewish conspiracy” had to be dispelled. As an editorial in the *Chronicle* explained:

Others, again, inspired by cowardice or fascism, or both, have, under the protection of the democratic privileges of freedom of speech, shouted from the roof-tops that this is a “Jewish-war.”....No, this is neither an imperialistic war, nor a “Jews’ war.” Its objectives are simple, indeed. They were succinctly and

<sup>25</sup>“Address of Mr. Sam Bronfman, President of the Canadian Jewish Congress, at the Second Session of

<sup>26</sup>“Of All Things: German Shrecklichkeit,” *Adler*, 12 Sept. 1939, 6. The essay was written in English.



admirably expressed by Prime Minister Chamberlain right at the outset of the war. They are “to crush Hitlerism,” to safeguard democracy, and to re-establish the rule of reason, instead of force, in international relations.<sup>27</sup>

Jewish leadership had stayed in the background prior to the start of the war, but the attack on Poland and Canada’s entry into the war meant that the leadership would involve the community in a national effort to fight Germany.<sup>28</sup> Supporting the Canadian effort and winning the war became the overriding issues for all Canadians. Ever mindful of anti-Semitism and knowing full well that the war, with Canadians serving and dying overseas, might increase animosity towards their community, the Jewish press and leadership vociferously displayed their patriotism.

Hitler’s armies began their relentless march through Europe 7 months after the invasion of Poland. The collapse of France, the evacuation of Dunkirk and the bombing of population centres in England finally brought home the horrors of war to the entire Canadian population. For the Jewish communities in Canada, the anti-Semitism of the Nazi regime and its effects on European Jewry were replaced by concern for a war that had engulfed most of Europe, and as many believed, posed a threat to life in North America.

It was not solely the words of Bronfman which created the mindset that loyalty to Canada should take precedence over all other concerns. The battle was being waged against a war machine that seemed unstoppable. The very nature of this life and death struggle made the Jewish community part of the national effort to combat Nazi Germany. The media and the government made it clear that the war against Germany was a fight that demanded the full and unquestioned support of the entire citizenry. As news of German successes and Allied setbacks filled the airwaves, as newspapers began to highlight the threats of the German juggernaut in its march through Europe, the community became part of the national effort to fight this menace. Any concerns for the fate of European Jewry were replaced by a determined effort by the leadership to enlist Jews into the armed forces and accentuate Jewish loyalty on the home front. The community, mainly through the efforts of Congress, not only concentrated on how best to respond to Canada’s war needs, but also focused on publicizing its war effort.

The need to demonstrate loyalty was highlighted in a letter from H.M. Caiserman. He sent out a confidential appeal discussing the initiation of a program to encourage Jews to enlist.

Our enemies are insinuating that the Jews are not enlisting for the military services in the present emergency...The Dominion Council of the Canadian Jewish Congress at an extraordinary session decided that a liaison registration office be opened to give information and to aid in the recruiting of Jewish men.<sup>29</sup>

<sup>27</sup>“Our War Aims,” CJC, 13 September 1939, 3.

<sup>28</sup>“Canadian Jews Organize to Help This Country in the War Against Hitler,” Adler, 11 September 1939, 1.

<sup>29</sup>H.M. Caiserman, Canadian Jewish Congress, Dominion Council, Confidential, Urgent. September 22, 1939. Box 4, ZA 1939, 32–45A, 4/35, Congress archives.

The public relations aspect of the Jewish war effort became one of the cornerstones of Congress's agenda. Groups, committees and organizations were set up by Congress to keep track of Canadian Jewry's contribution to the war. The Jewish leadership, well-aware of the precarious position of the community, sought to increase Jewish enrollment in the Canadian military and show non-Jewish Canadians that not only were Jews loyal but they also stood behind their words by enlisting in large numbers to serve their country.<sup>30</sup> During the war, Congress revealed figures highlighting the Jewish contribution to the war. In November 1943, the organization released a report stating that "The enlistment of Jews in the fighting forces of the dominion is higher than their proportion in the population of the country."<sup>31</sup>

By the summer of 1942, the so-called fog of war had lifted sufficiently to reveal what was happening to European Jewry. While this fog may have hidden more precise details on the nature of the extermination operations, there was mounting evidence that, starting with the invasion of the Soviet Union, the mass murder of Jews had developed into a planned systematic genocide. In a letter to Sam Bronfman urging action, H.M. Caiserman spoke of the carnage in Europe.

For weeks and months the newspapers have brought us the horrible items of the massacres of Jews in Europe. There has taken place a slaughtering of our brethren in Germany, Slovakia, Austria, Hungary, Romania, Italy—in all Nazi-occupied countries on a scale that no human being can conceive.<sup>32</sup>

One of the most ambitious undertakings to publicize the genocide in Europe and to bring the mass murders to the attention of the Canadian public occurred in the fall of 1942. It was planned at a time when news coming out of Europe foreshadowed the catastrophe that would befall European Jewry. Congress had begun preparations for protest rallies to highlight Germany's crimes against the Jews. The rallies were to bring to the attention of the entire Canadian population the horrific deeds that were being perpetrated against the Jews. The inspiration for these rallies came from the American Jewish Congress which held a protest demonstration at Madison Square Garden on July 21, 1942. The American Jewish Congress in a letter to its Canadian counterpart pointed out the need for such a rally:

We feel that it is important that this meeting should be held both to give the Jewish community an opportunity to register its feelings with respect to mass massacres of its fellow Jews, and also to evoke the kind of response from Democratic governments which would be a challenge to Hitler as well as a moral sustenance [sic] to the Jewish community.<sup>33</sup>

Although demonstrations were to be held across the country, the focal point was to be the rally at the Montreal Forum.

<sup>30</sup>Gerald Tulchinsky, *Branching Out: The Transformation of the Canadian Jewish Community* (Toronto: Stoddart, 1998), 204–205.

<sup>31</sup>CJC Memorandum, Subject: Jewish Enlistments, November 25, 1943. National Dominion Council, 1943, Box 4 Series BA, Congress archives.

<sup>32</sup>Letter from Caiserman to Bronfman, ZA 1942, 3/30 Box 3, ZA 1942, 29–41, July 21, 1942, Congress archives.

<sup>33</sup>Letter from American Jewish Congress to Saul Hayes Executive Director, Canadian Jewish Congress, July 16 1942, CJC ZA 1942, 3/30, Box 3, ZA 1942, 29–41, Congress archives.

The announcements leading up to the demonstration issued by Congress presented the theme of Jewish suffering under Nazi oppression. As a letter sent out to the Jewish leadership in Montreal stated,

As you already know, the Canadian Jewish Congress is calling a Mass Meeting to express sorrow and protest at the inhuman atrocities directed by the Nazis against our brothers and sisters in Nazi-occupied countries.... The inhuman sufferings and tribulations of our unfortunate brethren in occupied countries should arouse the conscience of every civilized man and women.... We must let our voices be heard! We must arouse public opinion!<sup>34</sup>

Two days before the rally the cover page of the *Chronicle* announced in boldface print "Protest Against Monstrous Treatment of Jews in Occupied Europe!"<sup>35</sup> Its editorial stated that the demonstration would bring to expression "the sense of horror which has shuddered the civilized world at the Nazi record of unrelenting and ruthless inhumanity to the Jewish population held in its clutches."<sup>36</sup> The rally was a major turnabout for the Jewish community, which had generally shunned protests and chosen "quiet diplomacy" from its leadership.

But the demonstration strayed from its original objective; it was orchestrated in such a way that very little was said of the Jewish tragedy. The rally was managed in a manner that buried the message of Jewish suffering and mass murders under a torrent of information that emphasized Jewish loyalty and Canada's war against Germany.

Most of the speeches by the participants of the rally focused on the war effort. Norman A. McLarty, Canadian Secretary of State, praised the demonstration since it gave Christians and Jews an opportunity "to join hands in a rededication of our energies, our fortunes and our very lives to the cause of freedom and to total victory of the United Nations."<sup>37</sup> Mr. J. Pierrepont Moffat, the United States Minister to Canada, "paid tribute to the great contribution the Jews have made in this struggle."<sup>38</sup>

Samuel Bronfman, chairman of the meeting, did mention the mass killing of Jews but the Jewish catastrophe became part of the greater struggle, "Not we alone are its victims, Frenchmen and Czech, Norwegian and Dane, Pole and Yugo-Slav, Dutchman and Greek, all have learned the meaning of that New Order whose monuments appear—on the cemeteries of Europe."<sup>39</sup> Bronfman emphasized the Allies' sympathy for the Jews and especially the Canadian government's compassion for the Jews in Vichy France.<sup>40</sup>

<sup>34</sup>"To The Heads of Jewish Organizations in Montreal" Canadian Jewish Congress, Michael Garber, September 23 1942, CJC ZA 1942, 2/25, Box 2, ZA 1942, 15–28, Congress archives.

<sup>35</sup>CJC, October 9, 1942, 1.

<sup>36</sup>"A Meeting of Protest and Self-Dedication", CJC, 9 October 1942, 3.

<sup>37</sup>"Thousands Attend Protest Rally," CJC, 12 October 1942, 1.

<sup>38</sup>Ibid.

<sup>39</sup>"Great is Our Mourning, But Greater Still is Our Determination Not to Pause: Sam Bronfman," CJC, October 1942, 12.

<sup>40</sup>The Summary Report at the Sixth Plenary Session states that the formal complaint by Samuel Bronfman to Canadian Prime Minister Mackenzie King regarding the deportation of French Jews to Poland resulted in King's subsequent protest to the Vichy Government. It was one of the few requests by Congress that resulted in any action by the Canadian government. "Efforts to Rescue the Surviving Jews of Europe." Summary Report (1942–1944), Congress archives.

The rally did get some coverage in the non-Jewish press but atrocities against European Jews were not mentioned. Massacres by the Nazis were described with no reference to Jewish victims. The *Gazette* focused on McLarty's outline of Canada's war role and the need to press on to final victory, "The winning of this war is the one and only purpose to which we must devote ourselves."<sup>41</sup> The *Montreal Daily Star* provided similar coverage and the ongoing mass murder of Jews was buried in a language that spoke of the "persecution of temporarily conquered people."<sup>42</sup>

There were other attempts to publicize the plight of European Jewry. In December 1942, a "Day of Mourning" was declared, but it drew few participants and was criticized by A.B. Bennett, an executive of Congress. Bennett in an article in the *Canadian Jewish Chronicle*, viewed these demonstrations as counterproductive, "Can we therefore afford to divert our attention and energy from the practical tasks at hand and indulge in an orgy of unproductive hysteria."<sup>43</sup> In April 1943, a petition campaign to bring Jews to Canada was initiated by Saul Hayes, Director of the United Jewish Relief Agencies of Canada and Executive Director of Congress. Hayes was one of the few figures within Congress who actively and at times vociferously criticized the government for its failure to act on Jewish immigration. But Hayes's efforts were not limited to bringing the issue of European Jewry to the attention of the government. He also tried to rally the Jewish community and the leadership to do all that they could to protest the systematic mass murder of the Jews. For all his efforts, Hayes met with little success. Hayes not only had to contend with an unsympathetic government but also had his detractors within the Jewish community. Some were wary of any moves that might be seen as pressure tactics that would embarrass the government by highlighting Jewish suffering.

The decisive attack against Jewish immigration came on November 7, 1943, when Maurice Duplessis, leader of the Union Nationale and former premier of Quebec, in a pre-election meeting, threw a political bombshell at the opposition Liberals, both federal and provincial.<sup>44</sup> Brandishing a letter that he claimed proved that his political opponents had joined forces with the "International Zionist Brotherhood," Duplessis charged that in return for financing Liberal candidates this "International Zionist Brotherhood" would be permitted to settle one hundred thousand Jews in Quebec. His anti-Semitic outburst found a welcome audience.

Duplessis was elected premier. While Duplessis's ploy was not pivotal to his victory, the incident in Quebec had repercussions in Ottawa. Prime Minister Mackenzie King and his party could not help but notice the uproar in Quebec. King knew that the mood across the country was decidedly against immigration. The type of anti-Semitism displayed by Duplessis and echoed by nationalist groups in Quebec may have been more vocal than the bigotry in the rest of the country, but the

<sup>41</sup>"McLarty Outlines Canada's War Role: Calls for All-Out Effort in Addressing Rally to Protest Nazi Atrocities," *Gazette*, 12 October 1942, Section 2, 13.

<sup>42</sup>"Jews' War Efforts All-Out, Hon. Pierrepoint Moffat Tells Rally," *Montreal Daily Star*, 12 October 1942, 3.

<sup>43</sup>A.B. Bennett, "Emotional Orgies", *CJC*, 11 December 1942, 6.

<sup>44</sup>Abella and Troper (1983), 162–164.

message was the same.<sup>45</sup> Canada may have been battling a rabid anti-Semitic regime overseas, but at home nativism and bigotry still had a firm foothold. While the petition campaign was to continue, it was outpaced by the anti-Semitic sentiment that swept the country.

After the revelations that most of European Jewry had been destroyed, the Jewish leadership in January 1945 issued reports to describe their activities during the Holocaust. In the *Summary Report at the Sixth Plenary Session of the Canadian Jewish Congress*, the “accomplishments” of Congress are contained in a two-page document entitled “Efforts to Rescue the Surviving Jews of Europe.” The report was issued in full cognizance of the tragedy that had befallen Europe’s Jews and acknowledged the failure of Congress as its efforts had proved “unavailing against the heedless fury of the enemy.”<sup>46</sup> Nevertheless, it presented an image of a determined Congress that had maintained a working relationship with the government which was amenable to the pleas for help and rescue that emanated from the organization.<sup>47</sup> The reports made no mention of government intransigence. Despite Congress’ claims, the efforts mounted by the community and its leadership had been for the most part ineffectual.<sup>48</sup> They could not have been otherwise, considering the policies of the Canadian Government and the anti-Semitism that was endemic in a large portion of the Canadian population.

Following the war, the Holocaust, for more than a decade, received scant attention. The event was forgotten in a world that focused on the Cold War, as former enemies became allies, and former allies became enemies. Thus, the issue of the Nazi genocide was seldom raised in North America. West Germany, its past whitewashed, became the so-called fortress of freedom in the fight against the totalitarian state, the Soviet Union.

How strange it is that the systematic extermination of millions of Jews was overlooked in a world that now sees the Holocaust as a pivotal event of twentieth century history. The Jewish communities throughout the West succumbed to the same kind of blindness that infected the non-Jewish populations, their governments, and the press. The non-Jewish population may have “missed” the significance of such a catastrophe, as it affected the coreligionists of a group which was marginalized in Canadian society and was viewed with suspicion and prejudice by a substantial segment of the Canadian population. What is perplexing is that a large part of the Jewish population and its leadership failed to react as European Jewry was being destroyed.

The Montreal Jewish community, during the 1930s and 1940s, looked at the non-Jewish world with a combination of fear and envy. The fear was a reflex to centuries

<sup>45</sup>David Rome in his description of English Canada’s anti-Semitism states, “...even though more discreet, the campaigns of Anglophone Canadians...were no less lethal in their blocking of refugee admissions.” David Rome, “The Beginnings” in *Pathways*, 20.

<sup>46</sup>“Efforts to Rescue the Surviving Jews of Europe,” *Summary Report (1942–1944)*: Presented to the Delegates Sixth Plenary Session Canadian Jewish Congress, January 13–16, 1945, Congress archives.

<sup>47</sup>Frank Bialystok, *Delayed Impact: The Holocaust and the Canadian Jewish Community* (Montreal: McGill-Queen’s University Press, 2000), 26–27.

<sup>48</sup>*Ibid*, 27.

of anti-Semitism that had made the Jews acquiescent, willing to defer to the whims and decisions of the non-Jewish majority and its government. Fear of the non-Jewish world was also tinged with envy. Jews were being excluded from a society to which they wished to belong. Many Jews desired to be just like their Christian neighbours. And being like them meant they had to act like them, think like them and therefore not consider the Jewish perspective on what was happening in Europe. Although some may have been ardent assimilationists who wanted to completely submerge themselves into a non-Jewish milieu and thus cut themselves off from any Jewish issue, others thought it was simply more convenient to ignore the Jewish issue, especially when the country was at war. The Jewish leadership's message of loyalty to Canada resonated well with many in the community.

The leadership, especially the uptown component, was enamoured with the government, and any hint of protest, any words that might be misconstrued as "anti-Canadian" were to be avoided at all costs. The leadership, it seems, did not want to embarrass the government and more importantly did not want to embarrass themselves, especially in front of a non-Jewish audience that did not share their concerns. Speaking too loudly on Jewish issues to a non-Jewish audience was avoided; it was considered off-limits to mention the Jewish nature of Hitler's extermination policy. The leadership began using code words for the Jews, and made Hitler's crimes more of an offence against humanity than against the Jews. Appeals to the Canadian government to help their European brethren were issued in near secrecy. It was both fear of an anti-Semitic backlash, and a desire not be seen as "too Jewish"—to be pleading too hard for their Jewish brethren, while others were dying in the field of battle—that made Jewish leaders avoid referring to any Jewish issue.

Although there was information available on the Holocaust during the war years, especially in the Jewish press, most of the Jewish community in Montreal seems to have paid little attention. Other issues transfixed Montreal Jews. They were riveted by the war in Europe and its repercussions at home and so the Jewish issue faded into the background of the war. The Holocaust was not viewed as such an important event while bombs were falling on London or the bloody Battle of Stalingrad was being waged.

But while the sheer scale of World War II may have contributed to the submergence of the Holocaust, the Canadian Jewish Congress helped make the slaughter of millions of Jews a relatively inconsequential event for Montreal Jewry. Instead of being the focal point of community concern, the Holocaust was rarely discussed publicly; it was deliberately made peripheral.

After the liberation, after Congress had sent delegates to Europe, and after Jewish leaders confirmed that European Jewry had been decimated beyond belief, there was sorrow and some questioning of the wartime activity of the leadership. The Holocaust was then again buried and forgotten for years by the community as it was by the rest of the world.

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# The Resurgence of Anti-Semitism on American College Campuses

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**Abstract** Few American college campuses have witnessed the number and intensity of anti-Semitic incidents reported at San Francisco State University, Columbia University, and the University of California at Irvine (2000–2005), however, dozens of American campuses every year experience at least some manifestation of this ugly problem, which is now undoubtedly national in scope. The Anti-Defamation League (ADL) documents nearly 100 anti-Semitic incidents on American college campuses in 2005 alone. Most incidents are probably not reported to the ADL. The United States Commission on Civil Rights monitors anti-Semitic incidents on college campuses and will continue to do so.

**Keywords** San Francisco State University · University of California Irvine · Columbia University · Zionism · Palestinian

The United States Commission on Civil Rights recently characterized the resurgence of anti-Semitic and anti-Zionist incidents at American colleges and universities as a “serious problem” requiring further attention.<sup>1</sup> A review of recent, significant incidents may serve to illuminate the nature of the problem as it exists on some campuses.

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<sup>1</sup>See U.S. Comm’n on Civil Rights, Findings and Recommendations of the United States Commission on Civil Rights Regarding Campus Anti-Semitism 1 (2006), available at <http://www.usccr.gov>.

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## Case Studies

### San Francisco State University

On May 7, 2002, an ugly incident at San Francisco State University awakened public attention to this new emergence of an ancient prejudice. At that campus, which had already developed a reputation in some circles as an unwelcoming place for Jews, over “[f]our hundred Jewish students held a... ‘Sit-in for Peace in the Middle East,’ hoping to engage the pro-Palestinian students... in ‘dialogue.’”<sup>2</sup> As the rally concluded, “pro-Palestinian students surrounded the 30 remaining Jewish students,” shouting death threats.<sup>3</sup> Professor Laurie Zoloff, a witness to the event, reported that, “[c]ounter demonstrators poured into the plaza, screaming at the Jews to ‘Get out or we will kill you’ and ‘Hitler did not finish the job.’”<sup>4</sup> Others reported shouts of “F\_\_\_\_\_ the Jews!” and “Die racist pigs!”<sup>5</sup> Police allegedly refused to take any action other than to surround the Jewish students and community members, who were reportedly trapped while an angry mob chanted for their death.<sup>6</sup> The San Francisco police then marched the Jewish group to the Hillel House and remained on guard.<sup>7</sup> Some rally participants reported feeling “very threatened” and fearing that violence would ensue but for the police presence.<sup>8</sup> The May 7 rally was hardly the only anti-Semitic episode at San Francisco State that year. “In April, a flyer advertising a pro-Palestinian rally... featured a picture of a dead baby, with the words, ‘Canned Palestinian Children Meat—Slaughtered According to Jewish Rites Under American License....’”<sup>9</sup> This flyer explicitly revived the centuries-old “blood libel that Jews eat gentile children.”<sup>10</sup>

San Francisco State’s President, Robert A. Corrigan, responded firmly to these incidents.<sup>11</sup> Responding to the “blood libel” flyers, Corrigan wrote strong letters to the responsible student groups, insisting that the flyer “is no political statement,” that it is “hate speech in words and image,” and that its language “echoes a type of ugly myth that has been used through the centuries specifically to generate hatred.”<sup>12</sup> He further announced that “[t]he flier was much more than an offense to the Jewish community; it was an offense to the entire University community and all that we stand for—most especially our ability to see the humanity in those with whom we

<sup>2</sup> Sarah Stern, “Campus Anti-Semitism”, in U.S. Comm’n on Civil Rights, *Campus Anti-Semitism: Briefing Report 72* (2006), available at <http://www.usccr.gov/pubs/081506campusantibrief07.pdf> (“Campus Anti-Semitism”), at 22.

<sup>3</sup> Ibid.

<sup>4</sup> Gary A. Tobin, Aryeh K. Weinberg & Jennfa Ferer, *The Uncivil University* (San Francisco: Institute for Jewish and Community Research 2005) at 172.

<sup>5</sup> Stern, “Campus Anti-Semitism”, at 22.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> U.S. Commission on Civil Rights, *Campus Anti-Semitism*, at 60–64.

<sup>12</sup> Ibid. at 61.

disagree.”<sup>13</sup> Then, in a strongly worded letter to all members of the university community, he condemned the demonstrators who “behaved in a manner that completely violated the values of this institution and of most of you who are reading this message.”<sup>14</sup>

### Columbia University

At Columbia University, a number of students have come forward claiming that they feel intimidated and fearful in courses in Columbia’s Middle East and Asian Languages and Cultures (MEALAC) program. The documentary film *Columbia Unbecoming*, “produced by a group of Columbia students under the guidance of the David Project,” details a pattern of anti-Semitic activities at Columbia University.<sup>15</sup> The most high-profile reports of bias recently involved MEALAC. In one famous incident described in the film, a Columbia student described an encounter that she had with Columbia University Professor George Saliba:

Towards the end of the semester, Professor Saliba showed what I felt was an anti-Israel film, showing the contemporary conflict between Palestinians and Israelis with a very one-sided view. The film and Saliba presented a view that Arabs have a prior claim to the land of Israel. And I felt very differently about that. And I was sure to express my opinion. For a few minutes, we discussed it inside the classroom and then George Saliba sort of drew me outside the classroom, and told me to walk with him this way out.... He said, “You have no voice in this debate.” So I said, “Of course, I’m allowed to express my opinion.” He came really close to me....[H]e said, “See, you have green eyes.” He said, “You’re not a Semite.” He said, “I’m a Semite. I have brown eyes. You have no claim to the land of Israel.”<sup>16</sup>

In another notorious allegation discussed in the film, Professor Joseph Massad “spent a class recounting the ‘massacre’ by the Israelis in Jenin. When a student raised her hand to ask [whether] Israel often gives warnings ahead of time before striking terrorist strongholds, Professor Massad [allegedly] screamed back at her, ‘I will not have you deny Israeli atrocities in my class!’”<sup>17</sup> In a third incident, Professor Hamid Dabashi is said to have written, on September 23, 2004, that Israelis have “a vulgarity of character that is bone-deep and structural to the skeletal vertebrae of [their] culture.”<sup>18</sup>

A faculty committee commissioned to investigate the matter found that there were no anti-Semitic activities.<sup>19</sup> The committee was, from the beginning, accused of bias, and Columbia’s President was charged with selecting committee members who

<sup>13</sup> Ibid.

<sup>14</sup> Ibid. at 62.

<sup>15</sup> Anti-Defamation League, *Statement to U.S. Commission on Civil Rights: Anti-Semitic Incidents on*

<sup>16</sup> Stern, “Anti-Semitism,” at 24–25.

<sup>17</sup> “ADL Statement,” at 18.

<sup>18</sup> Stern, “Campus Anti-Semitism,” at 69. *But see* U.S. Commission on Civil Rights, *Campus Anti-Semitism* at 59 (relating Professor Dabashi’s partial denial of Stern’s claims).

