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Germar Scheerer, Doc. 91,  
A-#: 78660016, July 9, 2001

**Affidavit**

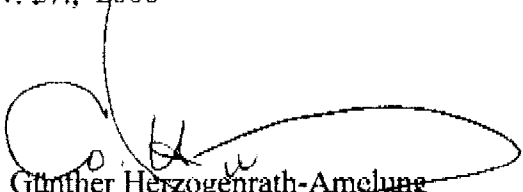
I, Dr. Günther Herzogenrath-Amelung, am fluent in English and make this declaration with full understanding and in English. I am an attorney licensed to practice law in the Federal Republic of Germany. I am a graduate of the University of Regensburg and hold a Doctorate in Law (University of Vienna) and in addition to that I have a degree in Political Science (Hochschule für Politik, München). I am personally familiar with the criminal case of Germar Scheerer because I was the attorney who represented him in the case that led to his conviction to a prison term of 14 months.

Attached hereto are copies of Sec. 130, 131, 185, 189 of the German Criminal Code and certified translations of each of them, under which Mr. Scheerer was sentenced. The crimes with which Mr. Scheerer is charged do not involve any act of moral turpitude, or aggravated felony, like violence, commercial fraud, vandalism, or any act which threatened violence. He is not, and never was, associated with terrorist organizations, and never engaged in terrorist activities. Germar Scheerer was and has been prosecuted exclusively for peacefully expressing his ideas, beliefs, or historical analysis which have been banned from public expression within the Federal Republic of Germany. Germar Scheerer's specific crime was the writing and publishing of a scientific paper, specifically entitled „Gutachten über die Bildung und Nachweisbarkeit von Cyanidverbindungen in den ‘Gaskammern’ von Auschwitz“ (Expertise about the formation and detectability of cyanide compounds in the ‘gas chambers’ of Auschwitz). The said work was made part of a larger publication by third persons who included a one-page preface and a five-page epilogue. There has been no claim that the book itself actually „incited the masses“ to any act of violence. To the best of my knowledge, no act of violence was even remotely incited by the book and it remains remote and unlikely in the extreme that the book would incite any such acts. The book does not call for, advocate, or even address questions of violence, terrorism or revolution but is admitted by the Court to be „*im wesentlichen in wissenschaftlichem Stil gehalten. Sie beschäftigt sich mit einem chemischen Detail (Blausäure-Problematik) und verzichtet auf allgemeine politische Schlussfolgerungen.*“ (essentially written in a scientific style. It is concerned with a chemical detail (the problem of hydrocyanic acid) and does not make any general political conclusions,“ p. 23 of the verdict).

The main work of Germar Scheerer himself was not banned because of any direct comments made but as part of an extended political logic which bans any acts which might seem to „minimize“ the crimes of the National Socialist government and/or suggest directly or indirectly that these crimes were invented or exaggerated by Jewish lobby groups to gain political or financial advantages. Germar Scheerer was sentenced in particular because of phrases contained in the preface and epilogue which had been added by third persons and for which he was not responsible which allegedly indirectly suggest to the reader that Jews had „*Darstellungen über den Holocaust insbesondere um ihres politischen und materiellen Vorteiles willen erfunden*“ (invented accounts on the Holocaust particularly to gain political and material advantages,“ verdict, p. 115). Scheerer was also sentenced under the aspect of „*Verunglimpfung des Andenkens Verstorbener*“ (defaming the memory of the dead) by doubting their fate, which is also a criminal offense in Germany (Art. 189 of German Criminal Code).

Regensburg, Germany

Nov. 27., 2000

  
Dr. Günther Herzogenrath-Amelung  
Rechtsanwalt