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T R A N S L A T I O N

Decree of the Munich District Court

Munich District Court
Department of Fines and Punishment
80097 Munich
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Date: 30 March 1999
File No. 812 Gs 16/98 112 Js 11777/98

To: The Foundation for Free Historical Research ("Vrij Historisch Onderzoek")

This Decree concerns the the penal matter of Germar Scheerer on charges of inciting the people.

It also concerns The:Foundation for Free Historical Research, Postfach 60, 8 - 2600 Berchem 2, Belgium as involved in confiscatory action.

Decision of the Court

In accordance with §§ 440, 441 StPO, §§76 a Abs. 1, Abs. 2 No. 1 and 2, 74 d of the Penal Code, all copies of the publication "Quarterly Publication for Free Historical Research," published by the Foundation for Free Historical Research, Volume 2, Issue No. 2, for June 1998, are herewith subject to confiscation.

This printed material shall be confiscated throughout the Federal Republic of Germany whenever it is found in the possession of distributors, or when it is displayed publicly, or when it is in process of distribution through the mails and not yet delivered to the addressee.

Grounds for the Above Decision

The participant in this confiscation is the publisher of the "Quarterly Publication for Free Historical Research," Volume 2, June 1998.

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This printed material deals with the systematic and deliberate execution of persons of the Jewish faith by nationalistic rulers, under the terminology of "Permanent Solution to the Jewish Problem," from the so-called revisionist point of view.

The printed material to be confiscated reaches the conclusion that there was no deliberate attempt to exterminate the Jews.

Historical facts are discussed in such a way that, in several articles, a structure of doubt is created about the authenticity of the Holocaust.

Individual articles as well as the entire publication pursue the goal of presenting the Holocaust as an unreal deception.

This printed material consistently attempts to deny the mass murder of Jews in German concentration camps during the National Socialist tyranny, by presentations of pseudoscientific evidence and revisionist theory.

Specifically, the intent of denial is manifest in concepts and evaluations which place the Holocaust in the realm of the unreal, the fantastic, and the legendary.

Such concepts occur throughout the publication and are repeatedly used as leitmotifs, as the discussion of "alleged" gas chambers at concentration camp Majdanek (page 1.)

Similarly, the Holocaust is discussed as "religion" on page 102.

The publication refers to "so-called mass homicidal gas chambers" and "so-called facilities for mass exterminations" on page 106 as well as "alleged mass murder," "Holocaust mythology," and "the so-called gas chambers" on page 130.

The intent to deny the Holocaust by means of general observations as mentioned above, is evident also in the following specific quotations:

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Quotations from Page 85:

1. "In other words, Pressac knows, as does every honest historian, that the 'Wannsee-Protocoll' has long been nothing but waste paper. But he will not admit that the term 'Final Solution' (Endlösung) as currently interpreted, has never existed."
2. "Shortwave Delousing Technology at Auschwitz -- A revolutionary delousing technique, which saved lives in the concentration camp."

Quotation from Page 101:

"8. Summarization: The documentary evidence pertaining to the shortwave delousing facilities at Auschwitz constitute proof which has been suppressed for almost fifty years. Such evidence has been found again in plans and documents, even photographs and a moving picture.

This evidence is not just proof that the Germans were making efforts to relieve the pestilence and save the lives of camp inmates.

Even more, it constitutes a significant part of the overall truth which we all strive to uncover.

And it is proof that research on the subject of Auschwitz is far from complete.

The plans and documents, photographs and moving picture constitute new evidence, in their legal ramifications.

For our opponents, unwelcome new evidence.

Unwelcome because it contradicts, in a profound and striking manner, the thesis of intent to exterminate the inmates.

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These inmates were so important to the Third Reich that they were given priority for use of the new and improved delousing facilities.

The German soldiers in the front lines and the German civilians never enjoyed the benefits of this lifesaving technology.

This is a fact whose significance can not be overemphasized."

Quotation from Page 102:

"... The only tragedy is that Pressac does not acknowledge that the entire Holocaust, created by law and political correctness, has long been a matter of religious faith.

People believe in it blindly; to doubt it has become sacreligious.

And it is also true that no one except the witnesses themselves know whether they are lying or just mistaken."