<sup>19</sup> The ADL, interestingly, has not used the term “anti-Semitism” against Columbia and has argued that this designation was a “red herring” and that “anti-Semitism had never been the core issue at hand.” “ADL Statement” at 18.

lacked objectivity.<sup>20</sup> Columbia acknowledges identifying “inconsistencies and weaknesses in the avenues available for students to raise concerns about faculty conduct,” and maintains that these problems were addressed by clarifying and strengthening the university’s “procedures for adjudicating grievances and establish[ing] additional [opportunities] for students” to communicate with university administrators.<sup>21</sup> The committee report has been criticized as a “white-wash” (or at least “clumsy”<sup>22</sup>), and critics argue that it yielded nothing more than “a very slight slap on the wrist” for one faculty member and recommendations for better grievance procedures.<sup>23</sup> Others argue that a “close reading of the report makes it clear that the committee was using [the one episode it criticized] to send a broader message,” namely: “Anything doesn’t go anymore.”<sup>24</sup>

### The University of California at Irvine

At the University of California (UC) at Irvine, numerous anti-Semitic allegations have been raised over the last few years.<sup>25</sup> In 2000, a Jewish student was told to, “Go back to Russia where you came from” and called a “F\_\_\_ing Jew.”<sup>26</sup> In January 2004, a rock was thrown at a Jewish student wearing a tee shirt that said, “Everybody loves a Jewish boy,” barely missing him.<sup>27</sup> The rock was thrown from

<sup>20</sup> Ibid. at 4. According to the ADL, “two of the five members [of this committee] had signed Columbia’s divestment petition, one had been the thesis advisor of Joseph Massad and instrumental in [hiring him], and one had written a paper blaming Israel” for increasing global anti-Semitism. Ibid.

<sup>21</sup> Transcript of U.S. Comm’n on Civil Rights, Meeting of Nov. 18, 2005, apps. at 1–2 (Letter From Alan Brinkley, Provost, Columbia Univ. to Kenneth L. Marcus, Staff Director, U.S. Comm’n on Civil Rights, (Nov. 15, 2005)), available at <http://www.uscrr.gov/calendar/transcript/1118uscrrwappx.pdf>. Columbia also emphasizes its efforts to create a welcoming environment for Jewish students. Ibid.; see also Lipstadt, *supra* note 38, at 5 (“[M]any pundits have spoken about the problems at Columbia University while ignoring, almost willfully, the fact that it is also home to one of the most multifaceted and vibrant Jewish student communities.”).

<sup>22</sup> Deborah E. Lipstadt, “Strategic Responses to Anti-Israelism and Anti-Semitism,” in Deborah E. Lipstadt, Samuel G. Freedman, and Chaim Seidler-Feller, eds., *American Jewry and the College Campus: Best of Times or Worst of Times?* (New York: American Jewish Committee 2005), available at <http://72.14.209.104/search?q=cache:E24xm2MCY3IJ:www.ajc.org/atf/cf/%257B42D75369-D582-4380-8395-D25925B85EAF%257D/AmericanJewryCollegeCampus2005.pdf+American+Jewry+and+the+College+Campus:+Best+of+Times+or+Worst+of+Times%3F&hl=en&ct=clnk&cd=1&gl=us> at 15.

<sup>23</sup> ADL Statement, *supra* note 18. But see Lipstadt, at 15 (arguing that Columbia had “put MEALAC into academic receivership” even before the matter became public, “essentially stripping members of the department of any control over its internal affairs”).

<sup>24</sup> Samuel G. Freedman, *Keeping Things in Perspective*, in Lipstadt, et al., eds., *American Jewry and the College Campus* at 27, 28.

<sup>25</sup> See, e.g., Marc Ballon, *Jewish Students and Activists Call UC Irvine a Hotbed of Anti-Semitic Harassment*, Jewish J., Mar. 11, 2005, <http://www.jewishjournal.com/home/preview.php>; Kimi Yoshino, *Fresh Muslim-Jewish Discord on Campus: Program Titles are Considered Anti-Semitic by Some at UC Irvine*, *Site of Civil Rights Probe*, Los Angeles Times, May 12, 2006, at B3.

<sup>26</sup> The Zionist Organization of America, Mem. in Supp. of Its Title VI Claims Against the University of California, Irvine (Case No. 09–05–2013) (Office for Civil Rights, San Francisco Office)[hereinafter *Zionist*] at 11. The dean allegedly told the student that there was nothing the administration could do unless a student was “specifically threatened physically.” Ibid.

<sup>27</sup> Susan B. Tuchman, *Statement Submitted to the U.S. Commission on Civil Rights Briefing on Campus Anti-Semitism*, in U.S. Commission on Civil Rights, *Campus Anti-Semitism*, at 13, 17.

the direction of a student group, which was using rocks as paper weights.<sup>28</sup> In February 2004, two students uttered an Arabic phrase which translates as “Slaughter the Jews” when they saw an Arabic-speaking Jewish student wearing a pin on his sweatshirt emblazoned with American and Israeli flags.<sup>29</sup> During the heated exchange which followed, the Jewish student was “surrounded and threatened” by other students.<sup>30</sup> In March 2004, this same student was called a “dirty Jew” and denigrated with “threatening language and hurtful ethnic slurs” by other students.<sup>31</sup>

In recent years, the campus has also experienced anti-Semitic vandalism, as well as anti-Semitic hate speech posted in campus signs, published in student newspapers, and presented at student-sponsored public lectures.<sup>32</sup> For example, in 2002 a UC Irvine student publication argued “that Jews are genetically different... from non-Jews.”<sup>33</sup> That same year, signs were posted on campus showing the Star of David dripping with blood, and equating [that Jewish symbol] with the swastika.”<sup>34</sup> “In 2003,... a Holocaust memorial on the UC” Irvine campus was either “destroyed” or “disturbed”—depending on conflicting accounts of the incident.<sup>35</sup> In early 2004, one student-sponsored speaker announced to a UC Irvine audience that “there are good Jews and bad Jews.”<sup>36</sup> Lecturing from behind a lectern bearing the UC Irvine emblem, the speaker explained that Jews exhibit an arrogance based on both white supremacy and the doctrine that Jews are the chosen people.<sup>37</sup> Numerous other university-sponsored public lectures have criticized Jews, Zionism and Israel. Students have posted signs equating Zionism with Nazism, signs with the Star of David dripping with blood, signs equating Israeli Prime Minister Sharon with Hitler, and signs of Prime Minister Sharon with a monkey face next to signs advertising the Jewish Sabbath dinners.<sup>38</sup> Another sign posted on campus read, “Israelis Love to Kill Innocent Children.”<sup>39</sup> At least two UC Irvine students have recently left that campus because they perceive that it has developed a “hostile environment for Jewish students.”<sup>40</sup>

UC Irvine students have alleged, in unusual detail, the impact that this harassment has had on their educational opportunities at Irvine. According to the Zionist

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid. at 14.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Compare *id.*(stating that memorial was destroyed) with U.S. Commission on Civil Rights, *Campus Anti-Semitism*, at 65–66 (providing a statement from Diane Fields Geocaris, Counsel for the University of California at Irvine, that claimed the monument was disturbed).

<sup>36</sup> Tuchman, at 15.

<sup>37</sup> Ibid.

<sup>38</sup> Zionist Organization of America, at 9.

<sup>39</sup> Ibid. at 10.

<sup>40</sup> Tuchman, at 17.

Organization of America (ZOA), some students have feared for their physical safety, assert that anti-Semitic hostility has adversely affected their academic performance, fear identifying themselves as Jews, avoid clothing that identifies them as Jews or supporters of Israel, avoid affiliating with Jewish programs or activities on campus in which they would otherwise have participated, and have transferred to other universities to escape the anti-Semitism they allege at UC Irvine.<sup>41</sup>

The UC Irvine administration has been accused of being “silent and passive” in the face of these various incidents.<sup>42</sup> For example, in 2002 one Jewish student expressed her fears to the Chancellor of UC Irvine and other campus administrators: “Not only do I feel scared to walk around proudly as a Jewish person on the UC Irvine campus, I am terrified for anyone to find out. Today I felt threatened that if students knew that I am Jewish and that I support a Jewish state, I would be attacked physically.”<sup>43</sup> “The Chancellor never responded to [the] student’s letter.”<sup>44</sup> One administrator who did respond recommended that the student seek professional counseling from the university’s Counseling Center.<sup>45</sup>

### Incidents at Other Universities

The incidents at San Francisco State, Columbia and Irvine have come to symbolize the status of campus anti-Semitism around the country, but there have been episodes at other campuses as well.<sup>46</sup> The Anti-Defamation League (ADL) documented nearly one hundred anti-Semitic incidents on American college campuses in 2005 alone. While this figure may overstate the problem in one respect, because many of the incidents may be minor, isolated events, it may also understate the problem in a more important respect, because most incidents are probably not reported to the ADL. Commentators disagree as to whether the phenomenon of campus anti-Semitism is “actually limited to a few well-publicized events,”<sup>47</sup> such as the incidents at San Francisco State, Columbia, and Irvine, or whether these incidents are merely some of the most egregious examples of a problem that is “systemic in higher education and can be found on campuses all over the United States.”<sup>48</sup> The author’s own experience as a civil rights official suggests that the truth lies in between: few American campuses have witnessed the number and intensity of anti-

<sup>41</sup> Zionist Organization of America at 4.

<sup>42</sup> *Ibid.* at 5–6.

<sup>43</sup> Tuchman, *supra* note 94, at 15.

<sup>44</sup> *Ibid.* at 16.

<sup>45</sup> *Ibid.*

<sup>46</sup> See, e.g., Harold Shapiro & Steven Bayme, “Foreword,” to Lipstadt, *et al.*, eds., *American Jewry* at 2 (noting that the “more widespread and sustained narrative of the integration of Jews and Judaism into university culture [has been] dwarfed by the surfacing of anti-Israel invective or anti-Semitic hostility” and acknowledging “some level of exaggerated fears and sensitivities”).

<sup>47</sup> Chaim Seidler-Feller, *Advocacy and Education in* at LIPSTADT, *et al.*, *American Jewry*, at 33.

<sup>48</sup> Gary A. Tobin, “The Uncivil University: Anti-Semitism and Anti-Israelism in Higher Education,” in U. S. Commission on Civil Rights, *Campus Anti-Semitism*, at 35.

Semitic incidents reported at those three campuses, but dozens of campuses every year experience at least some manifestation of this ugly problem, which is now undoubtedly national in scope.

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# Muslim Anti-Semitism: Historical Background

Richard Breitman

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**Abstract** This article very briefly surveys and compares the history of Christian and Muslim anti-Semitism. Drawing on recent studies by German scholars and on newly declassified CIA records, the author focuses on the critical role of the Grand Mufti of Jerusalem, Haj Amin al-Husseini. Through his radio broadcasts and other work during World War II, Haj Amin instilled Nazi images of the Jew as the international power behind the scenes to Arab nationalists and to the Middle East generally.

**Keywords** Christian · Nazi · Grand Mufti · Jerusalem · Haj Amin al-Husseini

If one understands how certain attitudes developed, one may have a starting point for a strategy to change them. To that extent, the history of anti-Semitism in the Middle East may have some bearing upon the climate in the Middle East and on Muslims in Europe today. This short article focuses on some interactions among European (Christian and secular) anti-Semites and Muslim anti-Semites.

Christian authorities sustained anti-Semitism throughout much of European history. The Catholic Church restricted and discriminated against Jews in ways that Nazi Germany later followed, consciously or not, during the 1930s. In his book *On the Jews and Their Lies* Martin Luther mentioned (without questioning them) accusations that Jews had poisoned wells and hacked children to pieces.<sup>1</sup> Over many centuries some Catholic and Protestant theologians and clergy helped to instill stereotypes of the Jew and animosity toward Jews among the pious.

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<sup>1</sup>Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle, 1961), 1–9. This work was subsequently expanded and revised a number of times, but Hilberg always included the Christian precedents.

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An essentially separate strand of secular anti-Semitism took root in Europe during the Enlightenment and spread during the nineteenth century; racial anti-Semitism was a late nineteenth-century offshoot of it.<sup>2</sup> In most countries Christian anti-Semitism had greater resonance into the twentieth century.<sup>3</sup>

Given this background, Muslim anti-Semitism seems more anomalous. Walter Laqueur generalized that Jews fared better under Muslim rule than in Christian Europe until the eighteenth-century.<sup>4</sup> In Spain, some Jews flourished under Moorish rule—there was little comparison with the Christian rulers who followed them. Muslims and Muslim rulers generally considered Jews inferior and relegated them to second-class status, but they were still members of a related ancient faith, and there was no particular reason to view them as a serious threat. The theological and institutional foundation for anti-Semitism was thinner, if not totally absent. As one scholar put it, “Opposition to Jews and Judaism at a deep level does not form an essential aspect of Islamic thought, but is a recent development in Islam arising from the shock of Judaism’s emergence from an apparently accepted and prolonged position of general inferiority.”<sup>5</sup>

European Christians brought modern forms of anti-Semitism into some Arab communities during the nineteenth century. Monks and European authorities living in the Middle East spread accusations of Jewish ritual murder, which led to sporadic outbursts of violence in Damascus and other cities.<sup>6</sup> Direct contact between Christians and Muslims, I believe, was of considerable significance in transferring implausible charges against Jews and instilling intense emotions—creating extreme anti-Semites.

The term anti-Semitism, employed by the German writer Wilhelm Marr in 1879 to designate a non-confessional and partly race-based hatred of Jews,<sup>7</sup> technically included Arabic peoples as well—not an asset in the Middle East. Of course, there was no such thing as “Semitism” for opponents to counteract anyway.<sup>8</sup> The word anti-Semitism supplied a modern political label for writings and movements designed to stir up fears and animosities against Jews. Such sentiments could and did arise in the Middle East without much use of this term.

First, small numbers of Jewish immigrants and longstanding Jewish minorities had to seem powerful and dangerous. This watershed came during World War I with the 1917 Balfour Declaration pledging British support for the establishment of a Jewish homeland in Palestine; and in 1918–1919 with the collapse of the Ottoman Empire, and the creation of new European mandates over Arab populations. These events juxtaposed perceived Jewish ascent, Muslim weakness, and European colonial expansion.

<sup>2</sup> George Mosse, *Toward the Final Solution: A History of European Racism* (New York: Harper Colophon, 1980).

<sup>3</sup> One recent, if controversial, work even argued that those who became Nazi officials borrowed substantially from Christian predecessors. Richard Steigmann-Gall, *The Holy Reich: Nazi Conceptions of Christianity, 1919–1945* (New York: Cambridge University Press, 2003).

<sup>4</sup> Walter Laqueur, *The Changing Face of Anti-Semitism: From Ancient Times to the Present* (New York: Oxford University Press, 2006), 192–193.

<sup>5</sup> Hyam Maccoby, *Antisemitism and Modernity: Innovation and Continuity* (London: Routledge, 2006), 149.

<sup>6</sup> Laqueur, *Changing Face*, 194–195.

<sup>7</sup> Laqueur, *Changing Face*, 21 pointed out that the term was in existence for two decades before Marr used it.

<sup>8</sup> This argument is sometimes used to maintain that antisemitism is the better spelling, or even that using the spelling anti-Semitism gives anti-Semites support for their cause.

To insist that Muslim anti-Semitism purely stemmed from European ancestry would be exaggerated—perhaps a peculiar form of Edward Said’s term “Orientalism.” It may be just a coincidence that pre-World War I Arab newspapers in Palestine particularly hostile to Zionism and Jewish immigration had Christian publishers. Less coincidental, however, was the activity of Muslim–Christian Societies, which conducted anti-Zionist propaganda among the population in early postwar Palestine.<sup>9</sup>

There was nothing coincidental about the European contacts of the Palestinian politician Haj Amin al-Husseini, a critical figure in the evolution of Muslim anti-Semitism, who sought out the most extreme anti-Semites he could find. Implicated in anti-Zionist riots in Jerusalem in 1920, Haj Amin al-Husseini fled to Trans-Jordan to avoid arrest by British authorities. But British High Commissioner Sir Herbert Samuel pardoned him, and he was appointed Grand Mufti of Jerusalem in 1921 after the death of the incumbent, his half-brother. His descent from the prophet Mohammed and his title soon gave him a religious basis, despite his youth (in his mid-twenties), to claim leadership in the Arab world. A pan-Arab nationalist, he sporadically favored cooperation with the British, but also experienced serious clashes with them in Palestine. By the mid-1930s Haj Amin had turned against Britain because of his fears that the British would support or compromise with Zionist interests, which he regarded as a deadly threat even to Muslim religious sites, such as Al-Aksa.<sup>10</sup> He was one of many Arab activists who, following the logic that “the enemy of my enemy is my friend,” turned enthusiastically toward Germany after Hitler came to power.

There were a number of serious obstacles in the way of a Nazi-Arab collaboration. In *Mein Kampf* Hitler had written insultingly about Arab peoples and had dismissed the idea of working with such racial inferiors: he was, in this sense, even more imperialistic than the British or French. A complete translation of Hitler’s book could not serve German interests in the Middle East. Instead, some expurgated translations were circulated before the war.<sup>11</sup>

An even more serious problem was that the Nazi regime promoted the emigration of German Jews to Palestine, especially in 1933–1935. It struck a deal with the Jewish Agency for Palestine that allowed it to confiscate the property of Jewish emigrants, but partially compensate them from the proceeds of additional German goods exported to Palestine. Among the benefits for Nazi Germany were ridding itself of some it considered dangerous enemies and increasing exports.<sup>12</sup> Arab activists could hardly have approved of this “transfer agreement.”

Yet even in March 1933 the Grand Mufti assured the German consul in Jerusalem that Muslims welcomed the Nazi regime and hoped for the spread of fascism to other

<sup>9</sup> Zwi Elpeleg, *The Grand Mufti: Haj Amin al-Hussaini, Founder of the Palestinian National Movement*, tr. David Harvey (London: Frank Cass, 1993), x.

<sup>10</sup> This sketch is drawn from Elpeleg and partly from a brief biography composed by an unnamed moderate Arab leader in Jerusalem and given to an OSS official, who considered the author reliable. The author had known Haj Amin al-Husseini for a long time. Haj Amin al-Husseini Name File (hereafter HAAH), United States National Archives and Records Administration (NARA), Record Group 263, vol. I, part 1.

<sup>11</sup> Klaus-Michael Mallmann and Martin Cüppers, *Halbmond und Hakenkreuz: Das Dritte Reich, Die Araber und Palestina* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2006), 43–44.

<sup>12</sup> See among others, Francis R. J. Nicosia, *The Third Reich and the Palestine Question* (Austin: University of Texas Press, 1986).

countries. An October 1933 Palestinian Arab protest strike against Jewish immigration used the swastika on posters, and Palestinian literature described Jews as greedy weaklings, new Shylocks totally without scruples. Meanwhile, about twenty-five hundred Palestinian-Germans, mostly members of the Order of the Templars (founded in 1868), disproportionately joined the Nazi Party. Germans were quite popular among Arabs in Palestine even when other Europeans were not.<sup>13</sup> Mallmann and Cüppers, authors of the most recent (and excellent) study of the relationship between the Nazis and Arabs, conclude that substantial segments of the Arab world and, to an extent, the Islamic world of the Middle East favored Germany because of its dictatorial system, its aggressiveness, and its anti-Semitism. By favoring Germany, Arabs could express their feelings about both Jews and Britain. Both Germany and Italy exploited this situation from the mid-1930s on, with secret intelligence connections to Arabs in Palestine.

In 1937, Haj Amin al-Husseini fled to Lebanon to avoid British capture. After the British requested the French to arrest him at the outset of World War II, he escaped to Baghdad, where he plotted to install a government favorable to the Axis. In April 1941 an Iraqi coup succeeded; Rashid Ali al-Gaylani came to power, and the new Iraqi prime minister signed a secret treaty with Italy and Germany. British reinforcements, however, crushed the new regime, and both Haj Amin al-Husseini and Rashid Ali fled to Iran. Haj Amin blamed his defeat in Iraq partly on a “Fifth Column”:

The Fifth Column had a great influence on the failure of the Iraqi movement, and was comprised of many elements, most importantly, the Jews of Iraq. During the fighting, George Antonius told me that Jews employed in the telephone department were recording important and official telephone conversations and passing them to the British embassy in Baghdad.<sup>14</sup>

From Iran, Haj Amin and Rashid Ali went to Turkey, and then via Bulgaria, Romania, and Hungary, to Rome. On November 6, 1941, Haj Amin reached Berlin, followed soon by Rashid Ali; although they quarreled with each other, both men became participants in German efforts to influence the Middle East and North Africa during much of the remainder of the war.

Haj Amin saw an Axis victory as the vehicle for his Pan-Arab nationalism. He appears to have taken to heart Hitler’s comments to him on November 28, 1941, in a private meeting shortly after he had arrived in Germany. Hitler said that Germany had declared an uncompromising war on the Jews, which of course meant that it was opposed to a Jewish homeland in Palestine. Britain and Russia were both power bases of Jewry, and he would carry on the fight until the last traces of Jewish-communist hegemony were eliminated. The German army would in the future break through the Caucasus Mountains into the Middle East and help to liberate the Arab world.<sup>15</sup> Its only other objective in the region, Hitler said, would be the annihilation of the Jews living under the protection of the British.<sup>16</sup> Mallmann and Cüppers offer

<sup>13</sup> Mallmann/Cüppers, *Halbmond und Hakenkreuz*, 49–53.

<sup>14</sup> Quoted by Elpeleg, *The Grand Mufti*, 62.

<sup>15</sup> German plans also envisioned reaching Palestine from North Africa and elsewhere.

<sup>16</sup> Minutes of this meeting translated and reprinted by Gerald Fleming, *Hitler and the Final Solution* (Berkeley: University of California Press, 1984), 103–104.

evidence that Haj Amin recognized and fully approved of the Nazi policy of genocide.<sup>17</sup>

During 1942 and 1943, Haj Amin delivered radio broadcasts from Berlin in Arabic to the Middle East. In Jeffrey Herf's words, "the Grand Mufti was one of those who translated National Socialist ideology into Arabic and into the idioms of fundamentalist Islam" and broadcast them to a very wide audience.<sup>18</sup> In his last broadcast, on June 15, 1943 he called upon Arabs to rise up against the British and the Jews.<sup>19</sup>

After the war Haj Amin made his presence in Nazi Germany seem involuntary and relatively insignificant. For example, in an October 1952 interview with a reporter from *Life* (magazine) he said:

Americans look on me as a Hitlerite because I went to Germany during the war. I believe the reasons I went are justifiable. In Palestine the English tried to capture me, to take me to a desert island. I ran away to Syria. The French tried to capture me and I went to Iraq. Later I had to go to Iran. Marshal Wavell put a 25-thousand-pound price on my head. I tried to stay in Turkey, but under British pressure the Turks would not let me stay. I had to go to Europe. Where in Europe could I go? England? France? The only place was Germany. In my radio talks I never spoke against America. I used to mention Britain, but I limited myself to injustices Britain had done to the Arabs in general and Palestinians in particular. Because I did this, Americans look upon me as an enemy.<sup>20</sup>

Critical biographies concentrate on Haj Amin al-Husseini's cooperation with the Nazis, while sympathetic works see his wartime activities as of limited significance in a long nationalist career or explain it away as a by-product of his opposition to Britain and Zionism.<sup>21</sup> Good primary sources are crucial in this historiographical context. One biographer, Zwi Elpeleg, has published Haj Amin's January 20, 1941 fawning letter to Adolf Hitler, written well before he had to escape from Iraq.<sup>22</sup>

<sup>17</sup> Mallmann/Cüppers, *Halbmond und Hakenkreuz*, 116.

<sup>18</sup> Herf, "Anti-Semitism and Anti-Zionism," 65.

<sup>19</sup> Haj Amin al-Husayni, the Mufti of Jerusalem, Biographic Sketch No. 60, April 24, 1951, HAAH,

<sup>20</sup> "Mystery Man of Islam Speaks," *Life*, October 27, 1952. His denial began early. On May 14, 1947 Haj Amin al-Husseini told an Arab source that he was hoping shortly to publish a declaration in which he would refute, by means of new documents which he was about to obtain, what he described as the false accusations spread by the Jews about his alleged pro-Axis activities during the war. HAAH, NARA, RG 263, vol. 2, part 1.

<sup>21</sup> Joseph B. Schechtman, *The Mufti and the Führer: the Story of the Grand Mufti of Jerusalem and his Unholy Alliance with Nazism* (New York: Thomas Yoseloff, 1965); Chuck Morse, *The Nazi Connection to Islamic Terrorism: Adolf Hitler and Haj Amin al-Husseini* (New York: iUniverse, 2003). By contrast, Philip Mattar, *Mufti of Jerusalem: Al-Hajj Amin Al-Huseyni and the Palestinian National Movement* (New York: Diane, 1988). The best biography, in my view, is Elpeleg, *The Grand Mufti*; important also is the more specialized work, Klaus Gensicke, *Der Mufti von Jerusalem, Amin el-Husseini und die Nationalsozialisten* (Frankfurt: Peter Lang, 1988).

<sup>22</sup> Elpeleg, *The Grand Mufti*, 202–205.

Much of his other correspondence with Nazi officials has now been published in German.<sup>23</sup> But some may question the weight of such documents, given his need to curry favor with the Germans.

