

Stench of the Zundel case

Toronto has just held its first heresy trial in recent memory. Ernst Zundel, convicted of spreading "false news," is forbidden to speak of the Holocaust in public, handcuffed and sentenced to 15 months in jail.

Heresy is a view that contradicts strongly held public beliefs. Judge Hugh Locke denounced Zundel as a public menace and a threat — note the curious choice of words — "to our Canadian multicultural society."

We should all know that violators of multiculturalism deserve a harsh fate, perhaps even to be burned at the stake — slowly.

Jewish groups greeted Zundel's conviction with understandable elation. Following the trial had been a stomach-churning experience. But outside of Toronto, the view was different. I was in Mexico when the guilty verdict was made. Newspapers there headlined the story: "Jews secure conviction of Zundel." Even the august *New York Times*, a citadel of liberal Jewish thought, suggested the trial was little more than a witch-hunt.

Indeed it was, no matter how odious Zundel and his views. Did Toronto's Jews, who had ardently promoted the heresy law under which Zundel was convicted, not see that they were precisely duplicating totalitarian controls?

In the Soviet Union, Jews have been jailed or persecuted for "slandering the state" or "spreading false rumors." Are these charges so different from Locke's highly questionable denunciation of Zundel as a threat to society and multiculturalism? Just substitute the word "state" for "society" in Locke's outburst and, voila, Soviet justice.

Let's look, by contrast, at another case where Jewish patience and tolerance were put to an even harder test. Back in the early 1960s, George Lincoln Rockwell was head of the U.S. Nazi Party. I interviewed him at party HQ in Arlington, Va.

Rockwell, decked out in SS uniform with jackboots, swastika armband and riding crop, described to me in profane detail how his group was going to finish off the Jewish people. On the walls were posters of grinning Jews sucking the blood of Aryan children. Around us was a frightening collection of semi-cretinous rednecks and demented misfits.

Later that month Rockwell went to New York, the world's largest Jewish city. There, in a speech at Sheridan Square park, he announced the Nazi party would "get rid of all the Jews." Enraged Jews attacked Rockwell and a small riot ensued. Strong public outrage caused the district attorney

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to charge Rockwell with creating a public disorder by his speech.

As in Toronto, politicians were ready to use the law to punish someone whom the public found abhorrent. But this time, something very different — and important — occurred.

The American Civil Liberties Union, a liberal group with many Jewish members, decided after greatly anguished debate that Rockwell had to be defended; not the man, but his right to free speech, no matter how despicable his views.

So Jewish lawyers, some who had lost families at Belsen and Auschwitz, defended Rockwell and secured his acquittal. It was a glorious, tragic and very proud moment in the history of the Jewish people. And wise: The ACLU knew well that only impartial law, not subject to popular emotion, would, in the long run, defend minorities.

Some members in Toronto's Jewish community reacted precisely the opposite. Understandably, they wanted to see the end of the hateful Zundel. But now a precedent has been set for the prosecution of heretics — all that is now needed is enough political pressure on the Crown attorney and anyone can be charged. This is mob rule, not law.

Who next will be charged under this law? People claiming that Christ was not the son of God? Those who say that Mary was not a virgin? Professors claiming that Germany was not solely responsible for World War I? Those who say Turkey did not kill a million Armenians — or those who say it did?

Today, Jews have great political influence. But what about tomorrow? Suppose a wave of anti-Semitism occurs. Will Rabbi Plaut be hauled into court for saying that Israel was given to the Jews by God? Will he be forced to produce evidence and jailed if he does not convince a jury?

Everything about the Zundel case reeks. The law is clearly unconstitutional and should be struck down on appeal, provided that our legal system has any guts or fairness. It is a dangerous, totalitarian law, one that befits Nazi Germany or Russia, not Canada. Equally disgusting is having to relive the horrors of the Holocaust in court, listening to attorneys debate the color of smoke from burning bodies. This is legalism run amok.

As Barbara Amiel and George Jonas have so rightly and often pointed out, Canada's "prejudice" laws, such as the one used to pillory Zundel, are stepping stones to totalitarianism. We are now, in the Zundel case, seeing this happening. Our freedoms are far, far more important than Zundel's lies; having to listen to them is a price that we must pay.

Winston Churchill, speaking of our sister democracies, summed up this dilemma in 1947 when addressing the Commons: "The United States is a land of free speech. Nowhere is speech freer — not even here where we sedulously cultivate it even in its most repulsive forms."



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