"... And this leads to the crucial question: who would benefit, considering the acute shortage of manpower in the armaments industry, from intentionally killing even a single inmate?

Does anyone really believe that such murders would have been tolerated?

They would surely have meant prosecution on charges of 'Damaging the National Defense Effort' or 'Sabotage'"

Quotation from Page 103:

4. Precisely on this subject, the testimony of the SS physician Dr. H. Münch would support the contentions of the Exterminationists,

According to his own testimony, he represented the head of the Hygienic Institute of the armed SS in Rajsko near Auschwitz.

Since this institute was involved in discussions of the ultrashortwave delousing facilities, Münch would surely have known about the facilities.

However, we know of no testimony of his that has been released...

Quotation from Page 106;

5. "The Gas Chambers of Majdanek

...In the first place, the gas chambers which are mentioned in the remaining documentation of the Central Construction Administration of the Majdanek concentration camp are invariably designated as "Delousing Chambers" or "Disinfestation Chambers."

In the second place, there are no credible eyewitness reports of humans being gassed.

Polish historiography 'solved' the first problem by presupposing the use of 'camouflage' language, which means that documents referring to delousing and disinfestation were said to be referring to gassings of human beings.

Deliveries of Zyklon to the camp were interpreted in the same way.

In response to the second problem, Polish historiography concocted the atmosphere of homicidal mass gassings by means of short and extremely vague descriptions of alleged homicidal gassings, even though it was not able to offer even one eyewitness to describe the alleged homicidal gassing process in a reasonably concrete manner.

In this way, a refined system of argument was created in which the decisive proof of the existence of homicidal gas chambers at Majdanek consisted of merely the existence of locations which are alleged to have been gas chambers.

This principal item of material proof is supported by two auxiliary proofs: eyewitness testimonies (in the sense mentioned above) and deliveries of Zyklon.

The material proof should in no way be underestimated, since the larger of the alleged homicidal gas chambers, and according to Polish historiography, the chamber most intensively used for criminal purposes, originally were authentic Zyklon B gas chambers. As a matter of fact, even today (or as of this writing) it can be easily proven that cyanide gas was used in these chambers, as shown by the intensive blue staining of the walls. Two of the alleged homicidal gas chambers contain special installations which appear to have been used for the diffusion of carbon monoxide (CO).

The problem is therefore an extremely serious one and requires a thorough investigation of both the remaining documents, as well as of the locations concerned.

This present paper, addressing both challenges, is intended to provide a decisive answer to the crucial question: "Were there really homicidal gas chambers in Majdanek?"

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6. Quotation from Page 107:

"2. Planning, Construction and Purpose of the Gas Chambers

The remaining documents prove just the opposite to the conclusions put out by the Polish-Soviet Committee: the documents prove that the *actual* gas chambers of Majdanek concentration camp were planned and constructed only for sanitary purposes, as delousing chambers.

7. Quotation from Page 109:

"... 3. The Use of the Gas Chambers for Homicidal Purposes

In the section above, I have shown that the actual gas chambers of Majdanek were planned and built exclusively for hygienic-sanitary purposes.

It would of course have been theoretically possible to

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convert them to homicidal purposes at a later time.

That possibility will be examined in this section from a technical point of view.

8. Quotation from Page 111:

"... The statements of the Polish-Soviet Committee relating to the use of the premises for carbon monoxide gassings are not in fact based on any proof at all.

Two facts quite clearly indicate the contrary.

First, in the immediate vicinity of the camp - as correctly emphasized by Pressac - there were no containers in the cell in front of both chambers, but rather, there were Zyklon B cans brought there by recently liberated inmates to give the impression that people had been murdered in these rooms by pouring Zyklon B through pipes.

This will be discussed in detail below.

Secondly, two of the five steel containers found by the Soviets in the above-mentioned side room (cell) were later piled up in Hut 52.

The report of the Polish-Soviet Committee alleges that these five containers were of CO.

But one of the two containers visible in the side room (cell) today - to the right of the observer - bears the inscription CO₂, i.e., carbon dioxide.

This is quite visibly notched into the surface of the container.

It is well known that carbon dioxide is not a toxic gas.