In 2006, the Central Intelligence Agency (CIA) declassified (under the Nazi War Crimes Disclosure Act) a detailed, interesting file on Haj Amin, which contains, among many other things, a late 1943 mini-biography written by a moderate Arab notable in Jerusalem who knew him well; extensive Office of Strategic Services (OSS) records about his wartime movements and activities in Nazi Germany, and a 1951 State Department biographical profile.<sup>24</sup>

OSS records indicate that the Nazis hoped to use Haj Amin al-Husseini in Spanish Morocco and later in Tunisia to recruit Arabs to the Axis cause. In August 1942 Germany formed an Arab Committee headed by Haj Amin, Rashid Ali, and an Egyptian pro-Nazi named Eltai Abbas. One undated report indicated that the Axis Powers planned to set up an overall Arab government, of which Haj Amin was to become prime minister. Another report said that while in Italy in 1942 he was calling himself premier of the United Arabic States. In the fall of 1943 he did recruit Muslims in the Balkans to serve in the Waffen-SS.

In quality and quantity the information in the CIA file on Haj Amin al-Husseini in Nazi Germany is inferior to the latest (German) scholarship, which tracks Haj Amin's activities in considerable detail, mostly through German documents. But the OSS documents in the CIA file have the advantage of being written during the war itself. They can't be blamed on distortion by the Nazis or explained away as postwar partisanship by pro-Israeli scholars.

There are also some new wartime items in the CIA file. According to an OSS report received in October 1943, Haj Amin al-Husseini sent a letter to Syria through the German Embassy in Ankara to the Mufti of Damascus, who read it on May 19, 1943, to a gathering of Muslim leaders in Damascus. He declared that the present Allied agreement to give Syria and Lebanon independence was a scheme to split up the Arab world into small independent states. Referring to this independence as a false independence, he stated that it would isolate Palestine, which would become a Jewish state. He wanted his fellow muftis to work for the day of true Arab independence, with all Arab countries united into one.<sup>25</sup>

Berlin radio announced during October 1943 that during a visit to Frankfurt Germany, Haj Amin stated that the Axis powers and the Arab nations were allies and partners in the war against international Jewry.<sup>26</sup> According to the CIA file, he also ran a school in Dresden for training Mullahs who were supposed to be used with Muslims in the Soviet Union.<sup>27</sup>

<sup>23</sup> Gerhard Höpp, *Mufti-Papiere. Briefe, Memoranden, Reden, und Aufrufe Amin al-Husainis aus dem Exil, 1940–1945* (Berlin: PUB, 2001).

<sup>24</sup> HAAH, NARA, RG 263, six volumes.

<sup>25</sup> He sent along similar letters for the Mufti of Lebanon, the Mufti of Aleppo, and a Sheikh 'Aqil of the Druzes.

<sup>26</sup> Washington X-2, March 8, 1944, from Tel Aviv, October 22, 1943. HAAH Name File, NARA, RG 263, vol. 1, part 1. According to the latest research, the Germans initially paid him 75,000 Marks per month, but this sum was adjusted upward over time. Mallmann and Cüppers, *Halbmond und Hakenkreuz*, 108.

<sup>27</sup> Undated OSS report XX8802, HAAH name file, NARA, RG 263, vol. I, part 1.

OSS documents also indicate that the Nazis paid Haj Amin al-Husseini heavily.<sup>28</sup> An OSS official in Jerusalem asked one of his friends, an important official in the wartime Arab Palestinian government, about this collaboration with the Nazis. The friend replied that, to fund the revolution...

I know that we Arabs were all called upon to contribute to the fund, and the amounts we were assigned were not small, so that great funds were thus collected. I also know that non-Palestinian Arabs helped meet the cost of the revolution. Whether Hadj Amin was offered or accepted funds from the Axis I am not in a position to know, but I should not censure him if he did. We could not any longer hope for any help or justice from Great Britain. We Arabs are not anti-British or anti-American. We look up to them as great nations, with high ideals of justice—the leaders in democracy. But when it comes to Palestine we cannot trust or respect them. They are under the thumb and controlled, for various reasons by the Jews and Zionists.<sup>29</sup>

The end of the war left Haj Amin al-Husseini with a considerable reputation in the Middle East. A June 1945 OSS report from Jerusalem passed along views from a pro-Arab source with close contacts among well-established Arab families; the source called the Grand Mufti the idol of the Palestinian Arabs, Muslims and Christians alike:

Source has talked at length with Arabs, asking them how they reconcile his acceptance of Axis money and guidance, and also his ordering the death of many Arabs during the Revolution. The answer is always the same, i.e., Britain and the United States drove him and other Arabs to desperation through their pro-Zionist activities. It is denied that he ordered the death of any Arabs.

OSS analysts in Washington added a commentary: although the Mufti's prestige outside Palestine dwindled in 1944–1945, his reputation was again rising, except in Transjordan, Egypt, the Arabian peninsula, and North Africa.<sup>30</sup> So he was a force in Lebanon, Syria, Iraq, and Palestine itself.

The Allies had evidence that Haj Amin al-Husseini had planned a combined German-Arab operation dropping agents into Palestine by parachute. The mission was carried out in October 1944, but the German and Arab agents were arrested before they could carry out their assignment. They did, however reveal to their British captors that Haj Amin had personally sent them off, assuring them that Nazism and Islam were similar, and that they should work to bring Arab nations together in a war against the Jews.<sup>31</sup> Such activities and his radio broadcasts from Berlin certainly made him vulnerable to prosecution as a war criminal.

After he tried and failed to enter Switzerland, French troops arrested him, and he was brought to Paris. According to a source that postwar American intelligence

<sup>28</sup> Undated OSS report XX8802, HAAH name file, NARA, RG 263, vol. I, part 1.

<sup>29</sup> Haj Amin el-Husseini, Grand Mufti of Jerusalem: A History and Criticism, p. 32, HAAH Name File, NARA, RG 263, vol. 1, part 1.

<sup>30</sup> The Problem of Hajj Amin, Grand Mufti, Washington, Distributed 2 July 1945, from Jerusalem June 7, 1945, HAAH, NARA, RG 263, vol. 1, part 2.

<sup>31</sup> Mallmann and Cüppers, *Halbmond und Hakenkreuz*, 239–240.



considered reliable, the French planned to prosecute him, but the British objected (probably because it would have had repercussions on their tenuous hold on Palestine). The British even threatened the French with Arab uprisings in French North Africa if they went ahead with a trial. The French responded by letting Haj Amin go back to where he might cause the British trouble.<sup>32</sup> The 1951 biographical profile by the State Department contained a different account. While the British were considering prosecution and even asking the French to extradite Haj Amin, he escaped from Paris in disguise with the assistance of the Syrian ambassador to France, and he arrived in Cairo, where he was welcomed:

In the opinion of American officials in Cairo, this move by King Faruq [publicizing Haj Amin's arrival] gave Egypt increased prestige with extreme nationalist leaders in the entire Near East, and served to strengthen Egyptian leadership of the Arab League States where the Mufti was considered the best available threat against the Zionists. In the meanwhile the Mufti's latest move was hailed in the Muslim press, and he was accorded an unrestrained welcome by the populace. Prayers were held for the occasion in al-Azhar Mosque, and cheers for the Mufti developed into anti British, anti-Government manifestations which grew serious enough to require police interference to quiet the crowd.<sup>33</sup>

Although this flight was not a heroic performance, it was nonetheless seen as a blow against the colonial powers and the Jews.

Most of Haj Amin's career after 1946 is of marginal value for this article.<sup>34</sup> Suffice it to say that he found himself increasingly angry with developments in Palestine and with the establishment of Israel: he also came into increasing conflict with existing Arab powers; and he turned more and more toward even more extreme methods and an association with the terrorist organization, the Muslim Brotherhood.

Haj Amin's ties with the Nazis became the subject of worldwide publicity after the Israeli capture of Adolf Eichmann and during the latter's trial in Israel. One of Eichmann's subordinates, Dieter Wisliceny, gave evidence that Haj Amin had used his influence in Berlin to block German consideration of certain proposed exchanges and ransom deals that would have allowed groups of Jews to leave Axis territory and reach Palestine. Haj Amin denied that he had ever met Eichmann. He also claimed that the Nazis had served Jewish purposes by creating worldwide sympathy for them, and he charged that the Israelis were committing atrocities against Palestinian Arabs similar to what the Nazis had done to the Jews.<sup>35</sup>

The most obvious link between the Nazis and pan-Arab radicals such as Haj Amin al-Husseini was the Nazi belief that the Jews represented the real power behind the Allied governments and the hidden source of all opposition to both the German people and the Arabs—arch-conspirators on an international scale. Haj Amin al-Husseini needed such a power to help explain the inability of Arab

<sup>32</sup> Jane Burrell to Blum, March 7, 1946, HAAH, NARA, RG 263, vol. 1, part 1.

<sup>33</sup> Haj Amin al-Husayni, the Mufti of Jerusalem, Biographic Sketch No. 60, April 24, 1951, HAAH, NARA, RG 263, vol. 4, part 2.

<sup>34</sup> Most of the CIA file is about the postwar period.

<sup>35</sup> March 4, 1961 Reuters article, copy in HAAH, NARA, RG 263, vol. 1, part 1.

nationalists to obtain their objectives—positive and negative. Although he certainly could have invented his own brand of anti-Semitism, it was natural for him, since he had a wealth of direct contacts with the Nazis, to take advantage of the work that they had already done in “understanding the Jew.”

Laqueur wrote that European anti-Semites typically saw the Jew as parasite, while Muslim anti-Semites had a different stereotype, especially after 1948—assassin, aggressor, and warmonger.<sup>36</sup> With his extensive contacts with Nazi leaders and ideologues, Haj Amin al-Husseini managed to combine both of these images—and to draw on religious passages too. Mallmann and Cüppers make it plain that under the influence of the Nazis, Haj Amin adopted racial-ideological images of the Jew—as an insect that spread disease. At the same time, he maintained that the Koran spelled out their negative characteristics.<sup>37</sup> He also anticipated the later Muslim image of the Jew as warmonger—he accepted Hitler’s belief that the Jews were the real manipulators and beneficiaries behind the Allied war effort against the Axis.

For the Nazis, annihilation of the Jews was part and parcel of winning their war against the Allies. Haj Amin al-Husseini too could imagine Jewish influence or control in London—and in Washington. So he found every reason to cooperate avidly in what has been called a Nazi war against the Jews—not just in the Holocaust, but in the Axis war effort itself.<sup>38</sup>

Ironically, Jewish leaders and organizations in Great Britain and the United States had so little real influence and leverage during the war that they were largely unable to move their governments toward rescue and relief efforts to mitigate the Holocaust.<sup>39</sup> The British refused, for example, to relax the restrictions of the May 1939 White Paper limiting Jewish immigration to Palestine even for children. Those who hold beliefs about a worldwide Jewish conspiracy, however, will find a plethora of reasons to ignore or discount evidence against it—the conspirators are, after all, supposed to be skilled at secret manipulation.

What all extreme anti-Semites seem to have in common is a paranoid, conspiratorial view of Jews and, to some extent, of the world itself. Some pick out “evidence” of what they believe in religious texts; others find secular or even pseudo-scientific language in which they set forth their views. Once such views are implanted, they tend to persist, even over generations, becoming part of a culture or sub-culture. So it is that the forgery *Protocols of the Elders of Zion* finds some Muslim believers in the Middle East today.

<sup>36</sup> Laqueur, *Changing Face*, 196.

<sup>37</sup> Mallmann/Cüppers, *Halbmond und Hakenkreuz*, especially 104–120.

<sup>38</sup> Lucy Dawidowicz, *The War Against the Jews* (New York: Bantam, 1961); Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge: Belknap, 2006).

<sup>39</sup> Many have written about this topic, among them David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941–1945* (New York: New Press, 2007, originally 1984); for a diametrically opposite view, William D. Rubinstein, *The Myth of Rescue: Why the Democracies Could Not Have Saved More Jews from the Nazis* (New York: St. Martin’s, 1999). My own interpretation is in between. The forthcoming second volume of the diaries and papers of James G. McDonald will contain new evidence on this topic.

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# Defending Truth: Legal and Psychological Aspects of Holocaust Denial

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**Abstract** Today that form of historical revisionism popularly called “Holocaust denial” abounds worldwide in all its full foul flourish—disseminated not only on Arab streets but in American university newspapers, not only in books, articles, and speeches but in mosques and over the Internet. Can we reject spurious revisionism, or punish purposeful expressions of hatred, and still pay homage to the liberty of thought ennobled by the First Amendment? Are some conflicts between freedom of expression and civility as insoluble as they are inevitable? Can history ever be proven as Truth? This article attempts to answer those questions. Part I describes the background and nature of Holocaust denial, tracing the Nazis’ adoption of a plan for the “Final Solution of the Jewish Problem” through the post-War Nuremberg Trials to the present day. Part II examines the tension between free speech and historical revisionism, presenting various arguments in deference to principles of liberty and opposed to group defamation. Part III addresses the quest for truth in a free society, including psychological and geopolitical analyses of denial and anti-Semitism.

**Keywords** Anti-Semitism · Group defamation · Hate speech · Historical revisionism · Holocaust denial

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The things I saw beggar description. I made the visit deliberately, in order to be in a position to give firsthand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda.

– General Dwight D. Eisenhower after liberating a Nazi concentration camp<sup>1</sup>

From the still-burning embers of the Holocaust we have come once again to learn the terrible truth, that the power of Evil still lurks among the nations of the world, and cannot be underestimated. Nor can the effect of the spoken and written word, which in modern times must be taken in tandem with the violence of terrorism.

It has been but a half-century since the liberation of Nazi death camps, a little more than two decades since the First International Conference on the Holocaust and Human Rights,<sup>2</sup> and a few short years since the United States Holocaust Memorial Museum first put on display its documentation of horror. Yet today that form of historical revisionism popularly called “Holocaust denial” abounds worldwide in all its full foul flourish—disseminated not only on Arab streets but in American university newspapers, not only in books, articles, and speeches but in mosques and over the Internet.

“Israel must be wiped off the face of the map,” declares Mahmoud Ahmadinejad, the elected president of Iran. His primary justification—that the State of Israel’s existence is predicated upon events that never happened—is echoed throughout the Muslim world. Ahmadinejad’s true colors came through in a much ballyhooed international conference in Tehran, officially sponsored by the Iranian Foreign Ministry and billed as a “Review of the Holocaust: Global Vision,” in December of 2006.<sup>3</sup>

In a global environment increasingly dominated by mass media of manifold form and format, we have also begun to understand that what is printed on paper or broadcast on television or “byttten” into cyberspace affects everyone. Conversely, what is rejected or otherwise left out is doomed to a world of communication failure, ignorance, and misunderstanding.

As the generation of survivors dwindles, whose words will win? Who decides what is to appear in the vast and burgeoning marketplace of ideas?

Many of those important choices in the America are vested in editors and publishers, upon whom the United States Constitution confers almost unfettered discretionary authority. For the most part, American journalists can write, say, depict, or ignore anything they want. Freedom of thought and expression is quintessentially

<sup>1</sup> Eisenhower’s words, written in a letter to Chief of Staff George C. Marshall on April 12, 1945, are etched in stone at the United States Holocaust Memorial Museum in Washington, D.C. Eisenhower went on to say that “The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were so overpowering as to leave me a bit sick. In one room, where there were piled up 20 or 30 naked men killed by starvation, George Patton would not even enter. He said he would get sick if he did so.” See *The Papers of Dwight David Eisenhower: The War Years* 2616 (Alfred D. Chandler, Jr., Ed., 1970).

<sup>2</sup> Sponsored by the Boston College Law School Holocaust/Human Rights Research Project and the Anti-Defamation League of B’nai Brith, the conference took place on April 17, 1986. See *Debate, Freedom of Speech and Holocaust Denial*, 8 Cardozo L. Rev. 559 (1987).

<sup>3</sup> International Conference on Holocaust Opens in Tehran, BBC Worldwide Monitoring, December 11, 2006.

American—one of our most hallowed liberties, limited only by circumstances where actual harm has been caused or is reasonably perceived as imminent. If a line can be drawn at all between unfair suppression of thought on the one hand and good editorial judgment on the other, it is sometimes exceedingly faint, often entirely arbitrary, and always fundamentally subjective. The greater the opportunity for excess in the exercise of the power of the press, the more profoundly difficult the consequences in the protection of civil liberties for individuals.

That axiom has been brought into sharp focus by Holocaust deniers, whose goal is both facilitated and confused by the aura of “political correctness” which nowadays surrounds a great deal of editorial decision-making. Nowhere is this more pervasive than in Academia. What should be the most receptive place for honest intellectual inquiry and discourse has instead become one where all assumptions are open to debate—even documented historical facts. This has had an unsettling effect on students (especially those editing university newspapers) who have long been subjected to the pressures of political correctness. When they become entangled in the black and nefarious thickets of Holocaust denial, their exercise of editorial discretion can be acutely conflicting psychologically and confounding intellectually.

So can the emotional pain suffered by victims of group libel. Remedies for that malady have not been clearly established in American law. Explored least of all is the effect upon a free society when the dissemination of demonstrably false ideas is protected by the U.S. Constitution. Must writers and speakers who deny the Holocaust be guaranteed equal access to curricula and classrooms? Should the misrepresentation of historical fact be suppressed when it is motivated by nothing more than racial animus? Should responsible libraries collect and classify work born of blatant bigotry? Have survivors been injured when their victimization has been repudiated?

More profoundly, can we reject spurious revisionism, or punish purposeful expressions of hatred, and still pay homage to the liberty of thought ennobled by the First Amendment to the U.S. Constitution? Are some conflicts between freedom of expression and civility as insoluble as they are inevitable? Can history ever be proven as Truth?

This article attempts to answer those questions. Part I describes the background and nature of Holocaust denial, tracing the Nazis’ adoption of a plan for the “Final Solution of the Jewish Problem” through the post-War Nuremberg Trials to the present day. Part II touches on various arguments in favor of and against freedom of expression. Part III addresses the quest for truth in a free society, including psychological and geopolitical analyses of denial and anti-Semitism.

## **Part I—Holocaust Denial**

We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived.... Our proof will be disgusting and you will say I have robbed you of your sleep.... I am one who received during this war most atrocity tales with suspicion and scepticism. But the proof here

will be so overwhelming that I venture to predict not one word I have spoken will be denied.

– Sen. Thomas Dodd (1947)<sup>4</sup>

Alas, both Eisenhower<sup>5</sup> and Dodd seriously understated the possibilities. In recent years, the contention that there was no mass extermination of Jews and no deaths in gas chambers at the hands of the Nazis has given rise to a pervasive (if predictable) revisionist industry. Holocaust-denial books have made their way into academic and public libraries across the country and around the world, not to mention widespread dissemination over the Internet.

The Nazis themselves recognized that the incredibility of what they had done would cast shadows of doubt upon any shocking eyewitness reports. Inmates at concentration camps testified that they were frequently taunted by their captors: “Even if some proof should remain and some of you survive, people will say that the events you describe are too monstrous to be believed; they will say that they are the exaggerations of Allied propaganda and will believe us, who will deny everything, and not you.”<sup>6</sup>

Indeed early newspaper accounts of the death camps were obscured by dispatches about the war’s progress, if not questioned for their veracity.<sup>7</sup> That is why Eisenhower, after the Nazis were conquered, ordered every American soldier not committed to the front lines to bear witness to places like Auschwitz, Belsen, and Buchenwald.<sup>8</sup> It likewise explains why the International Military Tribunal at Nuremberg was so intent on documenting all of the atrocities found by the Allied liberators.

Without the past, without memory, without history, we are nothing, adrift. We place our destiny and dignity in the hands of the misfits and their projected psychoses. This movement is not an attack on the Holocaust, but on the very notion of historical meaning. It is a revolt against reality, a threat not only to the past but to the future.<sup>9</sup>

## The Nature of Denial

Holocaust deniers argue that the genocide of Jews and other minority groups during World War II either did not occur—that it was a deliberate Jewish hoax, or a

<sup>4</sup> 2 Trial of the Major War Criminals before the Int’l Military Tribunal 130 (1947). Sen. Dodd served as executive counsel to the American prosecutorial team.

<sup>5</sup> See *supra* note 1.

<sup>6</sup> Levi, P. (1989). *The drowned and the saved*. (Raymond Rosenthal trans., Vintage Int’l.).

<sup>7</sup> Both the *New York Times* and the *New York Herald Tribune* published limited reports of the camps as early as 1942. See Laqueur, W. (1980). *The terrible secret: Suppression of the truth about Hitler’s “final solution.”*

<sup>8</sup> See Abzug, R. (1985). *Inside the vicious heart: Americans and the liberation of Nazi concentration camps* 128.

<sup>9</sup> Ibid.



conspiracy to advance the interests of Zionism—or that it was greatly exaggerated. They maintain that the Nazi government never had a policy of deliberately targeting Jews, that many fewer than six million Jews lost their lives, and that there were no tools of mass extermination such as gas chambers or incinerators in the concentration camps.

Although such denial has been going on ever since the Holocaust occurred, as the years pass and the number of survivors diminishes it has become more virulent. Many Holocaust deniers reject the term, describing themselves instead as “revisionists.” But deniers can be differentiated from revisionists, who consider their goal to be historical inquiry using evidence and established methodology.<sup>10</sup>

In Australia, an Islamic cleric named Sheik Taj Din al-Hilali, called the Holocaust “a Zionist lie.”<sup>11</sup> Mel Gibson and his father both support the Australian League of Rights, a group that denies the Holocaust.<sup>12</sup>

In Denmark, Al-Jazeera Television broadcast a meeting between Arab and Danish student groups, following the controversy over cartoons about Muhammad. During the meeting, Arab Students Union Chairman Ahmad Al-Shater referred to the Holocaust as “the imaginary Holocaust.”<sup>13</sup>

In France, George Theil, a sixty-five-year-old former adviser to the extremist National Front party, was convicted of denying the Holocaust for having said on French Television that the Nazi gas chambers were “a fantasy.” Robert Faurisson was convicted by a Paris court in October of Holocaust denial, after he said on Iranian Television that no gas chambers were used by the Germans to kill Jews.<sup>14</sup>

In Germany, Germar Rudolf went on trial in a Mannheim court for denying the Holocaust. Rudolf had written an article in 1991 claiming the Nazis did not gas Jews in Auschwitz, and was sentenced to fourteen months in prison in 1995. He fled Germany to avoid jail and sought political asylum in the United States. That request was rejected, and Rudolf was sent back to Germany in November 2005 to serve his original sentence. During the trial’s opening session, Rudolf declared that the Holocaust was “a gigantic fraud.”<sup>15</sup>

<sup>10</sup> Holocaust deniers, on the other hand, argue that the Holocaust did not occur regardless of historical evidence. See Lipstadt, D. (1993). *Denying the holocaust: The growing assault on truth and memory*.

<sup>11</sup> Natalie O’Brien, Muddle Headed Mufti, *The Australian*, October 27, 2006 at p. 17.

<sup>12</sup> When he was asked in an interview, “The Holocaust happened, right?” Gibson responded by minimizing its uniqueness: “Yes, of course. Atrocities happened. War is horrible. The second World War killed tens of millions of people. Some of them were Jews in concentration camps. Many people lost their lives. In the Ukraine, several million starved to death between 1932 and 1933. Rafael Medoff and Alex Grobman, Holocaust Denial: A Global Survey - 2006, Wyman Institute for Holocaust Studies, available at <http://www.wymaninstitute.org/articles/HolocaustDenial2006.pdf> (hereinafter, Wyman Survey 2006). See also news report, Mel Gibson’s Racist Tirade, Daily Telegraph (Australia), July 31, 2006 at p. 1.

<sup>13</sup> Special Dispatch #1135, Middle East Media Research Institute (hereinafter M.E.M.R.I.), April 6, 2006, available at <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP113506>.

<sup>14</sup> U.S. Fed News, Top Academics, Political Leaders, Seek ‘Incitement to Genocide’ Charges Against Iran, President Ahmadinejad, Dec. 12, 2006.

<sup>15</sup> Reuters, Nov. 14, 2006.

Ernst Zundel was born in Germany and lived in Canada from 1958 until 2005, when he was deported back to Germany, where he was convicted for his Holocaust-denial activity. That activity included hosting radio and television shows, publishing books and pamphlets, and managing a web site.<sup>16</sup>

A report in January 2006 by the Moscow-based Holocaust Foundation and the Moscow Bureau on Human Rights found that Holocaust-denial is widespread in Russia. There are at least four Russian web sites that are devoted to denying the Holocaust, according to the report.<sup>17</sup>

Ukrainian Foreign Minister Boris Tarasyuk in January 2006 condemned the largest private Ukrainian university, the Interregional Academy of Personnel Management (MAUP) for promoting anti-Semitism and Holocaust-denial.<sup>18</sup>

Holocaust denial in the U.S. is not a popular phenomenon, even though America remains the lone Western democracy to protect it as free speech. But it does occur. In January 2007, Sheik Fadhel as Sahlani, the leader of a prominent mosque in Brooklyn, was quoted as asserting that the Holocaust “has been exaggerated.” In April, Holocaust-denier Larry Darby, a candidate for the Democratic nomination for attorney general of Alabama, was a featured speaker at a conference organized by the neo-Nazi National Vanguard in Elmwood Park, New Jersey. (The event included a performance by the neo-Nazi Holocaust-denying teenage singing duo “Prussian Blue.”) In June, Darby won forty-four percent of the vote in to an Alabama election. Darby claims the figure of six million Jews murdered by the Nazis was concocted by “the Holocaust industry,” insisting that no more than one hundred forty thousand Jews were killed, and most of those by typhus.<sup>19</sup>

The Institute for Historical Review (IHR) held its major event of the year at an unnamed restaurant meeting room in Arlington Virginia in July 2006. IHR director Mark Weber spoke about “the Jewish Zionist role in determining American foreign policy” and praised the recent study about the “Israel Lobby” by Stephen Walt and John Mearsheimer. Paul Fromm, director of the extremist Canadian Association for Free Expression, focused on the imprisonment of David Irving in Austria and Zundel in Germany.<sup>20</sup>

Like the United States, Japan has never passed a law prohibiting Holocaust denial. But that has much less to do with free speech than with Japan’s longstanding refusal to admit publicly its World War II crimes against humanity.<sup>21</sup>

All of these were relatively isolated incidents compared to what is happening in the Middle East. Holocaust denial has grown rapidly in Muslim countries, including American allies Egypt, Qatar and Saudi Arabia—all of which receive significant U.

<sup>16</sup> Wyman Survey 2006, *supra* note 12. See *infra* notes 66–70 and accompanying text.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> Japan Should Respect History, Recognize Reality: U.S. Historian, Xinhua General News Service, April 21, 2005. Although there is a Holocaust museum in Hiroshima, Holocaust education is virtually non-existent in Japan. Jenny Hazan, Hana’s Suitcase Wins Yad Vashem Award, *Canadian Jewish News*, Nov. 16, 2006 at p. 1.

S. economic and military aid. Members of the Syrian and Iranian governments, as well as Hizbollah and the Palestinian political group Hamas, openly publish and promote such claims.<sup>22</sup>

In his 1982 doctoral dissertation, Mahmoud Abbas, a co-founder of Fatah and the current president of the Palestinian Authority, wrote: "It seems that the interest of the Zionist movement... is to inflate this figure [six million deaths] in order to gain the solidarity of international public opinion.... Many scholars have [determined] the number of Jewish victims at only a few hundred thousand." That claim was repeated in Abbas's 1983 book, *The Secret Connection between the Nazis and the Leaders of the Zionist Movement*.<sup>23</sup>

As Israeli cabinet minister Isaac Herzog noted, Abbas's view "is not a matter that can be brushed under the carpet, because at issue is a moral question whose importance cannot be overstated."<sup>24</sup> Abbas is well-known for waffling in consideration of the current political situation. In a March 2006 interview with *Ha'aretz*, Abbas stated: "I have no desire to argue with the figures. The Holocaust was a terrible, unforgivable crime against the Jewish nation, a crime against humanity that cannot be accepted by humankind. The Holocaust was a terrible thing and nobody can claim I denied it."<sup>25</sup> But at a rally in Ramallah in early January of this year, Abbas said, "The sons of Israel are mentioned [in the Quran] as those who are corrupting humanity on earth."<sup>26</sup>

No such waffling from Ahmadinejad. "As to the Holocaust," he said in a *Time Magazine* interview, "I just raised a few questions. And I didn't receive any answers to my questions. I said that during World War II around six million were killed. All were human beings and had their own dignities. Why only six million?" A fair question, perhaps, when taken out of the context in which it was uttered—that Israel is the cause of the world's problems. Here are the official translations of some of Ahmadinejad's other statements: "The real cure for the conflict is elimination of the Zionist regime.... The way to peace in the Middle East is the destruction of Israel.... Like it or not, the Zionist regime is heading toward annihilation."<sup>27</sup>

Ahmadinejad strutted like a peacock at his Holocaust denial conference in Tehran in December 2006. Officially sponsored by the Iranian Foreign Ministry and billed as a "Review of the Holocaust: Global Vision," it was a well-orchestrated group polemic attended by delegates from thirty countries, including former Ku Klux Klan

<sup>22</sup> Ibid.

<sup>23</sup> See entry on Holocaust Denial, at [http://en.wikipedia.org/wiki/Holocaust\\_denial#Notable\\_Holocaust\\_deniers](http://en.wikipedia.org/wiki/Holocaust_denial#Notable_Holocaust_deniers).

<sup>24</sup> Edward I Koch and Rafael Medoff, What Can Be Done About Holocaust Deniers?, The Jerusalem Report, Jan. 8, 2007 at p. 47.

<sup>25</sup> Akiva Eldar, Interview with Mahmoud Abbas, Ha'aretz, March 30, 2006.

<sup>26</sup> Jeff Jacoby, Statehood for Palestine? Take A Good Look, Boston Globe, Feb. 14, 2007 at p. A9. See also Rosie Dimanno, No Guarantee This 'Map' Leads Anywhere, *Toronto Star*, May 1, 2003 at A10.

<sup>27</sup> Scott MacLeod, A Date With A Dangerous Mind, *Time*, Sep. 25, 2006. See generally Mark Mazzetti, Some in G.O.P. Say Iran Threat Is Played Down, *New York Times*, August 24, 2006 at A1.

leader David Duke, French revisionists Robert Faurisson and Georges Thiel, and Australian denier Frederick Toben.<sup>28</sup>

In addition, several members of the extremist anti-Zionist Jewish sect Neturei Karta were prominently featured participants.<sup>29</sup> All of the representatives were said simply to be “exercising their rights of free speech” in questioning the facts of World War II. In so doing they were treated to an exhibit of photographs of dead Jews labeled “Myth” and “Typhus Victims,” and of smiling Holocaust survivors under the heading of “Truth.”<sup>30</sup> In addition, the conference enabled the Iranians to score propaganda points about Western hypocrisy—preaching free speech but disallowing “dangerous” views.<sup>31</sup>

(In fact many Holocaust revisionists claim their work falls under a “universal right to free speech,” and seek to rely on Article Ten of the European Convention on Human Rights, which guarantees freedom of expression, when faced with criminal sanctions against their statements or publications.<sup>32</sup> But the European Court of Human Rights, for one, has consistently declared such arguments are without merit. Nothing in Article Seventeen of the Convention may be construed so as to justify acts that are aimed at destroying any of the very rights and freedoms contained therein. Invoking free speech to propagate denial of crimes against humanity is, according to the Court, contrary to the spirit in which the Convention was adopted. Reliance on free speech in such cases would thus constitute an abuse of a fundamental right.)<sup>33</sup>

Iran also announced plans to establish an institution to conduct ongoing “research” concerning the Holocaust. Additional support is likely by virtue of the creation of the new English-language division of the Qatari government-funded Al Jazeera television network, which broadcasts remarks by Holocaust-deniers.<sup>34</sup>

Islamic deniers may be inflamed by the attention on Jewish victimization, which in their view has caused them to pay the price for Europe’s treatment of the Jews.

<sup>28</sup> Iran Hosts Anti-Semitic Hatefest in Tehran, report of Anti-Defamation League, Dec. 14, 2006, available at [http://www.adl.org/main\\_International\\_Affairs/iran\\_holocaust\\_conference.htm?Multi\\_page\\_sections=sHeading\\_5](http://www.adl.org/main_International_Affairs/iran_holocaust_conference.htm?Multi_page_sections=sHeading_5). In fact there were several Arab commentators who condemned the conference. See M.E. M.R.I. Special Dispatch Series - No.1425, Criticism of Tehran Holocaust Denial Conference in Arab and Iranian Media, Jan. 16, 2007.

<sup>29</sup> Ibid. See also Bill Hutchinson, Rabbi Among the Rabble-Rousers, *New York Daily News*, Dec. 13, 2006 at p.7.

<sup>30</sup> Ibid. See also Katrin Bennhold, Ties Cut With Iran Institute Over Holocaust, *New York Times*, Sep. 16, 2006 at p.A9.

<sup>31</sup> James S. Robbins, Adrift on Denial: The Threat from Iran, *National Review*, Dec. 13, 2006 (“Not that speech in Iran is particularly free—I am waiting for the conference that brings together those who deny the divinity of the Koran.”).

<sup>32</sup> See D. D. Guttenplan, Should Freedom of Speech Stop at Holocaust Denial?, Index of Free Expression 2005.

<sup>33</sup> See *X. v. Federal Republic of Germany*, European Commission of Human Rights 16 (July 1982); *Lehideux and Isorni v. France*, 1998-VII, no. 92 (European Court of Human Rights 23 (September 1998); and *Faurisson v France*, 2 BHRC UN Doc. CCPR/C/58/D/550/1993, 1 (United Nations Human Rights Committee 1996). D. D. Guttenplan, Should Freedom of Speech Stop at Holocaust Denial?, Index of Free Expression 2005.

<sup>34</sup> Wyman Survey 2006, *supra* note 12.

They thus seek to de-legitimize both Europe (pluralistic and tolerant, committed to human rights and human dignity) and Israel (which sees itself as the legacy of the Nazis' victims and the antidote to another Holocaust). They also denigrate any country (especially the United States) where the Holocaust has come to occupy a prominent place in the moral discourse of the people.<sup>35</sup> A press release by Hamas in April 2000 denigrated "the so-called Holocaust" as "an alleged and invented story with no basis." In August 2002, an Arab League think-tank promoted a Holocaust denial symposium in Abu Dhabi. Hamas leader Abdel Aziz al-Rantissi declared that the Holocaust never occurred and that Zionists funded Nazism.<sup>36</sup>

In a speech that was broadcast on Al-Jazeera Television on February 3, 2006, Lebanese Hezbollah leader Hassan Nasrallah said:

A few years ago, a great French philosopher, Roger Garaudy... wrote a scientific book,... research of an academic nature, in which he discussed the alleged Jewish Holocaust in Germany. He proved that this Holocaust is a myth. [He] was put to trial. He was offended and humiliated. It did him no good that freedom of expression is considered a human right in France. Why? Because freedom of expression extends to the Jews, but it does not extend to the Prophet of 1.4 billion Muslims. That's hypocrisy.<sup>37</sup>

In June 2006 Lebanon's New Television aired an interview with Norman Finkelstein, author of the book *The Holocaust Industry*. In his introductory remarks, the interviewer said: "The 'Holocaust' is the Jewish term for burning the sacrificial offering to ashes. Never has there been an issue subject to as many contradictions, lies, and exaggerations regarding the number of victims as the issue of the Jewish Holocaust. The number of people killed in the Holocaust was estimated, in the film "Night and Fog" by the French director Alain Resnais, to be between eight and nine million, on the basis of documents invented by the Jews. The number dropped to four million Jews in the Soviet report to the Nuremburg trials. The figure dropped further, to three hundred thousand victims, according to British historian David Irving, and reached only 50,000, according to Raul Hilberg the Jew."<sup>38</sup>

During the interview, Finkelstein said:

There has been a gross inflation of the number of survivors of the Nazi Holocaust. In fact, as all the historians have shown, Hitler's extermination of the Jews was very efficient. It was like a factory, an assembly line. Jews were processed to be murdered. When you have such an efficient system there can't

<sup>35</sup> Michael Berenbaum, Holocaust Denial: Iranian Style, Britannica Blog, April 19, 2007. Berenbaum suggests that it would be wise for the West to distinguish between Holocaust denial in the Islamic world and that elsewhere. Ibid.

<sup>36</sup> Rosie Dimanno, "No Guarantee this 'Map' Leads Anywhere," *Toronto Star*, May 1, 2003 at A10.

<sup>37</sup> Hizbullah Leader Nasrallah: Great French Philosopher Garaudy Proved Holocaust A Myth, Middle East Media Research Institute (MEMRI), Special Dispatch No.1088, Feb. 7, 2006, available at <http://memri.org/bin/articles.cgi?Page=archives&Area=sd&ID=SP108806>.

<sup>38</sup> Lebanon's New TV: "Contradictions, Lies, and Exaggerations in Number Killed in Jewish 'Holocaust,'" MEMRI press release No. 1194, June 29, 2006, available at <http://www.normanfinkelstein.com/article.php?pg=11&ar=245>.

be very many survivors. In fact, the best estimates show that by May 1945, that is, at the end of World War II, about 100,000 Jews had survived the death camps, the ghettos, and the labor camps. If 100,000 Jews survived the camps and ghettos in 1945, then 60 years later—that is, roughly around now—there can't be more than a few thousand survivors still alive. But the Holocaust industry wanted to blackmail Europe in order to get compensation moneys. And in order to blackmail Europe they said there were hundreds of thousands of needy Holocaust victims who were still alive, and they started to inflate the number of survivors in order to blackmail Europe.<sup>39</sup>

In an interview on the U.S. television network PBS on March 30, 2006, Syrian President Bashar Assad echoed similar sentiments:

If you ask many people in the region they would say to you that the West exaggerated the Holocaust. People say there was a Holocaust but they exaggerated it. It's not a matter of how many were killed, half a million, six million or one person. Killing is killing. For example, eight million Soviets were killed, so why don't we talk about them? The problem is not the number of those killed but rather how they use the Holocaust.... Definitely there were massacres that happened against the Jews during the Second World War, but I'm talking about the concept and how they use it. But I don't have any clue how many were killed or how they were killed, by gas, by shooting—we don't know.<sup>40</sup>

In 2006, according to the Wyman Institute for Holocaust Studies, there was a noticeable decline in denial activity following the jailing of the movement's best-known figure, the aforementioned Irving, in Austria, and the prosecution of the prominent activists Zundel and Rudolf in Germany. (Irving had been arrested while visiting Austria in November 2005, and was prosecuted for speeches he had delivered in Austria in 1989. The appeals judge, Ernest Maurer, said the sentence should be reduced because the offending statements were made "a long time ago, 17 years," and because the judge did not expect Irving would repeat the crime.)<sup>41</sup>

Revisionists have also taken to late-night public-access television to assert that claims of Nazi genocide against the Jews during World War II are part of an elaborate hoax. Slickly produced videos purport to show that concentration camps like Auschwitz and Birkenau were recreational facilities, not death camps.<sup>42</sup> Holocaust deniers claim that archival materials concerning Nazi atrocities—

<sup>39</sup> Ibid. See Patricia Cohen, A Bitter Spat Over Ideas, Israel and Tenure, *New York Times*, April 12, 2007. See also David Remnick, The Apostate: A Zionist Politician Loses Faith in the Future, *The New Yorker*, July 30, 2007 at p.32 (interviewing Avraham Burg, former head of the World Zionist Organization: "Didn't we cheapen the sanctity of the Holocaust by using it about everything?") Ibid. at 35.

<sup>40</sup> An Hour with Syrian President Bashar al-Assad, Charlie Rose Show, March 27, 2006, Public Broadcasting System, available at <http://www.charlierose.com/shows/2006/03/27/1/an-hour-with-syrian-president-bashar-al-assad>.

<sup>41</sup> See Wyman Survey 2006, *supra* note 12 at 6.

<sup>42</sup> See Alan Dershowitz, It's Time for a Holocaust Video, *Times-Union*, Sept. 4, 1995, at A6.

voluminously detailed lists of victims, miles of gruesome film footage, and vividly remembered accounts of eyewitnesses—have all been forged.<sup>43</sup>

Meanwhile, as use of the Internet has burgeoned, its millions of users provide a vast new target audience for the efforts of numerous hate groups. Catering to white supremacists, anti-government survivalists, militiamen and would-be terrorists, Holocaust deniers have set up enough new sites on the World Wide Web to reach a larger potential constituency than any revolutionaries in history.<sup>44</sup>

### The Academic Voice

The gradual ascension of Holocaust revisionism into academic respectability is perhaps shocking only to those unfamiliar with the excesses of modern scholarship.<sup>45</sup> In the 1980s, the Committee on Open Debate on the Holocaust (CODOH) began to place small notices in college newspapers with its address and telephone number. By the 1990's these paid advertisements had become long essays, written in the academic voice, arguing that Holocaust statistics were vastly overstated and that allegations of Nazi gas chambers were frauds aided by doctored photographs.<sup>46</sup> Over time, in high schools and colleges across the country, a number of teachers have come to tell their students that the Holocaust was a myth, while professors write "scholarly" articles and school newspapers print denial advertisement/essays saying the same thing.<sup>47</sup> By 1995, the Anti-Defamation League (ADL) had reported numerous incidents on American campuses concerning Holocaust denial.<sup>48</sup>

Group defamation in the academic voice persists to this day, most notoriously in the form of the infamous "blood libels" which claim that Jews kill Christian children for ritual purposes. Such myths are occasionally aided and abetted by "historical" accounts (not one of which has ever been buttressed by facts).<sup>49</sup>

<sup>43</sup> For a detailed analysis of the use of film as evidence of the Holocaust, see Lawrence Douglas, *Film as Witness: Screening Nazi Concentration Camps before the Nuremberg Tribunal*, 105 *Yale L.J.* 449 (1995). The principal film described by Douglas also has been used to prove the falsity of Holocaust denials. See Leonidas E. Hill, *The Trial of Ernst Zundel and the Law in Canada*, 6 *Simon Wiesenthal Center Ann.* 165, 184 (1989).

<sup>44</sup> See Greg Beck, *Hate War's New Battleground: The Internet*, *San Francisco Examiner*, June 10, 1996, at A1; see generally Michael Shermer, *Proving the Holocaust*, 2 *Skeptical* 32 (1994).

<sup>45</sup> See Lasson, K. (2003). *Trembling in the ivory tower: Excesses in the pursuit of truth and tenure*. Baltimore: Bancroft Press.

<sup>46</sup> See Lipstadt, *supra* note 10 at 183–208 (1993). Some campus papers published the advertisements on free-speech grounds, while others refused to do so. See *infra* notes 83ff. and accompanying text. CODOH is largely the work of Bradley Smith. Apparently in response to Smith's campaign, classes on the Holocaust have been increasing.

<sup>47</sup> See generally Stern, K. (1993). *Holocaust denial*.

<sup>48</sup> See Text of ADL Audit of Anti-Semitic Incidents 1995, U.S. Newswire, Feb. 28, 1996, available in Lexis Nexis Library, USNWR File [hereinafter ADL Audit].

<sup>49</sup> The most famous of the modern blood libels is *The Protocols of the Elders of Zion*, first published in Russia in 1905 and still in widespread circulation today. See *infra* notes 259–60 and accompanying text. A detailed account of the book's evolution is on display at the United States Holocaust Museum in Washington, D.C. Three new books on Jewish ritual killings have been published in the past year by Jewish scholars themselves. See Hillel Halkin, *Bloody Jews?*, *Commentary*, May 2007, and David Abulafia, *The Blood Libel, Then and Now*, *The Times Literary Supplement*, March 2, 2007.



## Speakers

In an academic environment charged with political correctness, the choice of campus speakers appears to be highly subjective. In the 1990's, noted figures who have uttered anti-Semitic words—like Louis Farrakhan,<sup>50</sup> Tony Martin,<sup>51</sup> Khalid Abdul Muhammad,<sup>52</sup> and Leonard Jeffries<sup>53</sup>—were regularly invited by student groups to appear on protected campus venues. When challenged, the sponsors often claim that they and their guests are exercising their First Amendment rights, the same argument that was used to justify the Holocaust-denial conference in Iran in 2006.<sup>54</sup>

In recent years such speeches have become commonplace. Perhaps the most notorious among them was Khalid Abdul Muhammad's address at Kean College, New Jersey, in 1993, in which he called Jews "blood-suckers of the black nation."<sup>55</sup> At the Black Holocaust Nationhood Conference, attended by some twenty five hundred people in Washington, D.C. prior to the "Million Man March" (in October 1995), participants included noted anti-Semitic speakers who delivered unvarnished diatribes against Jews.<sup>56</sup> "We have lost over 600 million at the hands of the white man in the last 6000 years," said Khalid. "That is [one hundred] times worse than the so-called Holocaust of the so-called Jew, the imposter Jew."<sup>57</sup> Several months earlier, Farrakhan

<sup>50</sup> See ADL Quotes Farrakhan One Year After Million-Man March, U.S. Newswire, Oct. 9, 1996; Richard Cohen, Why the Silence on Farrakhan, *Washington Post*, July 26, 1985, at A25; The Farrakhan Show, Washington Post, Aug. 1, 1984, available in 1984 WL 2024765; Garry Wills, Perot's Anti-Semitic Company, Times-Union, Aug. 15, 1996, at A15.

<sup>51</sup> See Ken Ringle, Of History and Politics: A Classicist at War, *Int'l Herald Trib.*, June 12, 1996; Text of ADL Report on Writings of Professor Tony Martin, U.S. Newswire, Oct. 12, 1995; see also Selwyn R. Cudjoe, Academic Responsibility and Black Scholars, *Baltimore Sun*, Mar. 23, 1994 at 19A.

<sup>52</sup> See Nat Hentoff, The Return of Khalid Muhammad: "Hitler Used the Same Words About Jews," *The Village Voice*, Nov. 26, 1996, at 10 (quoting Jesse Jackson's characterization of Khalid Muhammad's Kean College speech as "racist, anti-Semitic, divisive, untrue, and chilling"); Stephen A. Holmes, Farrakhan Is Warned Over Aide's Invective, *NEW YORK TIMES*, Jan. 25, 1994, at A12; Jon Nordheimer, Divided by a Diatribe: College Speech Ignites Furor Over Race, *NEW YORK TIMES*, Dec. 29, 1993, at B1; Steven Lubet, That's Funny, You Don't Look Like You Control the Government: The Sixth Circuit's Narrative on Jewish Power, 45 Hastings L.J. 1527, 1527–28 (1994); Speech: "The Secret Relationship Between Blacks and Jews," N.J.L.J., Jan. 24, 1994, at 17 (entire text of Khalid Muhammad's Kean College speech).

<sup>53</sup> See ADL Audit, *supra* note 48; Joseph Berger, College Chief Calls Jeffries "Racist," But Defends Keeping Him, *New York Times*, Nov. 5, 1991, at B1; Donna Prokop, Note, Controversial Teacher Speech: Striking A Balance Between First Amendment Rights and Educational Interests, 66 S. Cal. L. Rev. 2534, 2536 (1993); Jacques Steinberg, CUNY Professor Criticizes Jews, *New York Times*, Aug. 6, 1991, at B3; Wills, *supra* note 50. See also Geri J. Yonover, Anti-Semitism and Holocaust Denial in the Academy: A Tort Remedy, 101 Dick. L. Rev. 71, 83 n.75 (1996).

<sup>54</sup> See, for example, Michael W. Sasser, Speakers Find Cozy Home at Universities, *Palm Beach Jewish J.*, July 23, 1996, at 1.

<sup>55</sup> See Muhammad Speech, *supra* note 52.

<sup>56</sup> See ADL Audit, *supra* note 48. The Black Holocaust Nationhood Conference was held at two Washington, D.C., high schools. See *Ibid*.

<sup>57</sup> *Ibid*. Other conference speakers included Professors Martin and Jeffries.

had said, “Little Jews died while big Jews made money [during World War II]... little Jews were being turned into soap while big Jews washed themselves with it.”<sup>58</sup>

## Books

Many of the Holocaust-denial books are published by the IHR, which also produces a glossy periodical called the *Journal of Historical Review*.<sup>59</sup> The IHR was founded by a notorious anti-Semite, Willis Carto,<sup>60</sup> and for years operated out of Newport Beach, California under the auspices of a non-academic named Bradley Smith.<sup>61</sup> Among its most popular tracts are *The Hoax of the Twentieth Century*<sup>62</sup> by Northwestern University Professor Arthur Butz, and *Debunking the Genocide Myth*<sup>63</sup> by Paul Rassinier. Both present the now-familiar argument that reports of the systematic killing of Jews in Nazi concentration camps were myths propagated by Zionists in an effort to create support for a Jewish state in Palestine.<sup>64</sup>

Even more notoriety comes to people like Zundel, Irving, and Garaudy. Zundel became front-page news in Canada for contributing to a book entitled *The Hitler We Love and Why*<sup>65</sup> and distributing a tract entitled *Did Six Million Really Die?*,<sup>66</sup>

<sup>58</sup> Text of ADL Report, Federal Funds for NOI Security Firms: Financing Farrakhan’s Ministry of Hate, U.S. Newswire, Sept. 22, 1995.

The range of controversial speakers runs the gamut from anti-abortionists to xenophobic isolationists, but even an analysis limited to garden-variety hate speech can run well beyond the scope of this article, which limits itself to the subject of Holocaust denial. An examination of the multifarious First Amendment issues regarding the rights that universities must accord to controversial speakers invited onto campus by student groups—for example, who bears the responsibility for payment of fees and honoraria, security, assurance of equal time for other speakers and student groups, the guarantee of an open forum—is likewise farther afield. But see Kenneth Lasson, *Controversial Speakers on Campus: Liberties, Limitations, and Common-Sense Guidelines*, 12 *St. Thomas Law Review* 39 (1999).

<sup>59</sup> A self-described “historical revisionist society,” the Institute supports the idea that the Holocaust was a distortion of history. See 1 *Encyclopedia of Associations* 9 (15572) (Sandra Josczzak ed., 31st ed. 1996); see also See Lipstadt, *supra* note 10 at 105; Yonover, *supra* note 53, at 76 n.30.