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These naked facts permit two important conclusions: first, if one of the five carbon monoxide containers really were of carbon dioxide, the suspicion arises that the other containers were of carbon dioxide as well, and that the Polish-Soviet Committee is guilty of deception on this point, just as on a number of other points.

Secondly, even if the other containers actually contained carbon monoxide, there is still no proof that the installations involved were actually utilized for carbon monoxide gassings.

This alone suffices to cast doubt on the alleged criminal use of these installations.

9. Quotation from Page 116:

"4. Homicidal Mass Gassings: Origins of the Accusation

As established above, the installations in question were technically unsuited for mass homicidal exterminations and consequently, such mass exterminations did not take place. We must now examine the origins of the allegations of mass gassings in Majdanek concentration camp."

10. Quotation from Page 117:

"... This description of the killing method, which is completely hare-brained from a technical point of view, proves that the former Majdanek inmates never saw a homicidal gassing."

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11. Quotation from Page 118:

"Since even Polish historiography cannot conceal the fact that devastating typhus epidemics repeatedly ravaged Majdanek, and since Zyklon B was the most effective means of combating typhus as even Adela Toniak admits, there is no justification for the assumption that the Zyklon deliveries served any purpose other than the extermination of lice."

12. Quotations from Pages 121 / 122:

"4. Critique of the 'Indisputable' Sources and Counter-Theses

... It is the intent, by displaying a picture of several crematory ovens, to show indisputable evidence of the existence of gas chambers.

By the Tiedmann method of reasoning, the logical short-circuit is as follows: 'Wherever there is more than one crematory oven, there must logically have been gas chambers to produce substance for cremation..'

Despite the obvious untenability of such deductions, we shall closely examine Tiedemanns other theses as well as the origin of this picture of the crematory oven."

"3. Revisionist research simply disputes the existence of 'homicial gas chambers.'

There are several reasons for this.

They include numerous chemical investigations of the walls of the alleged 'homicidal gas chambers' as well as technical and engineering investigation of the blueprints of the said rooms and their physical remains.

These investigations have produced no evidence of the existence of such chambers.

The expert scientific testimony designated as the "Remer Report" was prepared by the German diploma chemist Rudolf.

Before the Remer Report, several American scientists came to similar conclusions, as is attested by the scientific literature of that field."

"4. The expert testimony of Rudolf has so far not been scientifically disproven."

The printed material denies the genocide committed by the National Socialists during the Third Reich in such a way, as is intended to disturb public order (§130 Paragraph 3 i.V.m, Paragraph 2 and 4 of the Penal Code.)

At the same time, the Jews living in the Federal Republic, who were persecuted by the national socialists on account of their heritage, are defamed by this material.

The allegations in this material are intended, to belittle the persecution of subject Jews, said persecution being part of their personal dignity (§§185, 194 and Part 1, Paragraph 2 of the Penal Code.)

Furthermore is the memory of those Jews who lost their lives as victims of the National Socialist regime, especially in concentration camps, is disparaged (§189, and 194 Part 2 Paragraph 2 of the Penal Code.)

All dissemination of this material with knowledge of its content would therefore constitute defamation in fact as well as the commission of two or more offenses in one act, namely disrespect of the memory of the deceased and incitement of the people, according to §§ 185, 189, 194, 130 Part 2 Nr. 1 a and d, Part 3 and 4 of the Penal Code.

A restriction of this confiscation to individual pages of the publication which is the object of this legal action is not possible, even under the principle of proportionality. Therefore, we order the inclusion of the entire publication in this decree.

The confiscation order is not applicable to Germar Rudolf, who is also a responsible person in the sense of the press law, since his address is unknown and his inclusion in the confiscatory action was not possible.

(Bl 4 d.A.; Kleinkinecht/Meyer-Goßner, Rdnr. 12 zu § 431 StPO.)

Signed: Anke
Judge of the Munich District Court
30 March 1999

Official Stamp, Munich, 30 March 1999, initialed by Krebs, Archive Clerk

TRANSLATORS AFFIDAVIT:

I HEREBY CERTIFY THAT I POSSESS EXPERT COMPREHENSION OF BOTH THE ENGLISH AND GERMAN LANGUAGES AND THAT THE ABOVE IS A TRUE AND ACCURATE TRANSLATION.

James M. Damon, MA, The University of Texas at Austin
5 October 2000