<sup>60</sup> See Doreen Carvajal, *Extremist Institute Mired in Power Struggle*, L.A. Times, May 15, 1994, at A3. Carto had already organized the Liberty Lobby, a Washington-based group considered to be one of the most active anti-Semitic organizations in the country. *Ibid.*

<sup>61</sup> See Lipstadt, *supra* note 10 at 185; ADL Report Reveals Split in Holocaust Denial Movement that is as Hateful as Their Anti-Semitic Propaganda, *Business Wire*, available in Lexis Nexis Library, BW File; News Brief, *Houston Chron.*, Jan. 25, 1992, at A12.

<sup>62</sup> Butz, A. (1976). *The hoax of the twentieth century*. Butz’s publisher (Noontide Press) and the Institute for Historical Review are closely related. See Lipstadt, *supra* note 10 at 152–53; see also *Liberty Lobby, Inc. v. Dow Jones & Co., Inc.*, 838 F.2d 1287, 1296 (Bork, J.) (D.C. Cir. 1988) (describing the relationship as the “Liberty Lobby/Legion/ Noontide/IHR network”). In 2006 Butz, a tenured professor of electrical engineering at Northwestern, wrote a column in the campus newspaper expressing support for the Holocaust-denial activities of Iranian President Mahmoud Ahmadinejad. See Jodi S. Cohen, *NU Rips Holocaust Denial, President Calls Prof An Embarrassment But Plans No Penalty*, *Chicago Tribune*, Feb. 7, 2006.

<sup>63</sup> Rassinier, P. (1978). *Debunking the genocide myth*. See also Lipstadt, *supra* note 10 at 51–64.

<sup>64</sup> See Prokop, *supra* note 53, at 2564; See Lipstadt, *supra* note 10 at 123–36, 51–65.

<sup>65</sup> Friedrich, C. & Thomson, E. (1977). *The Hitler we loved and why*. See also Lipstadt, *supra* note 10 at 157–58.

<sup>66</sup> Harwood, R. (1974). *Did six million really die?*. “Richard Harwood” was a pseudonym for Richard Verrall, the editor of *Spearhood*, a neofascist publication. See Lipstadt, *supra* note 10 at 104.

which claimed that the Holocaust was in fact a Zionist swindle.<sup>67</sup> He was charged with violating a little-used portion of the Canadian criminal code prohibiting the publication of false statements “likely to cause injury or mischief to a public interest.”<sup>68</sup> He was also featured on CBS’ top-rated television program *60 Minutes*.<sup>69</sup> The case became, in effect, an international symposium on the Holocaust denial movement.<sup>70</sup>

Irving is a prominently controversial English historian whose biography of Nazi propagandist Josef Goebbels suggested that Hitler was not personally responsible for the Holocaust. He gained prominence as far back as 1959, when he announced his admiration of the Nazi regime in World War II Germany and claiming that the British press was “owned by Jews.” His best-known book, *Hitler’s War*, argued the Führer neither ordered nor even knew about the genocidal policy known as the “Final Solution.” In the ensuing years, Irving made numerous speaking appearances before the IHR, shared a platform with Ku Klux Klan member and neo-Nazi David Duke, and testified for the defense at Zundel’s 1988 trial. In 1989, responding to Russia’s publication of a list of over seventy four thousand Auschwitz victims, Irving asserted that there were no gas chambers or master plan: “It’s just a myth and at last the myth is being eroded.... Eyewitness evidence is a problem for psychiatrists.”<sup>71</sup>

Austria banned Irving from entering the country in the late 1980s. Germany did the same after a court found him guilty of Holocaust denial. Other governments followed suit. In 1994 Deborah Lipstadt, an American historian and author of the book *Denying the Holocaust*, called Irving a denier, falsifier, and bigot. He sued for

<sup>67</sup> See Lipstadt, *supra* note 10 at 157–59.

<sup>68</sup> See Douglas, *supra* note 43 at 478 (citing R.S.C., ch. C-34, § 177 (1970) (Can.). Zundel’s conviction was overturned on appeal.

<sup>69</sup> 60 Minutes, CBS television broadcast, Mar. 27, 1994.

<sup>70</sup> Zundel was sentenced to nine months in prison after the Ohio Court of Appeals upheld two lower-court convictions for spreading false information. In 1992 the Supreme Court of Canada overturned the conviction. Zundel was deported to Germany in 2005, where in February 2007 he was sentenced to five years in prison for inciting hatred and denying the Holocaust. Paul Lungen, Zundel Gets Five Years for Inciting Hate, *Canadian Jewish News*, Feb. 22, 2007 at p. 40. The prosecution chose to prove the falsity of Zundel’s claim solely by showing a documentary film first used at the Nuremberg Trials entitled *Nazi Concentration Camps*. Zundel was convicted and sentenced to two years in prison. On appeal, however, the conviction was overturned, on the grounds that—because the film’s nameless screenplay writer and narrator were unavailable for cross-examination—the documentary failed under the rules of hearsay. See also Irwin Cotler (quoted in Debate, *supra* note 2 at 564).

<sup>71</sup> ADL Background Information on Holocaust Denier David Irving, U.S. Newswire, June 4, 1996, available in LEXIS, Nexis Library, USNWR File [hereinafter ADL Background Information]. Irving’s book *Hitler’s War* was said to have “hundreds of errors: wrong names, wrong dates, and... statements about events that did not really take place. These errors... are not the result of inadequate research or technical mistakes or oversights. They are the result of the dominant tendency of the author’s mind.” John Lukacs, Book Review, *National Review*, Aug. 19, 1977 at p. 46. See also Irving’s 1987 book, *Churchill’s War*, which may have been his most crudely anti-Jewish work. ADL Background Information at 39. On the witness stand during the Zundel trial, Irving stated that he had found “no document whatsoever indicating the Holocaust occurred.” *Ibid*. In April of 1990 he was quoted as saying that “the holocaust of the Germans of Dresden was real. The holocaust of the Jews in the Auschwitz gas chambers is a fabrication.” *Ibid*.

libel in England, where in 2000 the High Court ruled against him and awarded two million pounds to Ms. Lipstadt and her publishers, resulting in Irving's bankruptcy. In November 2005, Irving was arrested after traveling to Austria to give a lecture to students, thus flouting the ban on his entering the country. He was convicted of Holocaust denial and sentenced to a three-year jail term.<sup>72</sup>

Garaudy is a well-known French author who has made a career of denouncing what he calls Jewish "Shoah business."<sup>73</sup> In his most recent book, *The Founding Myths of Israeli Politics*, he claims that Israel exploited the Holocaust to put itself above all international law.<sup>74</sup> Nowhere is the tension between the quest for truth and free speech greater than at university libraries, which like their public-library counterparts have difficulty distinguishing between legitimate Holocaust literature and the distortions of Holocaust denial. The experience at Texas A&M University is illustrative.

David Gershom Myers, an associate professor of English, was disturbed to discover that at least ten Holocaust-denial books were classified in the university's main library under Holocaust, Jewish History. Fearful that Holocaust denial passed off as scholarship will become increasingly prevalent as survivors die and time passes, Myers argued that such books do not deserve the imprimatur of credibility suggested by inclusion in a university or public library. He sought to have them removed altogether or at least taken out of general circulation, but succeeded only in getting them placed in a different sub-category called "Errors and Inventions." Myers has also evoked criticism from academics around the U.S. who argue that any suppression of books is wrong, no matter how repugnant their message.<sup>75</sup>

Where can the line be drawn, they ask? Censorship of material containing offensive or unpopular ideas interferes with the education of students. It sets a bad example. The proper role of the university is to ingrain critical thinking.<sup>76</sup> Myers counters by arguing that an engineering professor would not tolerate a book advocating unsound construction practices that would cause bridges to collapse. Holocaust denial, he argues, is similarly dangerous. "Survivors are going to die and we are their heirs. If we don't protect their memory, no one will."<sup>77</sup>

Others sympathize with Myer's view but would not remove the books considered offensive—because they can be used to research anti-Semitism. All find it

<sup>72</sup> He was released in 2006 and allowed to serve the remainder on probation. See Nicola Boden, *The Comeuppance of David Irving*, Press Association Newsfile, Dec. 20, 2006.

<sup>73</sup> Shoah is the Hebrew word for Holocaust. See Barry James, *Cleric Draws Rebuke by Anti-Racists*, *International Herald Tribune*, May 2, 1996 at p. 1. See also *A Land Stained With Guilty Secrets*, *London Guardian*, Aug. 9, 1997, at 21; Douglas Johnson, *French Historians and the Holocaust*, *History Today*, Oct. 1996, at 2; Julian Nundy, *Mystifying Downfall: Onetime Hero's New Belief's Embarrass France*, *Newsday*, May 29, 1996, at B3; *With Both Eyes on the Human Condition*, *Financial Times* (London), June 21, 1997, at 4.

<sup>74</sup> Garaudy, R. (1996). *The founding myths of Israeli politics*. See also Nundy, *supra* note 73 at B3.

<sup>75</sup> See Mary Ann Roser, *A&M Professor Stirs Debate Over Holocaust Denial Books*, *Austin-Am. Statesman*, Apr. 10, 1996, at B1.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

unacceptable that an innocent student could discover denial books classified under the rubric of “Holocaust.”<sup>78</sup>

Holocaust revisionists have been most successful in gaining access to a respectable press in France, where they have managed to entangle academic historians in debate.<sup>79</sup> In 1985, the University of Nantes awarded a doctorate (with honors) to a sixty-five-year-old agronomist for a three hundred seventy-one-page thesis asserting there was no firm evidence to prove the Nazis had gassed prisoners in concentration camps.<sup>80</sup> But in Germany, the doctorate of a seventy-year-old former judge was revoked in 1983 on the ground that he had authored a book entitled *The Auschwitz Myth—Legend or Reality*, which questioned the death of six million Jews.<sup>81</sup> And in Switzerland, a high school teacher and military judge in the Swiss army who questioned the existence of Nazi gas chambers in World War II was formally barred from teaching history.<sup>82</sup>

### Student-edited Newspapers

In recent years one of the most pressing journalistic decisions facing college or university newspapers involved the controversial question of whether to publish a paid advertisement denying the existence of the Holocaust.<sup>83</sup> Most of these advertisements are promulgated and paid for by the Committee for Open Debate on the Holocaust, which claims to encourage scholarly discussion about the Holocaust.<sup>84</sup>

The Committee is spearheaded by Bradley Smith, a self-employed businessman with no formal historic training.<sup>85</sup> Smith’s advertisement/essays, written in reasonably well-constructed scholarly prose, question the historical legitimacy of various facets of the Holocaust, such as the existence of death, camp crematoria, the number of Jews actually killed, indeed the Nazis’ very policy of genocide.<sup>86</sup>

<sup>78</sup> Ibid. Even more confusing may be the fictionalized accounts of the Holocaust. For a defense of their utility, see Douglas, *supra* note 43.

<sup>79</sup> See Eric Stein, History Against Free Speech: The New German Law Against the ‘Auschwitz’—and Other—‘Lies,’ 85 Mich. L. Rev. 277, 280 nn.9–11 (1986) (citing Pierre Vidanaquet, Theses sur le Revisionnisme, in *L’Allemagne Nazie et le Genocide Juif* 496, 505 (1985)).

<sup>80</sup> Ibid. at 280 n.11. The paper provoked a storm of protests, and the French government ordered the doctorate be withdrawn because of improprieties in the examining process. Ibid. See also France Revokes Thesis That Denies Nazi Acts, *New York Times*, July 3, 1986 at A2; Frenchman Assailed for Denying Nazi Crimes, *New York Times*, June 13, 1986 at A4.

<sup>81</sup> See Stein, *supra* note 79, at 280 n.11.

<sup>82</sup> See Swiss Doubter of Nazi Camps is Forbidden to Teach History, *New York Times*, Feb. 22, 1987 at A10.

<sup>83</sup> See Bob Keeler, Assault on History, *Newsday*, Feb. 24, 1994, at 68. See generally Lipstadt, *supra* note 10 at 183–208.

<sup>84</sup> See Jeff Ristine, Ad Questioning Holocaust Takes Aim at Students, *San Diego Union-Tribune*, Jan. 11, 1992 at p.A1. See also Lipstadt, *supra* note 10 at 183–208 and Leon Jeroff, Debating the Holocaust, *Time*, Dec. 27, 1993, at 83.

<sup>85</sup> See Dimitry Nemirovsky, That Ad Shouldn’t Have Run, *Washington Post*, Feb. 4, 1992 at A15.

<sup>86</sup> See Jeroff, *supra* note 84. Smith has also been associated with the Populist Party (which ran David Duke for president in 1988) and the Liberty Party. See Nemirovsky, *supra* note 85, at A15.

By 1997 Smith had succeeded in placing advertisements in roughly half of the campus newspapers to which he had submitted them.<sup>87</sup> Most of the editors choosing to publish defended their decisions broadly on First Amendment grounds (freedom of speech and press), many of them noting specifically their aversion to censorship.<sup>88</sup> Those choosing not to publish argue that the proffered material was patently false and amounted to little more than thinly-disguised racial hatred, and that the U.S. Constitution's First Amendment does not require any newspaper to publish any article, editorial or advertisement submitted.<sup>89</sup>

Smith claimed that he had been blacklisted by the media. "The Holocaust story," he declared, "is closed to free inquiry in our universities and among intellectuals." His message is not one of hate, he says, but of "intellectual freedom." He has since turned his efforts from campus newspapers to the Internet.<sup>90</sup>

### State Actors and Public Forums

A private college or university newspaper is not a state actor (and therefore not protected by First Amendment guarantees), but is subject to the scrutiny of school administrators and bound by school policies. Although most colleges and universities adopt policies that are compatible with expressing and testing new ideas, they retain the power to impose prior restraints which could prohibit publication of certain material based on its content.

In *Sinn v. Daily Nebraskan*, a federal district court held that where a state university newspaper makes decisions independent of control by university officials, even though it may be funded by the school and operate out of a campus building, its activities cannot be considered state action. The mere subsidization of a student newspaper without the exercise of coercive power, said the court, is not sufficient to "convert its actions into that of the state."<sup>91</sup>

The primary issue to be determined in cases involving a state-supported college or university newspaper is whether school administrators are involved in the editorial decisions of the student newspaper. Where the newspaper is free from administration control, its actions are viewed as independent of the state and not subject to constitutional scrutiny. It follows in such cases that there has been no state action where an author of proffered material is denied access to the paper based on the material's content.

In short, the campus newspaper of a state-supported university is entitled to the First Amendment's freedom of the press protection, including the freedom to exercise subjective editorial discretion by rejecting a proffered article, editorial, or

<sup>87</sup> Lipstadt, *supra* note 10 at 184. See generally John Fernandez, Holocaust Ad in UM paper Costs \$2 Million Donation, Palm Beach Post, Apr. 13, 1994 at 1A.

<sup>88</sup> See Lipstadt, *supra* note 10 at 189–208.

<sup>89</sup> See Michael Kenney, The Holocaust and the Politics of Denial, Boston Globe, Aug. 12, 1993 at 62. See also discussion regarding the right to access, *infra* notes and accompanying text.

<sup>90</sup> Beck, *supra* note 44 at A1. See also Kenneth Lasson, Holocaust Denial and the First Amendment: The Quest for Truth in a Free Society, 6 *George Mason Law Review* 35 (1997).

<sup>91</sup> Sinn, 638 F. Supp. at 149.



advertisement.<sup>92</sup> Thus, editors of a state college or university newspaper have a right to editorial discretion—and school administrators do not. For the general public to have unfettered access to a state college or university newspaper, one that is considered a state actor, it must also be demonstrated that the newspaper is a “public forum.”<sup>93</sup> The mere fact that a student newspaper is used for the communication of ideas does not make it a public forum.<sup>94</sup> To the contrary, the very presence of editorial discretion precludes a constitutional right to access.<sup>95</sup> Indeed, it would be difficult to argue that a state college or university newspaper, with limited funds and publishing power, must as a matter of course publish every article, editorial, and advertisement it receives.

However, that very reasoning has occasionally held sway. In *Lee v. Board of Regents*, a federal district court held that a campus newspaper is “an important forum for the decimation of news and expression of opinion,” and as such “it should be open to anyone who is willing to pay to have his views published.”<sup>96</sup> In light of *Lee*, it appears that courts could find a student newspaper to be a public forum and require the newspaper to publish all proffered material on constitutional grounds.

The court’s holding in *Lee*, however, is decidedly a minority view. Most of the case law supports the proposition that a state college or university newspaper, as a nonpublic forum, may exercise its right to editorial discretion and constitutionally deny access. “Implicit in the concept of the nonpublic forum is the right to make distinctions in access on the basis of subject matter and speaker identity.”<sup>97</sup> Some of these distinctions may be impermissible in a public forum, but in a nonpublic forum (such as a newspaper) they are necessary in order for a newspaper to operate.<sup>98</sup>

Undoubtedly the weight of authority will eventually be amassed to support the conclusion that Holocaust-denial ads are afforded no protection by the First Amendment. No college paper need take any advertisement that is false and deceptive.<sup>99</sup>

<sup>92</sup> See *Associates & Aldrich Co. v. Time Mirror Co.*, 440 F.2d 133, 135 (9th Cir. 1971).

<sup>93</sup> *Sinn*, 638 F. Supp. at 151. The Supreme Court has identified three kinds of public forums: (1) sidewalks, streets, and public parks; (2) spaces specifically set aside for public discourse; and (3) other public property. The first have always been considered places which “from time out of mind, have been used for purposes of assembly, communicating thoughts between citizens and discussing public questions,” and are thus open to all on a first-come, first-served basis without regard to the content of the messages being communicated. So have the second, areas the government designates as places for public discourse and a free exchange of ideas. As for the third, the Court has found no constitutional right to access. See *Perry Educ. Assoc. v. Perry Local Educator’s Assoc.*, 460 U.S. 37, 45 (1983); see also *Boos v. Barry*, 485 U.S. 312 (1988). A student newspaper would not appear to fit any of the categories where access is guaranteed.

<sup>94</sup> *Sinn*, 638 F. Supp. at 149. In *Sinn*, the district court held that the *Daily Nebraskan* was not a public forum because it did not consent to unrestricted access by the general public, and did not relinquish editorial control over proffered material. *Ibid.* at 150–51.

<sup>95</sup> See *Miami Herald Publ’g Co. v. Tornillo*, 418 U.S. 241, 252–56 (1974).

<sup>96</sup> *Lee v. Board of Regents*, 306 F. Supp. 1097, 1100–01 (W.D. Wis. 1969), *aff’d*, 441 F.2d 1257 (7th Cir. 1971).

<sup>97</sup> *Perry*, 460 U.S. at 49.

<sup>98</sup> See *Joyner v. Whiting*, 477 F.2d 456, 461 (4th Cir. 1973).

<sup>99</sup> See *Ristine*, *supra* note 84.



## Holocaust Denial and Political Correctness

Political correctness may be on the run in the pop-culture of talk radio, but it is no laughing matter in the Ivory Tower. Though scarcely reported by the media, hundreds of American colleges and universities—from the backwoods of Appalachia to the august quadrangles of Ivy League law schools—are currently engaged in an entrenched battle over both the nature of the standard curriculum and the freedom of speech on campus.<sup>100</sup>

Fifty years ago, when the Holocaust was still a new and searing cataclysmic event, the bramble-bush of political correctness was mere stubble in the wasteland of academic politics. Now universities are pushing various political correctness agendas by way of curricular reform and the promulgation of speech and conduct codes. Orthodoxies of all kinds are being challenged. Eurocentric doctrine (including that of modern Jewish history) is subjected to “deconstruction,” with the underlying theory that all opinions are valid. Facts are said to be nothing more than received opinions. This phenomenon has enabled Holocaust deniers to elevate their cause into the realm of academic debate.

Thus, when American adults were asked in 1993 if they thought it possible that the Holocaust never really ever happened, twenty percent of them answered in the affirmative.<sup>101</sup> Almost fifteen years later a Haifa University survey found that more than a quarter of Israel’s Arab citizens believed the Holocaust never happened; the percentage rose to a third for college and high-school graduates.<sup>102</sup>

Such a response is not the concern of constitutional scholars, whose abiding interest in political correctness has always been the stifling effect on civil liberties and academic freedom of the restrictive speech and conduct codes that have become commonplace in the Ivory Tower.<sup>103</sup> Even though not one such code has been able to withstand constitutional scrutiny, both students and professors (as well as administrators) look and listen nervously over their shoulders for fear of offending mushrooming numbers of special-interest groups.<sup>104</sup>

What the Founding Fathers envisioned as vigorous disagreement in a free and open marketplace of ideas—even if some of those thoughts are abhorrent to the civil temperament—has been quashed at the very places such debates are supposed to occur most freely.<sup>105</sup> What should be one of the richest and most receptive places of

<sup>100</sup> See Jenish D’Arcy & William Lowther, “War of Words: Academics Clash Over ‘Correctness,’” *MacLean’s*, May 27, 1991 at 44.

<sup>101</sup> Deborah Lipstadt, “False ‘Reasoning’ on the Holocaust,” *Newsday*, July 23, 1993 at p.61.

<sup>102</sup> Poll Shows Israeli-Arab Holocaust Denial, Support for Hizbullah, Israel Faxx, March 19, 2007; Holocaust Denial, Israel Faxx, March 30, 2007.

<sup>103</sup> See Robert Hawkins, Some Imprints Left as 1991 Fades... Art-censorship Battles Loom as Pressure Increasing from All Viewpoints, *San Diego Union-Tribune*, Dec. 27, 1991 at C1.

<sup>104</sup> See generally Kenneth Lasson, Political Correctness Askew: Excesses in the Pursuit of Minds and Manners, 63 Tenn. L. Rev. 689 (1996). The pernicious nature of political correctness is most clearly revealed by the absurd extremes encouraged by some campus conduct codes. Though many of them have never been tested in court and continue to be broadly implemented—some to the destruction of careers and reputations—not one of them to date has been found constitutional.

<sup>105</sup> See Stephen Reese & John D.H. Downing, Holocaust Ad Poisons Public Debate, *Austin-American Statesman*, May 1, 1992 at 1.

honest intellectual inquiry and discourse has instead become one of the most intolerant.

The Academy has become a decidedly unwelcome nesting place for people with traditional points of view or ways of presenting them. What were once noble and defensible goals—intellectual curiosity and sensitivity toward others—have been forged into bludgeons of moral imperatives.<sup>106</sup> The pervasive atmosphere of the political correctness current in the Academy today complicates the question of Holocaust revisionism. In seeking to challenge traditional culture, the guardians of political correctness have been tellingly inconsistent. While they would be quick to condemn an historian who denied the evils of slavery, they have been reluctant to spurn Holocaust denial. Perhaps this is because their agenda is essentially anti-Western, -white, and -Imperialistic; Jews are not viewed as an endangered minority. Zionism is seen not as a liberation movement, but as racism.<sup>107</sup>

Pressure to be politically correct has generated a backlash against political correctness as well. The combination of the two has had an unsettling effect on student editors. Can those who would voice alarm at the modern political correctness movement's exclusion of Eurocentric culture at the same time call for exclusion of revisionists and deniers? Students might find it difficult to condemn both the excesses of political correctness and the promulgation of Holocaust-denial literature.

Here, after all, is where two principles—the freedom of speech in the quest for truth, and the suppression of racism in the quest for equality—are sometimes in conflict. It is not always easy to discern the difference between historical fact and biased opinion. When that opinion is couched in the academic voice, and aimed at students who were not alive when the events of World War II were occurring, the confusion becomes palpable.<sup>108</sup>

At least part of the increasing academic respectability of Holocaust denial can thus be traced to the political-correctness controversy. “The politically correct line on the Holocaust story,” urge people like Bradley Smith, “is, simply, it happened. You don’t debate it.”<sup>109</sup> The predictable reaction of politically-incorrect people is to debate it. When campus newspapers begin to do that, however, they render Holocaust denial a matter of opinion rather than a matter of fact. Editorial boards

<sup>106</sup> The rules regarding harassment have iced over into the first icy patch on the slippery slope to repression of unpopular ideas. They deter not only genuine misconduct but also harmless (and even desirable) speech, which in higher education is central both to the purpose of the institution and to the employee's profession and performance. Legislative remedies should not be necessary, but they are. In 1993 California saw fit to enact a new law guaranteeing “students... the same right to exercise their free speech on campus as they enjoy when off campus.” Cal. [Schools and School Districts] Code § 4(b) (West 1997).

The clear line to be drawn between academic freedom and actionable harassment is the same as that between speech and conduct. The former is almost always protected by the First Amendment, the latter can be constitutionally proscribed.

<sup>107</sup> Some teachers have dropped references to the Holocaust studies altogether, so as to avoid offending children of certain races or religions. See Alexandra Frean, Schools Drop Holocaust to Avoid Offense, *The Times* (London), April 2, 2007 at p.8. See also Abraham Cooper and Harold Brackman, You Can't Teach History Without the Holocaust, *The Globe and Mail* (Canada), April 16, 2007 at p. A13.

<sup>108</sup> See Julia Neuberger, A Brief History of the Wickedest Lie of All, *London Times*, May 4, 1995 at Features 1.

<sup>109</sup> Kenney, *supra* note 89 at 62.

invoke the First Amendment to support their decisions. Although some universities argue that this has nothing to do with free speech, few cite the express policy of most campus newspapers not to run racist, sexist, or religiously-offensive advertisements.

The anti-Semitic motivation of Holocaust deniers becomes clear when viewed in the very limited context of their revisionism: none of them would deny that the Second World War or even specific battles happened. In my opinion, it is all the more bizarre (and dangerous) for politically-correct campuses to give safe haven to Holocaust deniers, and make their cause a free-speech issue at that.<sup>110</sup>

Another aspect of political correctness that affects recognition of the Holocaust is its tendency to view events in relative and subjective terms. When the Holocaust is portrayed as just another example of man's inhumanity to man—and perceived solely in the context of other social dilemmas such as abortion, child abuse, discrimination against homosexuals, and domestic violence, its impact as a unique atrocity is minimized.<sup>111</sup>

Likewise, the politically-correct inclination is to downplay (or deny) the dark and brutal sides of life and to emphasize the saving powers of individual and collective morality. Events are more often portrayed as uplifting human triumphs over adversity than as tragedies (witness *The Diary of Anne Frank*), and it seems to have become a more palatable proclivity to celebrate survivors and rescuers than to dwell on mourning victims (witness *Schindler's List*).<sup>112</sup>

Often overlooked in the wars of words on American campuses is that there are other ways for universities to combat the problem of hateful and bigoted speech, strategies that do not interfere with students' or professors' constitutionally-protected rights. All educational institutions (both public and private), for that matter, should teach civility and tolerance along with history and scientific method. The example set is the lesson learned.

What lesson can be learned from Holocaust denial?

## Part II—Freedom of and Against Expression

### Arguments in Deference to Freedom of Expression

The traditional justification for viewing the U.S. Constitution's First Amendment guarantee of free expression as virtually absolute—the exceptions are few and narrow in scope—is to encourage an open and unfettered exchange of ideas.<sup>113</sup>

<sup>110</sup> Ibid.

<sup>111</sup> See Alvin H. Rosenfeld, *The Americanization of the Holocaust*, Commentary, June 1, 1995 at 35, 36. Ironically, the concept that the Holocaust was unique has been diminished by both the United States Holocaust Museum in Washington, D.C., and the Simon Wiesenthal Center's Museum of Tolerance in Los Angeles. The Holocaust Museum's ultimate goal is an "en masse understanding that we are not about what the Germans did to Jews but what people did to people." Ibid. The Museum of Tolerance situates the Holocaust within a historical framework that includes such non-genocidal social problems as the Los Angeles riots and the struggle for black civil rights. Ibid.

<sup>112</sup> Ibid. at 37–38.

<sup>113</sup> See *Whitney v. California*, 274 U.S. 357, 372–80 (1927) (Brandeis, J., concurring); *Abrams v. United States*, 250 U.S. 616, 624–31 (1919) (Holmes, J., dissenting).

Thoughts that are abhorrent to a free society, the argument goes, will wither when aired and fester when suppressed.<sup>114</sup> Moreover, who is to decide which ideas are abhorrent? Certainly not the government, reasoned the Constitution's Framers. Free speech is so precious and delicate a liberty it must be preserved at great cost.<sup>115</sup> Thus, the depth of conviction in Voltaire's oft-quoted declaration: "I disapprove of what you say but I will defend to the death your right to say it."<sup>116</sup>

The interest which the First Amendment guards and which gives it its importance, said Learned Hand, presupposes that there are no orthodoxies—religious, political, economic, or scientific—which are immune from debate.<sup>117</sup> Others have pointed to the First Amendment's goal of ascertaining the truth: "Through the acquisition of new knowledge, the toleration of new ideas, the testing of opinion in open competition, the discipline of rethinking its assumptions, a society will be better able to reach common decisions that will meet the needs and aspirations of its members."<sup>118</sup>

A more current statement of jurisprudential philosophy justifying traditional First Amendment principle, particularly the notion that American concepts of tolerance are noble and defensible, was voiced by Columbia University President Lee Bollinger in his oft-cited 1986 book entitled *The Tolerant Society*.<sup>119</sup> Extolling the virtue of magnanimity and the First Amendment's function in developing a capacity for tolerance, Bollinger claimed that the toleration of verbal acts inculcates a "tolerance ethic," which he described as "a general disposition of being able to put aside our beliefs, of overcoming the instinct to have things our own way, to control, to dominate. It is to live in a world of difference, and to do so comfortably." In essence, he said, "tolerance is to democracy what courage is to war."<sup>120</sup>

Among the most frequently cited arguments in favor of protecting offensive expression are to preserve legitimate scientific and scholarly inquiry, to document bigotry in all its forms, and to avoid the dangers of line-drawing that censorship and criminalization often encumber. Both legitimate scientific method and traditional scholarly inquiry demand that all evidence be recognized, investigated, and analyzed before conclusions can be drawn.<sup>121</sup> This standard applies not only to orthodox views, but to unpopular (even offensive) ones as well.

<sup>114</sup> Whitney, 274 U.S. at 375–76.

<sup>115</sup> See Lasson, *supra* note 118, at 78.

<sup>116</sup> There is some doubt that Voltaire actually made this statement, although it is indicative of an attitude attributed to him. See Stevenson, B. (10th ed. 1967). *The home book of quotations*, and Tallentyre, S.G. (1907). *The friends of Voltaire*.

<sup>117</sup> See International Bhd. of Elec. Workers Local 501 v. NLRB, 181 F.2d 34, 40 (2d Cir. 1950), *aff'd*, 341 U.S. 694 (1951).

<sup>118</sup> Thomas I. Emerson, *Toward a General Theory of the First Amendment*, 72 YALE L.J. 854, 882 (1963). Professor Emerson's seminal article suggested three other First-Amendment values besides truth-seeking: individual self-fulfillment; securing participation by members of society in social and political decision-making; and maintaining a balance between stability and change.

<sup>119</sup> Bollinger, L. (1986). *The tolerant society: freedom of speech and extremist speech in America*.

<sup>120</sup> Lee C. Bollinger, *The Tolerant Society: A Response to Critics*, 90 COLUM. L. REV. 979, 986–88 (1990).

<sup>121</sup> See, for example, Nagel, E. (1961). *The structure of science: problems in the logic of scientific explanation*.

In a true democracy the government may not dictate what is right or wrong, true or false. No matter how obvious the distinctions may appear to be between historical fact and racist theory—a differentiation perhaps best illustrated by Holocaust denial—only The People can reject the expression of any thought, whether spoken or written, and even then only as a matter of individual choice.<sup>122</sup>

It follows that we should educate our children to tolerate the diverse views of a pluralistic society. Just as we countenance others who advocate different ways of looking at the world, even as we may disagree with them, our textbooks should reflect the existence (if not the soundness) of denial theories. If public schools teach the Holocaust as a historical event, they must also teach that it may not have happened; if parents object to what they consider a historical fabrication, their children should be excused from class; if a state university funds speakers, it must tolerate deniers. Just as Holocaust denial may be seen as a threat to the ultimate power of reason, belief in the ultimate power of reason requires recognition of denial theories.<sup>123</sup>

If reason is to prevail, the existence of racism in all forms must be documented. This is true of both fact and fiction. If we are to learn from history, what is the difference between the Nazis' foul deeds and their descendants' denial of them? It is as important for later generations to witness the propaganda of genocide as to see its effects, to hear the exhortations of racism as well as its results. Why should we suppress Holocaust denial when we have the benefit of the Nazis' own diabolically meticulous record keeping, the millions of personal effects they confiscated and itemized, the identification numbers burned into the flesh of their victims' arms, the logs of scientific experiments in torture, and ultimately the precise tallies of lives snuffed out? Both the propaganda and the facts depict the personification of evil. To expurgate either would blur the facts of history and blot out the memory of all those martyred because of their ethnicity, murdered because of their race.

Few Americans want the government to decide for them what they can hear on the street corner, read in the library, or see in the cinema. It is not difficult to find abuses in the name of fair play, especially in countries which (unlike the U.S.) permit censorship and criminalization of that which the government finds to be hate speech.<sup>124</sup> Criminalization illustrates the difficulties of line-drawing. For example, the distinguished historian Bernard Lewis was recently found guilty, in Paris, France, of expressing doubts that the massacre of 1.5 million Armenians early in this century by the Ottoman Empire could be correctly termed a "genocide."<sup>125</sup>

<sup>122</sup> See Debate, *supra* note 2, at 588 (statement by Alan Dershowitz).

<sup>123</sup> See Suzanna Sherry, *The Sleep of Reason*, 84 GEO. L.J. 453, 483–84 (1996). But see *infra* notes 243 and accompanying text (suggesting the Holocaust is a crime that lies outside both speech and reason).

<sup>124</sup> For a list of those countries, see *infra* notes 208ff.

<sup>125</sup> At first several Armenian groups sought to have Prof. Lewis prosecuted under France's criminal Holocaust denial law, but a court ruled that the statute applied only to the Nazi regime of terror. The groups were more successful before a subsequent civil tribunal, which found Lewis guilty and fined him \$2000 (while declining to rule on whether his opinion as expressed was right or wrong). See *'Hate Speech' Again, Abroad*, WASH. POST, Sept. 9, 1995, at A16: "When a court is willing to punish a scholar—or anyone, for that matter, for expressing an 'insulting' opinion on a historical matter, even when debate on the point in question has been raging worldwide for years, the absurdity and perniciousness of such laws is on full display." *Ibid.*

In Germany, a relatively recent law makes it a crime to deny the Holocaust “or another violent and arbitrary dominance.”<sup>126</sup> This clause became quite contentious, the resulting controversy centering around the issues of restricting historical facts, promoting national consciousness, attributing collective guilt, and identifying the role of courts in punishing lies. Should denial of the violent expulsion of Germans from Soviet-occupied East Germany be punishable? In other words, was the Holocaust a unique phenomenon?<sup>127</sup>

If Auschwitz is unique, the argument goes, then the clause “or another violent and arbitrary dominance” should have been eliminated. This addition renders the Holocaust unjustifiably relative and offends both the memory of those murdered and the sensibilities of survivors.<sup>128</sup> In addition, the experience with earlier legislation shows that hate-speech defendants, almost without exception, remain convinced if not strengthened in the truth of their contentions. Not only is deterrence unlikely, there is a real danger of backlash. The lie is forbidden but liars remain. The judicial process cannot carry the burden of education that should fall to family, school, and political discourse. To the contrary, the German courts have become forums for neo-Nazi propaganda.<sup>129</sup>

Moreover, the task of drawing a line between “good” and “bad” is exceedingly difficult. Every year in the U.S., various books are banned by public libraries. They have included everything from Thomas Paine’s *The Age of Reason* and John Steinbeck’s *The Grapes of Wrath* to Charles Darwin’s *On the Origin of the Species* and the King James version of the *Holy Bible*.<sup>130</sup> In recent years the growing influence of the religious right has been reflected in challenges to books about the occult, homosexuals, and racial minorities.<sup>131</sup>

In Canada, customs officials issue a list of imported materials that are reviewed for their potential to stir up racial hatred. Of the ninety titles on a recent list, only four were banned, including the standard anti-Semitic text, *The Protocols of the Elders of Zion*; Henry Ford’s *The International Jew: The World’s Foremost Problem*; and Arthur Butz’s *The Hoax of the Twentieth Century*. Those that were not banned included Neal Gabler’s *An Empire of Their Own: How Jews Invented Hollywood* and a CD entitled *Aryan Outlaws in a Zionist Police State*.<sup>132</sup>

There is little evidence that banning hate speech and literature serves to inhibit it. On the other hand, line-drawing has proven all but impossible.<sup>133</sup>

<sup>126</sup> Stein, *supra* note 79, at 323–24 (translating Art. 194 StGB). Germany also recently used its presidency of the European Union to replicate its strict laws prohibiting Holocaust denial. See David Charter, *EU Declares Trivializing Genocide A Crime*, NSW COUNTY EDITION, April 21, 2007 at p. 14.

<sup>127</sup> See Correspondence, *On the ‘Auschwitz Lie,’* 87 MICH. L. REV. 1026, 1031 (1989).

<sup>128</sup> Ibid.

<sup>129</sup> See Stein, *supra*, note 79 at 315. Bollinger was roundly criticized for inviting Ahmadinejad to Columbia. See, e.g., Harvey Mansfield, *The Tough-Guy Liberal*, *The Weekly Standard*, Oct. 8, 2007.

<sup>130</sup> See Rekha Basu, *Banned Books Given Spotlight*, *DES MOINES REG.*, Sept. 29, 1995, at 1.

<sup>131</sup> For example, in Queens, N.Y., a book about Martin Luther King was opposed by a schoolboard member who viewed him as a “leftist hoodlum with significant Communist ties.” Ibid. at 1.

<sup>132</sup> See Carol Berger, *Hate Book Sparks Debate of Freedom*, *EDMONTON J.*, Jan. 24, 1995, at A7.

<sup>133</sup> For a recent learned article arguing why democratic principles of free speech should trump laws that prohibit Holocaust denial, see Peter R. Teachout, *Making Holocaust Denial A Crime: Reflections on European Anti-Negationist Laws from the Perspective of U. S. Constitutional Experience*, 30 VT. L. REV. 655 (2007).



## Arguments in Favor of Regulating Hate Speech

A persistent American shibboleth is that the First Amendment is virtually absolute—that the Constitution guarantees everyone the freedom of self-expression, and anything which restricts this right is a step on the road toward tyranny. In the vernacular, “It’s a free country and I can say whatever I want.”<sup>134</sup>

That it is difficult to draw a line between acceptable and nonacceptable expression, however, and hard to allocate responsibility for deciding what speech should be restricted, is too facile a rationale to justify a rule of absolute construction. The carefully drawn exceptions to the rule of free speech are based on logical demonstrations that there are certain utterances which must be limited even (if not especially) in a democratic society.<sup>135</sup>

The very existence of the doctrines in exception—such as those involving “fighting words,” “clear and present danger,” “captive audience,” “legitimate time, place, and manner restrictions”<sup>136</sup>—belies the simplistic popular understanding of free speech.<sup>137</sup> Such contextual limitations are joined by those which regulate content like obscenity and pornography,<sup>138</sup> matters of national security,<sup>139</sup> and threats against the President.<sup>140</sup> It is unarguable that there should be absolute freedom to think what one wants; it does not follow, however, either legally, logically, or philosophically, that one may openly express whatever one thinks, whenever and wherever one desires.<sup>141</sup> A majority of civil libertarians continue to advocate the First Amendment ideology that no orthodoxies should be immune from debate and dispute, but a growing number of constitutional scholars have begun to argue that that view should be “bemoaned and resisted rather than accepted or celebrated.”<sup>142</sup>

Those in favor of regulating hate speech are often held to a higher standard (if not regarded in lower esteem) by First Amendment purists. For example, historian

<sup>134</sup> Justices Hugo Black and William O. Douglas generally took the First Amendment literally to mean that Congress could make no law abridging free speech “without any ‘ifs’ or ‘buts’ or ‘whereases.’” *Beauharnais v. Illinois*, 343 U.S. 250, 275 (1952) (Black, J., dissenting); see also *Columbia Broadcasting Sys., Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94, 156 (1973) (Douglas, J., concurring) (“The First Amendment is written in terms that are absolute.... The ban of ‘no’ law that abridges freedom of the press is in my view total and absolute.”).

<sup>135</sup> Lasson, *supra* note 118, at 79.

<sup>136</sup> For a comprehensive discussion, see Smolla, r. (3d ed. 1996). *ISmolla & Nimmer on freedom of speech* § 10.

<sup>137</sup> See generally Kenneth Lasson, *Racial Defamation as Free Speech: Abusing the First Amendment*, 17 *COLUM. HUM. RTS. L. REV.* 11, 20–30 (1985).

<sup>138</sup> See, for example, *New York v. Ferber*, 458 U.S. 747 (1982); *Young v. American Mini Theaters*, 427 U.S. 50 (1976); *Roth v. United States*, 354 U.S. 476 (1957).

<sup>139</sup> See, for example, *Dennis v. United States*, 341 U.S. 494 (1951); *Debs v. United States*, 249 U.S. 211 (1919); *Frohwerk v. United States*, 249 U.S. 204 (1919).

<sup>140</sup> See, for example, *Watts v. United States*, 394 U.S. 705 (1969).

<sup>141</sup> See Mayer, *supra* note 119 at 171–72 (discussing Jefferson’s views on the liability of publishers for false facts printed, despite freedom of the press, and criminal acts dictated by religious error as punishable despite guarantee of free exercise of religion); see generally Lasson, *supra* note 118 at 97.

<sup>142</sup> Frederick Schauer, *The First Amendment as Ideology*, 33 *WM. & MARY L. REV.* 853, 854 (1992).



Leonard Levy's sponsors refused to publish his conclusion that (contrary to his earlier beliefs) the Framers of the U.S. Constitution had a far narrower conception of free speech and press.<sup>143</sup> Other arguments in support of regulating hate speech are often stigmatized by the widely-accepted ideology that urges courts to offer even greater protections of free speech.<sup>144</sup>

Even Bollinger concedes that "tolerance has its limits" and that different societies must of necessity treat hate speech differently.<sup>145</sup> The slippery slope theory so often invoked by civil libertarians—dubbed by one doubter as "trickle-down chilling"<sup>146</sup>—has not materialized in any other Western democracy. Yet all Western democracies but the United States have laws prohibiting the dissemination of hate speech.<sup>147</sup> Traditional libertarians also argue that if one government can officially stipulate that the Holocaust occurred, then another government somewhere, sometime, can declare that it did not occur. Others say, "the grander the truth, the bigger the lie."<sup>148</sup> But such arguments are rendered speculative and facile, and ultimately meritless, when placed in the real life context of what happens elsewhere. A number of legal scholars have asserted that the harm of hate speech matters. Whatever form such speech takes, its purpose and effect are to deny the humanity of a group of people, making them objects of ridicule and humiliation so that acts of aggression against them, no matter how violent, are taken less seriously.<sup>149</sup> Meanwhile, the targets of such behavior often respond to it with fear and withdrawal: The more they are silenced, the deeper their inequality becomes; many suffer post-traumatic stress disorders of varying degrees.<sup>150</sup>

Hate speech may be analyzed as the first stage in a continuum of increasing violence and intimidation, followed by avoidance, discrimination, attack, and extermination. As illustrated by the history of the Third Reich, each stage is dependent upon the preceding one: it was Hitler's vocal anti-Semitism that led Germans to avoid their Jewish neighbors and friends, which in turn enabled easier enactment of the blatantly discriminatory Nuremberg laws, which in turn made synagogue desecration and street mugging more acceptable, which in turn allowed for creation of the killing fields in the death camps.<sup>151</sup>

<sup>143</sup> See generally Levy L. (1960). Legacy of suppression: freedom of speech and press in early American history.

<sup>144</sup> See generally Schauer, *supra* note 187.

<sup>145</sup> Bollinger, *supra* note 233 at 995. In Germany, for example, as long as the Holocaust remains part of recent memory, it will be difficult not to punish the expression of Nazi ideology. *Ibid.* at 990.

<sup>146</sup> Schauer, *supra* note 187 at 867.

<sup>147</sup> See Nationmaster.com, available on the Internet at [http://www.nationmaster.com/red/graph/gov\\_law\\_aga\\_hol\\_den\\_pen\\_for\\_vio\\_min-holocaust-denial-penalties-violation-minimum&b\\_printable=1](http://www.nationmaster.com/red/graph/gov_law_aga_hol_den_pen_for_vio_min-holocaust-denial-penalties-violation-minimum&b_printable=1).

<sup>148</sup> Debate, *supra* note 2 at 571, 582–83.

<sup>149</sup> See Kathleen E. Mahoney, *Hate Speech: Affirmation or Contradiction of Freedom of Expression*, 96 U. ILL. L. REV. 789, 792 (1996).

<sup>150</sup> See generally Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-calling*, 17 HARV. C.R.-C.L. L. REV. 133 (1982); Mari M. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320 (1989).

<sup>151</sup> See Allport, G. (1954). *The nature of prejudice*.

The capacity of speech to cause injury in diverse ways is often viewed as a price that must be paid to ensure a truly free and democratic society. But even free societies must allocate the cost of injuries. If we permit individuals to recover damages for defamation, why not permit groups to prove that they (that is, their members) have suffered injury from hate speech?<sup>152</sup> The argument that it is too difficult to draw the line between what is acceptable speech and what is not often fails to countenance the idea that the entire history of law could be described in terms of reasonable line-drawing. This has been true even in First Amendment cases, such as those involving false advertising,<sup>153</sup> offensive pornography,<sup>154</sup> state secrets,<sup>155</sup> and defamation.<sup>156</sup> People who feel they have been grievously hurt by someone else's words—such as Holocaust survivors whose suffering has been denied<sup>157</sup>—ought to have a civil remedy. Free speech should not mean speech without cost.<sup>158</sup>

A tort action for intentional infliction of emotional distress would seem to be an appropriate remedy for racial insults, but courts have generally limited recovery to plaintiffs who suffered some physical injury caused by “extreme and outrageous conduct.”<sup>159</sup> In many instances racial insults would fall short of that standard, particularly if they were simply statements of opinion. Calls to establish another tort, one specifically aimed at combating racial insults, have thus far fallen on deaf ears.<sup>160</sup>

The few plaintiffs who have been awarded damages for emotional distress caused by hate speech have not been challenged on First Amendment grounds.<sup>161</sup> If they had been, however, good counter-arguments could be made that such speech does not fall within any of the classic categories of values said to be protected by the U.S.

<sup>152</sup> See Lasson, *supra* note 182 at 108–28.

<sup>153</sup> See, for example, *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976).

<sup>154</sup> See, for example, *New York v. Ferber*, 458 U.S. 747 (1982); *Miller v. California*, 413 U.S. 15 (1973).

<sup>155</sup> See, for example, *Nixon v. Administrator of Gen. Servs.*, 433 U.S. 425 (1977); *New York Times Co. v. United States*, 403 U.S. 713 (1971).

<sup>156</sup> See, for example, *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974); *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

<sup>157</sup> See *Skokie v. National Socialist Party of Am.*, 373 N.E.2d 21 (Ill. 1978) (allowing neo-Nazis to march through residential area largely inhabited by Holocaust survivors).

<sup>158</sup> See Debate, *supra* note 2 at 576 (quoting Arthur Berney).

<sup>159</sup> Restatement (Second) of Torts § 46 (1965). See also Stephen Fleischer, *Campus Speech Codes: The Threat to Liberal Education*, 27 J. MARSHALL L. REV. 709, 724–25 (1994). But see Geri J. Yanover, *Anti-Semitism and Holocaust Denial in the Academy: A Tort Remedy*, 101 DICK. L. REV. 71 (1996) (arguing strongly for the viability of intentional infliction of emotional distress as a remedy for Holocaust denial).

<sup>160</sup> See Delgado, *supra* note 195 at 252. Prof. Delgado notes, however, that although his call for establishment of a tort for racial insults has not been heeded, over the years since his article first appeared, a number of courts have recognized various causes of action to redress racist slurs. Telephone Conversation with Richard Delgado, Professor of Law, UCLA Law School (Sept. 11, 1996).

<sup>161</sup> See Delgado, *supra* note 195 at 172; see also *Wiggs v. Courshon*, 355 F. Supp. 206 (S.D. Fla. 1973); *Agarwal v. Johnson*, 603 P.2d 58 (Cal. 1979); *Alcorn v. Ambro Eng'g, Inc.*, 468 P.2d 216 (Cal. 1970); *Contreras v. Crown Zellerbach, Corp.*, 565 P.2d 1173 (Wash. 1977).

Constitution: These include individual self-fulfillment; truth-seeking; securing participation by members of society in social and political decision-making; and maintaining a balance between stability and change. Bigotry stifles, rather than enhances, moral and social growth. If truth-seeking is to achieve the best decisions on matters of interest to all, most racial insults can be distinguished: a call for genocide can hardly be characterized as the best decision for all. Rather than allow all members of society to voice their opinions, racial insults contribute to a stratified society. Finally, rather than contribute to a balance between stability and change, racial insults foment discord and violence.<sup>162</sup>

### The Experience Elsewhere

The Convention on the Elimination of All Forms of Racial Discrimination requires the condemnation and criminalization of “all propaganda... based on ideas or theories of superiority... or which attempt to justify or promote racial hatred and discrimination in any form.”<sup>163</sup> The European Commission on Human Rights has found such laws to be justifiable limits on the freedom of expression.<sup>164</sup> In fact, every Western democracy with the exception of the U.S. has laws punishing various forms of hate speech and a number of them specifically prohibit Holocaust denial.<sup>165</sup> The debate elsewhere is not whether to control hate speech, but how.

Canada, England, France, Germany, and Sweden are most notable among the countries whose values of social liberty are similar to those in the U.S.

Even though Canada’s Charter of Rights and Freedoms<sup>166</sup> provides a comprehensive guarantee for free speech with language even broader than that of the First Amendment, the country also has a number of other laws that effectively seek to regulate hate speech. A criminal statute prohibits three types of hate propaganda: (a) advocacy of genocide; (b) communications inciting hatred against an identifiable group where a breach of the peace is likely to follow; and (c) public and willful expression of ideas intended to promote hatred against an identifiable group.<sup>167</sup> In addition, Canada’s Human Rights Act prohibits use of the telephone to record hate messages.<sup>168</sup> The Broadcasting Act authorizes standards for radio and television, and prohibits abusive comment likely to expose individuals or groups to contempt on the basis of their race, ethnicity, religion, sex, color, age, or mental or physical disability.<sup>169</sup> The Customs Act

<sup>162</sup> See Emerson, *supra* note 163, at 879–86. This function of the First Amendment has been viewed by some as limited to political *ideas*. See Delgado, *supra* note 195 at 175–79; see generally ALEXANDER MEIKLEJOHN, *POLITICAL FREEDOM* (1960).

<sup>163</sup> Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 194, 3 I.L.M. 164, 166–67.

<sup>164</sup> See Roth, S. (1995). *The legal fight against anti-Semitism: survey of developments in 1993*.

<sup>165</sup> *Ibid.* Countries punishing hate speech generally include Belgium, Brazil, Cyprus, England, Italy, and The Netherlands. Those specifically prohibiting Holocaust denial include Austria, Belgium, France, Germany, Israel, and Switzerland.

<sup>166</sup> Canadian Charter of Rights and Freedoms, 1 S.C. V (1982).

<sup>167</sup> Criminal Code, R.S.C., ch. C-46, § 319 (1985) (Can.).

<sup>168</sup> Canadian Human Rights Act, R.S.C., ch. H-6 (1985) (Can.).

<sup>169</sup> Broadcasting Act, R.S.C., ch. B-9, § 3 (1985) (Can.).

prohibits importation of hate propaganda.<sup>170</sup> Canadian courts have held that hate speech does not belong in any category of expression that deserves constitutional protection. Interestingly, one Canadian court expressly supported that principle by extensive references to American cases, especially *Beauharnais v. Illinois*.<sup>171</sup>

Although the most famous test case in Canada was that of Zundel (noted earlier),<sup>172</sup> which claimed that the Holocaust was in fact a Zionist swindle, equally pertinent was another challenge to the statute prohibiting Holocaust denial. There, a Canadian high-school teacher was charged with violating the Criminal Code for teaching his students that the Holocaust was a hoax and that Jews were responsible for all the world's problems; if the students' exams reflected his view, they received good grades; if not, poor ones. He argued that the law infringed upon his guaranteed right to free expression.<sup>173</sup>

In upholding the legislation, the Supreme Court of Canada linked the psychological and emotional harm caused by hate propaganda to the target group's constitutional right of equality. The court found that hate propaganda against particular groups must be prevented if multi-culturalism is to be preserved and enhanced; that its "truth value" is marginal; that it denies citizens meaningful participation in the democratic process; and that its contribution to self-fulfillment and human flourishing is negligible.<sup>174</sup>

England has sought by statute to restrict racist expression since 1936, when the Public Order Act was passed to combat anti-Semitic fascist demonstrations.<sup>175</sup> The act banned the wearing of uniforms during public demonstrations and broadened the state's power to prohibit a march or demonstration deemed likely to lead to a breach of the peace. The law was periodically strengthened, so that by 1963 the burden was placed on the speaker to prove that his words were not likely to provoke a breach of the peace.<sup>176</sup> Subsequent acts prohibited the display of any threatening signs and racial incitement by spoken or written words.<sup>177</sup>

<sup>170</sup> Customs Act, R.S.C., ch. 1, § 181 (1985) (Can.).

<sup>171</sup> 343 U.S. 250 (1952) (holding that defamation of groups may be treated the same way as libel of individuals); see *R. v. Keegstra* [1990] 3 S.C.R. 697, 707, 739–41 ("Credible arguments have been made that later Supreme Court cases do not necessarily erode [*Beauharnais*'] legitimacy (see, for example, K. Lasson, *Racial Defamation As Free Speech: Abusing the First Amendment*, 17 COLUM. HUM. RTS. L. REV. 11(1985)).

<sup>172</sup> *R. v. Zundel* [1987] 7 W.C.B.2d 26, aff'd, [1990] 9 W.C.B.2d 238, rev'd, [1992] 17 W.C.B.2d 106. See *supra* note 70 and accompanying text.

<sup>173</sup> See *R. v. Keegstra* [1990] 3 S.C.R. 697.

<sup>174</sup> *Ibid.* See also *Canadian Human Rights Comm'n v. Taylor* [1990] 3 S.C.R. 892 (denying protection to a group prosecuted for operating a telephone service which played prerecorded messages denigrating the Jewish race and religion); *R. v. Andrews* [1990] 3 S.C.R. 870 (refusing to extend constitutional protection to leaders of a white supremacist group prosecuted for publishing a newspaper that expressed anti-Semitic beliefs, including the proposition that the Holocaust was a Zionist hoax). A Canadian group also proposed that Ahmadinejad be indicted for advocacy of genocide. See "Cotler Speech to Target Iran for Genocidal Policy," CTV Television, Inc., Jan. 23, 2007.

<sup>175</sup> Public Order Act, 1936, 1 Edw. 8 & 1 Geo. 6, ch. 6 (Eng.).

<sup>176</sup> Public Order Act, 1963, ch. 52 (Eng.).

<sup>177</sup> Race Relations Act, 1965, ch. 73 (Eng.); see generally Kenneth Lasson, *Racism in Great Britain: Drawing the Line on Free Speech*, 7 B.C. THIRD WORLD L.J. 161 (1987).

In France, more than one famous figure has faced charges for negating crimes against humanity, a criminal offense. Most recently the French author Roger Garaudy was cited for denouncing what he called Jewish “Shoah business” and claiming that Israel has exploited the Holocaust to put itself “above all international law.”<sup>178</sup> In 1990, Jean-Marie Le Pen, leader of France’s right-wing National Front party, referred to the Nazi gas chambers as “a detail of history.” Outraged survivors joined in a lawsuit against him, and a local court found Le Pen guilty of trivializing the Holocaust and fined him a symbolic one franc. But Le Pen appealed the ruling, claiming his freedom of expression was being denied. A court of appeals not only upheld the decision, but increased the fine to 900,000 francs (about \$180,000).<sup>179</sup>

In Germany, free speech claims must be weighed against the values of human dignity and personal honor.<sup>180</sup> A 1985 law, motivated primarily by the perceived need to facilitate prosecution of an increasing number of cases involving the “Auschwitz lie” (the claim that Germany’s attempts to exterminate European Jews never took place), made it a crime in Germany to deny the Holocaust “or any other violent and arbitrary dominance.”<sup>181</sup> The law prohibits attacks on human dignity by incitement to hatred and dissemination of writings instigating hatred (both offenses against the public peace), and the less serious and less punishable offenses of insult, ridicule, and defamation.<sup>182</sup> The new law in essence eliminated the old requirement that an insult be prosecuted by way of a private petition, and added a clause that the insulted party be a member of a group that was persecuted “under the National Socialist or another violent and arbitrary dominance.”<sup>183</sup>

As noted earlier, the law’s inclusion of “another violent and arbitrary dominance” has become the source of some contention.<sup>184</sup> How much historical speech can be reasonably restricted? What role should the courts play in punishing lies? Should denial of the violent expulsion of Germans from Soviet-occupied East Germany be punishable? In other words, was the Holocaust a unique phenomenon? If Auschwitz is unique, the law should single it out as well; punishing denial of “any other violent

<sup>178</sup> See *supra* notes 73–74 and accompanying text.

<sup>179</sup> See “Comeuppance for a Bigot,” *TIME*, Apr. 1, 1991, at 50. It was not until 1995 that France publicly admitted responsibility for deporting almost 70,000 Jews to Nazi death camps—only 2,800 of whom returned. See Gail Russell Chaddock, *Cleric’s Comments Ignite the Fury of French Media*, *CHRISTIAN SCI. MONITOR*, July 25, 1996, at 5.

<sup>180</sup> See Donald P. Kommers, *The Jurisprudence of Free Speech in the United States and the Federal Republic of Germany*, 53 *S. Cal. L. Rev.* 657, 693 (1980).

<sup>181</sup> Stein, *supra* note 79 at 322 (translating Art. 130 StGB) (punishing attack on human dignity by incitement to hate). The new law was prompted by a sharp increase in neo-Nazi activities in the 1980s. *Ibid.* at 305.

<sup>182</sup> *Ibid.* (translating Art. 130 StGB). The law against insult (§ 185), which punishes offenses against personal honor, has been part of Germany’s Criminal Code since its inception in 1871. From that year until the end of World War II, although the German Supreme Court regularly utilized this article to protect Germans living in Prussian provinces, large landowners, all Christian clerics, and German military officers, it consistently refused to apply the same law to insults against the Jewish people. *Id.* at 286. That failure is in striking contrast to the current application of the law, which singles out Jews as a group for special protection.

<sup>183</sup> *Ibid.*

<sup>184</sup> See *supra* note 171 and accompanying text.

and arbitrary dominance” offends both the memory of those murdered and the sensibilities of survivors. When the last victim of Nazi Germany has passed on, will there be anyone to initiate prosecution?<sup>185</sup>

Despite the law’s somewhat vague language and its political implications, most German courts and prosecutors have tried seriously to apply it in specific cases. The Federal Supreme Court, the country’s highest tribunal in civil and criminal matters, took judicial notice that the Holocaust occurred and summarily dismissed the constitutional free-speech question:

No one who denies the historic fact of the murder of the Jews in the “Third Reich” can invoke the guarantee of freedom of opinion.... Even in a confrontation on a question that concerns substantially the public as is the case here, no one has a protected interest to publicize untrue allegations. The documents about the destruction of millions of Jews are overwhelming.<sup>186</sup>

Although German trial courts have been somewhat reluctant to convict those charged with attacks on human dignity, their decisions have frequently been overturned by the state courts of appeal and, even more consistently, by the Federal Supreme Court. This phenomenon may be explained by the younger age of trial judges, who may be less likely to be burdened by oppressive memories and personal guilt about the Holocaust, and are perhaps less responsive to the national policy that has reflected both recent experience and a sensitivity to international opinion.<sup>187</sup>

A broad range of activities has been prosecuted, including remarks by teachers and students that the death of Jews in concentration camp gas chambers was “an American invention.” In one notable case, the publisher of a periodical was charged with inciting insults for printing a letter to the editor which branded the “destruction of six million Jews” a lie and declared: “Thus, once more one who opposes Jewish propaganda is silenced while Jews (!) are trained as teachers for German children.” The trial court dismissed the charge on the ground that the editor could not be held criminally responsible for merely publishing a letter addressed to him, but the appeals court reversed, reasoning that publication of the letter was likely to “disturb public peace by potentially shaking the sense of security of the attacked group or by provoking the ‘incited’ group to insults.”<sup>188</sup>

In 1994, Germany’s constitutional court ruled that groups propagating the so-called “Auschwitz lie” cannot invoke freedom of speech as a defense.<sup>189</sup> In 1995, a state court in Berlin convicted a leader of Germany’s neo-Nazi movement for spreading racial hatred and denigrating the state when he confronted visitors at the

<sup>185</sup> See Stein, *supra* note 79 at 312–13.

<sup>186</sup> BGH Gr. Sen. Z. 75, 160 (161). To the extent they have considered the constitutional question at all, the lower tribunals have taken essentially the same view. See Stein, *supra* note 79 at 288.

<sup>187</sup> Stein, *supra* note 79 at 289–99.

<sup>188</sup> *Ibid.*

<sup>189</sup> The decision banned a meeting at which British Holocaust-denier David Irving was to speak. The ruling also ordered regional courts in Germany to consider specifically whether defendants had insulted the dignity of Jews by propagating the Auschwitz lie. See “Holocaust Denial Not Covered by Free Speech,” Reuters World Service, April 26, 1994, available in Lexis News Library, REUWLD File.

Auschwitz concentration camp with his claim that the Holocaust never happened.<sup>190</sup>

While Sweden guarantees its citizens a number of specific liberties (including the freedoms of expression, press, and assembly), its Instrument of Government also sets explicit limits. For example, the Riksdag (Sweden's governing body) may restrict various freedoms of expression in order to achieve "a purpose which is acceptable in a democratic society."<sup>191</sup> With the same purpose, the Swedish Penal Code prohibits racial defamation.<sup>192</sup>

By way of stark contrast, the only jurisprudential remedy against Holocaust denial in the U.S. to date has been via contract law. In 1980, the IHR offered a fifty thousand dollar reward for proof that Jews were gassed at Auschwitz. A Holocaust survivor named Mel Mermelstein claimed the reward, submitting as proof declarations by other survivors who witnessed friends and relatives being taken away to their deaths by the Nazis. His own testimony described how he watched his mother and sister led to gas chambers. When the Institute told him the offer had been withdrawn because there had been no takers, he sued. The court, finding "the fact that Jews were gassed at Auschwitz is indisputable," ordered the reward paid.<sup>193</sup>

### Part III—The Quest for Truth in a Free Society

The devastating truth about the Holocaust is that it was a fact, not a dream. And the devastating truth about the Holocaust deniers is that they will go on using whatever falsehoods they can muster, and taking advantage of whatever vulnerabilities in an audience they can find, to argue, with skill and evil intent, that the Holocaust never happened. By being vigilant to these arguments we can all fight this second murder of the Jews—fight it, and weep not only for the victims' mortality but also for the fragility, and mortality, of memory.

— Sen. Orrin Hatch (1995)<sup>194</sup>

Without the past, without memory, without history, we are nothing, adrift. We place our destiny and dignity in the hands of the misfits and their projected psychoses. This movement is not an attack on the Holocaust, but on the very

<sup>190</sup> The defendant, Bela Ewald Althans, has garnered considerable press attention as he seeks to build links between neo-fascist groups across Germany and around the world. Today there are approximately 40,000 neo-Nazis among Germany's population of 80 million. See Rick Atkinson, Denial of Nazi Holocaust Brings 3 1/2-Year Sentence, *Washington Post*, Aug. 30, 1995 at A18.

<sup>191</sup> IG 2:12–2:14.

<sup>192</sup> Penal Code ch. 16, § 8 (1972). See generally Lasson, *supra* note 118, at 87–88.

<sup>193</sup> *Mermelstein v. Institute for Historical Review*, No. C356 542 (Cal. Super. Ct. July 22, 1985). The case was settled when the Institute agreed to pay the \$50,000, plus \$100,000 for Mermelstein's pain and suffering caused by the revoked offer. See also "Lawsuit Over Proof of Holocaust Ends with Payment to a Survivor," *New York Times*, July 25, 1985, at A12.

<sup>194</sup> 141 Cong. Rec. S16853 (daily ed. Nov. 9, 1995) (statement of Sen. Hatch) (quoting Dr. Walter Reich, Executive Director, United States Holocaust Memorial Museum).



notion of historical meaning. It is a revolt against reality, a threat not only to the past but to the future.

– James S. Robbins<sup>195</sup>

Veritas vos liberabit.

(The truth shall make you free.)

## Ignorance and Education

In a free society, it is up to the people to determine the facts of history. Courts and governments should not be arbiters of the truth, even if a monumental event indeed occurred.<sup>196</sup> But proving a crime as monstrous as genocide threatens to expose the law's limits. The capacity of the Nuremberg Tribunal to comprehend the practice of genocide in conventional terms of criminality was an overwhelming challenge, which may have contributed to a failure to grasp fully the nature and meaning of the Nazis' effort to exterminate the Jewish population of Europe.<sup>197</sup>

The argument that the Holocaust is a unique crime whose enormity puts it beyond traditional norms of trial and punishment cannot be easily dismissed. The world of Auschwitz has often been said to lie outside both speech and reason.<sup>198</sup>

Various polls have demonstrated that ignorance about the Holocaust is widespread. A 1992 survey found that thirty-eight percent of American high-school students and twenty-eight percent of American adults did not know what the Holocaust was.<sup>199</sup> A 2005 poll by the British Broadcasting Corporation found that sixty percent of women and people under thirty-five years of age did not know about Auschwitz, the most notorious of all Nazi death camps.<sup>200</sup>

Even supposedly well-educated people have difficulty identifying historical events related to the Holocaust. Many law students, for example, have never heard

<sup>195</sup> Robbins, *supra* note 31.

<sup>196</sup> As Justice Felix Frankfurter put it, "Courts ought not to enter this political thicket." *Colegrove v. Green*, 328 U.S. 549, 556 (1946). Even more to the point is Alan Dershowitz: "I am categorically opposed to any court, any school board, any governmental agent taking judicial notice about any historical event, even one that I know to the absolute core of my being occurred, like the Holocaust. I don't want the government to tell me that it occurred because I don't want any government ever to tell me that it didn't occur." Debate, *supra* note 2 at 566.

<sup>197</sup> See Douglas, *supra* note 119 at 453. Douglas also notes that by translating evidence of unprecedented atrocity into crimes of war, the Nuremberg prosecution was able to create a coherent and judicially manageable narrative of criminality that seemed to defy rational and juridical explanation. *Ibid.* at 454.

<sup>198</sup> See Steiner, G. (1966). *Language and Silence* 118, 123 (1966). If Auschwitz is unique, denying other violent and arbitrary dominance should be outside the purview of punishment. See *supra* note 243 and accompanying text.

<sup>199</sup> The poll was by Roper. See Jeroff, *supra* note 84. A poll by the same company in 2000 found that as many as eight percent of Americans may be deniers. Michael Berenbaum, The Growing Assault on the Truth of Absolute Evil, *Los Angeles Times*, Jan. 28, 2000 at p. B7.

<sup>200</sup> David McLoughlin, Understanding the Holocaust, *The Dominion Post* (Wellington, New Zealand), April 16, 2005 at p. 13. See also Alan Crawford, 'Look to Germany to Learn Lessons of Holocaust,' *The Sunday Herald*, Jan. 23, 2005 at p. 11.

of Krystallnacht.<sup>201</sup> Law professors, on the other hand, have a special responsibility to educate law students about those who would polarize by preaching doctrines of hatred, which logically and inevitably lead to acts of persecution.<sup>202</sup> The environment which enabled the Holocaust to happen has been described as the time “where technology was married to evil.”<sup>203</sup> The Internet provides electronic forums called newsgroups—one of which is devoted to revisionist history.<sup>204</sup> Recent patrons have included Bradley Smith’s Holocaust-denying IHR. “The Holocaust story,” says Smith, “is closed to free inquiry in our universities and among intellectuals. The Internet represents a huge potential audience at minimal cost.”<sup>205</sup> Due to the enormous size of the Internet, it is virtually impossible to monitor for hate speech.<sup>206</sup>

There can be little doubt that Holocaust denial will gain strength once there are no more victims alive to supply eyewitness testimony about Nazi atrocities.<sup>207</sup> Meanwhile, though, it has become less and less difficult for Holocaust deniers to find gullible converts among the growing numbers of young people with but a tenuous grasp of basic history.

The need to remember is made all the more critical by the existence of well-known political figures who at various times express sympathy for accused Nazi war criminals or doubt the extent of the Holocaust. The most notable current examples in the U.S. are recent presidential candidate Patrick Buchanan<sup>208</sup> and Nation of Islam leader Louis Farrakhan.<sup>209</sup>

Much could be learned by way of a well-produced video or film, documenting in irrefutable detail the historical record of the Holocaust. Archival footage of the death

<sup>201</sup> “The Night of Broken Glass,” Nov. 20, 1938, called by many the beginning of the Holocaust. See 141 Cong. Rec. S16853 (daily ed. Nov. 9, 1995). Every year the author asks his Civil Liberties students (all of whom are upperclassmen) if they have ever heard of Krystallnacht. Few answer in the affirmative.

<sup>202</sup> This responsibility was recognized at the 2007 Silberman Seminar for Law Faculty, The Impact and Legacy of the Holocaust on the Law, sponsored by the Center for Advanced Holocaust Studies of the United States Holocaust Memorial Museum, June 4–15, 2007, in Washington, D.C. See also Bruce Levine, *An Education in Law—For What Purpose?*, 34 Washburn L.J. 516 (1995).

<sup>203</sup> Robert Trussell, Couple Brings Reality of Holocaust Home to Younger Viewers with ‘Anne Frank,’ *Kansas City Star*, Mar. 15, 1996, at Preview 18 (quoting Mark Weitzman, Simon Wiesenthal Center).

<sup>204</sup> See Allison Sommer, Free Speech Advocates and Opponents Move Their Battle to the Net, *Jerusalem Post*, Feb. 9, 1996 at 7.

<sup>205</sup> Beck, *supra* note 44 at A1.

<sup>206</sup> See Carlos Alcala, Internet Warrior Takes on Holocaust Revisionists, *Sacramento Bee*, Dec. 16, 1994, at A1; see also Daniel Akst, Postcard from Cyberspace, *L.A. Times*, May 17, 1995, at D4; Sommer, *supra* note 249 at 7.

<sup>207</sup> See Judith Miller, Erasing the Past: Europe’s Amnesia about the Holocaust, *New York Times*, Nov. 16, 1986, § 6 (Magazine) at 30.

<sup>208</sup> See Lipstadt, *supra* note 10 at 5–6; David A. Nacht, Book Note, 90 *Mich. L. Rev.* 1802, 1808 (1992) (reviewing Dershowitz, A. (1991). *Chutzpah*.; William F. Buckley, Jr., In Search of Anti-Semitism, *Nat’l Rev.*, Dec. 30, 1991, at 20; Report of the Anti-defamation League on Pat Buchanan, *L.A. Jewish J.*, Sept. 28, 1991; Jacob Weisberg, The Heresies of Pat Buchanan, *New Republic*, Oct. 22, 1990, at 26–27.

<sup>209</sup> See *supra* note 58 and accompanying text. In France the highly respected cleric Abbe Pierre recently lent credence to author Roger Garaudy’s book, *The founding myths of Israeli politics*, which sought to trivialize the Holocaust. See *supra* notes 46–47 and accompanying text.

camps themselves can be juxtaposed with statements by historians, victims, perpetrators, and liberators. Nazi records, Hitler's recorded speeches, and transcripts from the Wannasee Conference (at which the genocide was carefully planned) should also be made available. This kind of presentation should be unimpeachable and widely distributed, especially to college campuses.<sup>210</sup>

### Psychological Aspects of Historical Revisionism

In his landmark work, *The Destruction of the European Jews*, the late historian Raul Hilberg revealed, fully and clearly, the methodical development of both the technical and psychological process; whereby one whole society sought to isolate and destroy another, which for centuries, had lived in its midst.<sup>211</sup> If any line can be drawn between racism and anti-Semitism it would be a fine one indeed. The same holds true in attempting to make a distinction between anti-Semitism and Holocaust denial.

While Holocaust denial is a form of anti-Semitism, its adherents are essentially conspiracy theorists. For them the Holocaust was and remains an enormous hoax perpetrated primarily by Zionists. The deniers view themselves as messengers sounding an alarm; their self-perceived intellectual insights have enabled them to see through the conspiracy; their refusal to be victimized is testimony to the strength of their character. People living in a free society with access to the highly-detailed documentary evidence surrounding the Holocaust, who nevertheless believes it did not happen, are generally unpopular if not altogether troubled souls.<sup>212</sup> The Holocaust denial conference in Iran in December 2006 served to validate this group to a greater extent than it had ever been before, supplying a platform for uttering unpopular thoughts and attracting global media coverage. This was particularly true among those from countries where Holocaust denial is illegal.<sup>213</sup>

Under traditional First Amendment theory—that abhorrent ideas will fester if suppressed, but die of their own false weight if aired in the marketplace of ideas—it is useless, perhaps even counterproductive, to ban them. Those who become attached to such conspiratorial views are said to be driven by a personality that makes them susceptible to the conspiracy mind-set. This personality/mind-set is consistent with Holocaust denial and believing in the *Protocols of the Elders of Zion* its identification of Jews as the source of all evil.<sup>214</sup> The *Protocols*, published in Russia in 1905 and quickly embraced as authentic around the globe, helped both to preserve and promote the myth of “a Jewish conspiracy to rule the world.” The popular dissemination and acceptance of the forgery has been characterized as a phenomenon of collective psycho-pathology.<sup>215</sup>

<sup>210</sup> See Dershowitz, Holocaust Video, *supra* note 42 at A6.

<sup>211</sup> Historian Hugh Trevor-Roper, commenting on Hilberg's work.

<sup>212</sup> Robbins, *supra* note 31.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Falk, A. (1996) *A psychoanalytic history of the Jews* 643.

In the early twenty-first century, the *Protocols* is still widely circulated in Arab and Muslim countries as “proof” of Jewish perfidy and monstrosity.<sup>216</sup> As one observer put it

The conspiracists have always existed, and always will. Thankfully, they live in such a tenuous relationship with reality that they rarely affect the lives of others in any significant way. They are mostly isolated, found singly or in small clusters. Their lives are lonely, burdened as they are with a truth that others refuse to acknowledge. As Thomas Mann wrote in Munich in 1904: “Strange regions there are, strange minds, strange realms of the spirit. At the edge of large cities, where streetlamps are scarce and policemen walk by twos, are houses where you mount until you can mount no further, up and up into attics under the roof, where pale young geniuses, criminals of the dream, sit with folded arms and brood.”<sup>217</sup>

But (as various social scientists have pointed out) it is a mistake not to take such people seriously. The impulse to discount the extremists is itself a form of denial. If a cataclysmic event as well documented as the Holocaust can be successfully denied, then so can anything. In the 1980s, psychologists began to understand that prejudice was inherent in the structure of all groups. When the group’s needs for boundaries, an ideology, and leaders are threatened in large entities like nations, murderous group violence, even genocide, can ensue.<sup>218</sup> “The fury which may then be unleashed is proportional to so dire a threat.... All manner of evil is then perceived in the dissenter [the Jew].”<sup>219</sup>

Some psycho-anthropologists maintain that for centuries Judaism and Christianity had been bound up in a reciprocal system of mutual stigmatization based on a shared father–son conflict—the unconscious origin of the Christian accusation of deicide against the Jews.<sup>220</sup> Drawing on this theory, in the 1990s the Israeli criminologist Shlomo Giora Shoham attributed anti-Semitism and the Holocaust to the conflict between Germanic and Jewish myths. The Germans are described as aggressive and materialistic, the Jews as self-sacrificing and spiritual. Shoham suggests that in northern Europe there was always a “macabre symbiosis” between Germanic aggressiveness and the Jewish propensity to self-sacrifice. Hitler is depicted as prone to become anti-Semitic because of the duality of his personality. Nazi propaganda demonized the Jews and prepared ordinary men to commit mass murder. Thus did

<sup>216</sup> See Avner Falk, Collective Psychological Processes in Anti-Semitism, *Jewish Political Studies Review* 18:1–2 (Spring 2006) (citing Matthias Küntzel, National Socialism and Anti-Semitism in the Arab World, *Jewish Political Studies Review*, Vol. 17, Nos. 1–2 (Spring 2005), pp. 99–118).

<sup>217</sup> Robbins, *supra* note 31.

<sup>218</sup> See Falk, *supra* note 261 (citing Ostow, M. (1995). Myth and madness: the psychodynamics of antisemitism; Duckett, J. (1992). *Psychology and prejudice: an historical analysis and integrated framework*, *American Psychologist*, Vol. 27, No. 10 (1992) at pp.1182–1193; and Volkan, V.K.D. (2004). *Blind trust: Large groups and their leaders in times of crisis and terror*.

<sup>219</sup> David Terman, Anti-Semitism: A Study in Group Vulnerability and the Vicissitudes of Group Ideals, *Psychohistory Review*, Vol. 12, No. 4 (1984), pp. 18–24, at p. 20.

<sup>220</sup> Stein, H. (1987). *Developmental time, cultural space: studies in psychogeography*.

the Jews, by force of circumstance as well as because of their national character, go “like sheep to the slaughter.”<sup>221</sup>

In 2004, the French Jewish journal *Pardèss: Etudes et Culture Juive* devoted a whole issue to psychoanalytic studies of contemporary anti-Semitism. One analyst asserted that anti-Semitism was “a permanent, universal phenomenon, linked to the trace of the forgotten memory of the origins of humanity.”<sup>222</sup> Similar approaches have noted the historical sources of anti-Semitism in Judaism’s rejection of Jesus as the Messiah, as well as the Nazis’ imitation of the Christian degradation of the Jews. The Shoah, then, was the culmination of two thousand years of disdain for the Jew in the Christian religion.<sup>223</sup>

Italian scholar Riccardo Calamani subsequently attempted to integrate the various theories of anti-Semitism, recounting the history of prejudice against Jews from the ancient period to the present, with particular emphasis on the Christian world, and finding a projective interpretation by Christian society of its own evils, branding the Jew as a scapegoat. By the time of the Holocaust, the Nazis had convinced themselves that the people they were killing were not humans but monsters, demonizing them as plague-bearing rats that had to be exterminated in order to save the German nation (the Nazis’ idealized mother).<sup>224</sup> The founder of psycho-analysis himself, Sigmund Freud, believed that the roots of anti-Semitism lay in an unconscious castration fear of the uncircumcised, as well as non-Jews’ envy of alleged Jewish political and sexual superiority, and their interpretation of contemporary history as the rise of Jews to world domination. German nationalism defined itself as the fight against world Jewry to the point of its extinction.<sup>225</sup>

The roots of anti-Semitism have also been analogized to “transitional objects” like security blankets, teddy bears, or other anxiety-soothing objects used by infants and

<sup>221</sup> Shoham, S. (1995). *Walhalla, golgotha, auschwitz: über die interdependenz von deutschen und juden*, trans. Michael Levi (Vienna: Edition S.) (German).

<sup>222</sup> Sapriel, G. (2004). *La permanence antisémite: Une étude psychanalytique: La trace mnésique irréductible, Pardèss: Etudes et culture juive, No. 37, Psychanalyse de l'antisémitisme contemporain* (French). Nevertheless, Sapriel found the continued existence of the Jewish people after the Shoah a great riddle. Id. at 20.

<sup>223</sup> Falk, *supra* note 261 (citing Isaac, J. (1956). *Genèse de l'antisémitisme: essai historique* (Paris: Calmann-Lévy, 1956); new ed. (Paris: Calmann-Lévy, 1985); repr. (Paris: Editions 10/18, 1998), pp. 10–18 (French) and Béla Grunberger and Pierre Dessuant, *Narcissisme, christianisme, antisémitisme: étude psychanalytique* (Arles: Actes sud., 1997) (French). In this analysis Christians viewed Jews as symbols of evil, unredeemable because of their rejection of Jesus as the Christ and of Christian baptism. Grunberger and Dessuant concluded that “Christian narcissism” was what led to the apocalypse, the Shoah. The anti-Semite, in confrontation with reality that subverts his narcissistic illusion of omnipotence, “pours out” his narcissistic rage on the Jews rather than face the pain of his own broken dreams. Avner suggests that these psychoanalysts, like many others before them, seem to have confused individual psychological processes with group processes. Id. at.

<sup>224</sup> Falk, *supra* note 261 (citing Calimani, R. *Ebrei e pregiudizio: introduzione alla dinamica dell'odio* (Italian).

<sup>225</sup> Ibid. The modern German scholar Nicolaus Sombart, analyzing the German Catholic intellectual Carl Schmitt (1888–1985)—a racist anti-Semite with close ties to the Nazi Party—concluded that Jews became the archenemy of the German people when they continued to fight for the ideals of the Emancipation after the Germans had abandoned them; for these German anti-Semites, the Jewish enemy unconsciously represented a bad part of their selves that they sought to destroy. Ibid.

children to separate from their mothers. Under this theory Jesus unconsciously served the Christians as a “transitional object,” especially in periods of insecurity; their profound and intense need of which was one of the causes of their hostility to Judaism (which negated Christ).<sup>226</sup> Classical anti-Semitism has migrated to the Islamic world, where hatred of Jews and the wish for their annihilation has begun to assume endemic proportions.<sup>227</sup> Georges Gachnochi, another French–Jewish psychiatrist who lived in Israel for years, studied the transition of Christian anti-Semitism from right-wing European fascism to Islamic radicalism. In his view, anti-Semitic European Catholics identify modern Zionists (presumably the Israeli Jews) with the ancients who “crucified” Jesus, and the modern Palestinian Arabs with the suffering Christ whom the Jews had “sacrificed.”<sup>228</sup>

Referring to the French political Left, Nicolle suggested that the collective anti-Semitic fantasy of all the world’s Jews as a huge collective entity responsible for the “American–Zionist war” on Iraq or Afghanistan helps them imagine themselves as the champions of pacifism and solidarity with all victims in the world, and “the Jews” as traitors—facilitating a false sense of moral supremacy. It appears that the more apprehensive the French, the more they idealize their “one and indivisible” republic and denigrate the Jews.<sup>229</sup> In 2002, during the Israeli siege of the Church of the Nativity in Bethlehem (where Palestinian terrorists had taken refuge), the Italian newspaper *La Stampa* published a cartoon showing Jesus in Mary’s arms asking, “Mother, do you think they will kill me a second time?” A Danish pastor publicly compared the Israeli army’s actions to Herod’s massacre of the innocents, and the

<sup>226</sup> Ibid. (citing British psychoanalyst Donald Woods Winnicott and German scholar Eberhard Groener). Jean-Pierre Winter, a French–Jewish psychoanalyst, considers anti-Semitism a perversion rather than a phobia. Those who fabricated the “proof” of the false accusation of treason against the French Jewish officer Alfred Dreyfus in the late nineteenth century, he writes, knew very well their evidence was false; if they really believed there was a Jewish conspiracy to take over the world, they were psychotically delusional. Ibid. Olivier Nicolle, another French psychoanalyst, calls the modern discourse of anti-Semitism a “collective psychic formation” that subconsciously defends anti-Semitic groups from the anxiety of their inner conflicts. He sees contemporary anti-Semitic slogans as the product of collective fantasy scenes. These slogans range from the most eloquent (such as the anti-Semitic speech of then Malaysian premier Mahathir Mohammed in 2003) to the most laconic (as in an equation sign between the Star of David and the swastika); from the most inciting, as in “One Jew—one bullet,” to the most allusive, as in “No to communautarisme,” a French word that alludes to the Jews’ “crime” of organizing themselves into communities and betraying their pact with the French Republic. Once proclaimed, such slogans as “Bush=Sharon=murderer” acquire legitimacy as “public opinion.” Ibid.

<sup>227</sup> Josef Joffe, Nations We Love to Hate: Israel, America and the New Antisemitism, Posen Papers in Contemporary Antisemitism, No. 1 (Vidal Sassoon International Center for the Study of Antisemitism, Hebrew University of Jerusalem, 2005), pp. 1–16, at pp. 2–3.

<sup>228</sup> This theory helps explain why so many Palestinians accept unquestioningly the alleged Israeli Jewish responsibility for the death of the Palestinian Arab boy Muhammad al-Dura on September 30, 2000, even though there is considerable doubt about who killed him. Georges Gachnochi, De l’antisémitisme traditionnel à l’islamo-gauchisme: Facteurs inconscients du passage, *Pardèes: Etudes et culture juive*, no. 37, *Psychanalyse de l’antisémitisme contemporain*, 2004, pp. 21–33, at p. 23 (French). See also James Fallows, Who Shot Mohammad al-Dura?, *The Atlantic*, June 2003.

<sup>229</sup> Falk, *supra* note 261 (citing Nicolle).

atheist left-wing French newspaper *Libération* published cartoons showing Ariel Sharon about to crucify Yasser Arafat and devouring little children.<sup>230</sup>

### Liberty and Responsibility

At the very least, if Holocaust denial is allowed to avoid the limitations we have come to put on obscenity, defamation, state secrets, and other forms of expression not accorded First Amendment protection, certain fundamental principles should be clearly recognized. Holocaust deniers may self-publish their theories, but they are entitled to no greater access to the general press than anyone else. Their editorial and advertising matter can be constitutionally treated like that of defamers and pornographers. Moreover, it can be rejected at will by publishers who choose to do so for arbitrary reasons of ideology, space, financial considerations, or even caprice.<sup>231</sup> Nor need public libraries carry all books and journals that are available; indeed they cannot, nor should they have to. Even university research libraries must choose from among the vast amounts of resources procurable. Accepting material that is patently racist may be important in order to demonstrate that it exists, but few serious libraries would similarly carry a complete collection of pornography simply to satisfy a scholar's desire to analyze the difference between pornography and erotica.

### Libertarians as Teachers

Just as few people would ever debate whether slavery existed in the United States, reasonable discussion about whether the Holocaust ever happened is unlikely. On the other hand, there is a strong need to educate the public about the truth.<sup>232</sup> This is the express goal of museums like Yad Vashem in Israel and the U.S. Holocaust Memorial Museum. The educational impact of such places is invaluable for future generations, and should be mandatory for the current generation. But not everyone gets to Jerusalem or Washington, D.C..

Although uninhibited discussion may indeed serve to advance the pursuit of truth, the dogmatic invocation of that principle in the context of hate speech carries the libertarian axiom too far. When speakers and writers deliberately misrepresent the work of historians, misquote witnesses, and fabricate evidence, as Holocaust deniers do, their "thoughts" turn the goal of truth-seeking in an open marketplace of ideas on its head. Contrary to the slippery slope so feared by civil libertarians—that it's too difficult to draw the line where hate speech should be limited without prohibiting all offensive speech—the free flow of racist hate-mongering could well lead to a place

<sup>230</sup> Falk, *supra* note 261. See also Douglas Martin, Raul Hilberg, The Historian Who Wrote of the Holocaust as a Bureaucracy, Dies, *New York Times*, Aug. 7, 2007 at p.C11 (quoting historian Hugh Trevor-Roper, describing Hilberg's landmark book *The Destruction of the European Jews* as a work which "reveals, methodically, fully and clearly, the development of both the technical and psychological process; the machinery and mentality whereby one whole society sought to isolate and destroy another, which, for centuries, had lived in its midst.").

<sup>231</sup> See *supra* note 148 and accompanying text.

<sup>232</sup> See generally Levine, *supra* note 247.



where true freedom is compromised for all, as it did in Nazi Germany, where bigotry flourished amidst high culture.<sup>233</sup>

As academic librarians have come to recognize in trying to draw distinctions between legitimate Holocaust literature and racist Holocaust denial,<sup>234</sup> there is no easy way to strike a balance between free speech and the suppression of bigotry. Advocates of hate-speech regulation offer well-reasoned arguments that dialogue is fruitless without equality among the speakers. Defenders of free speech argue with equal reason that such liberty is an important instrument for achieving social justice—equality presupposes liberty. Either value may be used to suppress the other: Regulation of hate speech may lead to unfair censorship and coerced conformity; failure to regulate may lead to the oppression of minority groups.<sup>235</sup>

In its most perfect form, speech is exercised freely in an open marketplace of ideas, and serves to promote the quest for truth. In its least perfect form, it suppresses ideas, stifles social discourse, and provokes violence. Thus, there is an interdependence between the right to speak and the responsibility to speak honestly. In so doing, the dignity of the target of the speech must be preserved. If the relationship between the right of free speech and the responsibility for free speech is ignored, the traditional justification for protecting it—that it promotes the quest for truth—is denied.<sup>236</sup>

Holocaust denial is not an attempt at free inquiry, but at distortion. Universities are places where students are supposed to think critically. They have no moral responsibility to provide a platform for bigots whose sole purpose is to stir up hatred.<sup>237</sup> It may be the case that in the long run, being offended by insensitive language or even outright bigotry might be a small price to pay for the freedom of thought and expression. There is nothing wrong with reevaluating history; offering new interpretations of old events—in fact, challenging entrenched dogma of all kinds—is what the academic enterprise is about. Historians should be allowed to investigate any aspect of the events which have come collectively to be called the Holocaust with the same rigorous and impartial methods they would apply to any other historical event, and publish the results of their research freely. “To forbid this is itself a form of denial.”<sup>238</sup> But discarding past culture because it is deemed “white” or “patriarchal” or “Eurocentric” can hardly be understood as the honest scholar’s quest for truth. Nor can denying the documented facts of history.

<sup>233</sup> See Lasson, *supra* note 140 at 123–29.

<sup>234</sup> See *supra* note 75 and accompanying text.

<sup>235</sup> See generally Jean Stefancic & Richard Delgado, A Shifting Balance: Freedom of Expression and Hate-speech Restriction, 78 *Iowa L. Rev.* 737 (1993). But Stefancic and Delgado find themselves in the same unresolved conflict as Prof. Abzug, *supra* note 8 and accompanying text, as illustrated by their not-very-conclusive concluding advice: “Readers should distrust the facile urgings of both those who would dismiss the community and equal protection values at stake in the controversy over campus anti-racism rules as well as those who give little weight to the vitally important, historically rooted values of free expression and free speech.” *Ibid.* at 23. See also *Striking a balance: hate speech, freedom of expression and non-discrimination* (Sandra Coliver et al. eds., 1992).

<sup>236</sup> See generally Leon E. Trakman, Transforming Free Speech: Rights and Responsibilities, 56 *Ohio St. L. J.* 899 (1995).

<sup>237</sup> See Miller, *supra* note 252 at 30.

<sup>238</sup> Peter Simple, Denial, *London Daily Telegraph*, Apr. 12, 1996 at A1.

## Toward a More Responsible Press

Various writers, commissions, and task forces have suggested new standards by which the press should be held more accountable. One of the most notable was the Hutchins Commission, which in 1947 published a report entitled “A Free and Responsible Press.”<sup>239</sup> Uncomfortable with the characterization of a free press offered by Charles Beard,<sup>240</sup> the Commission offered this alternative conception:

Today, this former legal privilege wears the aspect of social irresponsibility. The press must know that its faults and errors have ceased to be private vagaries and have become public dangers. Its inadequacies menace the balance of public opinion. It has lost the common and ancient human liberty to be deficient in its function or to offer half-truth for the whole.<sup>241</sup>

Other commentators have pointed out that there are many ways by which the press can abuse the freedom it possesses, such as excluding important points of view, actively distorting knowledge of public issues, adversely influencing the tone and character of public debate by playing to personal prejudices and fears, and fueling ignorance by avoiding public issues altogether.<sup>242</sup>

Thus has come the call for a redefinition of the American concept of freedom:

For the nation to survive, freedom can no longer be conceptualized as the mere liberty to pursue selfish gain.... The time has come to view the matter not simply in terms of what the U.S. Constitution may do for the press, but what the press may do for the Constitution. The time has come to view the matter not merely in terms of freedom for the press, but also as freedom from the press.<sup>243</sup>

The Hutchins Report recommended a number of initiatives, including (a) a truthful, comprehensive, intelligent account of events in a meaningful context; (b) a forum for the exchange of comment and criticism; (c) a means of conveying different opinions; (d) a method of presenting and clarifying social values and goals; and (e) a way to reach “every member of the society by the currents of information, thought, and feeling which the press supplies.” The Report warned that freedom of the press is in danger. The press must become more responsible or face government regulation: “The legal right will stand if the moral right is realized or tolerably approximated.”<sup>244</sup>

Others have urged adoption of legally-enforceable codes of journalistic ethics, greater access to the press by those without realistic expectations of disseminating

<sup>239</sup> *The commission on freedom of the press, a free and responsible press: A general report on mass communications* (Univ. of Chicago Press 1947). The Commission on Freedom of the Press was chaired by Robert Maynard Hutchins.

<sup>240</sup> See *supra* note 138 and accompanying text.

<sup>241</sup> Freedom of the Press, *supra* note 284 at 131.

<sup>242</sup> See Bollinger, L. (1991). *Images of a free press*.

<sup>243</sup> Rodney A. Smolla, Report of the Coalition for a New America: Platform Section on Communications Policy, 1993 *U. Chi. Legal F.* 149, 155–56.

<sup>244</sup> Freedom of the Press, *supra* note 284 at 1, 20–21, 131.

their views, stronger laws to protect privacy and reputation, and more meaningful restrictions on hate speech and pornography. The ultimate goal of a free press should be the presentation and clarification of the goals and values of society.<sup>245</sup> A majority of colleges and universities seek to guarantee their student newspapers the same freedom of the press that the Constitution confers upon the private commercial media.

Problems arise when student editors and school administrators interpret the First Amendment too broadly, as part of an implicit obligation to foster an open and vigorous marketplace of ideas, which in turn should guarantee access by anyone (students or the general public) to editorial and advertising pages. Such a constitutional perspective is both mistaken and misplaced. Too often overlooked is the simple logic of a free press. While a newspaper has a First Amendment right to publish what it pleases, it also has a First Amendment right to reject what it deems gratuitous or offensive. A similarly-skewed argument is that, with respect to a state college or university, a refusal to publish amounts to an infringement of the author's First Amendment rights. But student editors have the same power to exercise subjective discretion regarding the publication of proffered material as do their professional counterparts. To the contrary, for a school (or government) to guarantee a newspaper the right to freedom of the press, and then require it to publish certain material would create impossible contradictions in policy. Even if a public college or university newspaper is considered a state actor (and is guaranteed the right to freedom of the press), neither school officials nor the state nor the courts can force it to publish certain material.

### Falseness and Truth

As noted earlier, little has been written about the harmful effects of speech that is known to be false. To the contrary, both scholars and journalists have become increasingly reluctant to argue that some viewpoints should be beyond debate because they are simply wrong. They urge instead that in a truly democratic society everything should be open to debate: who, after all, should have the power to deem certain ideas true and others false? While philosophers may argue that there are no demonstrably false ideas, and while scientific propositions can never be proven absolutely true, a theory whose predictions fail the test of experimentation can and should be rejected—particularly if its acceptance and application would clearly cause injury.

If we are unwilling, unilaterally, to brand scientific nonsense as just that... then the whole notion of truth itself becomes blurred. The need to present both sides of an issue is only necessary when there are two sides. When empirically verifiable falsehoods become instead subjects for debate, then nonsense associated with international conspiracy theories, Holocaust denials and popular demagogues... cannot be effectively rooted out.... Our democratic society is imperiled as much by this as any other single threat, regardless of whether the

<sup>245</sup> Smolla, *supra* note 288 at 184.

origins of the nonsense are religious fanaticism, simple ignorance or personal gain.<sup>246</sup>

Courts are authorized to take judicial notice of factual matters which are common knowledge and about which reasonable people would agree.<sup>247</sup> Factual matters and opinions do merge and intertwine, but they remain distinguishable entities. Cannot American courts take judicial notice of the Holocaust as a historical fact, as has been done in Canada, France, and Germany? One might draw a disturbing inference if they do not. Indeed, a California court did take judicial notice of the Holocaust (in which the plaintiff successfully sued to collect a reward offered by a Holocaust denial group).<sup>248</sup> That conclusion rightly flies in the face of libertarian arguments that historical events evolve in complex ways that cannot easily be encapsulated.<sup>249</sup>

## Summary and Conclusion

The Holocaust falls into that unique category of criminal malevolence whose enormity puts it beyond the purview of traditional standards of law and reason. Yet ignorance of its ever having happened is widespread—the tortured cries from the graves of the millions murdered out of madness, unheard. Indeed, as eyewitnesses to survivors of Nazi atrocities themselves pass away, Holocaust denial has gained growing acceptance. Thus, it has become increasingly important to understand that the expression of such thought need not be condoned in a free society. Group libel laws can be viable even as civil liberties are fully protected. Tort actions can be pursued for intentional infliction of emotional distress. To that end, American courts should adopt the Canadian view, linking the psychological and emotional harm caused by hate propaganda to the target group's constitutional right of equality.

Racial hatred may be an inevitable facet of the human condition, but even under the First Amendment demonstrably false ideas can be prohibited and punished. At the very least, if Holocaust denial is allowed to avoid the limitations we have come to put on obscenity, defamation, disclosure of state secrets, and other forms of expression excluded from First Amendment protection, certain fundamental principles should be clearly recognized. Holocaust deniers are not constitutionally entitled to access to someone else's press. Nor need public libraries carry their books and journals.

Holocaust denial should be recognized not as an attempt at free inquiry, but as an exercise in distortion. Universities should be regarded as places with the moral responsibility of training students to think critically, not of providing platforms for bigots whose sole purpose is to stir up hatred. Allowing them to discard the

<sup>246</sup> Lawrence Krauss, Opinion, Equal Time for Nonsense, *New York Times*, July 29, 1996, at A19. Krauss is chairman of the physics department at Case Western Reserve University. He goes on to cite favorably the advice passed on by Arthur Hays Sulzberger (publisher of the *New York Times* from 1935–61): "I believe in an open mind, but not so open that your brains fall out." Ibid.

<sup>247</sup> See *Federal Rules of Evidence* 201; see also Debate, *supra* note 2 at 577–78.

<sup>248</sup> See *supra* note 238 and accompanying text.

<sup>249</sup> See Debate, *supra* note 2 at 567–71.

documented facts of history can hardly be understood as the honest scholar's quest for truth.

When perpetrated in an academic environment, Holocaust denial is a particularly pernicious form of hate speech. On American campuses, regardless of whether a student organization is privately or publicly funded, rejection of its right to sponsor a Holocaust-denial speaker need not be viewed as suppression of free speech. Nor has freedom of the press been infringed when an advertisement denying the Holocaust is spurned by a student newspaper. Editorial discretion in a free society allows for—indeed, requires—the ability to reject as well as to accept material submitted by outside sources.

A majority of colleges and universities seek to guarantee their student newspapers the same freedom of the press that the Constitution confers upon private commercial media. Problems arise when student editors and school administrators interpret the First Amendment too broadly, as part of an implicit obligation to foster an open and vigorous marketplace of ideas, which in turn should guarantee access by anyone (students or the general public) to editorial and advertising pages. Such a constitutional perspective is both mistaken and misplaced. An author's First Amendment rights stop at the editor's desk—as should any advertisement or essay that seeks to deny the tragedy of the Holocaust.

Holocaust deniers, often motivated by base anti-Semitic impulses, will always find ways to disseminate their views. Honest scholars have an obligation to confront, challenge, and when necessary condemn them.

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